

# **Violence against the Person**

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- 4/1**      **Manslaughter**
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# 1

## Murder

### Classification (1 of 1)

1/1 Murder - of persons aged 1 year or over.  
*Common Law.*

1/2 Murder - of persons under 1 year of age.  
*Common Law.*

#### ABOLITION: 'YEAR AND A DAY' RULE

The Law Reform 'Year and a Day Rule' Act 1996 abolished this rule for homicide in 1996. This means that a crime of murder can be recorded even if the victim of an attack dies more than a year afterwards.

Home Office Circular 28/1996 gives more details on the law, and lists several safeguards against inappropriate application.

#### CLASSIFICATION: DIMINISHED RESPONSIBILITY MANSLAUGHTER

HOMICIDE ACT 1957 SEC 2

These crimes should not be counted separately under classification 4/5, as they will be already have been counted as murder (classification 1).

#### COVERAGE: MURDER

Only the Common Law definition applies to recorded crime.

Sections 9 and 10 of the Offences against the Person Act 1861 gives English courts jurisdiction where murders are committed abroad, but these crimes should not be included in recorded crime.

#### DEFINITION - RECORDED CRIME: HOMICIDE

Homicide comprises:

- 1 Murder.
- 4/1 Manslaughter.
- 4/2 Infanticide.

# 1

## Murder Counting Rules (1 of 1)

**GENERAL RULE:** ONE CRIME FOR EACH PERSON MURDERED.

**EXAMPLE:** Four bodies are discovered murdered at the same address.

*Four crimes (class 1).*

### APPLICATION OF THE RULE

**Victims injured should be counted in addition to those murdered.**

Example: 'A' places a bomb in a public house and warns the police. The bomb explodes before full evacuation, killing 10 people and wounding a further 15, with the remaining four people escaping unhurt.

*Ten crimes of murder (class 1) plus 19 crimes of attempted murder (class 2).*

**Re-classification: see General Rules Section B.**

Example: 'A' seriously wounds 'B' who subsequently dies in hospital from the injuries inflicted.

*One crime (class 1). If wounding (class 5) already recorded, the Force Crime Registrar should re-classify to class 1.*

**Principal Crime: see also General Rules Section F and Annex E.**

Example: 'A' robs a bank and deliberately shoots dead a cashier.

*One crime of murder (class 1).*

Example: 'A' rapes 'B' and causes her death by strangulation.

*One crime of murder (class 1).*

## 2      **Attempted Murder Classification (1 of 1)**

- 2      Attempted murder.  
         *Criminal Attempts Act 1981.*  
         *Common Law.*

### **CLASSIFICATION: ATTEMPTS**

#### **CRIMINAL ATTEMPTS ACT 1981**

“Attempts are defined under the Criminal Attempts Act 1981. Normally, attempts are defined under the substantive crime type. Murder is an exception, as the crime is classified separately.”

## 2 Attempted Murder Counting Rules (1 of 2)

**GENERAL RULE:** ONE CRIME FOR EACH IDENTIFIED VICTIM.

**EXAMPLE:** 'A' attempts to murder both 'B' and 'C' by attacking them with a knife.

*Two crimes (class 2).*

### APPLICATION OF THE RULE

**All identified victims who were targeted or injured should be counted.**

**Example:** Terrorists plant a bomb under a jeep containing five soldiers. The bomb explodes killing two, seriously injuring two, and one escapes unharmed.

*Two crimes of murder (class 1), plus three crimes of attempted murder (class 2). (The soldiers can be identified as targeted victims.)*

**Example:** The water supply of a village is poisoned. Four people die, three are left seriously ill and the rest of the village escape unharmed.

*Four crimes of murder (class 1), plus three crimes of attempted murder (class 2).*

**Example:** Lethal gas is released in the carriage of an underground train. Four people die, 30 are injured and six escape unharmed.

*Four crimes of murder (class 1), plus 30 crimes of attempted murder (class 2).*

**If no identified or injured victims, then count one crime only.**

**Example:** 'A' places a bomb in a restaurant but owing to its early discovery, nobody was injured in the subsequent explosion.

*One crime (class 2).*

**Example:** Shots are fired directly at a group of people in circumstances that suggest that it was intended that one or more was killed. There is no information to suggest whether one or more was the specific intended victim.

*One crime (class 2).*

**Example:** Shots are fired at a group of people in circumstances that suggest that it was intended that one or more was killed. Initial investigation suggests that two of them were the intended victims.

*Two crimes (class 2).*

**Example:** Shots are fired at close range into a car that is clearly occupied. No specific victim is identified. Damage is caused to the car but the occupants are uninjured.

*One crime (class 2).*

**Example:** Shots are fired towards an individual at close range in circumstances where the intended outcome appears to have been to kill. The individual moves rapidly and escapes uninjured.

*One crime (class 2).*

## 2 Attempted Murder Counting Rules (2 of 2)

**Re-classification: see General Rules Section B.**

Example: 'A' attempts to murder 'B' and seriously injures him. 'B' dies of his injuries several days later.

*One crime of murder (class 1). If attempted murder (class 2) already recorded, the Force Crime Registrar should re-classify to class 1.*

**Finished Incident: see also General Rules Section E.**

Example: The police receive a report that 'A' has attempted to murder 'B' by adding poison to food over a period of six weeks.

*One crime (class 2).*

Example: 'A' attempts to murder 'B' twice and succeeds on the second occasion.

(i) The initial attempt was reported at the time.

*One crime of attempted murder (class 2) and one homicide (class 1).*

(ii) The initial attempt was not reported at the time.

*One homicide only (class 1).*

### 3 Threat or Conspiracy to Murder Classification (1 of 1)

3/1	Threats to kill. <i>Offences against the Person Act 1861</i> Sec 16.	3/2	Conspiracy to commit murder. <i>Criminal Law Act 1977 Sec 1.</i>
3/2	Soliciting to commit murder. <i>Offences against the Person Act 1861</i> Sec 4.	3/3	Assisting offender by impeding his apprehension or prosecution in a case of murder. <i>Criminal Law Act 1967 Sec 4(1)(pt).</i>

#### CLARIFICATION: THREAT OR CONSPIRACY TO MURDER

- Mere use of the word 'kill' is insufficient to record.
- A judgement needs to be made on the intent of the offender.
- The circumstances of the offence and victim's report need to be considered.

#### CLASSIFICATION: CONSPIRACY

Conspiracy is defined under Section 1 of the Criminal Law Act 1977. Normally, conspiracy to commit a notifiable offence is classified with the substantive crime type. Murder is an exception, as the crime is classified separately.

#### DEFINITION – LEGAL: SOLICITING TO COMMIT MURDER

##### OFFENCES AGAINST THE PERSON ACT 1861 SEC 4

"Whosoever shall solicit, encourage, persuade, or endeavour to persuade, or shall propose to any person, to murder any other person ..."

#### DEFINITION – LEGAL: THREATS TO KILL

##### OFFENCES AGAINST THE PERSON ACT 1861 SEC 16

"A person who without lawful excuse makes to another a threat, intending that the other would fear it would be carried out, to kill that other or a third person shall be guilty ..."



### 3 Threat or Conspiracy to Murder Counting Rules (1 of 1)

**GENERAL RULE:** ONE CRIME FOR EACH INTENDED VICTIM.

**EXAMPLE:** 'A' solicits 'B' to murder 'C'.

*One crime (class 3).*

**EXAMPLE:** 'A' threatens to kill both 'B' and 'C' (either separate or joint threats).

*Two crimes (class 3).*

**EXAMPLE:** 'A' solicits 'B' to murder both 'C' and 'D'.

*Two crimes (class 3).*

**EXAMPLE:** 'A' solicits 'B' to murder 'C' and separately solicits 'D' to murder 'C'.

*One crime (class 3).*

#### APPLICATION OF THE RULE

**The intended victims may be unaware of the threat.**

Example: 'A' wrote to 'B' threatening to murder his two three-year-old children. 'B' fears that the threat will be carried out.

*Two crimes (class 3) (the intended victims are the children).*

**If no specific intended victim, then count one crime only.**

Example: 'A' threatens to kill one or more members of the staff of a certain political organisation unless his demands are met.

*One crime (class 3).*

**Finished Incident: see also General Rules Section E.**

Example: 'A' threatens to kill 'B' on numerous occasions. 'B' reports it to the police for the first time.

*One crime (class 3).*

**Principal Crime: see also General Rules Section F and Annex E.**

Example: 'A' solicits 'B' to murder 'C' and 'B' makes an attempt to murder 'C'.

*One crime of attempted murder (class 2).*

Example: 'A' solicits 'B' to murder 'C' and 'B' does murder 'C'.

*One crime of murder (class 1) only.*

## 4/1      **Manslaughter Classification (1 of 1)**

4/1      Manslaughter.  
         Offences against the Person Act 1861 Sec 5.  
         *Common Law.*

### **ABOLITION: 'YEAR AND A DAY' RULE**

The Law Reform 'Year and a Day Rule' Act 1996 abolished this rule for homicide in 1996. This means that a crime of manslaughter can be recorded even if the victim of an attack dies more than a year afterwards.

Home Office Circular 28/1996 gives more details on the law, and lists several safeguards against inappropriate application.

### **CLASSIFICATION: MANSLAUGHTER DIMINISHED RESPONSIBILITY**

#### **HOMICIDE ACT 1957 SEC 2**

These crimes should not be counted separately under classification 4/5, as they will already have been counted as murder (class 1).

### **COVERAGE: MANSLAUGHTER**

Only the Common Law and Section 5 definitions apply to recorded crime.

Sections 9 and 10 of the Offences against the Person Act 1861 gives courts jurisdiction where manslaughters are committed abroad, but these crimes should not be included in recorded crime.

### **DEFINITION - RECORDED CRIME: HOMICIDE**

Homicide comprises:

- 1            Murder.
- 4/1        Manslaughter.
- 4/2        Infanticide.

## 4/1      **Manslaughter Counting Rules (1 of 1)**

**GENERAL RULE:**      **ONE CRIME FOR EACH VICTIM.**

**EXAMPLE:**      A person unintentionally kills two people in a fight.  
  
*Two crimes (class 4/1).*

### **APPLICATION OF THE RULE**

**Victims injured should be counted in addition to those killed.**

Example:      'A' throws an object from a motorway bridge, causing an accident that kills two people and injures four others.

*Two crimes of manslaughter (class 4/1), plus four crimes of wounding (class 5 or 8).*

### **Re-classification: see General Rules Section B.**

Example:      'A' unintentionally injures 'B' seriously in a scuffle. 'B' subsequently dies in hospital from the injuries inflicted.

*One crime (class 4/1). If wounding (class 5) already recorded, the Force Crime Registrar should re-classify to class 4/1.*

## **4/2      Infanticide**

## **4/3      Child Destruction**

## **Classification (1 of 2)**

4/2      Infanticide.  
*Infanticide Act 1938 Sec 1(1).*

4/3      Child Destruction.  
*Infant Life (Preservation) Act 1929 Sec 1.*

### **ABOLITION: 'YEAR AND A DAY' RULE**

The Law Reform 'Year and a Day Rule' Act 1996 abolished this rule for homicide in 1996. This means that a crime of infanticide can be recorded even if the baby dies more than a year afterwards.

Home Office Circular 28/1996 gives more details on the law, and lists several safeguards against inappropriate application.

### **DEFINITION - RECORDED CRIME: HOMICIDE**

Homicide comprises:

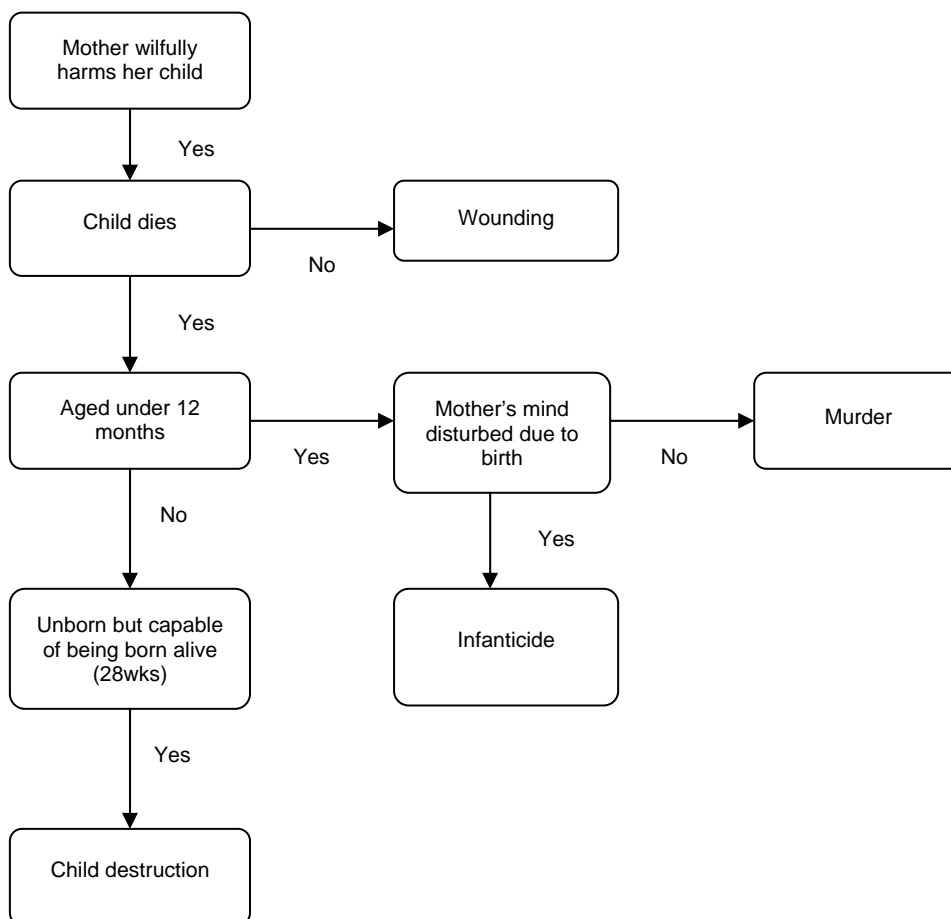
- 1      Murder.
- 4/1      Manslaughter.
- 4/2      Infanticide.

## 4/2 Infanticide

## 4/3 Child Destruction

### Classification (2 of 2)

#### Death of a Baby: Legal Classification



## **4/2      Infanticide**

## **4/3      Child Destruction**

### **Counting Rules (1 of 1)**

**GENERAL RULE:**      **ONE CRIME FOR EACH BABY.**

**EXAMPLE:**              A mother wilfully allows her 6 month old baby to die.

*One crime of infanticide (class 4/2).*

**Re-classification: see General Rules Section B.**

Example:              A mother seriously harms her two month old baby who subsequently dies in hospital from the injuries received.

*One crime (class 4/2). If wounding (class 5) already recorded, the Force Crime Registrar should re-classify to class 4/2.*

## 4/4,6,8 Causing Death by Dangerous or Careless Driving (including under influence of drink or drugs) Classification (1 of 1)

4/4	Causing death by dangerous driving. <i>Road Traffic Act 1988 Sec 1 (as added by the Road Traffic Act 1991 Sec 1 and amended by Criminal Justice Act 1993 Sec 67).</i>	4/8	Causing death by careless or inconsiderate driving. <i>Road Traffic Act 1988 Sec 2B as added by Road Safety Act 2006 Sec 20. <b>Offence due to commence Autumn 2007.</b></i>
4/6	Causing death by careless driving when under the influence of drink or drugs. <i>Road Traffic Act 1988 Sec 3A (as added by the Road Traffic Act 1991 Sec 3 and amended by Criminal Justice Act 1993 Sec 67).</i>		

### ABOLITION: 'YEAR AND A DAY' RULE

The Law Reform 'Year and a Day Rule' Act 1996 abolished this rule for homicide in 1996. This means that a crime of causing death can be recorded even if the victim dies more than a year afterwards.

Home Office Circular 28/1996 gives more details on the law, and lists several safeguards against inappropriate application.

## **4/4,6,8 Causing Death by Dangerous or Careless Driving (including under influence of drink or drugs) Counting Rules (1 of 1)**

**GENERAL RULE:**      **ONE CRIME FOR EACH VICTIM**

**EXAMPLE:**              A driver causes the death of two of his passengers in a road accident by dangerous driving.

*Two crimes (class 4/4).*



## **4/7      Causing or Allowing Death of Child or Vulnerable Person Classification (1 of 1)**

- 4/7      Causing or allowing the death of a child or  
vulnerable person.  
*Domestic Violence, Crime and Victims Act  
2004 Sec 5.*

## **4/7      Causing or Allowing Death of Child or Vulnerable Person Counting Rules (1 of 1)**

**GENERAL RULE:      ONE CRIME FOR EACH VICTIM**

## **4/9      Causing Death by Driving: Unlicensed, Disqualified or Uninsured Drivers Classification (1 of 1)**

4/9      Causing death by driving: unlicensed,  
disqualified or uninsured drivers.  
Road Traffic Act 1988 as added by  
Road Safety Act 2006 S.21.  
**Offence due to commence Autumn 2007.**

## **4/9      Causing Death by Driving: Unlicensed, Disqualified or Uninsured Drivers Counting Rules (1 of 1)**

**COUNTING RULES TO BE CONFIRMED - OFFENCE DUE TO COMMENCE AUTUMN 2007**

## 5                    **Wounding or Other Act Endangering Life Classification (1 of 2)**

5/1	Wounding with intent to do grievous bodily harm. <i>Offences against the Person Act 1861 Sec 18.</i>	5/13	Possession of explosives with intent to endanger life. <i>Explosive Substances Act 1883 Sec 3(1)(b).</i>
5/2	Shooting at naval or revenue vessels. <i>Customs &amp; Excise Management Act 1979 Sec 85(2).</i>	5/14-16	Possession of firearm with intent to injure. <i>Firearms Act 1968 Sec 16.</i>
5/4	Attempting to choke etc in order to commit indictable offence. <i>Offences against the Person Act 1861 Sec 21.</i>	5/17-19	Use of firearm to resist arrest. <i>Firearms Act 1968 Sec 17(1).</i>
5/5	Using chloroform etc to commit indictable offence. <i>Offences against the Person Act 1861 Sec 22.</i>	5/20	Use of chemical weapons. <i>Chemical Weapons Act 1996 Sec 2.</i>
5/6	Causing bodily injury by explosion. <i>Offences against the Person Act 1861 Sec 28.</i>	5/21	Premises or equipment for producing chemical weapons. <i>Chemical Weapons Act 1996 Sec 11.</i>
5/7	Causing explosions, sending explosive substance or throwing corrosive fluids with intent to do grievous bodily harm. <i>Offences against the Person Act 1861 Sec 29.</i>	5/22	Use etc of nuclear weapons. <i>Anti-Terrorism, Crime &amp; Security Act 2001 Sec 47.</i>
5/8	Impeding the saving of life from shipwreck. <i>Offences against the Person Act 1861 Sec 17.</i>	5/23	Weapons related acts overseas. <i>Anti-Terrorism, Crime &amp; Security Act 2001 Sec 50.</i>
5/9	Placing explosives in or near buildings with intent to do bodily harm. <i>Offences against the Person Act 1861 Sec 30.</i>	5/24	Use of noxious substances or things to cause harm and intimidate. <i>Anti-Terrorism, Crime &amp; Security Act 2001 Sec 113.</i>
5/10	Administering poison so as to endanger life. <i>Offences against the Person Act 1861 Sec 23.</i>	5/25	Performs an aviation function or ancillary function when impaired by drink or drugs. <i>Railways &amp; Transport Safety Act 2003 Secs 92 &amp; 95.</i>
5/11	Causing danger to road-users. <i>Road Traffic Act 1988 Sec 22a.</i>	5/26	Endangering safety at sea. <i>Aviation and Maritime Security Act 1990 Sec 1.</i>
		5/27	Torture. <i>Criminal Justice Act 1988 Sec 134.</i>

## 5                    **Wounding or Other Act Endangering Life Classification (2 of 2)**

### **CLARIFICATION – LEGAL: "UNLAWFULLY & MALICIOUSLY"**

OFFENCES AGAINST THE PERSON ACT 1861 SECS 17, 18, 23, 28 & 29

These sections state that the action needs to have been carried out "unlawfully and maliciously". Stones' Justices' Manual defines 'maliciously' as satisfying one of two criteria:

- (i) an actual intention to do the particular kind of harm that in fact was done; or
- (ii) recklessness as to whether such harm should occur or not (ie the offender has foreseen that the particular kind of harm might be done and yet has gone on to take the risk of doing it).

It is neither limited to, nor does it indeed require, any ill-will towards the person injured.

### **CLASSIFICATION: GBH (CLASS 5 OR CLASS 8A)**

OFFENCES AGAINST THE PERSON ACT 1861 SECS 18 & 20

Section 18 (class 5): "... [to] wound or cause any grievous bodily harm ... with intent to do some grievous bodily harm ... or with intent to resist or prevent the lawful apprehension or detainer ..."

Section 20 (class 8A): "... [to] wound or inflict any grievous bodily harm ... either with or without any weapon or instrument ..."

If there is intent to commit GBH, record under class 5, otherwise record under class 8A.

### **COVERAGE: FIREARMS**

FIREARMS ACT 1968

Imitation firearms, conversions, rocket launchers, and mortars other than those designed for line throwing, pyrotechnics or signalling.

Shotguns as defined in Section 1(3)(a) of the Act, ie smooth-bore guns with a barrel not less than 24 inches in length and any barrel with a bore exceeding 2 inches diameter, not having an unapproved magazine - not being an airgun or a revolver.

Air weapons as defined in section 1(3)(b) of the Act, ie an air rifle, air gun or air pistol not of a type declared by rules made by the Secretary of State under Section 53 of the Act to be specially dangerous.

## 5 Wounding or Other Act Endangering Life Counting Rules (1 of 2)

**GENERAL RULE:** ONE CRIME FOR EACH VICTIM.

**EXAMPLE:** Three people (acting together) attack and wound two others.

*Two crimes (class 5).*

**EXAMPLE:** One person attacks and wounds two others.

*Two crimes (class 5).*

### APPLICATION OF THE RULE

**Victims injured should be counted in addition to those murdered.**

Example: 'A' places a bomb in a shopping centre and gives a telephone warning to the police. During evacuation of the shopping centre the bomb explodes injuring five people.

*Five crimes of wounding (class 5). If the placing of the explosive (class 5/9) is already recorded it should remain.*

Example: 'A' places a bomb in a public house. The bomb explodes killing 10 people and wounding a further 15; the remaining four people escaping unhurt.

*Ten crimes of murder (class 1) and 15 of wounding (class 5). Count additional crime of placing bomb (class 5) only if already recorded when explosion occurs.*

**Wounding offences can be re-classified as murder.**

Example: 'A' seriously wounds 'B' who subsequently dies in hospital.

*One crime of murder (class 1). If wounding (class 5) already recorded, it should be deleted (unless it took place in previous financial year).*

**If there is intent but no actual victims, then count one crime only.**

Example: 'A' places five bombs near a building with intent to do bodily harm.

*One crime (class 5).*

Example: Possession of explosives with intent to endanger life.

**Possession of Explosives: One crime should be counted where the possession of explosives is the most serious crime disclosed.**

**Weapons Crimes: One crime should be counted where the possession of weapon is the most serious crime disclosed, irrespective of the number of persons, weapons and types of weapon involved in the incident.**

## 5                    **Wounding or Other Act Endangering Life Counting Rules (2 of 2)**

### **Whether to record: see also General Rules Section A.**

Example:            A member of the public reports seeing a person being stabbed in the street from his flat window. The police receive no other reports, and they examine the scene.

- (i)                    The examination (and further enquiries) reveals no grounds to suggest the crime took place.

*Register a crime related incident report but do not record the crime.*

- (ii)                   The examination reveals some grounds to suggest that on the balance of probabilities, a crime took place. The police have made appropriate enquiries but have been unable to locate a victim or their representative.

*Register a crime related incident report but do not record the crime.*

### **Finished Incident: see also General Rules Section E.**

Example:            The police discover that 'A' has been poisoning his wife over a period of weeks (endangering her life).

*One crime (class 5).*

### **Principal Crime: see also General Rules Section F and Annex E.**

Example:            A wounding (class 5) occurs in the course of a burglary.

*One crime of wounding (class 5) only.*

Example:            'A' commits criminal damage in the course of seriously wounding 'B'.

*One crime of wounding (class 5) only.*

Example:            'A' places several bombs around a building. They explode killing three people, and injuring two.

*Three crimes of murder (class 1), two of wounding (class 5/1), but none for placing the explosive (class 5/9).*

Example:            'A' attempts to choke 'B' with intent to kill him.

*One crime of attempted murder (class 2).*



## 6 Endangering Railway Passengers Classification (1 of 1)

6/1	Endangering railway passengers by placing anything on railway, taking up rails, changing points and signals etc. <i>Offences against the Person Act 1861 Sec 32.</i>	6/3	Endangering railway passengers by unlawful acts, or by omission or neglect. <i>Offences against the Person Act 1861 Sec 34.</i>
6/2	Endangering railway passengers by throwing anything at railway carriages etc. <i>Offences against the Person Act 1861 Sec 33.</i>	6/4	Destroying, damaging etc a Channel Tunnel train or the Tunnel system or committing acts of violence likely to endanger safety of operation. <i>Channel Tunnel Act 1987 Sec 1(7).</i> <i>Channel Tunnel (Security) Order 1994 Art 6.</i>

### CLASSIFICATION: ENDANGERING PASSENGERS ON PUBLIC TRANSPORT

Rail	Class 6
Ship	Class 7
Air	Class 36
Road	no separate classification

## 6 Endangering Railway Passengers Counting Rules (1 of 1)

**GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS (no specific intended victim).**

### APPLICATION OF THE RULE

**If two or more unlawful acts occur at the same time, eg omission and neglect of duty, these are part of the same crime and should not be counted separately.**

Example: 'A' places a sleeper on a railway line and also jams points and tampers with the signals at the same time.

*One crime (class 6).*

**Where a crime of endangering railways passengers (class 6) results in injuries that are not specific and intended, count the class 6 crime but not the injuries.**

Example: 'A' places a sleeper on the line, which derails a train and injures 20 passengers.

*One crime of endangering railway passengers (class 6) only.*

### **Finished Incident: see also General Rules Section E.**

Example: 'A' places a sleeper on the line which fails to dislodge the train. He then tries again for another train.

*One crime (class 6).*

Example: Stones are thrown during the course of an afternoon at five different trains, run by the same company, passing one location and endangering the safety of passengers. The incidents are reported:

(i) At the same time.

*One crime (class 6).*

(ii) On the five occasions.

*Five crimes (class 6).*

**Principal Crime: see also General Rules Section F and Annex E. Homicide or attempted murder takes precedence over endangering railway passengers. Therefore, if a crime of endangering railway passengers involves homicide or attempted murder, count the homicide or attempted murder only.**

Example: A person drops a piece of concrete onto a train from a bridge, killing the driver and four passengers, and injuring several others.

*Five crimes of murder (class 1) only.*

## 7 Endangering Life at Sea Classification (1 of 1)

7/1	Sending unseaworthy ship to sea. <i>Merchant Shipping Act 1995 Sec 98.</i>	7/10	Intentionally making false or fraudulent certificate (load lines etc). <i>Merchant Shipping Act 1995 Sch 3 (para 27).</i>
7/2	Not waiting to save lives in collision. <i>Merchant Shipping Act 1995 Sec 92(1)(3).</i>	7/11	Using unsafe lighter, barge etc, likely to endanger life. <i>Merchant Shipping Act 1995 Sec 99.</i>
7/3	Endangering ship, life or limb on shipboard by breach of duty. <i>Pilotage Act 1987 Sec 21.</i>	7/12	Disobedience, neglect of duty, impeding navigation of ship. <i>Merchant Shipping Act 1995 Sec 59.</i>
7/4	Failing to assist ships in distress or persons in danger at sea. <i>Merchant Shipping Act 1995 Sec 93 (1)(2)(4)(5)(6)(7).</i>	7/13	Master, Pilot or Seaman's ability to carry out duties impaired because of drink or drugs. <i>Railways &amp; Transport Safety Act 2003 Secs 78-82.</i>
7/5	Taking or sending ship to sea with load line submerged. <i>Merchant Shipping Act 1995 Sch 3 (paras 3 &amp; 4).</i>	7/14	Destroying ships or fixed platforms endangering their safety. <i>Aviation and Maritime Security Act 1990 Sec 11.</i>
7/6	Contravening cargo ship construction & survey rules. <i>Merchant Shipping Act 1964 Sec 7.</i>	7/15	Other acts endangering or likely to endanger Safe navigation. <i>Aviation and Maritime Security Act 1990 Sec 12.</i>
7/7	Misconduct of master or crew likely to endanger ships, structures or individuals. <i>Merchant Shipping Act 1995 Sec 58.</i>		
7/8	Drunkenness etc on duty. <i>Merchant Shipping Act 1995 Sec 117.</i>		
7/9	Contraventions of deck cargo regulations (load lines etc). <i>Merchant Shipping Act 1995 Sch 3 (para 24).</i>		

## 7            **Endangering Life at Sea Counting Rules (1 of 1)**

**GENERAL RULE:**        **ONE CRIME FOR EACH OFFENDER OR GROUP OF  
OFFENDERS (no specific intended victim).**

### **APPLICATION OF THE RULE**

**Where a crime of endangering life at sea (class 7) results in injuries that are not specific and intended, count the class 7 crime but not the injuries.**

Example:            A person sends an unseaworthy ship to sea, causing injury to 20 passengers.

*One crime of endangering life at sea (class 7) only.*

**Principal Crime:** see also General Rules Section F and Annex D. Homicide or attempted murder takes precedence over endangering life at sea. Therefore, if a crime of endangering life at sea involves homicide or attempted murder, count the homicide or attempted murder only.

## 8A Other Wounding Classification (1 of 2)

8/1	Wounding or inflicting grievous bodily harm, with or without weapon. <i>Offences against the Person Act 1861 Sec 20.</i>	8/20	Assault with intent to resist apprehension. <i>Offences against the Person Act 1861 Sec 38.</i>
8/2	Administering poison with intent to injure or annoy. <i>Offences against the Person Act 1861 Sec 24.</i>	8/21	Owner or person in charge allowing dog to be dangerously out of control in a public place injuring any person. <i>Dangerous Dogs Act 1991 Sec 3(1).</i>
8/4	Drivers injuring persons by furious driving. <i>Offences against the Person Act 1861 Sec 35.</i>	8/22	Owner or person in charge allowing dog to enter a non-public place and injure any person. <i>Dangerous Dogs Act 1991 Sec 3(3).</i>
8/5	Assault on person preserving wreck. <i>Offences against the Person Act 1861 Sec 37.</i>	8/52	Excise, infibulate, aid, abet, counsel. <i>Female Genital Mutilation Act 2003 Sec 1(1), 2, 3 &amp; 5.</i>
8/6	Assault occasioning actual bodily harm. <i>Offences against the Person Act 1861 Sec 47.</i>		

### CLARIFICATION – LEGAL: "UNLAWFULLY & MALICIOUSLY"

#### OFFENCES AGAINST THE PERSON ACT 1861 SECS 20 & 24

These sections state that the action needs to have been carried out "unlawfully and maliciously". Stones' Justices' Manual defines 'maliciously' as satisfying one of two criteria:

- (i) an actual intention to do the particular kind of harm that in fact was done; or
- (ii) recklessness as to whether such harm should occur or not (ie the offender has foreseen that the particular kind of harm might be done and yet has gone on to take the risk of doing it).

It is neither limited to, nor does it indeed require, any ill-will towards the person injured.

### CLASSIFICATION: GBH (CLASS 5 & CLASS 8A)

#### OFFENCES AGAINST THE PERSON ACT 1861 SECS 18 & 20

Section 18 (class 5): "... [to] wound or cause any grievous bodily harm ... with intent to do some grievous bodily harm ... or with intent to resist or prevent the lawful apprehension or detainer ..."

Section 20 (class 8A): "... [to] wound or inflict any grievous bodily harm ... either with or without any weapon or instrument ..."

If there is intent to commit GBH, record under class 5, otherwise record under class 8A.

## **8A      Other Wounding Classification (2 of 2)**

### **RECORDING PRACTICE: MINOR INJURIES**

Common assault includes common assault with no injury.

Where battery results in injury, other wounding (class 8A) should be recorded even if the injury amounts to no more than grazes, scratches, abrasions, minor bruising, swellings, reddening of the skin, superficial cuts, or a "black eye".

Crimes which result in injuries more serious than those listed above should be recorded under the appropriate wounding classification (probably either class 5 or 8).

## 8A Other Wounding Counting Rules (1 of 2)

**GENERAL RULE:** ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM.

**EXAMPLE:** Three people acting together attack two others unintentionally inflicting grievous bodily harm.

*Two crimes (class 8A).*

**EXAMPLE:** An angry driver injures two people by forcing their car off the road.

*One crime (class 8A).*

**EXAMPLE:** Three persons are assaulted and receive cuts and grazes.

*Three crimes (class 8A).*

### **Administering poison with intent to injure or annoy:**

If the intentions of the offender (eg in drink spiking) are sexual, record one crime of 88/6 (committing an offence with intent to commit a sexual offence) under class 88B. If the intentions are unknown, record under class 8A.

Example: A female's drink was spiked but the intentions of the offender, other to annoy, are unknown.

*One crime (class 8A).*

### **Whether to record: see also General Rules Section A.**

Example: A person reports sounds of a fight taking place next door. No other report is received, but the police contact the neighbours.

- (i) No-one admits being involved in a fight, and do not wish the matter to be taken further. The police see no signs of injury.

*Register a crime related incident report but do not record the crime.*

- (ii) They identify a victim who shows signs of recent injury (cuts, bruises), confirms the assault took place, but does not wish the matter to be taken further.

*One crime of assault occasioning ABH (class 8A).*

Example: An anonymous caller reports a disturbance outside a public house. On arrival, witnesses report a heated argument having taken place.

- (i) No victim of violence (or persons acting on their behalf) can be traced. No other information is available.

*Register a crime related incident report but do not record the crime.*

- (ii) Witnesses report that there was a fight, and further investigation locates a victim who confirms actual bodily harm.

*One crime of wounding (class 8A).*

- (iii) Several onlookers report threats of violence, and they confirm that they feared for their safety.

*One crime of affray (class 66).*

## 8A Other Wounding Counting Rules (2 of 2)

**Finished Incident: see also General Rules Section E.**

Example: The police discover that 'A' has been poisoning his wife over a number of weeks (making her ill but not endangering her life).

*One crime (class 8A).*

**Principal Crime: see also General Rules Section F and Annex E.**

Example: A wounding (class 8/1) occurs in the course of a burglary.

- (i) The wounding is in order to steal.

*One crime of robbery (class 34A or B).*

- (ii) The wounding is not in order to steal.

*One crime of wounding (class 5 or 8A).*

Example: An incident involves a wounding (class 8/1) and a crime of criminal damage to the same victim.

*One crime of wounding (class 8A) only.*



## 8B Possession of Weapons Classification (1 of 1)

8/3	Setting spring guns etc with intent to inflict grievous bodily harm. <i>Offences against the Person Act 1861 Sec 31.</i>	8/23-25	Possessing firearm or imitation firearm with intent to cause fear of violence. <i>Firearms Act 1968 Sec 16A.</i>
8/11	Possession of offensive weapon without lawful authority or reasonable excuse. <i>Offensive Weapons Act 1996 Sec 2(1).</i>	8/26	Having an article with a blade or point in a public place. <i>Offensive Weapons Act 1996 Sec 3.</i>
8/13-15	Possessing firearm or imitation firearm while committing or being arrested for offence specified in Schedule 1 of the Act. <i>Firearms Act 1968 Sec 17(2).</i>	8/27	Having an article with a blade or point on school premises. <i>Offensive Weapons Act 1996 Sec 4(1).</i>
8/16-18	Possessing firearm or imitation firearm with intent to commit indictable offence or resist arrest. <i>Firearms Act 1968 Sec 18(1).</i>	8/28	Possession of other offensive weapon on school premises. <i>Offensive Weapons Act 1996 Sec 4(1).</i>
		8/53	Using someone to mind a weapon. <i>Violent Crime Reduction Act 2006 Sec 28.</i>

### COVERAGE: FIREARMS

#### FIREARMS ACT 1968

Imitation firearms, conversions, rocket launchers, and mortars other than those designed for line throwing, pyrotechnics or signalling.

Shotguns as defined in Section 1(3)(a) of the Act, ie smooth-bore guns with a barrel not less than 24 inches in length and any barrel with a bore exceeding 2 inches diameter - not having an unapproved magazine - not being an airgun or a revolver.

Air weapons as defined in Section 1(3)(b) of the Act, ie an air rifle, air gun or air pistol not of a type declared by rules made by the Secretary of State under Section 53 of the Act to be specially dangerous.

### SPECIFIED CRIMES: FIREARMS (8/13-15)

#### FIREARMS ACT 1968 SCH 1

Garrotting (class 5/4)  
Placing explosives etc (class 5/9)  
Wounding (class 8/1)  
Child Abduction (class 13)  
Burglary (classes 28-31)  
Blackmail (class 35)  
Assault on a constable (class 104)  
Unauthorised Taking (class 130)

Criminal use of chloroform etc (class 5/5)  
Endangering railway passengers (class 6/1)  
Assault occasioning ABH (class 8/6)  
Rape (class 19)  
Robbery (class 34)  
Theft (classes 39-49)  
Assault on a custody officer (class 105/4)  
Attempts, aiding & abetting of above crimes

## 8B Possession of Weapons Counting Rules (1 of 1)

**GENERAL RULE:** ONE CRIME SHOULD BE COUNTED WHERE THE POSSESSION OF A WEAPON IS THE MOST SERIOUS CRIME DISCLOSED, IRRESPECTIVE OF THE NUMBER OF PERSONS, WEAPONS AND TYPES OF WEAPON INVOLVED IN THE INCIDENT.

**EXAMPLE:** A man assaults another man with a knuckle duster. Injuries amounting to ABH are sustained by the victim.

*One crime of ABH (class 8A).*

### APPLICATION OF THE RULE

**If a person is found in possession of a weapon at a different time from committing a more serious crime, and there is no evidence to link the weapon to the other crime, count possession in addition to the other crime.**

**Example:** A man commits ABH and is later arrested for it. Following a search, he is found in possession of a weapon that was not used in the ABH.

*One crime of other wounding (class 8A) and one crime of possession of weapon (class 8B).*

**Setting Spring Guns etc: One crime for each time discovered and recorded by the police, irrespective of the number of traps set or placed.**

**Possession of Offensive Weapons: One crime for each time discovered and recorded by the police.**

**Principal Crime: see also General Rules Section F and Annex E.**

**Example:** Man waves knife around and slaps female (common assault).

*One crime of possession of a weapon (class 8B).*

**Example:** As above but causes ABH.

*One crime (class 8A).*

## 8C Harassment Classification (1 of 4)

8/29	Breach of conditions of injunction against harassment. <i>Protection from Harassment Act 1997 Sec 3.</i>	125/11	Fear or provocation of violence. <i>Public Order Act 1986 Sec 4.</i>
8/30	Putting people in fear of violence. <i>Protection from Harassment Act 1997 Sec 4.</i>	125/12	Harassment, alarm or distress. <i>Public Order Act 1986 Sec 5.</i>
8/31	Breach of a restraining order. <i>Protection from Harassment Act 1997 Sec 5.</i>	125/68	Harassment etc. of a person in his home. <i>Criminal Justice and Police Act 2001 Sec 42A</i> <i>Serious Organised Crime and Police Act 2005 Sec 126.</i>
125/9	Causing intentional harassment, alarm or distress. <i>Public Order Act 1986 Sec 4A.</i>	195/94	Harassment. <i>Protection from Harassment Act 1997 Sec 2.</i>

### DEFINITION – LEGAL: HARASSMENT

#### PROTECTION FROM HARASSMENT ACT 1997 SEC 1 (AMENDED BY SERIOUS ORGANISED CRIME AND POLICE ACT 2005 SEC 125)

- (1) "A person must not pursue a course of conduct-
- (a) which amounts to harassment of another, and
  - (b) which he knows or ought to know amounts to harassment of the other.
- (1A) A person must not pursue a course of conduct –
- (a) which involves harassment of two or more persons, and
  - (b) which he knows or ought to know involves harassment of those persons, and
  - (c) by which he intends to persuade any person (whether or not one of those mentioned above) –
    - (i) not to do something that he is entitled or required to do, or
    - (ii) to do something that he is not under any obligation to do.
- (2) For the purposes of this Section, the person whose course of conduct is in question ought to know that it amounts to or involves harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to or involved harassment of the other.
- (3) Subsection (1) does not apply to a course of conduct if the person who pursued it shows-
- (a) that it was pursued for the purpose of preventing or detecting crime,
  - (b) that it was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment, or
  - (c) that in the particular circumstances the pursuit of the course of conduct was reasonable."

#### SEC 7

- (3) "A "course of conduct" must involve –
- (a) in the case of conduct in relation to a single person (see section 1(1)), conduct on at least two occasions in relation to that person, or
  - (b) in the case of conduct in relation to two or more persons (see section 1(1A)), conduct on at least one occasion in relation to each of those persons."

## **8C Harassment Classification (2 of 4)**

### **DEFINITION – LEGAL: HARASSMENT, ALARM OR DISTRESS**

#### **PUBLIC ORDER ACT 1986 SEC 4A**

- (1) “A person is guilty of an offence if, with intent to cause a person harassment, alarm or distress, he:
- (a) uses threatening, abusive or insulting words or behaviour, or disorderly behaviour; or
  - (b) displays any writing, sign or other visible representation which is threatening, abusive or insulting,
- thereby causing that or another person, harassment, alarm or distress.”

#### **PUBLIC ORDER ACT 1986 SEC 5**

- (2) “A person is guilty of an offence if he:
- (a) uses threatening, abusive or insulting words or behaviour, or disorderly behaviour; or
  - (b) displays any writing, sign or other visible representation which is threatening, abusive or insulting,
- within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby.”

## 8C Harassment Classification (3 of 4)

### CLASSIFICATION: NUISANCE TELEPHONE CALLS

Nuisance telephone calls come under Telecommunications Act 1984 Section 43. This is a summary offence (classification 195/51) and is not notifiable.

A series of nuisance calls could, however, amount to a course of conduct, and therefore be recorded as harassment.

### CLARIFICATION: HARASSMENT, ALARM OR DISTRESS (SEC 5 PUBLIC ORDER ACT 1986)

Where an identified victim **other than a police officer** confirms that they have been subject to harassment, alarm or distress (Sec 5), and there is no credible evidence to the contrary, a crime will be recorded (ie if the evidence for this crime exists it should be recorded accordingly, as opposed to interpreting the incident as the first in a course of conduct under the Harassment Act 1997 – see class 8C classification 4 of 4).

Where police officers find offenders committing this offence and they issue a warning and the behaviour stops and no further action is taken by the officers and there is no specific victim (other than the police officer) the offence should not routinely be recorded as a crime.

Where officers in response to such behaviour implement a local diversionary scheme (eg “red” and “yellow” card initiative) but no further action is taken and there is no specific victim (other than the police officer) the offence should not routinely be recorded as a crime.

Where officers decide to deal with the matter by way of Penalty Notice(s) for Disorder, irrespective of whether the offending behaviour stops, the offence should be recorded as a crime.

Where officers take any other course of formal enforcement, the offence should be recorded as a crime.

### COVERAGE: HARASSMENT

The Protection from Harassment Act 1997 is designed to be used where no other substantive notifiable offence exists. It addresses series of incidents that do not amount to the commission of a substantive offence per se, but when looked at as a course of conduct are likely to cause fear, alarm or distress.

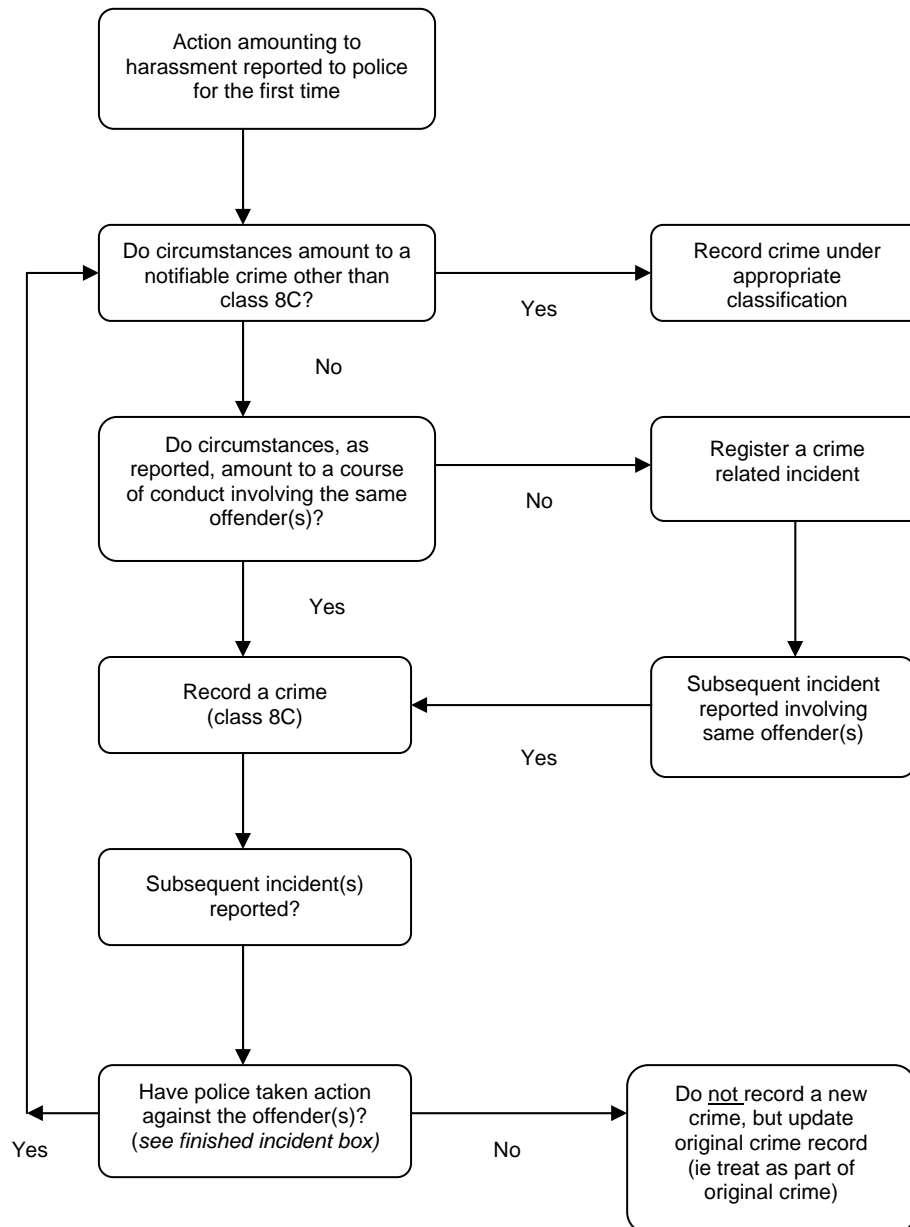
It is important that where evidence exists to support the report of another substantive crime, an offence under the Protection from Harassment Act is not recorded.

The finished incident rule (E) will be applied to recorded crimes of harassment at the point at which the police have in some way dealt with the offender; ie by means of charge, summons, caution etc. It does not include the issue of verbal warning after the first incident or complaint.

Sections 4, 4A and 5 of the Public Order Act 1986 are also offences of harassment. Unlike offences under the Protection from Harassment Act, they do not require a course of conduct for them to be crimes.

## 8C Harassment Classification (4 of 4)

### Harassment Act 1997: Recording Practice



## 8C Harassment Counting Rules (1 of 2)

**GENERAL RULE:** **ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM.**  
(Where there is no specific intended victim, count only one crime.)

**EXAMPLE:** A man is reported to have harassed five women. (At least one related incident amounting to one course of conduct demonstrated for each).

*Five crimes (class 8C).*

**EXAMPLE:** An elderly person has a group of youths outside her house swearing and shouting. They go out and ask the youths to move away, but they receive abuse which distresses them and the police are called.

*One crime (class 8C).*

### APPLICATION OF THE RULE

**If a person is victim to separate offenders, count these crimes separately unless the offenders are part of a group.**

**Example:** An elderly person is harassed by a group of five children. (At least two related incidents amounting to one course of conduct demonstrated for each).

*One crime (class 8C).*

**Example:** The same person is harassed by five children acting independently on separate occasions (all of whom has been responsible for at least two incidents, each amounting to one course of conduct).

*Five crimes (class 8C).*

**Breach of Injunction or Restraining Order: one crime for each offender.**

**Whether to record: see also General Rules Section A and coverage box on class 8C classification page.**

**Example:** Person 'A' reports that person 'B' has followed her/him home on one first occasion.

*Register as a crime related incident but do not record a crime. The course of conduct rule (ie at least two separate but related incidents) has not been met.*

**Example:** Person 'A' reports for the first time that on six days over the past fortnight person 'B' has followed her home causing fear, alarm or distress.

*Record one crime (class 8C). The course of conduct rule (see above) has been met.*

**Example:** Person 'A' reports on two consecutive nights person 'B' has been banging on their door shouting abuse, causing fear, alarm or distress.

*Record one crime (class 8C). The course of conduct rule (see above) has been met.*

**Example:** As above, but next day person 'A' reports person 'B' has been back at the address repeating the behaviour. No action has yet been taken against person 'B'.

*No new crime record as it should be considered as further evidence to support the first crime report.*

## 8C Harassment Counting Rules (2 of 2)

**Finished Incidents:** see General Rules Section E. Once a crime of harassment under the Protection from Harassment Act has been recorded, further incidents by the same offender or group of offenders against the same victim, up to the point when police take action against the offender (or offenders), should not be recorded separately.

Example: A woman reports for the first time that she has been harassed by the same person on numerous occasions.

- (i) The police decide not to take action against the offender but to monitor the situation (ie to be a substantive offence it is not required that the victim report to police on more than one occasion, only that the victim or empowered third person report at least one course of conduct).

*One crime (class 8C).*

- (ii) Further incidents of harassment occur and the police decide to take action.

*No further crime (should be considered a continuation of the initial offence).*

**Offender and victim in different location:** see also General Rules Section G.

Example: A victim in force area A is being harassed over the telephone (i.e. a course of conduct is established under the Protection of Harassment Act) by someone in force area B. The victim reports it to force A.

*Force B to record.*

Example: As above, but the offender's location is unknown.

*Force A to record.*



## 8D Racially or Religiously Aggravated Other Wounding Classification (1 of 2)

8/33 Racially or religiously aggravated  
8/40 malicious wounding or grievous bodily  
8/46 harm.  
*Crime & Disorder Act 1998 Sec 29(1)(a)*  
*(as added to by Anti-terrorism, Crime and*  
*Security Act 2001 Sec 39).*

8/34 Racially or religiously aggravated actual  
8/41 bodily harm.  
8/47 *Crime & Disorder Act 1998 Sec 29(1)(b)*  
*(as added to by Anti-terrorism, Crime and*  
*Security Act 2001 Sec 39).*

### DEFINITION – LEGAL: RACIALLY OR RELIGIOUSLY AGGRAVATED

CRIME & DISORDER ACT 1998 SEC 28 (as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

- “(1) An offence is racially or religiously aggravated for the purposes of Sections 29 to 32 if-
- (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group; or
  - (b) the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of those groups.
- (2) In subsection (1)(a) above-
- "membership", in relation to a racial or religious group, includes association with members of those groups; "presumed" means presumed by the offender.
- (3) It is immaterial for the purposes of paragraph (a) or (b) of subsection (1) above whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.
- (4) In this section "racial group" means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.
- (5) In this section "religious group" means a group of persons defined by reference to religious belief or lack of religious belief.”

## 8D Racially or Religiously Aggravated Other Wounding Classification (2 of 2)

### DEFINITION – LEGAL: RACIALLY OR RELIGIOUSLY AGGRAVATED OTHER WOUNDING

CRIME & DISORDER ACT1998 SEC 29 (as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

“(1) A person is guilty of an offence under this Section if he commits-

- (a) an offence under Section 20 of the Offences Against the Person Act 1861 (malicious wounding or grievous bodily harm);
- (b) an offence under Section 47 of that Act (actual bodily harm); or ...

which is racially or religiously aggravated for the purposes of this Section.”

### RECORDING PRACTICE: RACIALLY OR RELIGIOUSLY AGGRAVATED OTHER WOUNDING

A crime of other wounding should be recorded as racially or religiously aggravated if evidence of racial or religious aggravation (under Section 28) exists at the time of recording.

## **8D      Racially or Religiously Aggravated Other Wounding Counting Rules (1 of 1)**

**GENERAL RULE:      ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM.**

## 8E Racially or Religiously Aggravated Harassment Classification (1 of 2)

8/36	Racially or religiously aggravated	66/9	Racially or religiously aggravated fear or
8/43	intentional harassment, alarm or distress.	66/10	provocation of violence.
8/49	<i>Crime &amp; Disorder Act 1998 Sec 31(1)(b)</i> (as added to by <i>Anti-terrorism, Crime and Security Act 2001 Sec 39</i> ).	66/16	<i>Crime &amp; Disorder Act 1998 Sec 31(1)(a)</i> (as added to by <i>Anti-terrorism, Crime and Disorder Act 2001 Sec 39</i> ).
8/37	Racially or religiously aggravated	125/58	Racially or religiously aggravated
8/44	harassment.	125/61	harassment, alarm or distress.
8/50	<i>Crime &amp; Disorder Act 1998 Sec 32(1)(a)</i> (as added to by <i>Anti-terrorism, Crime and Security Act 2001 Sec 39</i> ).	125/63	<i>Crime &amp; Disorder Act 1998 Sec 31(1)(c)</i> (as added to by <i>Anti-terrorism, Crime and Disorder Act 2001 Sec 39</i> ).
8/38	Racially or religiously aggravated putting		
8/45	people in fear of violence.		
8/51	<i>Crime &amp; Disorder Act 1998 Sec 32(1)(b)</i> (as added to by <i>Anti-terrorism, Crime and Security Act 2001 Sec 39</i> ).		

### COVERAGE: HARASSMENT

An incident of harassment is finished at the point at which the police have in some way dealt with the offender; ie by means of charge, summons, caution etc.

### DEFINITION - LEGAL: HARASSMENT

PROTECTION FROM HARASSMENT ACT 1997 SECS 1, 2 & 4

See box on class 8C classification page.

### DEFINITION - LEGAL: RACIALLY OR RELIGIOUSLY AGGRAVATED

CRIME & DISORDER ACT 1998 SEC 28 (as added to by *Anti-terrorism, Crime and Security Act 2001 Sec 39*)

See box on class 8D classification page.

## 8E Racially or Religiously Aggravated Harassment Classification (2 of 2)

### DEFINITION – LEGAL: RACIALLY OR RELIGIOUSLY AGGRAVATED HARASSMENT

CRIME & DISORDER ACT SECS 31(1) & 32(1) (as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39).

31. (1) "A person is guilty of an offence under this Section if he commits-

- a) an offence under Section 4 of the Public Order Act 1986 (fear or provocation of violence);
- b) an offence under Section 4A of that Act (intentional harassment, alarm or distress); or
- c) an offence under Section 5 of that Act (harassment, alarm or distress),

which is racially or religiously aggravated for the purposes of this Section."

#### Section 31(1) does not require a course of conduct to exist

32. (1) "A person is guilty of an offence under this Section if he commits-

- a) an offence under Section 2 of the Protection from Harassment Act 1997 (offence of harassment); or
- b) an offence under Section 4 of that Act (putting people in fear of violence), which is racially or religiously aggravated for the purposes of this Section."

#### Section 32(1) requires a course of conduct to exist

### RECORDING PRACTICE: RACIALLY OR RELIGIOUSLY AGGRAVATED HARASSMENT

A crime of harassment should be recorded as racially or religiously aggravated if evidence of racial or religious aggravation (under Section 28) exists at the time of recording.

## 8E Racially or Religiously Aggravated Harassment Counting Rules (1 of 1)

**GENERAL RULE:** **ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM.**  
(Where there is no specific intended victim, count only one crime).

**EXAMPLE:** A man is reported to have racially or religiously harassed five women. (At least two courses of conduct demonstrated for each).

*Five crimes (class 8E).*

**EXAMPLE:** Unidentified youths are heard shouting racial abuse at the proprietor of a shop. The proprietor of the shop and others present at the scene state they were not harassed alarmed or distressed by the action of the offenders.

*No Crime.*

### APPLICATION OF THE RULE

**If a person is victim to separate offenders, count these crimes separately unless the offenders are part of a group.**

**Example:** A person is racially or religiously harassed by a group of five children (involving at least two courses of conduct).

*One crime (class 8E).*

**Example:** The same person is harassed by five children acting independently on separate occasions (each of whom has been responsible for at least two courses of conduct).

*Five crimes (class 8E).*

**Finished Incidents: see General Rules Section E. Once a crime of harassment under the Protection from Harassment Act has been recorded, further courses of conduct by the same offender or group of offenders against the same victim, up to the point when police take action against the offender (or offenders), should not be recorded separately.**

**Example:** A woman reports for the first time that she has been racially or religiously harassed by the same person on numerous occasions.

- (i) The police decide not to take action against the offender but to monitor the situation.

*One crime (class 8E).*

- (ii) Further incidents of harassment occur and the police decide to take action.

*No further crime.*

# 11 Cruelty to and Neglect of Children Classification (1 of 1)

11/2	Neglecting to provide for apprentice or servant. <i>Offences against the Person Act 1861 Sec 26.</i>	109/5	Exposing child to risk of burning. <i>Children and Young Persons Act 1933 Sec 11.</i>
11/3	Cruelty to and neglect of children. <i>Children and Young Persons Act 1933 Sec 1.</i>	109/6	Allowing child or young person to be in brothel. <i>Children and Young Persons Act 1933 Sec 3.</i>
109/1	Allowing persons under 16 to take part in performances endangering life or limb. <i>Children and Young Persons Act 1933 Sec 23.</i>	109/7	Neglecting to provide for safety at children's entertainment. <i>Children and Young Persons Act 1933 Sec 12.</i>
109/1	Training of persons under 12 for dangerous performances. <i>Children and Young Persons Act 1933 Sec 24.</i>	109/8	Permitting child to be in verminous condition. <i>Education Act 1996 Sec 525.</i>
109/2	Taking children to nurse for reward. <i>Children Act 1989 Secs 70 &amp; 73.</i>		

# 11 Cruelty to and Neglect of Children Counting Rules (1 of 1)

**GENERAL RULE:** ONE CRIME FOR EACH CHILD/YOUNG PERSON OR SERVANT/APPRENTICE

**EXAMPLE:** An adult is reported being cruel to three children.

*Three crimes (class 11).*

**EXAMPLE:** A child under the age of 3 dies by suffocation while asleep in bed with a drunken person aged 16 or over.

*One crime (Class 11).*

## APPLICATION OF THE RULE

**Neglecting to provide for children's safety: one crime (no specific victim).**

**Finished Incidents: see also General Rules Section E.**

Example: A child reports for the first time having been subjected to a series of acts of neglect and cruelty by the same person over several years.

*One crime (class 11).*

Example: A servant has been subjected to repeated acts of cruelty and neglect by her employers during her time of employment, and reports this for the first time.

*One crime (class 11).*

**Principal crime: see also General Rules Section F and Annex E.**

Example: Through acts of cruelty, a child suffers actual bodily harm.

*One crime of cruelty (class 11).*

Example: Through acts of cruelty, a child suffers grievous bodily harm.

*One crime of wounding (class 5).*



## **12            Abandoning Child under two years Classification (1 of 1)**

- 12            Abandoning child under two years.  
*Offences against the Person Act 1861 Sec 27.*

## **12            Abandoning Child under two years Counting Rules (1 of 1)**

**GENERAL RULE:**        **ONE CRIME FOR EACH CHILD.**

**EXAMPLE:**              Two children are abandoned at same time and place.

*Two crimes (class 12).*

# 13

## Child Abduction Classification (1 of 2)

13/1 Abduction of a child by parent.  
*Child Abduction Act 1984 Sec 1 (as  
amended by the Children's Act 1989).*

13/2 Abduction of child by other persons.  
*Child Abduction Act 1984 Sec 2 (as  
amended by the Children's Act 1989).*

### DEFINITION - LEGAL: ABDUCTION OF CHILD BY OTHER PERSONS

#### CHILD ABDUCTION ACT SEC 2

"... a person other than [the child's mother, father or others covered in Section 1], without lawful authority or reasonable excuse ... takes or detains a child under the age of 16 ..."

### DEFINITION – LEGAL: ABDUCTION OF CHILD BY PARENT ETC

#### CHILD ABDUCTION ACT 1984 SEC 1

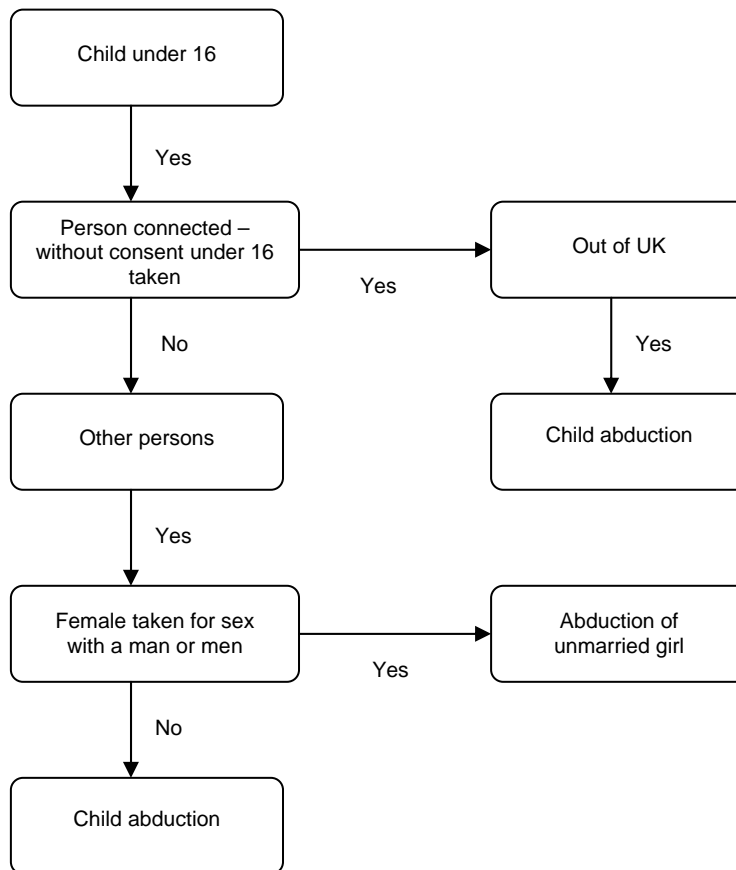
"... a person connected with the child under the age of 16 ... takes or sends the child out of the United Kingdom without the appropriate consent."

Person connected with the child includes a parent, the father, a guardian, or person with either a residence order or custody over the child.

**Please note that if the child is NOT taken or sent out of the United Kingdom, it is not an offence under Section 1 of the above Act.**

# 13 Child Abduction Classification (2 of 2)

## Abduction or Kidnapping: Classification



## **13      Child Abduction Counting Rules (1 of 1)**

**GENERAL RULE:      ONE CRIME FOR EACH CHILD ABDUCTED.**

**[EXAMPLES REQUIRED]**

## 14      **Procuring Illegal Abortion Classification (1 of 1)**

14/1      Administering drugs or using  
         instruments to procure abortion.  
         *Offences against the Person Act 1861*  
         *Sec 58 as amended by Abortion Act 1967.*

14/2      Procuring drugs etc to cause abortion.  
         *Offences against the Person Act 1861*  
         *Sec 59.*

### **CLASSIFICATION – LEGAL: MEDICAL TERMINATION OF PREGNANCY**

#### **ABORTION ACT 1967 SEC 1**

This Section contains conditions under which a pregnancy can be terminated within the law by a registered medical practitioner.

## 14      **Procuring Illegal Abortion Counting Rules (1 of 1)**

**GENERAL RULE:      ONE CRIME FOR EACH PROSPECTIVE MOTHER.**

### **APPLICATION OF THE RULE**

Example:      Drugs obtained for use in five abortions.

*Five crimes (class 14).*

**Do not count a crime of class 14/2 if a crime of 14/1 is already counted.**

Example:      Drugs and instruments obtained and then used to procure an abortion.

*One crime (class 14).*

# 15      **Concealment of Birth Classification (1 of 1)**

15/1      Concealment of birth.  
*Offences against the Person Act 1861 Sec 60.*

## **DEFINITION – LEGAL: CONCEALMENT OF BIRTH**

OFFENCES AGAINST THE PERSON ACT 1861 SEC 60

This Section covers concealment of the birth of a child "whether such child died before, at, or after its birth".



# 15      **Concealment of Birth Counting Rules (1 of 1)**

**GENERAL RULE:      COUNT ONE CRIME FOR EACH CHILD.**

## **APPLICATION OF THE RULE**

Example:      Twins are stillborn and the births are concealed.

*Two crimes (class 15).*

## 37/1      **Causing Death by Aggravated Vehicle Taking Classification (1 of 1)**

37/1      Causing death by aggravated vehicle taking.  
*Theft Act 1968 Sec 12A (as added by the  
Aggravated Vehicle Taking Act 1992 Sec 2).*

### **CLASSIFICATION: AGGRAVATED VEHICLE TAKING (AVT)**

A crime of theft or unauthorised taking of a vehicle should be recorded as AVT if at the time of recording, one of the four circumstances that determine AVT under Theft Act 1968 Sec 12A is known to have applied. The four circumstances are:

- (i)      the vehicle was driven dangerously on a road or other public place;
- (ii)      owing to the driving of the vehicle, an accident occurred by which injury was caused to any person;
- (iii)      owing to the driving of the vehicle, an accident occurred by which damage was caused to any property other than the vehicle;
- (iv)      damage was caused to the vehicle.

If death results from the second circumstance, and the link is known at the time of recording, then a crime of causing death by AVT should be recorded.

## **37/1      Causing Death by Aggravated Vehicle Taking Counting Rules (1 of 1)**

**GENERAL RULE:      ONE CRIME FOR EACH DEATH CAUSED.**

### **APPLICATION OF THE RULE**

**If theft or unauthorised taking of a vehicle, or AVT, has already been recorded when a death by AVT is discovered, then the death by AVT should be counted additionally.**

Example:      A pedestrian is accidentally knocked down and killed by a car being driven in an act of AVT.

*One crime of causing death by AVT (class 37/1) - whether or not theft already recorded.*

Example:      A vehicle is already reported stolen and recorded as a theft/unauthorised taking (class 48). It later emerges that the theft is an AVT, and an accidental death has resulted.

*One crime of causing death by AVT (class 37/1), in addition to the crime of theft/unauthorised taking (class 48) already recorded.*

## 104 Assault on a Constable Classification (1 of 1)

104/23	Assault on a constable. <i>Police Act 1996 Sec 89(1)(pt).</i>	104/31	Vagrant violently resisting a constable. <i>Vagrancy Act 1824 Sec 4.</i>
104/25	Assaults a designated person or his assistant in the exercise of a relevant power. <i>Serious Organised Crime &amp; Police Act 2005 Sec 51 (1)(4).</i>	104/36	Assaults a member of a joint investigation team carrying out his functions as a member of that team. <i>Serious Organised Crime &amp; Police Act 2005 Sec 57(2)(4).</i>
104/30	Assault on a constable. <i>Local Acts.</i>	104/39	Assaults an officer of Revenue or Customs. <i>Commissioners for Revenue &amp; Customs Act 2005 Sec 32.</i>

**PLEASE NOTE: CRIMES OF RESISTING OR OBSTRUCTING A CONSTABLE IN THE EXECUTION OF HIS/HER DUTY (PREVIOUSLY CODES 104/33 AND 104/40) ARE NO LONGER NOTIFIABLE AND THEREFORE DO NOT FORM PART OF THE RECORDED CRIME SERIES.**

### **RECORDING PRACTICE: ASSAULT ON A CONSTABLE**

It is appropriate to record a crime of assault on a constable, providing the constable is acting in execution of his/her duty.

See note above in bold for resisting or obstructing a constable.

# 104 Assault on a Constable Counting Rules (1 of 1)

**GENERAL RULE:** ONE CRIME FOR EACH CONSTABLE ASSAULTED.

**EXAMPLE:** Three constables are assaulted by a group of youths, but do not receive injuries.

*Three crimes (class 104).*

During an assault on a police officer permanent damage is caused to the officer's uniform.

*One crime (class 104).*

## APPLICATION OF THE RULE

**An assault on a constable in the process of apprehending someone for another crime should be counted separately, unless the constable is also the victim of the other crime.**

**Example:** An officer is assaulted when arresting a suspect of a previously recorded burglary.

*One crime (class 104) in addition to the original burglary.*

**Example:** An officer is assaulted when apprehending a person in the process of robbing a member of the public.

*One crime of assault on a constable (class 104) and one crime of robbery (class 34B).*

**Example:** An officer is assaulted when apprehending a person in the process of vandalising his squad car.

*One crime of assault on a constable (class 104) and one crime of criminal damage (class 58C). (The force, rather than the constable, is considered to be the victim of the criminal damage).*

**Example:** An officer is assaulted when apprehending a person for vandalising his own car.

*One crime of criminal damage (class 58C) only. (The constable is the victim of both crimes, and therefore the principal crime rule applies.)*

**Principal Crime: see also General Rules Section F and Annex E.**

**Example:** A constable is assaulted and robbed.

*One crime of robbery (class 34B).*

**Example:** A person assaults a constable and inflicts GBH.

*One crime of wounding (class 5 or 8 depending on intent).*

## 105A Common Assault Classification (1 of 1)

105/1	Common assault and battery. <i>Criminal Justice Act 1988 Sec 39.</i>	105/6	Assault on court security officer. <i>Courts Act 2003 Sec 57.</i>
105/2	Assault on County Court officer. <i>County Courts Act 1984 Sec 14.</i>	105/7	Resisting or wilfully obstructing court security officer. <i>Criminal Justice Act 1991 Sec 78(2).</i>
105/3	Assault on person assisting a constable. <i>Police Act 1996 Sec 89(1)(pt).</i>	105/8	Assaulting a designated or accredited person in the execution of their duty. <i>Police Reform Act 2002 Sec 46(1).</i>
105/4	Assault on prison custody officer. <i>Criminal Justice Act 1991 Sec 90(1).</i>	105/9	Resisting or wilfully obstructing a designated or accredited person in the execution of their duty. <i>Police Reform Act 2002 Sec 46(2).</i>
105/4	Assault on officer in secure training centre. <i>Criminal Justice &amp; Public Order Act 1994 Sec 13.</i>	105/10	Assault on a traffic officer. <i>Traffic Management Act 2004 Sec 10(1).</i>
105/5	Resisting or wilfully obstructing a prisoner custody officer. <i>Criminal Justice Act 1991 Sec 90(3).</i>	105/11	Resisting or wilfully obstructing a traffic officer in the execution of their duties. <i>Traffic Management Act 2004 Sec 10(2).</i>
105/5	Resisting or wilfully obstructing a custody officer. <i>Criminal Justice &amp; Public Order Act 1994 Sec 13(2).</i>		

### RECORDING PRACTICE: COUNTER ALLEGATIONS OF ASSAULT

When assaults are alleged to have taken place, these should be recorded in accordance with the NCRS. Very often, however, offenders claim that they were acting in self-defence and make counter allegations of assault. Great care should be taken before routinely recording such allegations as crime. For example, when the offender in a case of GBH or ABH makes a counter allegation of assault this should only be recorded as such if on the balance of probability the offence took place (in accordance with the NCRS). The absence of any evidence such as personal injury or independent witnesses may show that the allegation is false and care should be taken before recording as a crime. Each case should be treated on its own merits. It should be noted that any decision not to record such counter allegations as a crime should be recorded for disclosure purposes.

### RECORDING PRACTICE: MINOR INJURIES

Common assault includes common assault with no injury.

Where battery results in injury, other wounding (class 8A) should be recorded even if the injury amounts to no more than grazes, scratches, abrasions, minor bruising, swellings, reddening of the skin, superficial cuts, or a "black eye".

Crimes which result in injuries more serious than those listed above should be recorded under the appropriate wounding classification (probably either class 5 or 8).

## 105A Common Assault Counting Rules (1 of 1)

**GENERAL RULE:** ONE CRIME FOR EACH PERSON ASSAULTED, OBSTRUCTED ETC.

**EXAMPLE:** Person working at a takeaway restaurant is assaulted and permanent damage caused to his uniform. The uniform is supplied to the employee by the company.

*One crime (Class 105A).*

**Re-classification: see also General Rules Section B.**

A person is assaulted and apparently receives no injury. A crime of common assault (class 105) is recorded. An injury becomes apparent later (although not life threatening) and the victim is admitted to hospital.

**Finished Incidents: see also General Rules Section E.**

Example: A victim reports for the first time having been the victim of common assault by the same offender on numerous occasions.

*One crime of common assault (class 105A).*

Example: A victim reports for the first time having been the victim of a variety of crimes of violence against the person by the same offender.

One crime (record the most serious, ie the principal crime).

**Principal Crime: see also General Rules Section F and Annex E.**

Example: A person receives minor abrasions while being robbed.

*One crime of robbery (class 34B).*

Example: A person receives minor abrasions as a result of force being applied to them by another person while unsuccessfully preventing the theft of his/her car.

*One crime of Robbery (class 34B).*

## 105B Racially or Religiously Aggravated Common Assault Classification (1 of 2)

8/35 Racially or religiously  
8/42 aggravated common assault.  
8/48 *Crime & Disorder Act 1998 Sec 29(1)(c)*  
(as added to by *Anti-terrorism, Crime and Security Act 2001 Sec 39*).

### DEFINITION - LEGAL: RACIALLY OR RELIGIOUSLY AGGRAVATED

CRIME & DISORDER ACT 1998 SEC 28 (as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

- (1) An offence is racially or religiously aggravated for the purposes of sections 29 to 32 if-
  - (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group; or
  - (b) the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of those groups.
- (2) In subsection (1)(a) above-  
 "membership", in relation to a racial or religious group, includes association with members of those groups; "presumed" means presumed by the offender.
- (3) It is immaterial for the purposes of paragraph (a) or (b) of subsection (1) above whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.
- (4) In this section "racial group" means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.
- (5) In this section "religious group" means a group of persons defined by reference to religious belief or lack of religious belief.

### DEFINITION - LEGAL: RACIALLY AND RELIGIOUSLY AGGRAVATED COMMON ASSAULT

CRIME & DISORDER ACT 1998 SEC 29 (as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

- (1) A person is guilty of an offence under this Section if he commits- ...  
 ... (c) common assault,  
 which is racially or religiously aggravated for the purposes of this Section.



## **105B      Racially or Religiously Aggravated Common Assault Classification (2 of 2)**

### **RECORDING PRACTICE: MINOR INJURIES**

Common assault includes common assault with no injury.

Where battery results in injury, other wounding (class 8A) should be recorded if the injury amounts to no more than grazes, scratches, abrasions, minor bruising, swellings, reddening of the skin, superficial cuts, or a "black eye".

Crimes which result in injuries more serious than those listed above should be recorded under the appropriate wounding classification (probably either class 5 or 8).

### **RECORDING PRACTICE: RACIALLY OR RELIGIOUSLY AGGRAVATED COMMON ASSAULT**

A crime of common assault should be recorded as racially or religiously aggravated if evidence of racial or religious aggravation (under Section 28) exists at the time of recording.

## 105B Racially or Religiously Aggravated Common Assault Counting Rules (1 of 1)

**GENERAL RULE:** ONE CRIME FOR EACH PERSON ASSAULTED, OBSTRUCTED ETC.

**EXAMPLE:** Three persons are assaulted because of their racial or religious group and receive cuts and grazes.

*Three crimes (class 8D).*

**Re-classification: see also General Rules Section B.**

A person suffers a racially or religiously aggravated assault and apparently receives no injuries. A crime of common assault (class 105B) is recorded. An injury becomes apparent later (although not life threatening) and the victim is admitted to hospital.

Force Crime Registrar should re-classify to class 8D.

**Finished Incidents: see also General Rules Section E.**

**Example:** A person reports for the first time having been the victim of racially or religiously aggravated common assault by the same offender on numerous occasions.

*One crime of racially or religiously aggravated common assault (class 105B).*

**Example:** A victim reports for the first time having been the victim of a variety of crimes of racially or religious aggravated violence against the person by the same offender.

*One crime (record the most serious, ie the principal crime).*

**Principal Crime: see also General Rules Section F and Annex E.**

Maximum Sentence - Violence against the Person											
Life	14 years	10 years	7 years	5 years	4 years	2 years	1 year	6 months	3 months	1 month	Fine
1	4/4,6	3/1,3	5/11	4/8	8/11	4/9	104/25	104/4	104/31	105/3	7/5-7/6
2	4/7	5/10	8/5	5/2	8/28	5/25	104/36	104/23	105/2	105/9	7/9
3/2	5/9	8/23-8/25	8/33-8/34	8/1-8/2	8/53	6/3		104/30			7/11
4/1-4/3	5/24	11/3	8/38	8/3		7/1-7/4		104/40			105/5,7
5/1	8/52		8/40-8/47	8/6		7/7-7/8		105/1			109/1
5/4-5/8	37/1		8/41	8/29-8/31		7/10, '7/12,13		105/4,6,8			109/5
5/13-5/23			13/1	11/2		8/4		109/2			109/7-109/8
5/26,27			13/2	12		8/9(rec99/99)		109/6125/9			125/12
6/1-6/2				14/2		8/20-8/22		125/11			125/58
6/4						8/26-8/27		195/94			125/61
7/14 - 7/15						8/35-8/37					125/63
8/13-8/18						8/42-44					
14/1						8/48-8/50					
						15/1					
						66/9-66/10&16					