

1.0 POLICY IDENTIFICATION PAGE

THIS POLICY HAS BEEN DRAFTED IN ACCORDANCE WITH THE PRINCIPLES OF HUMAN RIGHTS LEGISLATION, PUBLIC DISCLOSURE IS APPROVED UNLESS WHERE OTHERWISE INDICATED AND JUSTIFIED.

POLICY TITLE: Youth Offending Policy

POLICY REF. NO: 06/00

POLICY OWNERSHIP: Administration of Justice Department

Portfolio / Business-area Owner:

Department Responsible: Administration of Justice

Person Responsible: Chief Inspector

Links or overlaps with other policies: Cautioning of Adult Offenders Policy

POLICY IMPLEMENTATION DATE: New document published 3rd June, 2008

REQUIRED FREQUENCY OF REVIEW
eg **SIX MONTHLY/ANNUALLY:** Annually

DATE POLICY LAST REVIEWED: December, 2008

POLICY REVIEW DATE: December, 2009

2.0 POLICY STATEMENTS/INTENTIONS

2.1 The principles and scope of the policy

Home Office Circular 14/06 provides guidance on the implementation of a Youth Offending Policy and final warning scheme. This policy is designed to outline the local methods for dealing with low level recordable crime by young offenders who have no or low level and limited involvement with Criminal Justice Service Partners.

The purpose of this document is to provide police personnel with guidance in the exercising of their powers, taking into account the rights of the individual and balances the use of these powers against the right of other individuals and the interests of the community as a whole.

2.2 The aims of the policy

The purpose of this policy is to

- Provide guidance on the use of reprimands and final warnings to ensure effective use in the prevention and detection of crime
- Ensure greater consistency between divisions in the use of the final warning scheme
- Outline the relationship between reprimands and final warnings for young offenders and other disposals
- Provide guidance on the administration of reprimands and final warnings
- Ensure accurate recording of reprimands and final warnings.

The Force will work in close partnership with the Crown Prosecution Scheme and Youth Offender Teams / Services to ensure consistency of approach.

3.0 INTRODUCTION

This document was commissioned by Chief Officers to provide guidance to divisions.

The document is based upon guidance provided by the Office for Criminal Justice Reform to the Police Service and also that contained within Home Office Circular 14/2006 The Final Warning Scheme.

3.1 Motivators/Driving Forces

The introduction of this policy is designed to ensure a consistent approach across all divisions to the handling of young offenders.

This policy replaces the guidance provided in the previous Youth Offending Policy published in October 2000.

3.2 The legal basis and legitimate aims

Cautioning of Young Offenders by use of Reprimands and Final Warnings is a Statutory disposal under the Final Warning Scheme introduced by the Crime & Disorder Act 1998. The legitimate aims of the process are to deal with less serious offences quickly and

simply, to divert offenders where appropriate from the courts and to reduce the likelihood of re offending.

The accurate recording of reprimands and final warnings as legitimate sanction detections will contribute to improved public confidence in the criminal justice system.

This policy deals with the cautioning of offenders and, as such, may engage the following Articles of the Human Rights Act 1998:-

Article 5: right to liberty and security of the person

Article 6. right to a fair trial

Article 7. no punishment without law

4.0 IMPLICATIONS OF THE POLICY

4.1 Financial implications/Best Value

The financial implications of this policy are that offenders will be diverted from the Criminal Justice Process saving costs in terms of the processing of offenders, preparation of case papers and court time.

4.2 Human Resources/Training

This policy ensures a consistent approach to dealing with less serious crime committed by young offenders

Training requirements are minimal.

Policy adoption will be publicised through Routine Orders.

4.3 Diversity

This policy does not have the potential to impact adversely upon any particular grouping, within the police service or society.

4.4 Internal policy links

This policy links The Cautioning of Adult Offenders Policy

4.5 Consultation

The formulation of this policy has included consultation with

- ACPO
- Force Solicitor/ Legal Adviser
- Divisional Command Teams
- Heads of Departments
- Head of Training
- Divisional Support Units
- CPS
- Youth Offending Teams

5.0 HUMAN RIGHTS CONSIDERATIONS/CERTIFICATION

5.1 Auditing for potential interference and discrimination

5.1.1 This policy deals with the cautioning of young offenders and, as such, may engage the following Articles of the Human Rights Act 1998:-

- *Article 5: right to liberty and security of the person*
- *Article 6: right to a fair trial*
- *Article 7: no punishment without law*

5.1.2 “In the application of this policy Dyfed Powys Police will not discriminate against any persons regardless of sex, race, colour, language, religion, political, or other opinion, national or social origin, association with national minority, property, birth, or other status as defined under Article 14, European Convention Human Rights (ECHR)”

5.2 Key Human Rights principles

5.2.1 The legitimate aims in respect of this policy, for interfering with an individual's rights, have been identified and considered as necessary for the following reasons:-

Public Safety and / or Economic Well being to the country

Prevention of disorder and crime

Protection of the rights or freedoms of others.

5.2.2 The policy provides staff with clear guidance on establishing:

- The legal basis of their action
- The aims of their actions
- Whether their actions are justified and proportionate in seeking to achieve their aim(s)
- The need to document clearly the decision-making processes and outcomes of their action

The legal basis for the detention and treatment of detained persons is to be found in PACE and the relevant codes of practice.

5.3 Delineating between Policy and Procedures or Guidance (Tactics)

5.3.1 No tactics are provided in the policy document

5.4 Rights, Publication, Audit and Inspection

5.4.1 This Document will be published and made readily available to all police officers, police staff and volunteers within the Dyfed Powys Police via the Force Intranet system, or where the facility is not available, and at the discretion of Divisional Commanders / Heads of Departments, through paper dissemination.

The document will be made available to the general public via the Force external Internet Site, (www.dyfed-powys.pnn.police.uk) or upon written requests made to the Force Policy Co-ordinator.

Any person (or persons) who has / have cause to feel aggrieved by any matter outlined in this policy may seek redress via the Dyfed Powys Police Professional Standards Department in either of the following ways:

In relation to the content of this policy, any question or complaint will be dealt with in accordance with the Dyfed Powys Police direction and control procedures.

Matters relating to the specific conduct of Police Officers will be dealt with using the Police Misconduct Regulations, and or where appropriate criminal investigations.

In exercising their right as detailed above, the individual will have a right to make representation to the Dyfed Powys Police Professional Standards Department and in so doing may seek legal advice.

The operation of this policy by Dyfed Powys Police Officers may be subject to internal and external review mechanisms. These include Her Majesty's Inspector of Constabulary.

6.0 GUIDANCE/PROCEDURES

6.1 Risk Assessments and Health and Safety considerations

All persons detained in accordance with Code C PACE Codes of Practice will be subjected to a standard risk assessment process, by the Custody Officer, to ensure risks to themselves, police employees and other are identified at the earliest stages and control measures implemented as appropriate.

6.2 Guidance and Procedures

Police Officers should always be able to justify the use of 'reprimand or final warning' as a disposal option by having a legal and objective basis for their decision.

Such should be proportionate to the circumstances of the offence, victim impact, and criminal history of the subject.

The actions of officers must be legal, reasonable, necessary, justifiable, and proportionate to the circumstances.

The officer will also make a record of the use of the reprimand or final warning in the custody record and RJ 1 form recording any relevant decision making reasoning.

6.3 Individual Roles and Responsibilities

It will be the role of the investigating officer to gather evidence of the detainee's guilt.

Where a person is in custody it will be the role of the custody Sgt or duty Inspector to determine if the threshold test has been met and if the detainee is suitable for a reprimand / final warning.

If the detainee is suitable for such a disposal it will be the role of an officer of at least the rank of Sergeant to administer any reprimand.

Where a person is not police detention. It will be the responsibility of a supervisory officer to ensure that sufficient evidence is available to pass the threshold test.

It will be the role of the Youth Offending Team or any trained police officer to administer any final warning.

It will be the role of the investigating officer to update the victim, and to complete and submit the necessary documentation in relation to the offence / offender.

6.4 Related Protocols, Practices or Service Agreements with other Agencies

The disposal must comply with the Statutory Charging Scheme arrangements with the Crown Prosecution Service.

6.5 Administration

The reporting officer will complete an RJ 1 Form and forward it with supporting documentation to the DSU before going off duty.

7.0 PROMOTION/DISTRIBUTION

Promoting the policy to achieve understanding, awareness, involvement, support and commitment will be through:

Publication in Routine Orders
Policies Page of the Intranet
Inclusion on the CJU Custody Home Page

- In this way all staff will be informed of, and have access to the policy.
- The Policy will be a public document available for public scrutiny
- The initial and key target audience for this policy are all custody Sgts, Inspectors.

8.0 MONITORING REVIEW

8.1 Monitoring

- The requirements for any ongoing monitoring will be dependant upon changes in Home Office guidance or legislative change. Interim monitoring will take place on an annual basis.

8.2 Review

The next formal review will be January 2008 to consider:

- Its effectiveness
- Any changes to legislation / Home Office Guidance

- Challenges to the policy
- Any identified inefficiencies in relation to implementation

POLICY NAME: Youth Offending Policy

Policy Owner: ADMINISTRATION OF JUSTICE DEPARTMENT

Audited by:

Issue	Question	Response	Page or Paragraph reference
AUDITING FOR POTENTIAL INTERFERENCE AND DISCRIMINATION	Have the contents of this policy (and any attendant powers, authorities and directions contained within it) been audited for potential interference with an individuals rights?	YES	See Para 5.1
	Have the contents of this policy been audited for the potential for it to be discriminatory. In relation to the application or provision of such rights?	YES	See Para. 5.1.2
KEY HUMAN RIGHTS PRINCIPLES	Does the policy contain a statement explaining what the legal basis is for the policy (and any attendant powers, authorities or directions given within it)?	YES	See Para. 3.3
KEY HUMAN RIGHTS PRINCIPLES	Does the policy provide details of what could be considered a legitimate aim(s) for the potential interference with an individual's rights by virtue of exercising the policy and its attendant powers, authorities or directions?	YES	See Para. 3.3
KEY HUMAN RIGHTS PRINCIPLES	Are supervisors and practitioners made aware of the need to follow a clearly defined decision making process in considering all information, and deciding on courses of action?	YES	See Para. 6.2
KEY HUMAN RIGHTS PRINCIPLES	Is it explicit within the policy what the minimum standards	YES	See Para. 6.2

	are in relation to the documentation of such decision-making?		
KEY HUMAN RIGHTS PRINCIPLES	Does the policy provide managers and practitioners with clear guidance on establishing the: - Legal basis of their actions	YES	See Para. 3.3
	The aim of their actions (legitimate aims can only be established by virtue of the exemptions and derogation's given in the act)	YES	See Para. 5.2.2
DELINEATING BETWEEN POLICY AND TACTICS	Does the policy incorporate police tactics that would make it impractical to publish the contents? (NB: due to publication requirements it is suggested that tactical material is not included in policy documentation for security reasons).	NO	
RIGHTS, PUBLICATION AUDIT AND INSPECTION	Does the policy contain a statement in favour of public disclosure or, if this is inappropriate, justification of any reservation to this rule on public interest/other grounds?	YES	See Para 5.4.1
	Does the policy contain: - a statement about the availability of the policy (method of proposed publication to public).	YES	See Para 5.4.1
	a recommendation about maintaining audits and inspection of decision-making?	YES	See Para 5.4.1
CERTIFICATION OF COMPLIANCE	Does the policy contain a certification that it has been drafted in accordance with the Human Rights Act and the principles underpinning it?	YES	

LEGAL VETTING	Has this policy been through legal vetting for human rights compliance?	YES	
POLICY REVIEW	Has the policy got a review date to ensure ongoing compliance in light of emergent legislation and human rights case law?	YES	

**CERTIFICATE
OF
COMPLIANCE**

This policy has been drafted in accordance with the Human Rights Act and has been reviewed on the basis of its contents and the supporting evidence and it is deemed compliant with that Act and the principles underpinning it.

Signed:

(Force Legal Adviser)

Name: Ms. S. Gainard

Department: Legal Services

REVIEW

This policy is due for review by:

Date: December, 2009

Youth Offending Policy.

This Policy reflects National Guidance issued to Forces by the Home Office in respect of the Final Warning Scheme (Circular 14/2006) introduced under the Crime & Disorder Act 1998.

1. Introduction

1.1.1 Unlike Adult Simple Cautions the Home Office has set out definitive rules on the circumstances in which reprimands and final warnings are appropriate. These have been agreed with the Association of Chief Police Officers and the Crown Prosecution Service.

1.2 Reprimands and Final Warnings will only be issued in accordance with the Home Office publication Final Warning Scheme: Guidance for the Police and Youth Offending Teams published in November 2002 and Home Office Circular 14/2006, The Final Warning Scheme, which is intended to encourage consistency between police forces in the use of reprimands and final warnings.

1.3.1 In such cases the administration of a reprimand or final warning for a recorded offence will be treated as a sanction detection and an offence brought to justice (OBTJ).

1.3.2 Police Officers when dealing with minor issues retain discretion to issue 'Informal Warnings' where an individual's actions do not warrant a reprimand or final warning and there are reasons formal action is not required in the public interest. Informal warnings may be administered where appropriate however, these are not formal detections and may not be cited in future proceedings. Although the offender is known, the relevant crime will remain undetected and the offence will not be recorded as 'Brought to Justice' where an Informal Warning is administered.

1.3.3 It is essential the young people are not criminalised where they commit very minor offences, have not been previously prosecuted, reprimanded or warned for an offence, and it is not in the public interest to take formal action against them. See paragraph 17.

1.3.4 The accurate use and recording of youth cautions can contribute to improved public confidence in the Criminal Justice System and contribute towards reducing the likelihood of re-offending.

2. The purposes of the Final Warning Scheme are to

2.1 Prevent offending by children and young people

2.2 Divert young offenders from appearing in the criminal justice system where appropriate

2.3 Discourage the use of reprimands / final warnings where offenders should rightly be charged.

2.4 Provide a progressive response to offending behaviour.

2.5 Provide swift administration of justice so the matter is resolved with the minimum of delay.

2.6 Confront young offenders with the consequences of their offending.

2.7 Punish appropriate to the seriousness and persistence of the offending behaviour

3. A reprimand is a 'caution' given to a young person who has committed a minor offence (where the adjusted ACPO gravity score for that offence is no greater than 2) and who has not previously been reprimanded, warned or charged with an offence.

4 A final warning is a ‘caution’ given to a young person (where the ACPO gravity score for that offence is no greater than 3) **who:-**

1. Commits a further offence having already received a reprimand
2. Commits an offence which is not so minor and which the ACPO gravity index indicates should be dealt with by way of increased sanction.
3. Having received a final warning commits another offence more than two years after the offence for which they received the final warning and it is determined by the Youth Offending Team, following referral by the police, that a second final warning should be administered.

5 Criteria for a reprimand or final warning.

5.1 In considering whether a reprimand or final warning is appropriate a police officer must consider:-

- Is there a victim statement?
- Is the suspect under 18 years of age? (If not consider Adult disposals).
- Is the suspect at least 10 years of age? (If not – under the age of criminal responsibility).
- Is there sufficient evidence of guilt to meet the Threshold Test?
- Is the offence indictable only? (If yes - refer to Crown Prosecutor)
- Has the person made a clear, reliable admission to **all** elements of the offence? A reprimand or final warning will **not** be appropriate where a person has not made a clear and reliable admission of the offence (for example if intent is denied or there are doubts about mental health, or a statutory defence is offered).
- Has the young person been convicted previously of any offence?
- Has the young person previously been reprimanded / warned?
- How serious is the offence by reference to the ACPO Gravity Factor System?

5.2 In order for there to be an auditable record of the admission of the offence the admission must be recorded by any method, which is PACE compliant viz

- A tape-recorded interview,
- A record of admission under caution recorded in the officer’s notebook and signed by the suspect as an accurate record.
- A statement under caution made by the suspect and signed by them as accurate
- A contemporaneous interview under caution signed as accurate by the suspect.

6 Other considerations

6.1 Local and National records, such as CIS, PNC must be checked before a reprimand or final warning is administered to ensure that the criminal record, if any, of the suspect is known. This will avoid inappropriate use of these disposals. Care must be taken in the way drug offenders are dealt with to ensure drug offences are not minimised.

7 The Victim

7.1 Before a reprimand or final warning is given it is important to try to establish:-

- The view of the victim about the offence as this may influence how seriously an offence is judged.

7.2 *Where the views of the victim are sought, care must be taken to ensure they are aware that although their views will be taken into account, they will not necessarily be conclusive to the outcome, and the final decision is at the discretion of the police.*

7.3 If a reprimand or final warning is determined to be the most appropriate disposal the reasoning for this should be explained to the victim, together with the consequences of receiving the reprimand or final warning to the offender.

7.4 The victim **must** always be informed of the outcome in accordance with the Victim Code of Practice. Informing the victim will be the responsibility of the investigating officer.

7.5 Where the victim requests the offender's name and address in order to institute civil proceedings, the information will be disclosed unless there is good reason to believe that it might be used for an improper purpose such as retaliatory action against the offender.

8 Disposal

8.1 Once satisfied that the evidential and other requirements have been fulfilled a decision shall be taken regarding the most appropriate disposal. Custody officer shall have authority to decide on the most appropriate method of disposal within the guidance provided by this policy document.

8.2 Where an offender has not been previously reprimanded a reprimand should be normally issued unless the offence is so serious as to require a final warning or charge (or an informal warning is more appropriate - see paragraph 17).

8.3 If a suspect has previously received a reprimand then a further reprimand **cannot** be given. A final warning **must** be considered.

8.4 Where an offender has received a final warning a second final warning will not **normally** be considered unless:-

- A period of 2 years has passed since any previous final warning and the offence is not so serious as to require a charge to be brought.

8.5 Where all enquiries have concluded and a final warning cannot be issued, for example for persistent young offenders, the offender can only be charged or released without further action.

8.6 The offender **MUST** be fully aware of all the implications of accepting a reprimand or final warning **BEFORE** doing so and give **INFORMED CONSENT** to that course of action. This must be explained in ordinary language to the offender and appropriate adult, and be recorded.

9 The suitability of a reprimand / final warning

9.1 The decision regarding the suitability to administer a reprimand or final warning should be made by an officer of at least the rank of Sergeant who is unrelated to the investigation of the offence. This will usually be the custody officer.

9.2 Prosecution decisions **will** take into account the public interest considerations (Appendix C) and the National Gravity Matrix, jointly owned through the Criminal Justice System Business Area, by Police and CPS (Appendix D). This is updated from time to time, and is available on the Police National Legal Database.

Final Warnings should not be administered to an offender where there is no reasonable expectation that this will curb the offending behaviour.

9.3 Breach of ASBO

Where a young person has been subject to an Anti Social Behaviour Order (ASBO) any breach of that ASBO should be dealt with in consultation with the Youth Offending Team, who should make an assessment of both the seriousness of the breach and of the young person's offending history. Where the breach of the ASBO is effectively a first criminal offence then a warning **MAY** be appropriate, provided the breach was not a flagrant one. Where the breach is flagrant the offender should be normally charged.

9.4 Discharges

Where a person is convicted of an offence and is sentenced to an absolute discharge or conditional discharge the conviction is only considered a conviction if that person commits another offence during the currency of the conditional discharge. It is **NOT** considered a conviction for the purposes of the Final Warning Scheme under Section 14 (1) Powers of Criminal Courts (Sentencing) Act 2000.

9.5 Penalty Notices for Disorder (PND)

When dealing with offending by a young person the presumption **WILL be that the first response will be the provisions of the Final Warning Scheme.**

However, The PND scheme is designed to offer an additional method of disposal for dealing with low-level anti social or nuisance offences.

The PND Scheme is **NOT** designed to cater for serious or repeat offending.

The details of any young person issued with a PND **must** be provided to the local Youth Offending Service in order that they can take it into account when designing or implementing intervention programmes.

9.6 Multiple Warnings

Multiple warnings bring this disposal into disrepute. A young offender must never be considered for more than two final warnings in total. A second final warning may only be considered where the offender has previously been warned once, the current offence was committed more than two years after the date of the first warning **AND** the police consider the offence to be not so serious as to require a charge to be brought.

9.7 Warnings given in error

Warnings given in error (e.g a 2nd reprimand, or a 2nd final warning within 2 years of the previous offence, or a reprimand or final warning given after a previous conviction at court) are a nullity (have no legal standing), unlawful and are not admissible in criminal proceedings. They cannot be used in future criminal proceedings or decision making and evidence of non compliance with agreements made following a warning given in error are also not admissible.

Warnings given in error may be recorded on the PNC as part of the police record provided that it is clearly noted that the warning was given in error and has no legal effect. In Dyfed Powys such records will be recorded as 'NFA'.

Where a warning is given in error, all paperwork generated during the investigation will be retained in accordance with the force Retention and Disposal schedule as if the warning had been given in accordance with policy.

Any action taken as a result of a warning given in error for example Sex Offender Registration will need to be 'undone' by the investigating officer. The Youth Offending Team, Criminal Justice Unit (Phoenix Section), and Victim MUST also be informed

9.8 Reprimands and Final Warnings issued by non-police bodies.

While an admission of guilt is a prerequisite to being reprimanded or warned by the police, other prosecution agencies may issue out of court sanctions even where there is no admission of guilt. ALL reprimands or final warnings given other than by the police (Including BTP) are **UNLAWFUL** and therefore cannot be cited in subsequent decision making processes or court hearings.

9.9 Decision Making

The responsibility for decision-making on the method of disposal is that of the Custody Sergeant in accordance with the latest Director of Public Prosecution Guidance.

The determining officer must complete the Suitability Decision-making form in the RJ1 booklet evidencing their decision, which must be reasonable and made on the basis of relevant factors.

In those cases where the determining officer is unsure if a warning is suitable because for example the previous offending history is not known bail may be used as a disposal. During the bail period the YOT should conduct an ASSET assessment and feed relevant issues into the decision making process.

Where there is doubt about whether a prosecution should be brought it may be useful to seek the opinion of the CPS at an early stage.

Where a decision is made to charge a youth because they are considered unsuitable for a reprimand or final warning the reasons e.g. no or insufficient admission, previous conviction etc for charging must be brought to the attention of the CPS.

Where a person is normally resident outside the Force area they shall not be precluded from consideration of the Final Warning Scheme. Where circumstances are such that they cannot be dealt with in Dyfed Powys e.g. return to home from holiday is imminent they may be bailed to their nearest Police Station for resolution by the local YOT who shall be forwarded all of the relevant details. Officers shall refer to the YOT for up to date guidance in this respect. All case paperwork MUST be copied and submitted for the attention of the Criminal Justice Unit (Phoenix Section) via DSU.

Reprimands and Final Warnings for Indictable only offences MUST be approved by the Crown Prosecution Service.

10 Offering the reprimand or final warning

10.1 Once determined as an appropriate disposal, the suspect should be offered a reprimand or final warning

10.2 They **must** understand

- It is an admission of guilt.
- There is sufficient evidence to prosecute them for the offence(s).
- That the action is intended for them to rectify their future behaviour.
- That a record of the reprimand / final warning will be kept and that it may influence any future decision to prosecute them should they come to police notice again.
- A court may be informed of the reprimand / final warning, and any agreements made for reparation, in any future proceedings
- The details of the reprimand / final warning, which is an alternative to prosecution, will be recorded on the Police National Computer and may be disclosed if they apply for certain types of work or training.
- The reprimand / final warning process will include taking DNA, Fingerprints and shoe impressions for retention and speculative search.
- If requested by the victim, for the purposes of Civil Proceedings, the offender's name & address will be disclosed to them.
- For relevant Sexual Offences listed in Schedule 3 Sexual Offence Act 2003, (and where the threshold has been met), they **MUST** understand that they will become a 'relevant offender' and subject to the notification and registration requirements of Part 2 of the Act. (Placed on the Sex Offenders Register). **C543 Sex Offender Registration Forms, available on the PPU Home Page, must be completed prior to release.**

10.3 A reprimand or final warning can only be administered if the offender accepts this disposal. If the suspect refuses the offer an alternative disposal will be necessary.

10.4 Suspects should be allowed time to consider the offer, and take legal advice if necessary.

10.5 Divisions and YOTs may wish to consider the use of reprimand/final warning clinics to streamline and ensure consistency of the process.

10.6 Where the final disposal has not been determined, for example because the offender has not confirmed a willingness to accept a reprimand or final warning where one is an appropriate disposal, offenders may be required to return at a later date to enable the reprimand or final warning to be delivered, or to be charged as appropriate.

11 Administering a Reprimand

11.1 The risk assessment form (RJ1a) will be completed by the investigating officer for each offender.

11.2 Following a clear and reliable admission, the decision making form for the administration of a reprimand (RJ1b) will be completed by the Custody Sergeant. This will indicate the appropriate disposal.

The admission of guilt, acceptance of this disposal by the offender, and all the implications of acceptance, will then be signed for by the offender and appropriate adult on the RJ 1c form.

The reprimand **will** then be administered by a person who is suitably trained, if available. The process should ensure that the offender is confronted with the consequences of the offending behaviour and its impact upon the victim and / or community. Where the custody officer considers that the intervention of the YOT at this early stage of offending is particularly desirable, they may request intervention from the YOT to provide an 'enhanced' reprimand.

- 11.3 Where such a trained officer is not available, the release of the offender should not be delayed. In such circumstances an officer of at least Sergeant rank may administer the reprimand.
- 11.4 Reprimands should normally be administered in Police Stations however in exceptional circumstances they may be administered in another suitable place e.g. the home of a vulnerable person in the presence of an appropriate adult. The officer administering the reprimand will sign form RJ1d.
- 11.5 The offender must sign the RJ1 booklet to acknowledge receipt of the reprimand.
- 11.6 Where a person, who has not been in police detention for the offence, receives a reprimand or final warning, and has not had their fingerprints or DNA taken in the course of the investigation of that offence, or the fingerprints that were taken were not a complete set, or were of insufficient quality to allow satisfactory analysis or matching, they shall within one month of the date of that reprimand or final warning be required to attend a police station in order to have their fingerprints taken in accordance with PACE S27 and S63A(4). This requirement will be generated, in writing, by the Administration of Justice Department.
- 11.7 Accurate recording is essential to minimise multiple cautioning of offenders. Reprimands and Final Warnings must be recorded on the local custody system, case prep. system, and national information systems including PNC.

All reprimands will be referred to the local YOT for their records

12 Administering a Final Warning

- 12.1 Where a Final Warning is considered appropriate, the Custody Officer will complete the proposal for a Final Warning in the RJ1 booklet. This will be forwarded by the investigating officer to the Youth Offending Service via the divisional DSU.

Only staff from the local Youth offending Service or police staff trained in Restorative Justice will administer Final Warnings.

The person facilitating the Final Warning will complete the Facilitation record in the RJ1 booklet and ensure that the offender and appropriate adult sign to acknowledge receipt of the Final Warning.

The YOT will devise intervention programmes tailored to support those young people at risk of re-offending.

13 Charging a Young Person

- 13.1 All charging decisions will be made in accordance with the latest Director of Public Prosecutions Guidance.
- 13.2 Where a decision is made to charge a youth full details will be provided to the CPS and Youth Offending Service of the grounds that led to this decision

- 13.3 Early notification that the young person has been charged will provide the YOT with greater time in which to conduct all relevant enquiries.
- 13.4 If the CPS decide that it is more appropriate for the youth to be given a reprimand or final warning then IF they qualify for a reprimand or Final Warning under the Crime & Disorder Act 1998 that shall be delivered.

14 Group and multiple offences

- 14.1 The experience and circumstances of offenders involved in group offences can vary greatly, as can their degree of involvement. Consistency and equity are important considerations in the decision of how to deal with a case but each offender should be considered separately and different disposals may be justified. Where multiple related offences are considered, the decision to issue a reprimand or final warning or prosecute should be based on the most serious of those offences.

15 Documentation

15.1 Full and accurate completion of crime reports, risk assessment, reprimand and final warning forms are essential as information is routinely shared with the relevant Youth Offending Team.

This includes Risk factors, the records of offer, acceptance and delivery of reprimand/final warning and Case Summary.

15.2 While the police service does not have the facilities to address such influencing factors the Youth Offending Teams have a duty to address these. To maximise opportunities to reduce or remove factors which may cause crime such details will be collected by officers and forwarded to Youth Offending Teams.

There are four distinct opportunities when risk factors can be identified:

- i) Initial checks as soon as the officer arrives at the police station with the juvenile. A PNC check to identify if they have received a previous reprimand, final warning or been convicted of any offence. CIS / Storm / PPU / Domestic Violence records checks should also be conducted.
- ii) During interview the officer should try to discover why the incident occurred and what influenced this
- iii) While gathering antecedent information
- iv) Before or during the disposal process.

15.3 Officers must be alert to all influencing factors and ensure that each is recorded on the relevant documentation so that an assessment can be made of their risk of re offending by the Youth Offending Team.

Particular attention must be given to identify if

- i) The incident occurred during school hours or while the juvenile was excluded or truanting at the time.
- ii) Drug or other substance misuse has played any part in the offending behaviour.

15.4 Force Policy will be adhered to in respect of fingerprinting, photographing and taking DNA samples from persons arrested for recordable offences.

15.5 Where a juvenile is charged the custody record and charge sheet shall be endorsed Young Offender, Regular Offender, Persistent Young Offender as appropriate.

15.6 In cases where a decision is made to take No Further Action, the Youth Offending Team will be supplied with the reason why No Further Action was decided.

16 Definitions

Young Offender:- A person aged 10 – 17 years (inclusive) who is arrested, or has information laid against them for any recordable or non-recordable offence – not being a regular offender.

Regular Offender:- A person aged 10 – 17 years (inclusive) who at the time of arrest has **previously** been issued with a caution, reprimand or final warning or charged on 3 or more separate occasions for one or more recordable offences during the previous 2 years. (Force definition).

(Where a person has been reprimanded, warned or charged on one date for more than one crime committed on different dates this shall be regarded as ‘one occasion’).

Persistent Young Offender:- A person aged 10 – 17 years (inclusive) who has been **sentenced** by a criminal court in the UK on 3 or more occasions for one or more recordable offence and within 3 years of the last sentencing occasion is subsequently arrested or has information laid against them for a further offence (National Definition).

The DSU Sergeant will ensure the offending status of the Young Person is clearly shown on the file upon transfer to the CPS.

Where consideration is given for a final warning the relevant documentation (final warning booklet) must be submitted to the DSU prior to the end of the investigating officer’s tour of duty.

17. Informal Warnings

Although the Final Warning Scheme (Circular 14/2006) introduced under the Crime & Disorder Act 1998 provides a clear framework for dealing with crime, police officers always retain discretion to issue individuals with ‘informal warnings’ as to future conduct. Such warnings are **not** detections.

In some instances it might be considered that a person’s actions do not warrant a Reprimand or Final Warning or that there are exceptional circumstances why formal action is not required in the interests of justice.

In such cases an ‘informal warning’ may be the most suitable outcome. Such a ‘warning’ should not be minimised and should be delivered in the same way as a reprimand ensuring the offender is confronted with the consequences of their behaviour, that they clearly understand why the course of action was taken, and the likely response to any further offending.

FILE TO BE SENT TO DSU WITHIN 24 HOURS

DSU Ref :	63			
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**RJ1 Heddlu Dyfed-Powys Police
Reprimands and Final Warning**

Custody Ref. No.	/ /	Division		OIC	
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Please identify type of file - Reprimand Final Warning ✓ as appropriate

OFFENDER DETAILS

Full name of Offender :

Date of Birth : Telephone Number : Mobile :

Address :

..... Post Code :

Occupation :

Major Categories		Sub-Groups		Major Categories		Sub-Groups	
Desc.	Code	Description-Self Classification (SC)	Code	Desc.	Code	Description-Self Classification (SC)	Code
White	W	British	W1	Asian or Asian British	A	Indian	A1
		Irish	W2			Pakistani	A2
		Any other white background	W3			Bangladeshi	A3
						Any other Asian background	A4
Mixed	M	White and Black Caribbean	M1	Black or Black British	B	Caribbean	B1
		White and Black African	M2			African	B2
		White and Asian	M3	Chinese or other ethnic group	O	Any other Black background	B9
		Any other Mixed Background	M4			Chinese	O1
				Any other ethnic group	O9		

ADDITIONAL INFORMATION FOR DSU AND YOS

Crime Ref. No.(s)

Crime Disposal Codes

Eg ALB	0331	26	07	2004	01	C
						C
						C
						C

Juvenile Reprimand	C1
Juvenile Final Warning	C2

Final Warning on First Offence	C3
Second Final Warning	C4

Ethnic Appearance

Self Classification		
---------------------	--	--

1. Please attach copies of all Crime Reports
2. Please ensure that the Stats Dept. have been informed of the 'detection' and disposal method before these forms are submitted.

Are any of the above crimes a drug offence or drug related crime? Yes No ✓ as appropriate

If YES - has C565 Form been submitted Yes No

CONFIRM CHECKS CONDUCTED:

PNC CIS FCS PPU STORM ✓ as appropriate*

If any checks positive – Please attach copy of printout

Tape Ref. No.s		Misc. Property No.s	
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NB

1. Always consider the Gravity Factors when deciding disposal of case. (See DPP Youth Offending Policy)
2. Ensure that offender qualifies for a Reprimand / Final Warning before issuing or proposing such a process, and check that there are no outstanding matters pending.
3. See Minimum Evidential File Standards (on back cover) for which forms need to be submitted.
4. Remember : Final Warnings **may only be given** by the YOS Seconded Officer or trained Police Officer

Risk Assessment Form

RJ1a

Category	Risk	Additional Comments/Information
Parenting		
i	Harsh or erratic discipline	
ii	Cruel, passive or neglecting attitude	
iii	Physical punishment by parent(s)	
iv	Poor parental supervision	
v	Parents divorced or separated	
vi	Single parent/parent deceased	
Mental Health Problems		
Hyperactivity		
Attention Seeking		
Education		
i	Offended whilst truanting from school	
ii	Truanting problem – general	
iii	Low school attainment	
iv	Excluded from school	
Peer Influence		
i	Offence committed with others	
ii	Has delinquent friends	
Substance and Other Abuse		
i	Drugs	
ii	Alcohol	
iii	Smoking	
Family		
i	Parent(s) have criminal convictions	
ii	Other siblings have criminal convictions	
iii	Incidents of Domestic Abuse	
Employment		
i	Unemployed/No reliable income	
Deprivation		
i	Physical deterioration	
ii	Poverty	
iii	Neighbourhood disorganisation	
iv	High residential mobility	
v	Lacks positive activity	
Other Factors – Please identify		
See Officer's Guide on rear cover		

Heddlu Dyfed-Powys Police
Admission of Guilt

DETAILS

Full Name: Date of Birth :

Address :

.....Post Code :

Occupation :

I have admitted the offence(s) listed below :

.....

.....

MO :

.....

.....

- I understand that there is sufficient evidence to prosecute me for this offence(s)
 - I understand that I MAY receive a reprimand or final warning and that this action is intended for me to rectify my future behavior. (Multiple warnings are not administered.)
 - I understand that a record of this reprimand/final warning will be kept and that it may influence any future decision to prosecute me should I come to police notice again.
 - I understand a court may be informed of this reprimand and final warning in any future proceedings.
 - I understand that the details of this action will be recorded on the Police National Computer and may be disclosed if I apply for certain types of work or training.
 - I understand that if requested by the victim, for the purposes of Civil Proceedings, my name and address will be disclosed to them.
 - I understand that my fingerprints, DNA and footwear impression will be taken and that those samples may be subject to speculative search.
- Where the threshold in relevant Schedule 3 Sexual Offences Act 2003 is met -**
- I understand that I will be subject to the notification requirements of the Sexual Offences Act 2003 for a period of 12 months from the date of this reprimand/final warning and that a Sex Offender Registration Form will be completed prior to my release.

Signed :and Appropriate Adult :

Date :

A copy of this form must be supplied to the offender.

Heddlu Dyfed-Powys Police

ACPO Gravity Score (Appendix D Youth Offending Policy)

The ACPO Gravity Score for this offence is

Having taken into account mitigating and aggravating circumstances the adjusted ACPO Gravity Score for this offence is

(The score may only be adjusted by +1 or -1)

Final Adjusted Score	ACTION
1	Always the minimum response applicable to the individual offender ie. Reprimand, Warning or Charge
2	Normally Reprimand. If the offender does not qualify for the reprimand but qualifies for a warning, give a warning. If the Offender does not qualify for a warning - charge.
3	Normally Warn. If the offender does not qualify for the warning - charge. Only in exceptional circumstances should a reprimand be given. The decision maker must justify this decision in writing. A previous reprimand must not have been delivered.
4	Normally result in a charge. Only in exceptional circumstances should an alternative disposal be delivered. The decision maker must justify this decision in writing.

**Heddlu Dyfed-Powys Police
Reprimand / Final Warning - Decision Making Form**

I have reviewed the circumstances relating to the offence(s) which the above person is suspected of having committed. The person has made a clear and reliable admission to all elements of the offence. They have admitted to having committed the offence(s). This admission has been recorded as follows.

NOTE :

Without a clear and reliable admission (to all elements of the offence) a caution (reprimand or final warning) CAN NOT be issued.

R v Metropolitan Police Commission ex parte Thompson 1997

- There is sufficient evidence to meet the Threshold Test
- I have considered the antecedents of the detained person
- They have no previous criminal convictions
(Not eligible if previously convicted at court, discharges are not to be treated as convictions)
- They have no previous final warnings or one final warning more than 2 years preceding this offence
(Not eligible if final warning delivered within 2 years of this offence)
- I have made efforts to take into account the views of the victim
(Compensation and prosecution support issues?)
- The offence is not indictable OR the offence is indictable only and the CPS have given authority for a final warning
- I have considered the nature and extent of any harm or loss, its significance relative to the victim's circumstances.
- The ACPO Gravity Factor System

I / The CPS have decided the following action is appropriate in the public interest AND likely to be effective in this particular case.

- Reprimand (Not eligible if previously reprimanded, warned or charged)
- Referral to consider a final warning
(Not eligible if a previous final warning has been delivered within 2 years of this offence)

The offender understands the significance of this course of action.

Signed :
Print Name, Rank and Number :

A copy of this form must be supplied to the offender.

RJ1d

**Heddlu Dyfed-Powys Police
Delivery of Reprimand**

On : I issued the below named person with a Reprimand.

Name : Date of Birth :

Address :

..... Post Code :

For an offence of :

MO :

Also present at the time of the reprimand was (enter full name and relationship to the offender)

.....

Outcome : Details any apology/undertaking/offer of compensation etc and how it will be effected.

.....

.....

.....

I acknowledge receipt of a reprimand for the offence(s) listed above

I also acknowledge I understand that any failure on my part to fulfill any part of the undertakings or offers of reparation recorded above may be reported to the court should I be prosecuted for any future offence(s).

Signed : Occupation :

Business Address :

Signed (Appropriate Adult) : Date :

Print name of parent/guardian :

Print address of parent/guardian if different for offender :

.....

Name of school last attended by offender :

A copy of this form must be supplied to the offender.

It is the responsibility of the OIC to inform the victim of the outcome in accordance with the Victim Code of Practice.

DSU Ref :	63			
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**RJ1e Heddlu Dyfed-Powys Police
Proposal for a Final Warning**

On the(date) the named person was detained in relation to the below listed offence(s).

Following investigation, the Custody Officer is of the opinion that the case may be suitable for a Final Warning to be delivered by way of a ROC Conference and supported by a Rehabilitation Change Programme.

OFFENCE(S)

- (1)
 - (2)
 - (3)
- the circumstances of which are detailed on the MG5 Form.

Please print name of Parent/Guardian			
Parent/Guardian's address and telephone number (if different from offender)	Post code:	Tel. No.:	
Identify school/last school attended:			

This proposal is being made on the basis that *√ as appropriate*

- The offender has no court convictions
- The offender has already received a Reprimand : (include details below)
- The offender has not received a previous Reprimand but the Gravity factors warrant a final warning
- The offender has received a Final Warning more than 2 years before this offence

DETAILS OF PREVIOUS REPRIMAND (if appropriate)

This offender received a Reprimand on the (date) :

for an offence(s) of :

(please attach copies of PNC Printout and all relevant Crime Report(s))

Investigating / Custody Officer's comments :

.....

Signed : (Investigating / Custody Officer)

For YOS use (where appropriate)			
Date file received at YOS		Date case discussed at ROC Meeting	

Outcome(s) :

.....

.....

.....

Final warning - Case summary	MG5
-------------------------------------	------------

The bail return time and date for this offender is :
 (This information **MUST** be provided)

Victim's Details (if not included on Crime Report)

Full name :

Address :

.....

Post Code : Telephone Number :

Continuation Sheet : Yes No ✓ as appropriate

Please remember to attach a copy(ies) of all relevant Crime Reports

RJ1f

**Heddlu Dyfed-Powys Police
Facilitation of Final Warning**

Custody Reference	/	/
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On the(date) I facilitated and delivered a Final Warning to the below named juvenile.

Name : Date of Birth :

Address :

..... Post Code :

For an offence of :

Brief details :

.....

Reparation / Referral / Other.....

.....

.....

Signed (Facilitating Officer) :

Also present were:

1. Relationship :

2. Relationship :

3. Relationship :

Acknowledgement

I acknowledge receipt of a Final Warning for the offence(s) listed above.

Signed : Appropriate Adult :

Occupation of Offender :

Business Address :

Date :

A copy of this form must be supplied to the offender.

It is the responsibility of the OIC to inform the victim of the outcome in accordance with the Victim Code of Practice.

RJ1g

Heddlu Dyfed-Powys Police Minimum Evidential File Standards

All reprimand and final warning files will be forwarded to the Divisional DSU for review and retention.

In order to assure the ethics and integrity of the process the following will be the minimum evidential standard required of a reprimand or final warning.

1. A copy of the crime Complaint
2. Evidence of the offence e.g. Witness or Victim Statement
3. Clear evidence of an admission e.g. Copies of a signed pocket book entry, tape recorded interview notes.
4. RJ1 to include evidence of consideration of victim's perspective.
5. Signed acceptance of the reprimand or final warning.

'A copy of the above items must be attached to or contained within this booklet. The space below can be used for this purpose and to identify the location of documentation that is required but not attached e.g cctv tapes.

Where evidential statements have not been taken there **MUST** be a clear record of all the contact details of those witnesses and the evidence they can provide.

In accordance with the National Crime Recording Standard without all of this information the detected crime will be cancelled'.

How long will the Reprimand/Final Warning be retained

The entry of an arrest/summons report on the Police National Computer and the disposal of an offence as reprimand/final warning will be retained on the Police National Computer to enable police to identify a suspect from any fingerprints and DNA samples found at crime scenes.

The previous guidance where the reprimand/final warning would be automatically deleted from the Police National Computer after 5 years no longer applies.

Officer tasked with the duty to administer reprimands/warnings should inform the alleged offender that the record will be retained for police purposes and may be disclosed when an application is made for disclosure for work purposes.

Data Protection and Security

This information may only be accessed, used or disclosed by authorised persons in the course of official police duties. You have a personal responsibility to apply security measures for its provision, control and transmission, use storage and eventual disposal or destruction in accordance with Force Policies and Procedures.

EXTRACT FROM CODE TO CROWN PROSECUTORS

The relationship between the victim and the public interest

5.12 The Crown Prosecution Service does not act for victims or the families of victims in the same way as solicitors act for their clients. Crown Prosecutors act on behalf of the public and not just in the interests of any particular individual. However, when considering the public interest, Crown Prosecutors should always take into account the consequences for the victim of whether or not to prosecute, and any views expressed by the victim or the victim's family.

5.13 It is important that a victim is told about a decision, which makes a significant difference to the case in which he or she is involved. Crown Prosecutors should ensure that they follow any agreed procedures.

Youths

8.8 Crown Prosecutors must consider the interests of a youth when deciding whether it is in the public interest to prosecute. However Crown Prosecutors should not avoid prosecuting simply because of the defendant's age. The seriousness of the offence or the youth's past behaviour is very important.

6.10 Cases involving youths are usually only referred to the Crown Prosecution Service for prosecution if the youth has already received a reprimand and final warning, unless the offence is so serious that neither of these were appropriate or the youth does not admit committing the offence. Reprimands and final warnings are intended to prevent re-offending and the fact that a further offence has occurred indicates that attempts to divert the youth from the court system have not been effective. So the public interest will usually require a prosecution in such cases, unless there are clear public interest factors against prosecution

The Public Interest Stage

5.7 The public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. Although there may be public interest factors against prosecution in a particular case, often the prosecution should go ahead and those factors be put to the court for consideration when sentence is passed. A prosecution will usually take place unless there are clear public interest factors tending against prosecution, which clearly outweigh those tending in favour, or it appears more appropriate in all the circumstances of the case to divert the person from prosecution.

5.8 Crown prosecutors must balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

The following lists of common public interest factors are not exhaustive . The factors that apply will depend on the facts in each case.

Some common public interest factors in favour of prosecution

5.9 The more serious the offence, the more likely it is that a prosecution will be needed in the public interest. A prosecution is likely to be needed if :

- a.** a conviction is likely to result in a significant sentence
- b.** a conviction is likely to result in a confiscation or any other order
- c.** a weapon was used or violence was threatened during the commission of the offence
- d.** the offence was committed against a person serving the public,(for example, a police or prison officer, or a nurse)
- e.** the defendant was in a position of authority or trust
- f.** the evidence shows that the defendant was a ring leader or the organiser of the offence
- g.** there is evidence that the offence was premeditated
- h.** there is evidence that the offence was carried out by a group
- i.** the victim of the offence was vulnerable , has been put in considerable fear, or suffered personal attack, damage or disturbance
- j.** the offence was committed in the presence of, or in close proximity to a child
- k.** the offence was motivated by any form of discrimination against the victim's ethnic or national origin, disability, sex, religious beliefs, political views or sexual orientation, or the suspect demonstrated hostility towards the victim based on any of those characteristics
- l.** there is a marked difference between the actual or mental ages of the defendant and the victim, or if there is any element of corruption
- m.** the defendant's previous convictions or cautions are relevant to the present offence
- n.** the defendant is alleged to have committed the offence while under the order of the court
- o.** there are grounds for believing that the offence is likely to be continued or repeated, for example by a history of recurring conduct
- p.** the offence although not serious in itself is widespread in the area where it was committed
- q.** a prosecution would have a significant positive impact on maintaining community confidence

Some common public interest factors against prosecution

6.5 A prosecution is less likely to be needed if:

- a** the court is likely to impose a nominal penalty;

b the defendant has already been made the subject of a sentence and any further conviction would be unlikely to result in the imposition of an additional sentence or order, unless the nature of the particular offence requires a prosecution;

c the offence was committed as a result of a genuine mistake or misunderstanding (these factors must be balanced against the seriousness of the offence);

d the loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement;

e there has been a long delay between the offence taking place and the date of the trial, unless:

- the offence is serious;
- the delay has been caused in part by the defendant;
- the offence has only recently come to light; or
- the complexity of the offence has meant that there has been a long investigation;

f. a prosecution is likely to have a bad effect on the victim's physical or mental health, always bearing in mind the seriousness of the offence;

g. the defendant is elderly or is, or was at the time of the offence, suffering from significant mental or physical ill health, unless the offence is serious or there is a real possibility that it may be repeated. The Crown Prosecution Service, where necessary, applies Home Office guidelines about how to deal with mentally disordered offenders. Crown Prosecutors must balance the desirability of diverting a defendant who is suffering from significant mental or physical ill health with the need to safeguard the general public;

h. the defendant has put right the loss or harm that was caused (but defendants must not avoid prosecution solely because they pay compensation); or

i. details may be made public that could harm sources of information, international relations or national security;

ACPO YOUTH OFFENDER CASE DISPOSAL GRAVITY FACTOR SYSTEM

Introduction

This youth offender case disposal gravity factor system has been drawn up by the Association of Chief Police Officers in consultation with the Crown Prosecution Service, the Home Office and the Youth Justice Board. For further information please contact:

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The key factors which will be relevant in deciding whether to charge, warn or reprimand a young person for an offence are (a) the young person's offending history, and (b) the seriousness of the offence. If the young offender has previously been convicted of any offence (except where the only sentence was an Absolute or Conditional Discharge), **or** received a warning within the previous two years, these gravity factors are irrelevant since the young offender **cannot** be reprimanded or warned. The seriousness of any offence relates both to the *nature of the offence* and to the *circumstances which surround it*. These issues are considered in more detail below. A further factor to be considered is whether or not it is in the public interest for the young offender to be prosecuted. This issue is examined further in the main body of the Final Warning Scheme Guidance.

The tables below classify most common offences on a scale of 1 (low gravity) up to 4 (high gravity) based on the seriousness of the individual offence. The classifications in the tables are designed to assist in decision-making, but they cannot be regarded as a definitive guide, and must be considered alongside all the other issues outlined below. Factors which can make an offence more serious are shown as aggravating (+) while mitigating factors, making an offence less serious, are shown as (-). Some factors apply to all offences, including excluded offences in exceptional circumstances, and are listed as 'General Factors' while others are only applicable to specific offences and are listed as 'Offence Specific Gravity Factors'.

It is most important that the appropriate offence is determined according to the evidence, and that this is done before any consideration of the gravity factors. Equally, if having applied all the criteria, the police decision maker is considering a reprimand or warning, care must be taken to ensure the offender stands reported or bailed for the appropriate offence and that there is no up-grading or down-grading simply to circumvent the criteria.

Having decided the appropriate offence, the gravity score can only be up-graded or down-graded by one point irrespective of the number of factors present. However, the mere presence of a (+) or (-) factor does not always mean an offence gravity score will be changed. It signifies a specific issue that **must** be considered by a decision maker, together with all the other matters and, if significant, can change the decision that would otherwise have been made. As a result it could be the deciding factor for a particular decision or have no bearing on the decision. It is

important for decision makers to ensure that both the 'offence specific gravity factors' and the 'general factors for all offences' are considered for each offence for which a decision is made. This will ensure that the seriousness of the offence, the particular circumstances of it, and the offender's current and previous behaviour are all considered. In every case the consideration given to aggravating and mitigating factors **must** be noted within the decision recorded.

Offences Not Shown in the Matrix

Not all offences are included within in this document. Any offences that are not shown should be dealt with in accordance with the general principles of this document.

Victims

One important factor will be the impact of the offence on the victim. Wherever possible, the victim should be contacted before a decision is made, to establish their view about the offence, the nature and extent of any harm or loss and its significance relative to the victim's circumstances. The victim's view about the offence may have a bearing on how serious the offence is judged to be but cannot be regarded as conclusive.

Racially and Religiously aggravated offences

Another important aggravating factor will be where an offence has a racial motivation. The 1998 Act and Anti-terrorism Crime and Security Act 2001 introduced a range of new offences, based on existing offences, which incorporate this aggravating factor as part of the offence itself. Guidance on Racially and Religiously Aggravated Offences, part of the Crime & Disorder Act series, is available from the Home Office. The new offences are not included specifically in the matrix because the process of determining the gravity of the offence itself requires that where the victim's race is a motivation, consideration **must** be given to raising the gravity score of the offence. For example, the Act introduces a new offence of racially aggravated ABH (Section 47 OAP Act 1861). ABH attracts a gravity score of 3 in the matrix. Where the offence is racially aggravated ABH consideration **must** be given raising this to 4.

Values of Property

Some of the criteria include a consideration of monetary value relevant to offences. Flexibility should be demonstrated by police decision makers in comparing these values to those recorded against the relevant incident. Estimates of the value of property and of damage are often unreliable and tend to be subjective.

Traffic Related Offences

Where a young person commits a minor road traffic offence a fixed penalty notice remains an appropriate response for 16 and 17 year olds. If a young person receives such a penalty this has no bearing on the capacity of the police to issue reprimands or warnings for any further offences nor does it count as a conviction. Where a traffic offence is dealt with at court and results in a conviction this will, as with any other conviction, preclude the administration of a reprimand or warning for a further offence. Where offenders guilty of road traffic offences are dealt with by means of a caution, in the case of young offenders, this should result in a

reprimand, warning or charge as appropriate.

Children and Young People Involved in Prostitution

The final warning scheme replaces all cautioning for young people, which means that the prostitute's cautions will no longer be available as a disposal for prostitutes under the age of 18.

Young persons under the age of 18 who come to notice as being involved in prostitution should be dealt with in accordance with the joint Home Office/Department of Health guidance on the issue. That guidance emphasises that males and females under 18 are primarily victims of abuse who do not consent freely to prostitution. As such, they should if at all possible be diverted away from prostitution without recourse to the criminal justice system. However, the guidance makes it clear that in exceptional cases, where diversion has repeatedly failed, the police may, after consultation with others in the multi-agency group, take criminal action against a person under the age of 18 for loitering, soliciting or importuning. Where the offence is admitted, the young person can be dealt with under the final warning scheme. The guidance also sets out the approach to take where the person under 18 does not admit the offence.

Breaches of Anti-Social Behaviour Orders

Where an Anti-Social Behaviour Order (ASBO) has been obtained for a juvenile any breach of that ASBO should be dealt with in line with normal procedures for dealing with juvenile offenders. The police, in consultation with the youth offending team, should make an assessment of both the seriousness of the breach and of the young person's offending history. Where the breach of an ASBO is effectively a first criminal offence by the juvenile then a final warning may be appropriate, provided the breach was not a flagrant one. Where the breach was flagrant, then the expectation would be to charge, unless there were some very unusual circumstances.

Using the ACPO gravity factors

The following pages show various tables that can be applied to the gravity factor system; the first page deals with offences that would usually be excluded from the options of reprimand or warning, though in exceptional circumstances the general factors may be so significant that they could influence a reduction in gravity; the second and third pages list a number of general factors that might aggravate or mitigate the commission of any type of offence, including excluded offences in exceptional circumstances; and the remaining pages show lists of offences together with their standard gravity scores and those offence specific gravity factors that are considered appropriate to aggravate or mitigate each type of offence, according to the particular circumstances surrounding it. However, it should be remembered throughout the process that each case must be considered on its own merits.

The Criminal Justice Act 2003 passed the responsibility for making charging decisions from the police to the CPS in all indictable only, either way or summary offences, except those cases specified in the Director's Guidance, which the police may continue to charge. The police may still take the decision to issue a reprimand or final warning in all summary and either way offences without reference to the CPS where the police consider that the youth is eligible for diversion.

NB All indictable only offences must be referred to the CPS to decide whether to charge or divert, as only the CPS can make this decision.

The Final Gravity Score

The presumptions applicable to the final gravity score reached, when all the relevant factors have been applied to the circumstances of a particular offence, are listed in the table below. This must be used in conjunction with the legislation in relation to the offender's qualification for reprimand, warning or charge. Where this assessment leads the police officer to consider a warning or charge there is also the option to ask the Youth offending team to undertake a prior assessment of the young offender to inform their decision-making process.

FINAL SCORE	ACTION
4	Normally result in charge.
3	Normally warn for a first offence. If offender does not qualify for a warning then charge. Only in exceptional circumstances should a reprimand be given. Decision maker needs to justify reprimand.
2	Normally reprimand for a first offence. If offender does not qualify for a reprimand but qualifies for a warning then give warning. If offender does not qualify for a warning then charge.
1	Always the minimum response applicable to the individual offender, i.e. reprimand, warning or charge.

Discretion does exist to deviate from the normal response, as indicated above, but only in exceptional circumstances, and such action would need to be justified by the decision maker. It would be impossible to articulate those circumstances which could be deemed to be exceptional, but decision makers will be aware that even the most serious of offences could amount to technical offences, the circumstances of which might appropriately attract a reprimand or warning. It would often be inappropriate to charge in such cases.

An 'informal warning', which falls outside the parameters of the table above, should only be given in exceptional circumstances where a minimal response is appropriate and usually when anti-social behaviour falls short of a substantive criminal offence. It may be administered instantly by the officer in the case, or by letter if the decision is made by a police decision-maker, when the case against the young person is unlikely to be proceeded with in the Youth Court.

'No Further Action' also has not been included in the above table as it is not so much a method of disposal for an admitted case of a young offender, as an acknowledgement that no action is

appropriate or warranted in a particular case. No substantive offence can be mitigated down to warrant no further action, using the gravity factor decision process alone.

Recording the final gravity score

Where an offence attracts a reprimand or a warning, the final gravity score attributed to the offence should be clearly indicated on the record that is passed to the Youth Offending Team.

Monitoring use of the ACPO gravity factors

It is important that police apply the gravity factors accurately and consistently when undertaking gravity assessments. We recommend that Chief Officers put in place procedures to monitor how their staff administer the gravity assessment tool.

LIST OF EXCLUDED OFFENCES

Abduction - girl under 16 years	Paying for sexual services of child under 13 with penetration
Arson - with intent to endanger life / reckless whether life endangered	Perjury
Assault - GBH/wounding with intent	Pervert course of justice, inc. conspiracy/attempt
Assault by penetration	Poison - administer/cause to be administered noxious substances with intent to injure etc.
Bail personation	Prison - escape/aid/assist
Blackmail	Rape
Burglary - aggravated	Riot
Burglary with intent to commit indictable only offence	Robbery & assault with intent to rob
Causing/inciting person to engage in sexual activity without consent but with penetration	Sexual activity with person with mental disorder with penetration
Child destruction	Suicide/attempted - aid/abet/counsel
Corrosive fluid etc. throw with intent to maim etc.	Trespass with Intent to Commit Sexual Offence
Criminal damage - with intent to endanger life/ reckless as to whether life endangered	Traffic:
Escape - from lawful custody	<ul style="list-style-type: none"> • death by dangerous driving
Explosive substances offences (most)	<ul style="list-style-type: none"> • death by careless driving aggravated by drugs or drink
False imprisonment	<ul style="list-style-type: none"> • Refusing to provide specimen of breath/blood/urine at police station.
Firearm - possession with intent to endanger life/injure property	<ul style="list-style-type: none"> • Excess alcohol/driving when unfit through drink/drugs
Firearm - possession while committing offence or with intent to commit offence or use to resist arrest	<ul style="list-style-type: none"> • drunk in charge
Infanticide	<ul style="list-style-type: none"> • driving whilst disqualified
Kidnap	<ul style="list-style-type: none"> • Speeding (above fixed penalty speed)
Murder / Manslaughter	<ul style="list-style-type: none"> • wanton and furious driving

General factors for consideration

The circumstances surrounding the offence should always be taken into account in determining the most appropriate response. There are a number of general factors that can affect the decision about how to proceed. These are set out in the next two tables below.

Important: only one reprimand may be given. Where an offender has already received a reprimand, the minimum response will be a warning. Only one warning may normally be given. A second warning is only available where the previous offence was committed more than 2 years ago, and the offence is minor. Where an offender has already been warned, a further offence should normally result in a charge.

GENERAL FACTORS FOR ALL OFFENCES

(+)	(-)
Conviction is likely to result in significant sentence.	Conviction is likely to result in unusually small or nominal penalty.
Weapon used or violence threatened during commission of offence.	Prosecution is likely to have bad effect on victim's physical or mental health.
Offence against public servant (e.g. police, nurse, council employee, etc.)	Offender supplied information which reduced risk, loss or harm to others.
Offender abused a position of trust - e.g. banker, baby-sitter, shop assistant.	Offender was influenced by others more criminally sophisticated.
Offender was ringleader / organiser.	Genuine mistake or misunderstanding.
Evidence of premeditation.	Vulnerability of the offender.
Offender was part of an organised team or offence was committed by a group.	Provocation from victim or victim's group and offender reacted impulsively.
Victim was vulnerable, deliberately put in considerable fear or suffered personal attack, damage, disturbance, or domestic violence.	The offence is minor and offender has put right harm or loss caused; has expressed regret; offered reparation or compensation.
Offence motivated by discrimination against victim's racial or ethnic origin religious beliefs, gender, political views or sexual preference.	Offender is or was at time of offence suffering from significant mental or physical ill-health and offence is not likely to be repeated.
There are grounds for believing the offence is likely to be repeated or continued - e.g. by a history of recurring conduct.	The offence is so old that the relevance of any response is minimised, i.e. there has been a long delay between the offence occurring and the point of decision making - <u>Unless</u> the offence is serious; the offender contributed to the delay; the offence only recently came to light; or the complexity of the offence has contributed to long investigation.
Evidence of exploitation.	
The offence, though minor, is prevalent in the local area - as identified in the local crime audit, specified in the youth justice plan or specifically agreed with CPS to warrant more serious response.	
Offence committed with intent to commit a sexual offence	

GENERAL FACTORS FOR TRAFFIC OFFENCES

(+)	(-)
serious injury caused to public or significant damage caused	genuine oversight, technicality of the offence or emergency circumstances
multiple offenders involved in similar offences at same time/location	no danger caused to public
potential risk to public or resultant danger	lack of knowledge

OFFENCE SPECIFIC GRAVITY FACTORS

OFFENCE	GRAVITY SCORE	AGGRAVATING/MITIGATING FACTORS	
		+	-
ABDUCTION			
Abduction of Girl Under 16 Yrs	4	Defer Decision to CPS	
Kidnap	4	Defer Decision to CPS	
False Imprisonment	4	Defer Decision to CPS	
ANIMALS			
Causing unnecessary suffering by doing any act (Protection of Animals Act 1911)	3	* serious injury	*minor injury
Causing unnecessary suffering by omitting to do any act (1911 Act)	2	*Not following instructions	*Instructions not given
Cruelly ill-treat etc (1911 Act)	3	*Premeditated instigator	*Reckless participant
Permitting ill-treatment (1911 Act)	2		
Abandonment (Abandonment of Animals Act 1961)	3	*Animal dies	*Animal survives
Dog Worrying Livestock	2		* No apparent injury
Poaching Offences	2	* Organised/Sophistication * Commercial purpose	
Dangerous Dog (Order to be kept under control or destroyed)	4		* Dog destroyed
Abandoning, or allowing to stray, a fighting dog (Sec. 1.2e Dangerous Dogs Act 1991)	4		* Dog destroyed
Possession without exemption of a Pit Bull Terrier, Japanese Tosa or other Designated Fighting Dog (Sec. 1.3 Dangerous Dogs Act 1991)	4		* Dog destroyed
Owner or Person in Charge allowing dog to be dangerously out of control in a Public Place injuring any person (Sec. 3.1 Dangerous Dogs Act 1991)	3	* Serious injury * No effort to control	* Minor Injury * Dog destroyed * Beyond physical limitation of owner/ person in charge * First time in charge
Owner or Person in Charge allowing dog to be dangerously out of control in a Public Place, no injury being caused (Sec. 3.1 Dangerous Dogs Act 1991)	3	* Person placed in fear * Intent/disregard	* No injury/fear * Dog destroyed * Circumstances beyond the control of the offender
Owner or Person in Charge allowing dog to enter a Non-Public Place, and injure any person (Sec. 3.3 Dangerous Dogs Act 1991)	3	* Serious injury	* Minor Injury * Dog destroyed
Owner or Person in Charge allowing dog enter a Non-Public Place, causing Reasonable Apprehension that it would injure a person (Sec. 3.3 Dangerous Dogs Act 1991)	3	* Intent/disregard	* Dog destroyed * Circumstances beyond the control of the offender

OFFENCE	GRAVITY SCORE	AGGRAVATING/MITIGATING FACTORS	
		+	-
Allowing a Fighting Dog to be in a Public Place without a Muzzle or a Lead (Sec. 1.2d Dangerous Dogs Act 1991)	4	* Fear/injury caused	* Escaped despite precautions * Dog destroyed
ANTI-SOCIAL BEHAVIOUR			
Breach of ASBO	3	* Flagrant breach	* Unaware of consequence of breach
Breach of ISO	3	* Flagrant breach	* Unaware of consequence of breach
Failing to disperse	2	* Flagrant breach	
ASSAULTS			
Threats to Kill (Section 16 OAP Act 1861)	3	* Calculated	* Threat made in heat of the moment - no likelihood of violence now existing
Poison - Administer/Cause to be Administered noxious substance with Intent to Injure, etc.	4	Defer Decision to CPS	
Corrosive Fluid etc. - Throw with Intent to Maim etc.	4	Defer Decision to CPS	
GBH/Wounding with Intent (Section 18 OAP Act 1861)	4	Defer Decision to CPS	
GBH/Wounding (Section 20 OAP Act 1861)	4	* Weapon used * More than one blow * Unprovoked attack * Premeditation * Group action * Domestic violence	* Impulsive action * Provocation * Nature of the injury (especially where superficial wound)
ABH (Section 47 OAP Act 1861)	3	* Weapon used * More than one blow * Attacked while victim 'vulnerable/ defenceless' e.g., 'on floor' * Unprovoked attack * Nature of the injury (especially where serious /disfiguring injury) * Premeditation * Domestic violence * Group action	* Impulsive action * Provocation * Minor injury
Assault on Police (Section 51 Police Act 1996)	3	* Sustained assault * Attempt to prevent arrest of another * Weapon used * Premeditation * Any injuries caused * Group action	
Common Assault (Section 39 Criminal Justice Act 1988)	2	* Significant injury caused * Deliberate aggression without provocation * Vulnerable victim	* Trivial nature of action * Impulsive action * Injury very minor

OFFENCE	GRAVITY SCORE	AGGRAVATING/MITIGATING FACTORS	
		+	-
		* Weapon used * Premeditation * Domestic violence * Group action	
BURGLARY			
Aggravated Burglary	4	Defer Decision to CPS	
Burglary with Intent to inflict GBH	4		
Burglary with Intent to Steal/Criminal Damage	3	* Night-time * Occupier present * Deliberately frightening occupants	* Vacant premises * Low value * Coercion from others in group on reluctant offender
Burglary Dwelling	4	* Soiling / ransacking / damage	
Burglary Non-Dwelling	3	* Professional operation * Group offence * 'Ram-raiding' * Unrecovered property of considerable value	
CRIMINAL DAMAGE			
Criminal Damage	2	* Damage deliberate rather than reckless * Potential of greater danger * Group offence * Damage £500+ approx.	* Damage £100 or less
Arson (where life not endangered)	3	* Damage deliberate * Potential of greater danger * Group offence * Damage £500+ approx.	* Damage £100 or less
Criminal Damage (including Arson) with Intent to Endanger Life or Reckless as to whether Life is Endangered	4	Defer Decision to CPS	
Threat to Destroy Property of Another	2	* Intent to cause fear * Potential value of damage £500+ (approx.)	* Potential value of damage £100 or less
Possession of Articles with Intent to Commit Criminal Damage	2	* Evidence of intent to commit serious criminal damage * Potential value of damage £500+ (approx.)	* Potential value of damage £100 or less
CROSSBOWS			
Purchase/Hire of Crossbow or Part by Person Under 17 (Sec. 2 Crossbows Act 1987)	2	* Supply by Dealer * Aware it was an offence * Evidence of discharge in public place	
Possession of Crossbow or Part by Person Under 17 (Sec. 3 Crossbows Act 1987)	2	* Aware it was an offence * Evidence of discharge in public place	
CRUELTY			
Cruelty/III Treatment to a child in a manner likely to cause	3	* Persistent neglect * Sadistic violence	

OFFENCE	GRAVITY SCORE	AGGRAVATING/MITIGATING FACTORS	
		+	-
unnecessary suffering or injury		* Repeated violence * Substantial injury * Premeditation	
DEATHS			
Suicide/Attempted Suicide – aid/abet/counsel	4	Defer Decision to CPS	
Child Destruction	4	Defer Decision to CPS	
Infanticide	4	Defer Decision to CPS	
Familial Homicide	4	Defer Decision to CPS	
Murder/Manslaughter	4	Defer Decision to CPS	
DRUGS			
CLASS 'A' DRUG – Supply or Possession with intent to supply	4		
CLASS 'B' or 'C' DRUG Supply or Possession with intent to supply	4		* Group of people pooling resources to buy a supply to share between them. * No profit made
CLASS 'A' DRUG Possession	3	* In prison establishment * Large quantity	* Small quantity consistent with personal use
CLASS 'B' or 'C' DRUG Possession	2	* In prison establishment * Large quantity	* Small quantity consistent with personal use
CLASS 'A' DRUG Production	4	* Commercial cultivation * Large quantity	* Small quantity consistent with personal use
CLASS 'B' or 'C' DRUG Production or Cultivation	4		* Small quantity consistent with personal use
Permit use of premises for smoking Cannabis or Cannabis Resin	2	* On commercial basis * Evidence of widespread use	* Vulnerable offender
DRUNKENNESS			
Drunk and Disorderly	1	* Risk of escalation * Busy public place * Offensive language or behaviour * Threatening	* Only witnessed by a police officer and little inconvenience to public * Non-threatening
Drunk and Incapable	1	* Serious alcohol problem	
FALSE MESSAGES			
Bomb Hoax (Section 51 Criminal Law Act 1977)	3	* 'Copy-cat' scenario * Existing climate of fear * Caused dangerous or large scale evacuation i.e. hospital, sporting event * Serious financial loss	* Obvious to recipient that a hoax
Sending Malicious Communication (Section 1 Malicious Communication Act 1988)	3	* Persistency	* Obvious to recipient that a hoax
False Alarms to Emergency	2	*Persistency	*Obvious to recipient

OFFENCE	GRAVITY SCORE	AGGRAVATING/MITIGATING FACTORS	
		+	-
Services (Section 43 Telecomms Act 1984) (Also specific offence of False Fire Alarm under Section 31 Fire Services Act 1947)	2	*Persistence	that a hoax *Obvious to recipient that a hoax
Other False Emergency Calls (Section 43 Telecomms Act 1984)	2	* Persistence	* Obvious to recipient that a hoax
Improper use of Telecom Systems (Section 43 Telecomms Act 1984)	3	* Persistence * Sexual and/or sadistic in nature	* Obvious to recipient that a hoax
FIREARMS			
Possession of firearm with intent to endanger life/injure property (Section 16 Firearms Act 1968)	4	Defer Decision to CPS	
Possession of firearm while committing offence or with intent to commit offence (Section 17 & 18 of 1968 Act)	4	Defer Decision to CPS	
Carrying in public place (Section 19 of 1968 Act) Loaded firearm Unloaded air weapon/imitation firearm	3 2	* Type of weapon * Discharge of weapon	
Trespass in building with loaded firearm (Section 20 of 1968 Act)	3	* Type of weapon * Discharge of weapon	
Person under 17 purchasing firearm or ammunition (Section 22 of 1968 Act)	2	* Type of weapon	
Person under 17 having air weapon in public place (Section 22 of 1968 Act)	2	* Impact on the public * Aware it was an offence * Evidence of firing	
Supply (including sale) firearm or ammunition to person under 17 (Section 24 of 1968 Act)	2	* Supply by firearms dealer	
Possession of firearm/shotgun without certificate (Section 1.1 and Section 2.1) a) No certificate ever held b) Following non-renewal	3	* Any form of usage or possession in public * Type/construction of weapons e.g. sawn-off, prohibited etc.	
	2	* History of slow renewal * Deliberate avoidance of renewal procedure	
Making false statement to procure grant/ renewal/ variation of firearm/ shotgun certificate (Sec. 26.5 & 29.3 of 1968 Act)	3	* Previous conviction(s) omitted which would affect decision to grant/ renew/vary certificate * Deliberate supply of false information	
Failure to comply with condition of certificate relating to security	2	* Degree of carelessness * Previous history of	

OFFENCE	GRAVITY SCORE	AGGRAVATING/MITIGATING FACTORS	
		+	-
of weapons (Sec. 1.2 & 2.2 of 1968 Act)		insecurity * Certificate held for period of time - therefore knew of the requirement	
FOOTBALL GROUNDS			
Throwing a missile in ground (Section 2 Football (Offences) Act 1991)	2	* Likelihood of injury * Incitement factors	* No injury or minor injuries
Taking part in racial or indecent chanting (Section 3 Football (Offences) Act 1991)	3	* Intent to incite others to stir up racial hatred * Risk of escalation	* Isolated incident
Going into the playing area or adjacent area without lawful authority or excuse (Section 4 Football (Offences) Act 1991)	2	* Risk of escalation	* No threatening circumstances
Breach of Football Banning Order (14A or 14B) Football Spectators Act 1989)	3		* Unaware that Order was in force
FORGERY			
Making a false document (Section 1 Forgery & Counterfeiting Act 1981)	2	* Nature of document & potential consequences * Organised team * Sophistication	* Poverty/personal need * Coercion from others
Using a false document (Section 3 Forgery & Counterfeiting Act 1981)	2	* Nature of document & potential consequences * Organised team * Sophistication	* Poverty/personal need * Coercion from others
Possessing a false document with intent (Section 5 Forgery & Counterfeiting Act 1981)	2	* Nature of document & potential consequences * Organised team * Sophistication	* Poverty/personal need * Coercion from others
Forgery of documents etc. (Road Traffic Act 1988)	2	* Nature of document & potential consequences * Organised team * Sophistication	* Poverty/personal need * Coercion from others
INTERFERENCE WITH THE COURSE OF JUSTICE			
Conspiracy/Attempt to pervert the course of justice	4	Defer Decision to CPS	
Perjury	4	Defer Decision to CPS	
Bail personation	4	Defer Decision to CPS	
Escape from lawful custody	4	Defer Decision to CPS	
Prison - escape/aid/assist	4	Defer Decision to CPS	
MISCELLANEOUS			
Most non-recordable offences	1		
Breach of by-laws	1		*Not a local resident
OBSTRUCTION			
Obstruct Police (Section 51 Police Act 1964)	1	* Attempt to prevent arrest of another * Premeditation * Group action * Violence used or threatened	
Wilful obstruction of highway	2	* Close to traffic hazard	* Brief period only

OFFENCE	GRAVITY SCORE	AGGRAVATING/MITIGATING FACTORS	
		+	-
		e.g. school	* No considerable problems caused to other road users and/or pedestrians
OFFENSIVE WEAPONS			
Possession of Offensive Weapon	3	* Method of use * Concern caused to member(s) of public * Degree of danger	
Possession of Sharp Pointed Blade	3	* Method of use * Concern caused to member(s) of public	* Genuine oversight in retaining blade after a lawful possession
PUBLIC ORDER			
Riot (Section 1)	4	Defer Decision to CPS	
Violent Disorder (Section 2)	3	* Planned/premeditated * Use of weapons * Busy public place * Large group * People put in fear * Damage caused	
Affray (Section 3)	3	* Use of weapons * Busy public place * Group action * People put in fear * Damage caused	
Threatening abusive or insulting words or behaviour intended to cause fear of violence or to provoke violence (Section 4)	2	* Risk of escalation * Use of weapons * Busy public place * Group action * People put in fear	* No risk of escalation
Intentional causing harassment, alarm or distress through threatening abusive or insulting words, behaviour or display (Section 4A)	3	* Racial overtones * Risk of escalation * Group action	* No risk of escalation
Threatening abusive or insulting words or behaviour likely to cause harassment, alarm or distress (Section 5)	2	* Risk of escalation * Group action	* No risk of escalation * Isolated incident
ROAD TRAFFIC			
Causing Death by Dangerous Driving (Section 1 Road Traffic Act 1988)	4	Defer Decision to CPS	
Causing Death by Careless Driving under the influence of drink or drugs (Section 3 Road Traffic Act 1988)	4	Defer Decision to CPS	
Driving whilst Disqualified	4		
Excess Alcohol/Driving when unfit through Drink/Drugs	4		
Refuse to provide specimen of breath/blood/urine at police stn.	4		
Drunk in Charge	4		
Driving after false declaration as	2		* Voluntary surrender

OFFENCE	GRAVITY SCORE	AGGRAVATING/MITIGATING FACTORS	
		+	-
to physical fitness/failing to notify disability and refusal or revocation of licence (Sections 92-94 Road Traffic Act 1988)			of licence
Dangerous Driving (Section 2 Road Traffic Act 1988)	4	* Avoiding detection or apprehension * Competitive driving, racing, showing off * Disregard of warnings e.g., from passengers or others in vicinity * Evidence alcohol/drugs * Excessive speed * Prolonged, persistent, deliberate bad driving * Serious risk	* Continuing for only a short period * Contributed to by action of another
Failing to Stop after Accident/Failure to Report Accident	3	* Blatant disregard of need * Serious injury & failure to remain at scene * Serious injury and/or serious damage * Evidence of impairment	* No intent to evade liability for the offence * Genuine belief that relevant person aware * Negligible damage
Careless Driving (Section 3 Road Traffic Act 1988)	3	* Major error of judgement * Excessive speed	* Minor error of judgement * Defect in road surface/signing, etc.
Inconsiderate Driving (Section 3 Road Traffic Act 1988)	2	* Driving with disregard for road safety taking account of road, weather and/or traffic conditions * Re-Test may be appropriate– Sec.36 Road Traffic Off. Act 1988 * Disability - Section 22 RTOA 1988 * Deliberate act of selfishness, impatience or aggressiveness causing inconvenience	* Momentary lapse * Adverse weather conditions * Both (or more) drivers may have been at fault
a)Vehicle left in dangerous position	2	*Potential or actual danger intended	
b)Tampering with vehicle (Sec. 25 RTA 1988)	3	Danger of serious injury to other road users	
c)Causing danger to other road users (Sec. 22a RTA 1988)	3		
Failure to provide roadside test	2		
Speeding (above fixed penalty speed)	4		
Wanton and Furious Driving/Riding	4	Defer Decision to CPS	
ROAD TRAFFIC DOCUMENTS			
Driving other than in accordance with driving licence		* Blatant disregard of need	
ie			
No 'L' plates	2		
'L' driver unaccompanied	2		

OFFENCE	GRAVITY SCORE	AGGRAVATING/MITIGATING FACTORS	
		+	-
'L' driver carrying passengers No driving licence	2 3		
Drive vehicle subject to Prohibition Notice (Sec 71(1) Road Traffic Act 1988)	4		*Not aware of Notice
No Insurance	3	* Deliberate offence * Offence involving TWOC or other offence giving rise to danger	* Genuine mistake/ technicality * Duty to provide insurance resting with another e.g. parent, company, hirer, etc
No Test Certificate	2	* Blatant disregard of need	* Genuine oversight
Fraudulent Use of Excise Licence	2		* Both vehicles owned by offender
Failure to notify change of ownership	2	* Blatant disregard of need	* Genuine oversight
Construction and use offences	3	* Blatant disregard of need * Seriousness of defect(s)	* Genuine oversight * Minor defect(s)
Motorway Offences	3	* Blatant disregard of Regulations. * Serious risk to offender or other road user	* Genuine mistake
SEXUAL OFFENCES			
Rape (Sec. 1)	4	Defer Decision to CPS	
Assault by Penetration (Sec. 2)	4	Defer Decision to CPS	
Sexual Assault (Sec. 3)	3	* Force used * Elderly / younger victim * Group action	
Causing Person to Engage in Sexual Activity without Consent (Sec. 4) With Penetration	4	Defer Decision to CPS	
Without Penetration	3	* Force used * Elderly / younger victim * Group action	
Rape of Child Under 13 (Sec. 5)	4	Defer Decision to CPS	
Assault of Child Under 13 by Penetration (Sec. 6)	4	Defer Decision to CPS	
Sexual Assault of Child Under 13 (Sec. 7)	3	* Facilitated by drugs/ alcohol * Force used * Group action	* Offender and victim of similar age and no element of coercion or corruption present
Causing/Inciting Child Under 13 to Engage in Sexual Activity without Consent (Sec. 8) With Penetration	4	Defer Decision to CPS	
Without Penetration	3	* Facilitated by drugs/ alcohol * Force used * Group action	
Sexual Activity with Child (Sec. 13) Victim under 13 Victim under 16	3 2	* Facilitated by drugs/ alcohol * Force used * Group action	* Offender and victim of similar age and no element of coercion or corruption present

OFFENCE	GRAVITY SCORE	AGGRAVATING/MITIGATING FACTORS	
		+	-
Causing/Inciting Child to Engage in Sexual Activity (Sec. 13) Victim under 13 Victim under 16	3 2	* Facilitated by drugs/ alcohol * Force used * Group action	
Engaging in Sexual Activity in Presence of Child (Sec. 13) Victim under 13 Victim under 16	3 2	* Facilitated by drugs/ alcohol * Force used * Group action	* Offender and victim of similar age and no element of coercion or corruption present
Causing Child to Watch Sexual Act (Sec. 13) Victim under 13 Victim under 16	3 2	* Facilitated by drugs/ alcohol * Force used * Group action	* Offender and victim of similar age and no element of coercion or corruption present
Sexual Activity with Child Family Member (Sec. 25)	3	* Victim did not wholly consent * Element of coercion * Victim Under 13	* Offender & victim are similar in age * Both parties over age of consent and no element of coercion/seduction
Inciting Child Family Member to Engage in Sexual Activity (Sec. 26)	3	* Victim did not wholly consent * Element of coercion * Victim Under 13	* Offender & victim are similar in age * Both parties over age of consent and no element of coercion/seduction
Sex with Adult Relative with Penetration and with or without Consent (Sec. 64 & 65)	2	* Facilitated by drugs/ alcohol * Force used * Element of coercion * Group action	
Sexual Activity with Person with Mental Disorder (Sec. 30) With Penetration	4	Defer Decision to CPS	
Without Penetration	3	* Facilitated by drugs/ alcohol * Force used * Group action	* Offender & victim are similar in age * Both parties over age of consent and no element of coercion/seduction * Offender has mental disorder
Causing/Inciting Person with Mental Disorder to Engage in Sexual Activity without Consent (Sec. 31) With Penetration	4	Defer Decision to CPS	
Without Penetration	3	* Facilitated by drugs/ alcohol * Force used * Group action	* Offender & victim are similar in age * Both parties over age of consent and no element of coercion/seduction * Offender has mental disorder
Engaging in Sexual Activity in		* Facilitated by drugs/	* Offender and victim

OFFENCE	GRAVITY SCORE	AGGRAVATING/MITIGATING FACTORS	
		+	-
Presence of Person with Mental Disorder (Sec. 32)	3	alcohol * Force used * Group action	of similar age and no element of coercion or corruption present * Offender has mental disorder
Causing Person with Mental Disorder to Watch Sexual Act (Sec. 33)	3	* Facilitated by drugs/ alcohol * Force used * Group action	* Offender and victim of similar age and no element of coercion or corruption present * Offender has mental disorder
Paying for Sexual Services of Child (sec. 47) with Penetration Victim under 13 Victim under 16 Victim under 18	4 3 2		
Causing/Inciting Child Prostitution/Pornography (Sec. 48)	3	* Victim under 13	
Controlling Child Involved in Prostitution/Pornography (Sec. 49)	3	* Victim under 13	
Arranging/Facilitation Child Prostitution/Pornography (Sec. 50)	3	* Victim under 13	
Administering Substance with Intent to Commit Sexual Offence (Sec. 61)	3		
Commit Offence with Intent to Commit Sexual Offence (Sec. 62)	Refer to offence committed and see General Factors for All Offences		
For Kidnapping/False Imprisonment offences only	4		
Trespass with Intent to Commit Sexual Offence (Sec. 63)	4		
Exposure (Sec. 66)	2	* Victim put in fear * Repeat performances	
Voyeurism (Sec. 67)	2	* Victim distressed * Victim observed in person * Repeat performances	
Sexual Activity in Public Lavatory (Sec. 71)	2	* Genuine chance of public witnessing the offence * Youth victim	* Consenting victim but age of legal consent
Common prostitute loitering for prostitution Before any formal action is considered, the assumption that a child prostitute is a victim must first be acted on by referral to the multi-agency group. Only when advised by them can formal action be considered.	2		
'Kerb Crawling'	2	* Affects residential areas	
SPORTING EVENTS			
Intoxicating liquor in possession	2	* Group involvement	

OFFENCE	GRAVITY SCORE	AGGRAVATING/MITIGATING FACTORS	
		+	-
on specified vehicle (Section 1.3 & 1A.3)		* Large quantity	* Small quantity
Drunk in a specified vehicle (Section 1.4 & 1A.4)	2	* Group involvement * Risk of escalation * Threatening	* Non-threatening
Intoxicating liquor/article in possession whilst entering or inside (viewing area) sports ground (Section 2.1)	2	* Group involvement * Risk of escalation	
Entering or being in a sports ground whilst drunk (Section 2.2)	2	* Group involvement * Risk of escalation * Threatening	* Non-threatening
THEFT			
Robbery/Assault with Intent to Rob	4	Defer Decision to CPS	
Theft - up to £100 in value - over £100	2 3	* Planned * Sophistication * Organised team * Adult involving children * Significant related damage * Unrecovered property of considerable value * Value £200+ (approx.)	* Theft for reasons of poverty/personal need * Coercion from others in group on reluctant offender
Going Equipped to Steal	2		
Handling Stolen Property	3	* Property stolen to order * Professional receiver * Youth coercing children * Property of high value	* Very low value * Receiving under pressure from another
Abstracting Electricity	2	* Special equipment * High usage * Prolonged period	* Poverty/personal need * Coercion by others
Obtaining Property by Deception (Section 15 Theft Act 1968)	2	* Sophistication * Two or more involved * Committed over lengthy period * Unrecovered property of considerable value * Value £200+ (approx.)	* Poverty/personal need * Coercion by others in group on reluctant offender * Value £50 or less
Obtaining Services by Deception (Section 1 Theft Act 1978)	2	* Sophistication * Organised team * Unrecovered property of considerable value * Value £200+ (approx.)	* Poverty/personal need * Coercion by others in group on reluctant offender * Value £50 or less
Evasion of Liability by Deception (Section 2 Theft Act 1978)	2	* Sophistication * Organised team * Unrecovered property of considerable value * Value £200+ (approx.)	* Poverty/personal need * Coercion by others of reluctant offender * Value £50 or less
False Accounting	2	* Sophistication * Value £200+ (approx.)	* Value £50 or less
Blackmail	4	Defer Decision to CPS	

OFFENCE	GRAVITY SCORE	AGGRAVATING/MITIGATING FACTORS	
		+	-
Taking Vehicle without Consent	2	* Premeditated * Group Action * Related damage	* Taken from family member * The taking is a technical offence
Aggravated Vehicle Taking where owing to the Driving of the Vehicle, an Accident occurred causing injury to any person	4		* The taking is a technical offence * Injured is member of driver's family
Aggravated Vehicle Taking where: a) Damage to any Property other than the Vehicle b) Damage was caused to the Vehicle c) the Vehicle was Driven Dangerously on a Road or other Public Place (S1 Aggravated Vehicle - Taking Act 1992)	3	* Avoiding detection or apprehension * Competitive driving: racing, showing off * Disregard for warnings e.g. from passengers or other in vicinity * Excessive speed * Evidence of alcohol or drugs * Group action * Premeditated * Serious risk	* The taking is a technical offence * Damage to own family property * Minor damage
Tampering with Motor Vehicle (S25 RTA 1988)	2	* Potential or actual danger intended	
Interference with Vehicle (S9 Criminal Attempts Act 1981)	2	* Damage to vehicle	
Making Off Without Payment (Section 3 Theft Act 1978)	2	* Deliberate plan * Two or more involved * Large amount involved	* Small amount involved
WASTING POLICE TIME			
Wasting Police Time	2	* Detention of innocent person * Substantial time wasted	* Early retraction and remorse * Innocent prank