

March 2013

ACPO YOUTH OFFENDER CASE DISPOSAL GRAVITY FACTOR MATRIX

1.0 Introduction

The youth offender case disposal gravity factor system was originally drawn up by the Association of Chief Police Officers in consultation with the Crown Prosecution Service, the Home Office, the Youth Justice Board and officials of the Joint Youth Justice Unit (reporting to the Ministry of Justice and the Department for Children, Schools and Families).

- 1.1 This matrix has been updated by the Senior Police Advisor working for the Youth Justice Board, in consultation with the Ministry of Justice, to take into account the changes in out of court disposals introduced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO).
- 1.2 The key factors which will be relevant in deciding whether to charge, caution or conditionally caution a youth for an offence are:
 - (a) Do they admit the offence?
 - (b) The seriousness of the offence,
 - (c) The previous offending history of the youth,
 - (d) Does the disposal adequately address, support and reduce the risk of reoffending?
 - (e) Is it in the public interest to prosecute the youth?
 - (f) Welfare/interest of the child/young person and;
 - (g) Age of the child/young person
- 1.3 The LASPO Act removes the escalator approach to youth offending and allows offenders to be dealt with appropriately according to the offence(s) committed. 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.
- 1.4 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 as well as current ACPO guidance. 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, and are listed as 'General Factors' while others are only applicable to specific offences and are listed as 'Offence Specific Gravity Factors'.

- 1.5 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 youth caution or youth conditional caution, 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.
- 1.6 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. The presence of both aggravating and mitigating factors may balance each other and result in no change to the original gravity score. 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.

2.0 Offences Not Shown in the Matrix

It is not possible to include all offences within this document. Any offences that are not shown should be dealt with in accordance with the general principles of this document.

3.0 Victims

It is important to consider 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 and the decision maker will ultimately decide on the appropriate disposal.

4.0 Hate Crimes

- 4.1 Hate crime involves any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a personal characteristic. The definition covers five main strands, in particular - disability, gender-identity, race, religion or faith and sexual orientation.
- 4.2 Legislation has been in place for a number of years to protect victims from such hate crimes, including offences for those who intend to stir up racial hatred, and those who commit racially and religiously aggravated offences or engage in racist chanting at football matches. New criminal offences have also been introduced in recent years to reflect the seriousness of hate crime, including enhanced sentencing.

4.3 The 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, religion, sexual orientation, disability or gender identity is a motivation, consideration **must** be given to raising the gravity score of the offence. For example, an 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.

5.0 Knives and Offensive Weapons

5.1 It is recommended that forces follow a national agreement to interpret Knife-Crime offences as follows:

- The first arrest of a youth of any age for possession of an Offensive Weapon or Sharp Pointed blade, with aggravating factors, will result in the first instance with **a charge**.
- The first arrest of a youth **under 16** for simple possession of an Offensive Weapon or Sharp Pointed Blade, with no aggravating factors, will result in the first instance with a youth conditional caution. This must be supported by an appropriate YOT intervention, preferably with elements focussed on anti-knife crime education. **A youth aged 16 or over will normally be charged.**
- The second arrest of a youth under 16 for simple possession of an Offensive Weapon or Sharp Pointed Blade will result in a charge (unless, in exceptional circumstances, 2 years have passed and it is considered appropriate to give another youth conditional caution).
- The new offence of threatening a person in public or on school premises will result in a youth aged 16 or over going straight to charge, as this offence carries a minimum sentence of a 4 months detention and training order and therefore should not be dealt with using an out of court disposal.

6.0 Values of Property

6.1 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.

7.0 Traffic Related Offences

7.1 Where a youth commits a minor road traffic offence a fixed penalty notice remains an appropriate response for 16 and 17 year olds. If a youth receives such a penalty this has no bearing on the capacity of the police to issue a caution or youth conditional caution for any further offences nor does it count as a conviction. Where the motoring offence would normally attract an endorsement careful consideration should be given to utilising an out of court disposal as no endorsement can be made.

8.0 Children and Young People Involved in Prostitution

8.1 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 and supported away from prostitution without recourse to the criminal justice system. 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 youth can be dealt with by means of a youth caution or youth conditional caution.

9.0 Breaches of Anti-Social Behaviour Orders

9.1 Where an Anti-Social Behaviour Order (ASBO) has been obtained for a juvenile any breach of that order 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 youth's offending history. Where the breach of an ASBO is effectively a first criminal offence by the young person then a caution 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.

10.0 Previous Offending History

10.1 It is important to consider previous offending history in the decision making process, particularly the effectiveness of a previous out of court disposal in preventing reoffending. The LASPO Act 2012 removes the automatic 'escalator' and the offence(s) should be considered on their own merit, to seek the most appropriate outcome taking into account all relevant circumstances.

11.0 Using the ACPO gravity factors

11.1 The following pages show various tables that can be applied to the gravity factor system; the first table shows the gravity matrix scores and associated outcomes whilst the second table list a number of general factors that might aggravate or mitigate the commission of any type of offence. 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 and the decision making process should be recorded in full.

12.0 The Director's Guidance on Charging 2011 is issued under the provisions of S37A of PACE 1984 and sets out the working arrangements for the joint working of police and prosecutors during the investigation and prosecution of criminal cases.

These updated charging decisions for police and CPS are outlined below.

13.0 Police Charging Decisions

13.1 The police may charge any Summary only offence (including criminal damage where the value of the loss or damage is less than £5000) irrespective of plea and any either way offence **anticipated as a guilty plea and suitable for sentence in a magistrates' court, provided it is not:**

- a case requiring the consent to prosecute of the DPP or Law Officer;
- a case involving a death;
- connected with terrorist activity or official secrets;
- classified as Hate Crime or Domestic Violence under CPS Policies;
- an offence of Violent Disorder or Affray;
- causing Grievous Bodily Harm or Wounding, or Actual Bodily Harm;
- a Sexual Offences Act offence committed by or upon a person under 18;
- an offence under the Licensing Act 2003

14.0 CPS Charging Decisions

14.1 Prosecutors will make charging decisions in all Indictable only cases, any either way offence not suitable for sentence in a magistrates' court or not anticipated as a guilty plea, and the offences specified in the proviso above.

14.2 In a case where multiple offences under consideration for charging by the police includes any offence which must be referred to a prosecutor under this Guidance, then **all offences in the case will be referred to a prosecutor to consider which should be charged.**

14.3 The police may still take the decision to issue a youth caution or youth conditional caution in all summary and either way offence without reference to the CPS where the police consider that the youth is eligible for such an out of court disposal.

14.4 NB all indictable only offences must be referred to the CPS to decide whether to charge or divert as only the CPS can make that decision. When considering the appropriateness of a second youth caution or youth conditional caution the police must refer to the Youth Offending Team for assessment of the youth in order for a joint decision to be made.

14.5 Where the police and Youth Offending Team are unable to agree on a disposal method, they should refer the matter to their managers, the ultimate decision maker in these circumstances will be the police.

15.0 The Final Gravity Score

15.1 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 caution, conditional caution or charge. Where this assessment leads the police officer to consider a conditional caution or charge the police may ask the youth offending team to undertake a prior assessment of the young offender to inform their decision-making process, but must make that referral for assessment on all subsequent disposals.

FINAL SCORE	ACTION
4	Normally result in charge-.
2 / 3	Normally a youth caution. If the offending behaviour cannot be satisfactorily addressed by a caution consider Youth Conditional Caution. If neither of these address the offending behaviour or provides the necessary support then charge.
1	Always the minimum response applicable to the individual offender, i.e. Community Resolution or caution, youth conditional caution or charge.

15.2 Discretion *does exist to deviate from the normal response, as indicated above, but only if the circumstances justify this, and the reasons for such action would need to be fully recorded by the decision maker.*

15.3 A Community Resolution, which falls outside the parameters of the table above, can be given in 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 at a later date by arrangement, when the case against the youth is unlikely to be proceeded with.

15.4 '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.

16.0 Recording the final gravity score

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

17.0 Monitoring use of the ACPO gravity factors

17.1 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 administers the gravity assessment tool.

18.0 Eligible offences

18.1 All offences are eligible for an out of court disposal except that indictable only offences must be referred to CPS for decision.

19.0 General factors for consideration

19.1 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 and support the decision about how to proceed. These are set out in the next two tables below.

GENERAL FACTORS FOR ALL OFFENCES

Aggravating Factors	Mitigating Factors
(+)	(-)
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 detrimental 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 – Unless 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	
Aggravating Factors (+)	Mitigating Factors (-)
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
<p style="text-align: center;"><u>SPECIFIC GRAVITY FACTORS</u></p> <p style="text-align: center;"><u>Legend</u></p> <p style="text-align: center;">Offence types:-</p> <p style="text-align: center;">I = Indictable Only offence, E = Offence triable Either -way, S =Summary Only offence,</p>	

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
ABDUCTION				
Abduction of a girl under 16 yrs	4	I	Always refer to the CPS	
Kidnapping	4	I	Always refer to the CPS	
False Imprisonment	4	I	Always refer to the CPS	
ANIMALS				
Animal Welfare Act 2006. Causing unnecessary suffering by doing any act	3	S	Serious injury	Minor injury
Animal Welfare Act 2006 Causing unnecessary suffering by omitting to do any	2	S	Not following instructions/ advice Failing to exercise reasonable care and supervision	Instructions/ advice not given
Animal Welfare Act 2006 Cruelly ill-treat etc	3	S	Premeditated instigator	Reckless
Animal Welfare Act 2006 Permitting ill-treatment	2	S		
Section 9 Animal Welfare Act 2006 Abandonment	3	S	Animal Dies	Animal Survives
Dogs worrying livestock	2	S	Level of killing/injuries	No apparent injury Dog destroyed
Poaching Offences	2	S		Organised/ Sophistication Commercial purpose
Dangerous Dog (Order to be kept under control or destroyed)	4	S		Dog destroyed

Abandoning, or allowing to stray a fighting dog) Sec. 1.2e Dangerous Dogs Act 1991)	4	S		Dog destroyed
Possession without exemption of a Pit Bull Terrier, Japanese Tosa or other Designated Fighting Dog which appears to have been bred for fighting. (Sec1.3 Dangerous Dogs Act 1991)	3	S		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	E	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 enter a Non-Public Place, and injure any person (Sec. 3.3 Dangerous Dogs Act 1991)	3	E	Serious injury	Minor Injury Dog destroyed
Allowing a Fighting Dog to be in a Public Place without a Muzzle or a Lead (Sec. 1.2d Dangerous Dogs Act 1991)	4	S	Fear/injury caused	Dog destroyed Escaped despite precautions

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
ANTI SOCIAL BEHAVIOUR				
Breach of ASBO	3	E	Flagrant or repeated breach	Consequence of breach not understood
Breach of ISO	2	E	Flagrant or repeated breach	Consequence of breach not understood
Failing to disperse	2	S	Flagrant breach	
ASSAULTS				
Threats to kill (S.16 OAP Act 1861)	3	E	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	I	Always refer to the CPS	
Corrosive Fluid etc. - Throw with Intent to Maim etc.	4	I	Always refer to the CPS	
GBH/Wounding with intent (S.18 OAP Act 1861)	4	I	Always refer to the CPS	
GBH/Wounding (Sec. 20 OAP Act 1861)	4	E	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 (S. 47 OAP Act 1861)	3	E	Weapon Used More than one blow Attacked while victim vulnerable or defenceless e.g. 'on floor' Unprovoked attack Nature of the injury (especially where	Impulsive action Provocation Minor injury

			serious /disfiguring injury) Premeditation Domestic violence Group action	
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OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Causing or allowing a child or vulnerable adult to suffer serious physical harm (Section 5, Domestic Violence, Crime and Victims Act 2004 as amended by Domestic Violence, Crime and Victims (Amendment) Act 2012)	4	I	Always refer to the CPS	
Assault on Police (Section 51 Police Act 1996)	3	S	Sustained assault Attempt to prevent arrest of another Premeditation Any injuries caused Group action	
Common Assault (Section 39 Criminal Justice Act 1988)	2	S	Deliberate aggression without provocation Vulnerable victim Weapon used Premeditation Domestic violence Group action	Trivial nature of action Impulsive action Injury very minor
BURGLARY				
Burglary with Intent to inflict GBH	4	E		

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Trespass with intent to commit a Sexual Offence (Sexual Offences Act 2003 update)	3	E		
Aggravated Burglary	4	I	Defer Decision to CPS	
Burglary Dwelling - with use (or threat) of force against victim	4	E		
Burglary Dwelling	4	E	Deliberate targeting of victim/ vulnerable victim	Vacant premises
Burglary Non-Dwelling	3			Low value
Burglary with Intent to Steal/Criminal Damage	3		Excessive trauma experienced by victim	Coercion from others in group or reluctant offender
			Night time occupier present	Committed on impulse
			Use or threat of force against victim	Genuine regret or remorse
			Soiling / ransacking / vandalism of premises	Property recovered and returned to owner
			Pre-meditated or professionally planned	
			Group offence 'Ram-raiding' or tools carried for offence	
			High economic or sentimental value of property stolen/damaged	
			Excessive damage e.g. boiler removal and water leaks	

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
CRIMINAL DAMAGE				
Criminal damage Criminal Damage valued at £300 (Home Office) £500 (max)	2	E If over £5000, other-wise S But all types are included in the Charging Scheme	Damage deliberate rather than reckless Potential of greater danger Group offence Damage £300+ approx.	Damage £100 or less
Arson - life not endangered	3	E	Damage deliberate Potential of greater danger Group offence Damage £300+ approx.	Damage £100 or less
Criminal Damage (including arson) with intent to Endanger Life or Reckless as to whether Life is Endangered	4	I	Defer decision to the CPS	
Threat to destroy property of another	2	E	Intent to cause fear On going intimidation.	Did not think victim would believe threats
Possession of Articles with Intent to Commit Criminal Damage	2	E	Evidence of intent to commit serious damage Potential value of damage £200+ (approx.)	Potential value of damage £100 or less

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
CROSSBOWS				
Purchase/Hire of Crossbow or Part by Person Under 17 (sec.2 Crossbows Act 1987)	3	S	Supply by dealer Aware it was an offence Evidence of firing	
Possession of Crossbow or Part by Person Under 17 (sec.3 Crossbows Act 1987)	2	S	Aware it was an offence Evidence of discharge in a public place	
CRUELTY				
Cruelty/III Treatment to a child in a manner likely to cause unnecessary suffering or injury	4	E	Persistent neglect over a long period Sadistic violence Repeated violence Substantial injury Premeditation	
DEATHS				
Murder/ Manslaughter	4	I	Always refer to the CPS	
Infanticide	4	I	Always refer to the CPS	
Child Destruction	4	I	Always refer to the CPS	
Causing or allowing the death of a child or vulnerable adult (Section 5, Domestic Violence, Crime and Victims Act 2004)	4	I	Always refer to the CPS	
Suicide/Attempted Suicide – encouraging or assisting	4	I	Always refer to the CPS	

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
DRUGS				
CLASS 'A' DRUG Supply/Possession with intent to supply	4	E	On school premises	
CLASS 'B' OR 'C' DRUG Supply/possession with intent to supply	4	E	On school premises Group of people pooling resources to buy a supply to share between them.	No profit made Intimidated to commit offence on behalf of another.
CLASS 'A' DRUG Possession	3	E	On School premises In prison establishment Large quantity	Small quantities consistent with personal use
CLASS 'B' OR 'C' DRUG Possession	2	E	On School premises In prison establishment Large quantity	Small quantities consistent with personal use
CLASS 'A' DRUG Production	4	E	Commercial cultivation Large quantity	Small quantities consistent with personal use
CLASS 'B' OR 'C' DRUG Production/ Cultivation	4	E	On School premises commercial scale supports organised crime	Small quantities consistent with personal use
Permit use of premises for smoking Cannabis or Cannabis Resin	2	E	On commercial basis Evidence of widespread use	Vulnerable offender
DRUNKENNESS				
Drunk and Disorderly	1	S	Risk of escalation Busy public place Offensive language	Only witnessed by a police officer Little inconvenience to

			or behaviour Threatening	the public Non-threatening (consider supportive interventions)
OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Drunk and incapable	1	S	Appears to have a serious alcohol problem (consider supportive interventions)	
EXPLOSIVES				
Throwing firework Section 80 Explosives Act 1875	2	S	Thrown at or towards person or animal Busy public place Local problem	
FALSE MESSAGES				
Bomb Hoax (Section 51 Criminal Law Act 1977)	3	S	'Copy –cat' scenario Existing climate of fear Caused dangerous or large scale evacuation i.e. hospital, large sporting event Serious financial loss	Obvious to recipient that a hoax
Sending Malicious Communication (S.1 Malicious Communication Act 1988)	2	S	Persistency	Obvious to recipient that a hoax

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
False Alarms to Emergency Services (Fire & Rescue Services Act 2004)	3	S	Persistency	Obvious to recipient that a hoax
Grossly offensive or indecent, obscene or menacing use of public electronic communications network (Section 127(1) Communications Act 2003)	2	S	Persistency Discriminatory/or sadistic in nature	Obvious to recipient that a hoax
Sending false messages via public electronic communications network to cause annoyance, anxiety or inconvenience (Section 127(2) Communications Act 2003)	2	S	Persistency Caused dangerous or large scale evacuation Diversion of emergency services from genuine call Serious financial loss	Obvious to recipient that a hoax
FIREARMS				
Use firearm to resist arrest	4	I	Always refer to the CPS	
Possession of firearm with intent to endanger life/Injure Property (S.16 Firearms Act 1968)	4	I	Always refer to the CPS	
Possession of firearm/imitation firearm with intent to cause fear of injury (section 16A, 1968 Act)	4	I	Always refer to the CPS	
Possession of firearm whilst committing offence or with intent to commit offence (S.17 & 18 Firearms Act 1968)	4	I	Always refer to the CPS	

Possession/Supply etc of prohibited weapon or ammunition; Sections 5 (1)(a), (ab), (aba), (ac), (ad), (ae), (af), (c) and 5(1A)(a) of 1968 Act	4	E		
Possession/Supply etc of prohibited weapon (CS spray/stun gun; Sections 5(1A)(b), (c),(d), (e), (f) and (g) and 5(1)(b) of 1968 Act	3	E	Any form of usage or possession in public	
Carrying loaded firearm in public place (S.19 Firearms Act 1968)	3	E	Type of weapon Discharge of weapon Distress to Public	
Carrying in public place (Section 19 of 1968 Act) Imitation firearm/Unloaded air weapon	2	E	possession caused distress to public	
Trespass in building with loaded Firearm (S.20 Firearms Act 1968)	3	E	Type of weapon Discharge of weapon	
Firing air weapon beyond perimeter of premises (Section 21(A) of 1968 Act)	2	S	Deliberate act Risk of harm Type of weapon	
Person under 17 purchasing firearm or ammunition (S.22 Firearms Act 1968)	2	S	Type of weapon	
Person under 17 having air weapon in public (S.22 Firearms Act 1968)	1	S	Impact on the public Aware it was an offence Evidence of firing	
Supply (includes sale) firearm or ammunition to person under 17 (S.24 Firearms Act	2	S	Supply by firearms dealer	

1968)				
Possession of firearm/shotgun without certificate(S.1.1 & 2.1 Firearms Act 1968) a) No certificate ever held b) Following non-renewal	3 2	E	Any form of usage Possession in public Type/construction of weapons (e.g. prohibited) History of lethargic renewal Deliberate avoidance of renewal procedure	
Making false statement to procure grant, renewal, or variation of firearm/shotgun certificate (S.26.5 & 29.3 Firearms Act 1968)	3	S	Previous conviction(s) omitted which would affect decision to grant, renew or vary Deliberate supply of false information	
Firearm - failure to comply with condition of certificate in relation to security of weapons (S.1.2 & 2.2 Firearms Act 1968)	2	S	Degree of carelessness/insecurity Previous history of insecurity Certificate held for period of time - therefore knew of the requirement	

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
FOOTBALL GROUNDS AND SPORTING EVENTS				
Throwing a missile in ground (Section 2 Football (Offences) Act 1991)	3	S	Likelihood of injury Incitement factors	
Taking part in racial or indecent chanting (Section 3 Football (Offences) Act 1991)	3	S	Intent to incite others to stir up racial hatred Risk of escalation	
Going into the playing area or adjacent area without lawful authority or excuse (Section 4 Football (Offences) Act 1991)	2	S	Risk of escalation part of large scale disorder	No threatening circumstances Over enthusiastic celebration
Breach of Football Banning Order (14B) Football Spectators Act 1989	3	S	Flagrant Breach Repeated breach	Unaware that Order was in force
Enter premises – breach of Exclusion Order (Sec. 32 Public Order Act 1986)	3	S	Flagrant Breach Repeated breach	Unaware that Order was in force
Intoxicating liquor in possession on specified vehicle (Section 1.3 & 1A.3)	2	S	Group involvement Large quantity	Small quantity
Drunk in a specified vehicle (Section 1.4 & 1A.4)	2	S	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	S	Group involvement Risk of escalation	

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Entering or being in a sports ground whilst drunk (Section 2.2)	2	S	Group involvement Risk of escalation Threatening	Non-threatening
FORGERY				
Making a false document (Section 1 Forgery & Counterfeiting Act 1981)	2	E	Nature of document and potential consequences Organised team Sophistication	Poverty/personal need Coercion from others
Using a False Document (S.3 Forgery & Counterfeiting Act 1981)	2	E	Nature of document and potential consequences Organised team Sophistication	Poverty/personal need Coercion from others
Possessing a False Document with Intent (S.5 Forgery & Counterfeiting Act 1981)	2	E	Nature of document and potential consequences Organised team Sophistication	Poverty/personal need Coercion from others
Forgery of Documents etc. (Road Traffic Act 1988)	2	E	Nature of document and potential consequences Organised team Sophistication	Poverty/personal need Coercion from others

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
INTERFERENCE WITH THE COURSE OF JUSTICE				
Conspiracy/Attempt to Pervert the Course of Justice	4	I	Always refer to the CPS LOCAL REMINDER: Consider offence of 'Obstruct Police'	
Perjury	4	I	Always refer to the CPS	
Bail Personation	4	I	Always refer to the CPS	
Escape from Lawful Custody	4	I	Always refer to the CPS	
Prison - Escape/aid/assist	4	I	Always refer to the CPS	
LICENSING				
Person under 18 years buy/attempt to buy	1	S	Large number of under age drinkers on premises	Low number on premises Isolated incident

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
MISCELLANEOUS				
Throwing stones at a train Section 56 British Transport Commission Act 1949	2	S		
Trespass on a Railway Sec 50 British Transport Commission Act 1949	2	S		
Most Non-Recordable Offences	1	S		
Breach of By-Laws	1	S		Not a local resident
OBSTRUCTION				
Obstruct Police (S.51 Police Act 1964)	2	S	Attempt to prevent arrest of another Premeditation Group action	
Wilful Obstruction of Highway	2	S	Close to traffic hazard e.g. School Large scale disruption	Brief period only No considerable
Obstruction of Emergency Workers (Emergency Workers (Obstruction) Act 2006)	3	S	Obstruction could have endangered life	Peaceful demonstration

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
OFFENSIVE WEAPONS				
Possession of Offensive Weapon for 16 & 17 year olds	4	E	Method of use Concern caused to member(s) of public Degree of danger	
Possession of Offensive Weapon for 10 to 15 year olds	3 Second offence 4 charge	E	Circumstances of possession Concern caused to member(s) of public Degree of danger	
Possession of Sharp Pointed Blade for 16 & 17 year olds	4	E		
Possession of Sharp Pointed blade for 10 to 15 year olds	3	E	Circumstances of possession Concern caused to member(s) of public	
Threatening with article with blade or point or offensive weapon in public or on school premises Section 142 LASPO Act 2012 Age 16 & 17 year olds	4	E	Minimum 4 months DTO so must charge	
Threatening with article with blade or point or offensive weapon in public or on school premises Section 142 LASPO Act 2012 Age 10 to 15 year old	4	E		

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
PORNOGRAPHY				
<i>Where a youth is in possession of pornographic images the involvement of any adult should be fully investigated, as the youth may be the victim of abuse or grooming. In such cases referral to social services may be more appropriate than criminal justice action</i>				
Possession of Indecent Photograph/Pseudo Photograph of a Child (Section 160 Criminal Justice Act 1998)	3	E	Child under 13 Large number of images Images are level 3 or above	
Making an Indecent Photograph/Pseudo Photograph of a Child (Section 1(1) Protection of Children Act 1978)	3	E	Child under 13 Large number of images Images are level 3 or above Images distributed Damage caused	
PUBLIC ORDER				
Riot (Section 1)	4	I	Always refer to the CPS	
Violent Disorder (Section 2)	3	E	Planned action Premeditated action Use of weapons People put in fear Damage caused Busy public place Large group	

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Affray (Section 3)	3	E	Use of weapons People put in fear Damage caused Busy public place Group action	
Threatening, abusive or insulting words or behaviour intended to cause fear of violence or to provoke violence (Section 4)	2	S	Use of weapons Group action People put in fear Risk of escalation Busy public place	No risk of escalation
Intentionally causing harassment, alarm or distress through threatening abusive or insulting words or behaviour or display (Section 4A)	3	S	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	S	Risk of escalation Group action	Isolated incident

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
<p>Stalking</p> <p>Stalking includes</p> <p>(a) following a person,</p> <p>(b) contacting, or attempting to contact, a person by any means,</p> <p>(c) publishing any statement or other material relating or purporting to relate to a person, or purporting to originate from a person,</p> <p>(d) monitoring the use by a person of the internet, email or any other form of electronic communication,</p> <p>(e) loitering in any place (whether public or private),</p> <p>(f) interfering with any property in the possession of a person,</p> <p>(g) watching or spying on a person.</p> <p>Harassment (Section 2 of the Protection from harassment Act 1997 Enacted Nov 2012</p>	<p>2</p> <p>Consider YCC if conditions are suitable to prevent further contact</p> <p>If a restraining order is believed necessary then consider charge</p>	E	Views of the victim	
<p>Stalking involving Putting someone in fear of violence</p> <p>(Section 4a of the Protection from Harassment Act 1997) must occur on at least 2 occasions</p> <p>Enacted Nov 2012</p>	<p>3</p> <p>Consider YCC if conditions are suitable to prevent further harassment</p> <p>If a restraining order is believed necessary then consider charge</p>	E	<p>Level of violence</p> <p>View of victim</p>	

ROAD TRAFFIC				
Causing death by dangerous driving (Section 1 Road Traffic Act 1988)	4	I	Always refer to the CPS	
Causing death by careless driving under the influence of drink or drugs (Section 3 Road Traffic Act 1988)	4	I	Always refer to the CPS	
Driving Whilst Disqualified	4	S		
Excess Alcohol/ Driving when unfit through Drink/Drugs	4	S		
Refusing to provide specimen of breath/blood/urine at police station	4	S		
Drunk in Charge	4	S		
Driving after false declaration as to physical fitness/failing to notify disability and refusal or revocation of licence (Sections 92-94 Road Traffic Act 1988)	2	S		Voluntary surrender of license
Dangerous Driving (Section 2 Road Traffic Act 1988)	4	S	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	Continuing for only a short period Contributed to by action of another

			Serious risk	
Failing to Stop after Accident/Failure to Report Accident	3	S	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	S	Major error of judgement Excessive speed	Minor error of judgement Defect in road surface/signing, etc.
Inconsiderate Driving (Section 3 Road Traffic Act 1988)	3	S	Driving with disregard for safety relating to road, weather, 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
Vehicle left in dangerous position	2	S	Potential or actual danger intended	

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
ROAD TRAFFIC DOCUMENTS				
Driving other than in accordance with driving licence i.e. no 'L' plates	3	S		L plate fell off
'L' driver unaccompanied	3			
'L' driver carrying passengers	3			
No driving licence	3			
No insurance	3	S	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	S	Blatant disregard of need	Genuine oversight
Fraudulent Use of Excise License	2	E		Both vehicle owned by offender
Failure to notify change of ownership	2	S	Blatant disregard of need	Genuine oversight
Construction and use offences	3	S	Blatant disregard of need Seriousness of defect(s)	Genuine oversight Minor defect(s)
Drive vehicle subject to Prohibition Notice (Sec 71(1) Road Traffic Act 1988)	4	S		Not aware of notice
Motorway Offences	3	S	Blatant disregard of regulations Serious risk to offender or other road users	Genuine mistake

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
SCRAP METAL DEALERS				
Pay for scrap metal other than by cheque or electronic transfer of funds. Scrap Metal Dealers Act 1964 Sec 3A as amended by LASPO Act 2012	2	S	Sale linked to Large scale or organised metal thefts	Sold own low value scrap
SEXUAL OFFENCES				
Rape (Sec. 1)	4	I	Defer Decision to CPS	
Assault by Penetration (Sec. 2)	4	I	Defer Decision to CPS	
Sexual Assault (Sec. 3)	3	E	Force used Elderly/younger victim Group action abuse of position	
Causing Person to Engage in Sexual Activity without Consent (Sec. 4)			Defer Decision to CPS	
With Penetration	4	I	Force used Elderly/younger victim	
Without Penetration	3	E	Group action	
Rape of Child Under 13 (Sec. 5)	4	I	Defer Decision to CPS	
Assault of Child Under 13 by Penetration (Sec. 6)	4	I	Defer Decision to CPS	
Sexual Assault of Child Under 13 (Sec. 7)	3	E	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	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Causing/Inciting Child Under 13 to Engage in Sexual Activity without Consent (Sec. 8)	4	I	Defer Decision to CPS	
With Penetration	3	E	Facilitated by drugs/ alcohol	
Without Penetration			Force used Group action	
Sexual Activity with Child (Sec. 9)	3	I	Facilitated by drugs/ alcohol	Offender and victim of similar age and no element of coercion or corruption present
Victim under 13		E	Force used Group action	
Victim under 16	2			
Causing/Inciting Child to Engage in Sexual Activity (Sec. 10)	3	I	Facilitated by drugs/ alcohol	
Victim under 13	2	E	Force used Group action	
Victim under 16				
Engaging in Sexual Activity in Presence of Child (Sec. 11)	3	E	Facilitated by drugs/ alcohol	Offender and victim of similar age and no element of coercion or corruption present
Victim under 13		E	Force used Group action	
Victim under 16	2			
Causing Child to Watch Sexual Act (Sec. 12)	3	E	Facilitated by drugs/ alcohol	Offender and victim of similar age and no element of coercion or corruption present
Victim under 13	2	E	Force used Group action	
Victim under 16				

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Sexual Activity with Child Family Member (Sec. 25)	3	I/E	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	E	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
Young person 16 or over Sex with Adult Relative with Penetration and with or without Consent (Sec. 64 & 65)	2	E	Facilitated by drugs/ alcohol Force used Element of coercion Group action	
Sexual Activity with Person with Mental Disorder (Sec. 30) With Penetration Without Penetration	4	I	Defer Decision to CPS	
	3	E	Facilitated by drugs/ alcohol Force used Group action	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 Without Penetration			Defer Decision to CPS	
	4 3	I E	Facilitated by drugs/ alcohol Force used Group action	Both parties over age of consent and no element of coercion/seduction Offender has mental disorder

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Engaging in Sexual Activity in Presence of Person with Mental Disorder (Sec. 32)	3	E	Facilitated by drugs/ alcohol Force used Group action	Offender has mental disorder
Causing Person with Mental Disorder to Watch Sexual Act (Sec. 33)	3	E	Facilitated by drugs/ alcohol Force used Group action	Offender has mental disorder
Paying for Sexual Services of Child (sec. 47) with Penetration	4		I	
Victim under 13	3		I	
Victim under 16	2		E	
Victim under 18				
Causing/Inciting Child Prostitution/ Pornography (Sec. 48)	3	E	Victim under 13	
Controlling Child Involved in Prostitution/Pornography (Sec. 49)	3	E	Victim under 13	
Arranging/Facilitation Child Prostitution/ Pornography (Sec. 50)	3	E	Victim under 13	
Administering Substance with Intent to Commit Sexual Offence (Sec. 61)	3	E		

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Commit Offence with Intent to Commit Sexual Offence (Sec. 62)	3	E		
For Kidnapping/ False Imprisonment offences only	4	I	Defer Decision to CPS	
Trespass with Intent to Commit Sexual Offence (Sec. 63)	4	E		
Exposure (Sec. 66)	2	E	Victim put in fear Repeat performances	
Voyeurism (Sec. 67)	2	E	Victim distressed Victim observed in person Repeat performances	Single event
Sexual Activity in Public Lavatory (Sec. 71)	2	S	Genuine chance of public witnessing the offence Youth victim	Consenting victim and offender over age of legal consent
Common prostitute loitering for prostitution	<i>Before any formal action is considered, the assumption that a child prostitute is a victim must first be acted on by referral to social services or the multi-agency group. Only when advised by them can formal action be considered.</i>			
Kerb crawling	2	S	Affects residential areas	

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
THEFT				
Robbery/Assault with Intent to Rob	4	I	Always refer to the CPS	
Theft - up to £100 in value - over £100 (approx.) Theft (shoplifting) Value £100 (Home office), £200 (max)	2 3	E	Planned Sophistication Organised team Adult involving children Significant related damage Un recovered property of considerable value	Theft for reasons of poverty/personal need Coercion from others in group in reluctant offender
Going equipped to steal	2	E		
Possession of articles for use in frauds (Section 6 of the Fraud Act 2006)	2	E		
Handling stolen property	3	E	Property stolen to order Professional receiver Youth coercing children Property of high value	Received under pressure from another Very low value
Abstracting electricity	2	E	Special equipment High usage Prolonged period Commercial gain such as cannabis farms	Poverty/ personal need Coercion by others

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Fraud by false representation Section 1 and 2 Fraud Act 2006	2	E	Sophistication Two or more involved Committed over lengthy period Unrecovered property of considerable value Value £200+approx	Poverty/ personal need Coercion from others in group in reluctant offender Value £50 or less
Obtaining Services Dishonestly (Section 11 Fraud Act 2006)	2	E	Sophistication Organised team Unrecovered property of considerable value Value £200+ (approx.)	Poverty/ personal need Coercion from others in group in reluctant offender Value £50 or less
False Accounting	2	E	Sophistication Value £200+ (approx.)	Poverty/personal need Coercion by others in group on reluctant offender Value £50 or less

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Blackmail	4	I	Always refer to the CPS	
Taking vehicle without consent	3	S	Premeditated Group action Organised team Commercial basis (stole to order) Causes damage to vehicle or other property Excessive speed to avoid apprehension Evidence of drugs/alcohol	Taking from family member The taking is a technical offence Employee using outside working hours Keys left in vehicle
Allowing self to be carried in vehicle taken without owner's consent	3	S	Premeditated Group action Organised team Commercial basis (stole to order) Causes damage to vehicle or other property Excessive speed to avoid apprehension Evidence of drugs/alcohol	Misunderstanding with owner Technical offence Keys left in vehicle Pressured by peer group

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Aggravated Vehicle Taking where owing to the Driving of the Vehicle, an Accident occurred causing injury to any person	4	E		The taking is a technical offence Injured is member of drivers family
<p>Aggravated vehicle taking where:</p> <p>a) Damage to any Property other than the vehicle</p> <p>b) Damage was caused to the vehicle</p> <p>(c) The vehicle was driven Dangerously on a road or other Public Place (Section 1 Aggravated Vehicle Taking Act 1992</p>	4	<p>E or S</p> <p>But all types are included in the Charging Scheme</p>	<p>Competitive driving or racing</p> <p>Drives furiously/recklessly to avoid apprehension/detection</p> <p>Excessive speed</p> <p>Evidence of drugs/alcohol</p> <p>Disregards warnings from passengers or others</p> <p>Premeditated</p> <p>Group action</p> <p>Evidence of alcohol or drugs</p> <p>Serious risk</p>	<p>Minor damage</p> <p>The taking is a technical offence</p> <p>Damage to own family property</p>