

GRAVITY FACTOR MATRIX FOR ADULTS – SCORES **UPDATED 8 APRIL 2013**

1.0 Introduction

- 1.1 A simple caution was renamed to distinguish it from a conditional caution. It is a non-statutory disposal for adult offenders and may be used for disposing of offences when specified public interest and eligibility criteria are met. A Gravity Factor Matrix has been developed by the Association of Chief Police Officers (ACPO) to assist in making cautioning / charging decisions for adults. For further information refer to the Ministry of Justice Guidance on Simple Cautions. This document is available on the Ministry of Justice web site or via a link through APP post May 2013.
- 1.2 This matrix has been updated by the ACPO Out of Court Disposals portfolio to take into account the changes in out of court disposals introduced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) and revised caution guidance from the MOJ.
- 1.3 The key factors which will be relevant in deciding whether to charge, caution or conditionally caution an offender for an offence are:
- (a) Do they admit the offence?
 - (b) The seriousness of the offence
 - (c) The previous offending history of the offender and
 - (d) Does the disposal adequately address, support and reduce the risk of reoffending?
 - (e) Where the Full Code Test is met, would the public interest be properly served by issuing a simple or Conditional Caution
 - (f) Views of the victim
- 1.4 The LASPO Act removes the need for the police to refer a Conditional Caution to the CPS for a decision for all summary only and either way offences exception in the case of a hate crime or domestic violence offence. Referral is still required, however for Indictable only offences. Please refer to the DPP'S Guidance on Adult Conditional Cautions 2013. This brings the position on Conditional Cautions in line with the position on simple cautions. Please refer to the MOJ guidance 'Simple Cautions for adults' for more information.
- 1.5 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'.

- 1.6 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 simple caution or 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.
- 1.7 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.

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 the current ACPO guidance on Knife Crime. This guidance states that;

- For 18 years old and over there is a general expectation to charge any person for an offence involving knives, if there is sufficient evidence to do so. The factors that will support the decision to charge for all knife-crime offences are:
 - Weapon used or violence threatened during commission of offence
 - 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.

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 Traffic offences have their own set of aggravating and mitigating factors and therefore officers should take care to use this in the relevant cases. Officers should be aware that if a Caution is used there is no mechanism for endorsing driving licences; this should be taken into consideration when reaching a decision.

8.0 Previous Offending History

8.1 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. Officers should be aware of falling into the trap of repeat cautioning, the out of court disposal needs to be effective and where a court appearance is necessary the case should be charged. The MoJ guidance "Simple Cautions for Adult Offenders" and the "Code of Practice for Adult Conditional Cautions" provides detailed guidance on considering these disposals for those with a previous criminal history.

9.0 Using the ACPO gravity factors

9.1 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 caution or conditional caution, 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 and the decision making process should be recorded in full.

10.0. 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.

This Guidance sets out the responsibility for police and CPS Charging decisions as outlined below.

11.0 Police Charging Decisions

11.1 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

12.0 CPS Charging Decisions

12.1 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.

12.2 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.

12.3 Diversion from CPS:

12.4 The police may still take the decision to issue a simple caution or conditionally caution in all summary and either way offence without reference to the CPS where the police consider that the offender is eligible for such an out of court disposal. Hate crime and DV offences are excluded from the Conditional Cautioning scheme.

12.5 Additional guidance applies when considering a simple or conditional in certain either way cases. Officers should have regard to the Simple Caution guidance and DPP guidance on conditional cautions

12.5 The decision to issue a simple Caution or Conditional Caution in an indictable only offence must be referred to the CPS.

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.

15.2 Officers should remember that it will sometimes be necessary to consult agencies or departments such as the Crown Prosecution Service, Sex Crimes Department, Firearms Department, Licensing Officers, etc., before a final decision is made **even if** all the evidence is available.

15.3 This table relates to disposal/outcome decisions made by the custody officer for the offences shown and relates to action that should be taken once the final score is deduced.

****Note that where a conditional caution is being considered for a Foreign National Offenders the DPP Guidance should be referred to in terms of the seriousness of the offence for which a Conditional Caution may be offered.***

Final Score	Action
4	Always charge (or conditional caution – may need CPS decision if IO and exceptional circumstances).
3	Normally charge but a 'simple' caution (or conditional caution – may need CPS decision if IO and exceptional circumstances) may be appropriate if first offence. PND may be appropriate.
2	Normally 'simple' caution for a first offence but a charge (or conditional caution – may need CPS

	decision if IO and exceptional circumstances) may be appropriate if previous convictions or appropriate to circumstances. PND may be appropriate.
1	Always the minimum response applicable to the individual offender, i.e. NFA, 'simple' caution, PND, Community Resolution (or, exceptionally, charge).

GENERAL FACTORS FOR ALL OFFENCES EXCEPT FOR TRAFFIC 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.	
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
<u>SPECIFIC GRAVITY FACTORS</u>	
<u>Legend</u>	
Offence types:-	
I = Indictable Only offence,	
E = Offence triable Either -way,	
S =Summary Only offence,	
PND = a 'Penalty Notice for Disorder' available for offence	

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 (Domestic)				
Animal Welfare Act 2006. Offences causing or likely to cause distress.	2	S	Failing to heed advice	
Animal Welfare Act 2006 Offences of cruelty or fighting	3	S		
Dogs worrying livestock	2	S	Level of killing/injuries	No apparent injury Dog destroyed
Dangerous Dog (Order to be kept under control or destroyed)	4	S	Cautioning not an option	Cautioning not an option
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 (Sec1.3 Dangerous Dogs Act 1991)	4	S		Dog destroyed

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
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 or person in charge First time person 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	S	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 injuring any person (Sec. 3.3 Dangerous Dogs Act 1991)	3	E	Serious injury	Minor injury Dog destroyed
ASSAULTS				
Threats to kill (S.16 OAP Act 1861)	3	E	Calculated	Threat made in heat of the moment
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		
ABH (S. 47 OAP Act 1861)	3	E	Weapon Used More than one blow Attacked while victim vulnerable or defenceless e.g. 'on floor'	Impulsive action Provocation Minor injury

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
			Unprovoked attack Nature of the injury (especially where serious /disfiguring injury) Premeditated Domestic Violence Group action	
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
BIGAMY				
Bigamy	3	E	Clear deception where other party has suffered loss or severe emotional injury	Spouse has been missing for a significant period but under 7 years

BURGLARY				
Burglary with Intent to inflict GBH	4	E		
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
			Professional operation 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	

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 PND	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	Always refer to the CPS	
Threat to destroy property of another	2	E	Intent to cause fear Potential value of damage £300+ approx.	Potential value of damage £1000 or less

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Possession of Articles with Intent to Commit Criminal Damage	2	E	Evidence of intent to commit serious criminal damage Potential value of damage £200+ (approx.)	Potential value of damage £50 or less
CROSSBOWS				
Purchase/Hire of Crossbow or Part by Person Under 17 (sec.2 Crossbows Act 1987)	2	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	3	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

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Suicide/Attempted Suicide-aid/abet/counsel	4	I	Always refer to the CPS	
DRUGS (FOR POSSESSION OF CANNABIS REFER TO ACPO GUIDANCE)				
CLASS 'A' DRUG Supply/Possession with intent to supply	4	E		
CLASS 'B' OR 'C' DRUG Supply/possession with intent to supply	4	E		Group of people pooling resources to buy a supply of drugs to share between them. No profit made
CLASS 'A' DRUG Possession	3	E	In prison establishment Large quantity	Small quantities consistent with personal use
CLASS 'B' OR 'C' DRUG Possession	2	E	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		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	2	S PND	Risk of escalation Busy public place Offensive language or behaviour Threatening	Only witnessed by a police officer Little inconvenience to the public Non-threatening

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Drunk and incapable	1	S PND	Appears to have a serious alcohol problem	
Drinking in a Designated Area Section 12 Criminal Justice & Police Act 2001	2	S PND	Blatant actions Young persons present Offensive behaviour Risk of escalation	
Drunk on a highway or public place in charge of a child under 7 years	2	S	Child of particularly tender years Child at risk More than one child	Minimal risk to child
EXPLOSIVES				
Explosive substances offences (most)		I		Always refer to the CPS
Throwing firework Section 80 Explosives Act 1875	2	S PND	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)	3	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 PND	Persistency	Obvious to recipient that a hoax
Other False Emergency Calls (S.127 Communications Act 2003)	3	S PND	Persistency	Obvious to recipient that a hoax
Improper use of Telecom Systems (S.127 Communications Act 2003)	3	Sum PND	Persistency Sexual and/or sadistic in nature. Consider charge if necessary to protect victim with restraining order	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 whilst committing offence or with intent to commit offence (S.17 & 18 Firearms Act 1968)	4	I	Always refer to the CPS	
Carrying loaded firearm in public place (S.19 Firearms Act 1968)	3	E	Type of weapon Discharge of weapon	
Trespass in building with loaded Firearm (S.20 Firearms Act 1968)	3	E	Type of weapon Discharge of weapon	
Possession of firearm within set period of release (S.21 Firearms Act 1968)	3	E	Type of weapon Discharge 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 1968)	2	S	Supply by firearms dealer	
Possession of firearm/shotgun without certificate(S.1.1 & 2.1 Firearms Act 1968) a) No certificate ever held b) Following non-renewal	3 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
Using a False Document (S.3 Forgery & Counterfeiting Act 1981)	3	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)	3	E	Nature of document and potential consequences Organised team Sophistication	Poverty/personal need Coercion from others
Forgery of Documents etc. (Road Traffic Act 1988)	3	E	Nature of document and potential consequences Organised team Sophistication	Poverty/personal need Coercion from others
HARBOURING				
Harbouring/Assist-ing escaped prisoners	3	E	Premeditated Causing injury/ damage Providing instruments/transport Assisted for reward Original sentence 7 years or more	
HARASSMENT				
Stalking	3	S	Check DPPs guidance (issued April 2013) this are seen as 'exceptional circumstances' offences	

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	
Breach of ASBO	3	E		
LICENSING				
Sale outside permitted hours	2	S	Over a long period or Accumulation of periods Sold in large quantities Many customers Previous offences of similar nature	Short period Little sold Isolated incident Few customers (less than 6)
Licensee or servant knowingly sell or allow person under 18 years to buy or consume intoxicating liquor in a bar	2	S	Large number of under age drinkers on premises Recurring offence	Low number on premises Isolated incident Genuine belief person over 18 years
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
Other person buy/attempt to buy for under 18 year old intoxicating liquor	2	S PND	Recurring offence	Genuine belief person over 18 years
Selling to a drunken person	2	S	Frequent occurrence	Isolated incident
Person enters licensed premises in breach of court exclusion order	3	S	Blatant breach of court order	
MISCELLANEOUS				
Breach of ASBO	3	E		
Throwing stones at a train Section 56 British Transport Commission Act 1949	2	S PND		
Trespass on a Railway Sec 50 British Transport Commission Act 1949	2	S PND		
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	

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Wilful Obstruction of Highway	2	S	Close to traffic hazard e.g. School Large scale disruption	Brief period only No considerable problems caused to other road users and/or pedestrians
OFFENSIVE WEAPONS				
Possession of Offensive Weapon	4	E	Method of use Concern caused to member(s) of public Degree of danger	
Possession of Sharp Pointed Blade	4	E	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	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)	3	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 PND	Risk of escalation Group action	Isolated incident No risk of escalation
Breach of ASBO	3	E		

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Incitement to cause racial hatred	3	E	Use/Display of weapons Premeditated group action Extent to which person put in fear Risk of escalation Busy public place Group action Vulnerable victim(s)	Single offender Heat of the moment
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	Excluded offence due to the need to appear before the Court for disqualification and endorsement process.	
Excess Alcohol/ Driving when unfit through Drink/Drugs	4	S	Excluded offence due to the need to appear before the Court for disqualification and endorsement process.	
Refusing to provide specimen of breath/blood/urine at police station	4	S		
Drunk in Charge	4	S	Excluded offence due to the need to appear before the Court for disqualification and endorsement process.	

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Dangerous Driving (Section 2 Road Traffic Act 1988)	4	E	Alcohol/drugs a factor Racing/ Competitive driving Grossly excessive speed Disregard for passenger warnings Persistent bad driving over a long period/ distance Serious Risk Avoiding detection or apprehension	Continuing for only a short period Contributed to by action another
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 drinking	No intent to evade liability for the offence Genuine belief that relevant person aware Negligible damage
Careless driving (Section 3 Road Traffic Act 1988) Inconsiderate Driving (Section 3 Road Traffic Act 1988)	3 2	S	Major error of judgement Excessive speed Driving with disregard for road safety taking account of road,	Minor error of judgement Defect in road surface/signing, etc. Momentary lapse Adverse weather conditions

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
			<p>whether and/or traffic conditions</p> <p>Re-Test may be appropriate- Sec.36 Road Traffic Offenders Act 1988</p> <p>Disability -s.22 RTOA 1988</p> <p>Deliberate act of selfishness, impatience or aggressiveness causing inconvenience</p>	Both (or more) drivers may have been at fault
<p>a) Vehicle left in dangerous position</p> <p>b) Tampering with vehicle (S.25 Road Traffic Act 1988)</p> <p>c) Causing danger to other road users (S.22a Road Traffic Act 1988)</p>	<p>2</p> <p>3</p> <p>3</p>	<p>S</p> <p>S E</p>	<p>Potential or actual danger intended</p> <p>Danger of serious injury to other road users</p>	
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)	<p>2</p> <p>2</p>	S	Voluntary surrender of licence	
Failure to provide specimen for roadside test	2	S		
Speeding (above fixed penalty speed)	4	S		

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Wanton and Furious Driving/Riding	4	I	Always refer to the CPS	
ROAD TRAFFIC DOCUMENTS				
Driving other than in accordance with driving licence i.e. no 'L' plates 'L' driver unaccompanied 'L' driver carrying passengers No driving licence	2 2 2 3	S	Blatant disregard of need	
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		

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Motorway Offences	3	S	Blatant disregard of regulations Serious risk to offender or other road users	Genuine mistake
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	
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) With Penetration	4	I E	Defer Decision to CPS	
Without Penetration	3		Facilitated by drugs/ alcohol Force used Group action	
Sexual Activity with Child (Sec. 9) Victim under 13 Victim under 16	4 3	I E	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 to Engage in Sexual Activity (Sec. 10) Victim under 13 Victim under 16	4 3	I E	Facilitated by drugs/ alcohol Force used Group action	
Engaging in Sexual Activity in Presence of Child (Sec. 11) Victim under 13 Victim under 16	4 3	E E	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. 12) Victim under 13 Victim under 16	4 3	E 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
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
Sex with Adult Relative with Penetration and with or without Consent (Sec. 64 & 65)	3	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 E	Defer Decision to CPS	
	3		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 Victim under 13 Victim under 16 Victim under 18	4 3 3		I I E	
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	
Trespass with Intent to Commit Sexual Offence (Sec. 63)	4	E		
Exposure (Sec. 66)	3	E	Victim put in fear Repeat performances	
Voyeurism (Sec. 67)	3	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 over the age of legal consent
Common prostitute loitering for prostitution	3	S		
Kerb crawling	2	S	Affects residential areas	

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Possession of indecent photograph or image of a child S 160 Criminal Justice Act 1988	2	E	Infant images Images of child under 13 High number of level 3,4 or 5 images Images of a child known to offender	Low level of images and just of Level 1 or 2 Images are of older child and considered to be in the same peer group as offender
Take / Permit to be taken / Show / Make / Possess with a view to distribution / Publish an advert / Cause an advert to be Published of Indecent Photographs / Pseudo Photograph of a Child S1 Protection of Children Act 1978	3	E	Infant images Images of child under 13 High number of level 3,4 or 5 images Images of a child known to offender A large financial gain / commercial operation	Low level of images and just of Level 1 or 2 Images are of older child and considered to be in the same peer group as offender
SPORTING EVENTS				
Intoxicating liquor in possession on specified vehicle (Sections 1.3 & 1A.3)	2	S	Group involvement Large quantity	Small quantity
Drunk in a specified vehicle (Sections 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	
Entering or being in a sports ground whilst drunk (Section 2.2)	2	S	Group involvement Risk of escalation Threatening	Non-threatening

THEFT				
Robbery/Assault with Intent to Rob	4	I	Always refer to the CPS	
Theft	2	E	Planned	Theft for reasons of poverty/personal need
- up to £100 in value	3	PND	Sophistication	
- over £100 (approx.)			Organised team	Coercion from others in group in reluctant offender
Theft (shoplifting)			Value of £200+ (approx.)	
Value £100 (Home office), £200 (max)			Unrecovered property of considerable value	
			Adult involving children	
			Significant related damage	
Going equipped to steal	2	E		
Possession of articles for use in frauds (Section 6 of the Fraud Act 2006)	3	E	Sophisticated	Poor quality
Making/supplying articles for use in frauds(Section 7 of the Fraud Act 2006)	3	E	Sophisticated	Poor quality
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	3	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 £100 or less
Fraud by failing to disclose information (Sections 1 and 3 of the Fraud Act 2006)	3	E	Sophistication Organised team Unrecovered property of considerable value Value £200+ (approx.)	Poverty/ personal need Coercion from others in group in reluctant offender Value £100 or less
Fraud by abuse of position (Sections 1 and 4 of the Fraud Act 2006)	3	E	Sophistication Organised team Unrecovered property of considerable value Value £200+ (approx.)	Poverty/ personal need Coercion from others in group in reluctant offender Value £100 or less
False Accounting	3	E	Sophistication Value £200+ (approx.)	Value £100 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 Employee using outside working hours

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>	3	E or S But all types are included in the Charging Scheme	<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>
Tampering with Motor Vehicle (S.25 RTA 1988)	2	S	Potential or actual danger intended	
Interference with Vehicle (S.9 Criminal Attempts Act 1981)	2	S	Damage to Vehicle	

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Making Off Without Payment (Section 3 Theft Act 1978)	2	E	Deliberate plan Two or more involved Large amount involved	Small amount involved
WASTING POLICE TIME				
Wasting Police Time	2	S PND	Detention of innocent person Substantial time wasted	Early retraction and remorse Innocent prank
WILDLIFE (Animals and Plants)				
Control of Trade in Endangered Species Regulations 1997 (COTES)	3 3 2	E E E	Offence relates to a species subject of focus within the wildlife crime priority. Offence results in or is intended to result in financial gain. Professional involvement in trade, e.g. pet shop, online retailer, zoo, animal park etc Organised or premeditated offence.	Offence relates to a species subject of focus within the wildlife crime priority. Offence results in or is intended to result in financial gain. Professional involvement in trade, e.g. pet shop, online retailer, zoo, animal park etc Organised or premeditated offence.
Illegal trading. Purchase, Offer to purchase, Acquisition for commercial purposes, Display to the public for commercial purposes, use for commercial gain, sale, keeping for sale, offering for sale, transporting for sale. Without Internal Trade certificate (Article 10) Export/import False declarations Failing to comply with conditions of certificate				

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
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<p>Customs and Excise Management Act 1979</p> <p>Import, export, transit of live animals, birds, fish, corals, plants (incl Timber), insects & amphibians.</p> <p>Import, export, transit of items derived from animals, birds, fish, corals, plants (incl timber, insects & amphibians.</p> <p>Forged, altered, invalid or misrepresented permits.</p>	<p>3</p> <p>3</p>	<p>E</p> <p>E</p>	<p>Conservation impact of offence.</p> <p>Offence relates to a prohibited or restricted species and may be subject of focus within the wildlife crime priority.</p> <p>Offence results in or is intended to result in financial gain.</p> <p>Professional involvement in trade, e.g. pet shop, online retailer, Commercial retailer, zoo, animal park etc</p> <p>Organised or premeditated offence.</p>	<p>Administrative offence rather than deliberate</p>
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OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
<p>Wildlife and Countryside Act 1981.</p> <p>Conservation Habitats and Species Regulations 2010</p> <p>Protection of Badgers Act 1992</p> <p>Conservation of Seals Act 1970</p> <p>Killing, injuring, disturbing, taking, uprooting, possessing, trading, protected species or damaging/destroying protected places.</p> <p>Illegal methods of killing/taking (e.g. illegal snares, lures etc)</p> <p>Attempting offences/possessing of articles to be used to commit offences.</p> <p>Administrative offences (e.g. breaching conditions of a licence,)</p>	<p>3</p> <p>3</p> <p>3</p> <p>2</p>	<p>S</p> <p>S</p> <p>S</p> <p>S</p>	<p>Offence relates to a wildlife crime priority.</p> <p>Conservation impact of the offence.</p> <p>Offence results in or is intended to result in financial gain.</p> <p>Offence involves cruelty.</p> <p>Planned or premeditated offence.</p>	<p>Offences committed by mistake or misunderstanding.</p> <p>Little or no conservation impact.</p> <p>Licences etc remain valid despite conditions having been breached.</p>

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
<p>Wildlife and Countryside 1981</p> <p>Conservation Habitats and Species Regulations 2010</p> <p>Releasing/causing to grow non native invasive species.</p> <p>Obstructing etc wildlife inspectors</p>	<p>3</p> <p>3</p>	<p>E</p> <p>E</p>	<p>Conservation impact of the offence.</p> <p>Offence results in or is intended to result in financial gain.</p> <p>Offence involves cruelty.</p> <p>Planned or premeditated offence.</p>	<p>Offences committed by mistake or misunderstanding</p> <p>Little or no conservation impact.</p>
<p>Poaching</p> <p>Game Acts</p> <p>Deer Act 1981</p>	<p>3</p>	<p>S</p>	<p>Offence relates to species subject of focus within the wildlife crime priority (fish, deer, brown hare)</p> <p>Offence results in or is intended to result in financial gain.</p> <p>Offence involves cruelty.</p> <p>Planned or premeditated offence.</p> <p>Use of threats or violence.</p> <p>Prevalence of offence/community impact.</p>	<p>Offences committed by mistake or misunderstanding</p> <p>Small number of non priority species taken for personal consumption.</p>

OFFENCE	Gravity Score	Offence type	AGGRAVATING FACTORS	MITIGATING FACTORS
Hunting Act 2004	4	S	CPS guidance indicates that where there is sufficient evidence to bring a prosecution there is a presumption that the public interest requires prosecution.	
Wild mammals (Protection) Act 1996	3	S	Planned or premeditated offence	
Food and Environmental Protection Act 1985 Control of Pesticides Regulations 1986	3	E	Planned or premeditated offence	Unused stocks of pesticides previously used lawfully. Oversight/mistake/genuine ignorance.
Illegal use/possession of pesticides			Risk to human health and safety Links to wildlife crime priority.	
Improper storage of pesticides	3	E	Prevalence of offences.	