

 <b>West Mercia POLICE</b>		<b>POLICY</b>
Security Classification	<b>OFFICIAL</b>	
Disclosable under Freedom of Information Act 2000	Yes	

<b>POLICY TITLE</b>	<b>Offences Taken Into Consideration (TIC)</b>
REFERENCE NUMBER	<b>WMP214</b>
Version	<b>1.0</b>

<b>POLICY OWNERSHIP</b>	
DIRECTORATE	CRIME & VULNERABILITY
BUSINESS AREA	CRIME MANAGEMENT

INITIAL IMPLEMENTATION DATE	<b>August 2023</b>
NEXT REVIEW DATE:	<b>August 2026</b>
RISK RATING	<b>LOW</b>
EQUALITY ANALYSIS	<b>LOW</b>

West Mercia Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy.  
Please e-mail [policiesandprocedures@westmercia.police.uk](mailto:policiesandprocedures@westmercia.police.uk)

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## LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individual and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Equality and Diversity issues have also been considered to ensure compliance with the Equality Act 2010 and meet our legal obligation in relation to the equality duty. In addition, Data Protection, Freedom of Information and Health and Safety Issues have been considered.

Adherence to this policy or procedure will therefore ensure compliance with all relevant legislation and internal policies.

Other legislation/law which this policy has been drafted to comply with:

Police and Criminal Evidence Act 1984
Criminal Justice Act 1991
Crime (Sentencing) Act 1997
Police (Conduct) Regulations 1999
Common Law
Crime and Disorder Act 1998
Health and Safety at Work Act 1974 and associated Regulations
General Data Protection Regulation (GDPR) and Data Protection Act 2018
Freedom of Information Act 2000

## Relevant References

The Directors Guidance 2020
Crown Prosecutors Guidance
Foreword by <a href="#">HIS HONOUR JUDGE JAMES BURBIDGE KC</a>

## 1.0 POLICY OUTLINE

West Mercia Police is committed to its vision of providing a quality policing service and protecting people from harm. Improving the quality and timeliness of criminal investigations and achieving positive outcomes for victims is fundamental to achieving the vision.

The Force is prepared to introduce a new approach familiar with Police Forces and CPS in other parts of the country to encourage the practice of defendants admitting other offences and asking them to be **'Taken into Consideration' (TIC)** when sentence is passed upon them.

## 2.0 PURPOSE OF POLICY

This policy is required to provide a framework to help Police and Prosecutors provide individuals who are arrested with an opportunity to admit further similar offences which they have committed, leading to a decision being made as to whether to have these

offences taken into consideration (TIC) by a Court, and to provide clarity regarding the criteria for offences to be TIC.

**TICs are those offences that the offender has not been prosecuted for but which they admit and asks the court to consider when being sentenced for an offence for which they have been prosecuted.**

This will contribute to more offences being resolved successfully and provide victims with reassurance. It is particularly important to ensure that offences solved under this scheme are valid, reliable, and able to withstand detailed scrutiny during a crime audit

The policy should be read in conjunction with CPS guidance on Offences to be taken into Consideration (TIC) [CPS TIC Policy](#)

### 3.0 IMPLICATIONS of the POLICY

The practice of a person convicted of one offence admitting other offences and asking the court to take those other offences into consideration when sentencing has no statutory foundation but does have a long history. The collection, use of and priority given to TICs amongst Criminal Justice Agencies varies widely.

The TIC process is not the subject of a specific item of legislation. However, the use of TICs can only take place within the boundaries set or implied by various pieces of law such as the Police and Criminal Evidence (PACE) Act, European Convention of Human Rights (ECHR), Human Rights Act (UK), all of which may have significant relevance to the use of TICs, depending on the circumstances. More specifically, in accordance with Section 120 of the Coroners and Justice Act 2009, the Sentencing Council issued 'Offences Taken into Consideration and Totality: Definitive Guideline' which must be adhered to [Offences-Taken-into-Consideration-and-Totality-definitive-guideline-Web.pdf \(sentencingcouncil.org.uk\)](#). This policy has been cross-referenced with the Sentencing Guidelines to ensure there are no inconsistencies. Furthermore, this policy will be reviewed to ensure it remains consistent and relevant should the Sentencing Guidelines be amended in future.

There are two distinct aspects to be addressed: the obtaining of the admission and how it is proposed to deal with any subsequent denials.

The collection of evidence for TICs and presentation at court can be time-consuming but, given the potential benefits for all concerned, the effective use of such resources is considered to be worthwhile.

West Mercia Police is committed to:

- Increasing positive outcomes for reported crimes
- Increasing public confidence both in the Police and the Criminal Justice system
- The ethical detection of crime
- Making people safe and to feel safe

In order to achieve this, the Force will provide, where appropriate, individuals who are arrested, with an opportunity to admit further similar offences which they have committed. A decision will follow as to whether to charge those offences in addition,

or whether it may be possible, depending on the circumstances, to have these offences taken into consideration by a Court.

Detainees will be informed it is not current Force policy to routinely conduct interviews after sentence and, if further offences come to light, individuals are likely to be arrested and dealt with for the further offences on completion of their sentence.

There are four main aspects to consider when dealing with TICs:

- The Victim
- The Offender
- The Courts
- The Police

The offender is prosecuted for a certain number of crimes but not charged with all the offences admitted. These TIC crimes will normally be ones which do not have a substantial effect on the sentence given by the court. The courts time is reduced in dealing with each offender because not all crime admitted to the police is discussed. This accelerates the justice system and frees up time to deal with other cases. The Court are able to gain a better insight into the suspects offending in considering sentencing options. The Police are able to close the crimes admitted and update the victim that an offender admitted the offence relating to them. Victims are able to then bring about closure and apply for compensation should they so wish.

In the case of **R v Miles 2006** it was said that 'the way in which the court deals with (TICs) should depend on context; in some cases, the offences may add little or nothing to the sentence which the Court would otherwise impose, whereas in other cases, they may aggravate the sentence and lead to a substantial increase - for example, where they show a pattern of criminal activity involving careful planning or a deliberate rather than casual involvement in crime, where offences are committed on bail, or where they show a return to crime immediately after the offender has been before a court'.

### **Crime & Disorder Act 1998**

West Mercia Police remains committed to working with partner agencies in the management of identified risk of harm and this is encouraged at every level when conducting investigations.

The Force will share information where appropriate, participate and contribute to multi agency forums, and work in partnership to manage identified risk, deliver greater protection, and improve outcomes for victims.

### **Human Rights Act 1998**

- [Article 3: Freedom from torture and inhuman or degrading treatment](#)
- [Article 5: Right to liberty and security](#)
- [Article 6: Right to a fair trial](#)
- [Article 7: No punishment without law](#)
- [Article 8: Respect for your private and family life, home and correspondence](#)
- [Article 14: Protection from discrimination in respect of these rights and freedoms](#)

The Rights to Respect Private and Family Life and Protection from Discrimination are two areas of this Act that require the consideration of proportionality when adopting tactics to effectively investigate crime.

In the application of this policy, West Mercia will not discriminate against any persons on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth, or other status as defined under Article 14 European Convention on Human Rights (ECHR).

The potential interference with an individual's rights contained in the convention articles under this Act is assessed as LOW.

### **Equality Act 2010**

This policy is unlikely to have any impact or very low impact on grounds of race, ethnicity, nationality, gender, transgender, disability, age, religion or belief or sexual orientation, not requiring any further action.

### **General Compliance**

This policy is compliant with legislation which currently includes:

- Police and Criminal Evidence Act 1984
- The Youth Justice and Criminal Evidence Act 1999
- The Regulation of Investigatory Powers Act 2000
- Code of Practice for Victims of Crime
- APP Investigation
- APP Detention and Custody
- APP Prosecution and Case Management
- Power of Criminal Courts (Sentencing) Act 2000
- Information and Data Management - Data Quality, Collection, Storage and Disposal policy
- Prison Productions policy
- Voluntary Attenders policy
- Paragraph 3(1) of the Schedule 1 to the Crime (Sentences) Act 1997
- Sentencing Council's - A short guide – Sentencing for offences taken into consideration (TICs)
- CPS guidance on taking offences into consideration
- Human Rights Act 1998
- Equality Act 2010

## **4.0 PROCEDURE**

The Procedure has been published separately.

## **5.0 VAWG (Violence Against Women and Girls)**

This policy is unlikely to have any impact or very low impact on VAWG, not requiring any further action.

## 6.0 CONSULTATION

<b><i>Business Lead/ Chief Officer Consulted</i></b>	<b><i>Date Consulted</i></b>
Supt John Cashion/ T/ACC Barratt	June 2023/ July 2023

<b>Consulted</b>	<b>Date Consulted</b>
Gloucestershire Police	January 2023
Force Crime & Incident Registrar	March/May 2023
Deputy Force Crime & Incident Registrar	March/May 2023
District Crown Prosecutor - Crown Court Unit	March 2023
District Crown Prosecutor - Magistrates' Court Unit	March 2023
Information Compliance Unit	May 2023
Critical Friends Group	July 2023

## 7.0 DOCUMENT HISTORY

<b>Date</b>	<b>Author / Reviewer</b>	<b>Amendment(s) &amp; Rationale</b>	<b>Date of Approval / Adoption</b>
28/05/23	S Burrows-Jones & L Harding	'New' Procedure	JNCC Exec Board 15/08/2023

## 8.0 ASSESSMENT AND ANALYSIS

This policy is unlikely to have any impact or very low impact on Equality, Health and Safety and Risk Assessment, not requiring any further action.

## 9.0 DATA PROTECTION IMPACT ASSESSMENT

A DPIA is not required.

## 10.0 MONITORING / EVALUATION

The monitoring and review of this procedure is the responsibility of the procedure owner.

West Mercia Police and Crown Prosecution Service (CPS) remains committed to being transparent in the use of TICs and other out of court disposals. The Force will ensure that data and case file information where appropriate is available to scrutinise and discuss, ensuring that public confidence is high in this area of work, and to satisfy criminal justice agencies that TIC procedures and protocols are being followed correctly.

The use of TICs will be subject to rigorous and continuous scrutiny. TIC detections will be quality checked by DDM (Designated Decision Maker) within the Crime Bureau. The

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audit function will be managed by FCIR (Force Crime & Incident Registrar) within the Audit, Risk and Compliance Unit.

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