



Offences Taken into Consideration (TIC) Policy (583/2024)

Abstract

This policy outlines how Sussex Police deal with offences that could be Taken into Consideration (TIC) in order to maximise opportunities to bring more offences to justice.

Policy

1. Introduction

1.1 This policy is required to ensure there is a clear and transparent process for dealing with offenders who admit to committing offences that are suitable to be Taken into Consideration (TIC) alongside the offence(s) for which they are being investigated. 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.

2. Scope

2.1 This policy and associated appendices cover the full spectrum of the TIC process from the investigation through to court. It details the protocol between the police, Crown Prosecution Service (CPS) and the Judiciary in regard to the potential sentencing options when the TIC process has formed part of an investigation.

3. Policy Statement

3.1 Sussex Police will use every lawful opportunity to detect crimes under the TIC scheme to secure justice and bring closure to victims of crime.

Procedure

1. Offences Taken Into Consideration (TIC)

1.1 TICs are offences for which the offender has not been prosecuted but which they admit to committing and ask the court to take into consideration when sentencing for the offence(s) for which they have been prosecuted.

1.2 No offence may be taken into consideration unless all the conditions below have been met:

- The offender is indicating a guilty plea in relation to the offence for which they have been arrested.
- The offender fully admits the crime by way of a Police and Criminal Evidence Act 1984 (PACE) compliant interview.
- The offender makes a clear and reliable admission of the offence which is corroborated with additional verifiable information connecting them to the crime.

- The offender asks to have the offence taken into consideration by the court.
- At least one substantive offence must be charged, and the TIC offence(s) must be similar in nature, but not more serious, than the offence charged.
- The offender must be appearing before a court to have the matters taken into consideration.

1.3 In addition to the above, no offence may be taken into consideration where:

- There are discrepancies between the known facts surrounding the offence and the offender's account.
- There is insufficient evidence in relation to the offence to support a charge.
- The offence attracts a mandatory driving licence disqualification or endorsement.
- The offence is too serious to be taken into consideration.
- The public interest test justifies there being a separate trial.

1.4 The advantages of making use of TIC process are as follows:

- The offender has the opportunity to 'wipe the slate clean' and have the court take any other offences into consideration thus ensuring that they will not be charged with these offences at a later date.
- TICs are sanctioned positive outcomes and will assist to accurately reflect the number of offences brought to justice.
- The public are likely to be reassured that through increased solved cases and identification of offender/s there is the potential for reduced levels crime.
- The victim will have the reassurance and knowledge that the offender has been identified and has been dealt with.

2. Action on Arrival at Custody

2.1 Following acceptance into custody by the Custody Officer, the detained person will be given the 'TIC Information Notice' form TIC1 by the Custody Officer. The defendant will then have the opportunity to read and note the contents prior to being interviewed. The giving of this notice will be noted on the custody record.

2.2 During disclosure, the Officer in the Case (OIC) should inform any appointed legal representative that the above notice has been given.

2.3 Any appointed legal representative or appropriate adult should also be served with the 'Notice to Legal Representatives and Appropriate Adults' form TIC2 by the investigating officer. This form provides a summary of the 'Clean Slate' initiative. It also highlights the fact that the interviewee will be given the opportunity to disclose further offences that may be dealt with by way of TIC at the conclusion of the interview.

2.4 Reference must be made to the PACE Codes of Practice for issues relating to the custody and detention of the suspect.

3. Sentencing Guidelines

3.1 Sentencing guidelines stipulate that TICs will lead to an increase in sentence, save in exceptional circumstances, and that the TICs must be admitted personally by the defendant and not through their legal representative.

- The standards support clarity and consistency in the courts when dealing with the matter of TICs, where the application of the guideline might lead to greater consistency of approach.
- The courts will consider whether the frank admission of a number of offences is an indication of a defendant's remorse or determination and/or demonstration of steps taken to address addiction or offending behaviour.

3.2 It must be remembered that the TIC process does not remove the investigator's responsibility to research crimes with similar modus operandi, dates, and location prior to interview for which the detained person is a suspect and can be arrested.

4. TIC Warning and Interview

4.1 To maximise potential for obtaining TICs the investigating officer must ensure that they have gathered the maximum amount of evidence for the primary offence for which the suspect has been arrested.

4.2 When the interview for the primary offence is being brought to a close, the following must be considered:

- Has the suspect admitted their involvement in the primary offence?
- Is there sufficient evidence to put before the Custody Officer or CPS to consider a charge for the primary offence?
- Has the suspect been given sufficient opportunity to talk about the primary offence?

4.3 If the answer to these questions is 'yes', it is not necessary to halt the interview so that the person can be charged as PACE permits a delay whilst other offences are being investigated.

4.4 At the conclusion of the interview, the interviewee should be given the opportunity to admit to any further offences that they wish to disclose for potential disposal by way of TIC. The Interviewer should initiate this process by reading from 'Offences To Be Taken Into Consideration (TIC) Offer Notice' form TIC3. Form TIC3 must be signed by the officer making the offer and retained with the case file.

5. Evidence Capture for TIC

5.1 A person providing TICs is usually in custody for an offence, normally involving acquisitive crime.

5.2 The detained person must be interviewed by means of digital recording for the offences they have been arrested for or are going to be charged with. At the conclusion of the interview the detainee should be asked if there are other offences that they wish to disclose to the police. Redacted text.

Body Worn Video (BWV) can be used as per Body Worn Video Policy (Surrey and Sussex) (1133) as contemporaneous interviews follow the logic of: 'Use recording to

capture video and audio at incidents that would normally be the subject of pocket notebook (PNB) entries or as 'professional observation' such as stop and search, arrests etc., whether or not these are ultimately required for use in evidence. There are a few instances where recording should not be undertaken'.

However, guidance still remains that even during a prisoner escort where TICs are admitted, a contemporaneous interview must be completed by way of a timed and dated MG15 and not only PNB. It is recommended that BWV supports the process where suspects are escorted, it does not replace the use of MG15.

The contemporaneous record must be read to the suspect and that they are asked to agree the contents of the written record during the Digitally Recorded Interview.

5.3 It is essential that when police officers invite defendants to admit wholesale past offences that no promises are made about the way in which the defendant will be dealt with.

5.4 For more information and guidance follow these links via the intranet–

Step by Step – Offences Taken into Consideration.

TICs – How to Flowchart.

6. Redacted section

7. Prison Production

7.1 Where a suspect is produced from prison in order to provide TICs, having already pleaded guilty to an offence, they can request that TICs be considered, whilst awaiting sentence. Dependant on the number of TICs involved that person should preferably be brought to a police station to be interviewed and processed. The procedure for recording TICs must then be followed.

7.2 If there are only a handful of offences it is acceptable to obtain these at the prison, should the suspect be able to remember all necessary details. The use of a portable recorder would be preferable to a contemporaneous interview. For information on Prisoner Productions please follow this link via the intranet– Step by Step Guide How to Complete a Prisoner Production.

NB: It is more efficient to interview a prisoner within the prison than having the prisoner produced if the investigator feels the same results will be obtained from this interview.

7.3 Where TICs are planned then investigators must make every effort to establish a timeline of when their prisoner has previously been in custody. Such data is available upon request from the Specialist Crime Command Intelligence Unit and helps to avoid situations where the defendant mistakenly or dishonestly admits to crimes they could not have committed.

7.4 Once a suspect has admitted further offences, consideration must be given to arresting them for those offences if a power exists (Section 31 PACE). However, consideration must be given to the necessity of the arrest as per the Serious Organised Crime and Police Act 2005 (SOCAP) (details of which are available on the Intranet). The

interviewing officer must also take the opportunity to remind the suspect of their rights at this point.

7.5 On conclusion of the interview, the Custody Officer must be updated as to the progress of the investigation and informed of any further offences that the suspect has disclosed. This must be done as soon as practicable.

7.6 The Custody Sergeant may then authorise further detention whilst these matters are investigated. The Custody Sergeant must note the fact that the suspect has made a disclosure relating to further offences within the body of the custody record.

NB: The relevant time for the second and subsequent offences starts at the time of arrival at the police station for the original offence (Section 41(4) PACE).

8. National Crime Recording Standard (NCRS)

8.1 There are five requirements for a TIC to be allowed as a Positive Outcome:

1. Has the offender made a clear and reliable admission of the offence during a PACE compliant interview, which is corroborated by additional verifiable, auditable information connecting the suspect to the crime?
2. Does the record show that the TICs were directly linked to criminal proceedings where the offender has been charged with other offence(s)?
3. Is there a signed MG18 TIC acceptance form on the crime file?
4. If the offence had not been previously reported by a victim, has a victim been traced and have they confirmed that the offence admitted had been committed?
5. Has the victim or their representative, or in the case of a child, their parent or guardian been informed of the Outcome? (Victim based crime only).

For more information and guidance on crime recording, please refer to the Crime and Incident Disposal, Recording and Auditing Policy (757) along with the Data Quality Assurance Manual.

8.2 It is important that we record accurate data in the records we hold about protected characteristics. This data is critical to delivering outstanding public service because it deepens our understanding of what our communities demand from us, what response we currently give and where we need to improve. Protected characteristics can be defined as age, gender, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race (including colour), nationality, ethnic or national origin, religion or belief and sexual orientation.

Mandatory Flags

Some crime data is flagged by the Home Office. There are Hate Crime, Metal Theft, Domestic Abuse, Online Crime, Child Sexual Abuse, Child Sexual Exploitation, Alcohol, Corrosive Based Substances and Honour Based Abuse. There is detail which supports each of these important flags at <https://www.gov.uk/government/publications/counting-rules-for-recorded-crime>. For more information refer to the Crime and Incident Disposal, Recording and Auditing Policy (757).

9. Summary of Responsibilities

9.1 Interviewing Officers / Investigators Responsibilities

- There must be a PACE compliant interview in relation to every TIC.
- The TIC form (MG18) must be signed by the offender.
- The MG18 must include the crime report number for each offence and the crime report number of the offence charged.
- There must be additional verifiable auditable information to connect the offender to the crime.
- The case file must contain a Record of Interview (ROTI), or sufficient summary of evidence on the CM/01 or MG5 to enable the Dedicated

Decision Maker (DDM) to certify the above, including reference to recorded interviews where the relevant admission can be found.

- Niche must be updated to show the crime report number for all crime reports associated with the case file.
- A copy of the TIC schedule along with the TIC check sheet must be placed in the Niche file having been checked by the OIC supervisor. A copy of both forms together with a copy of the ROTI / summary, CM/01 or MG5 must also be sent to the Crime Management Unit (CMU).

NB: If any of the above is not completed then the crime report will not be authorised for detection and the paperwork will be returned to the investigator for updating. No TICs are to be shown as detected unless the DDM or their Deputy has approved them.

9.2 TIC File Guidance

Once TICs are obtained, the OIC must adhere to the following guidelines:

TICs will be included in the original case file rather than a new file being built. The TIC element of the file will need to be submitted to the Detective Chief Inspectors (DCI) Crime Manager straight away irrespective of the progress of the court case.

A file must be submitted containing the following:

- On the file identify the Master Crime which is usually the main crime that has been charged. Add a comment on all the other Occurrence Enquiry Logs (OELs) to the effect of "Please refer to Master Crime OEL i.e., 4xxxxxxx" and then make all entries on the one master OEL record.
- On the Master Crime summarise the circumstances in report form on the OEL including how the offender came to police notice and what matters they are charged with. Summarise each crime and so on. No other form is required.

The file must then be presented with;

- An MG5 if applicable.
- An CM/01 if applicable.

- The TIC form (MG18) – add details to the MG18 form, print it and allow the defendant the opportunity to review it and endorse it. Scan it back into the master crime file using MG18 scanned option.
- An interview record (MG15).
- Relevant statements.
- The report must then be tasked through the investigator's supervisor and onto the Crime Manager via a Niche tasking from the master OEL.
- On receipt of the task the Crime Manager will review the file and record on the Master Crime, authority to detect those offences meeting the criteria on the OEL.
- The file will be returned to the Investigator and, if authorised, they will be required to submit the relevant offender details via NICHE to detect the offences.
- Investigator then updates details of the offender on the appropriate NICHE records by adding new offender details via the reports tab on each NICHE record. The file will need to be retained by the investigator and, when a court result is received, it can then be forwarded via a supervisor to CMU where it can be filed.

9.3 Supervisor Responsibilities

On receipt of the TIC schedule or case file containing one: -

- Ensure that the investigator has complied with the above requirements.
- Check that the standard of evidence meets the requirements.
- Sign the TIC Checklist to confirm this.
- Ensure the investigator forwards the correct paperwork to CMU.

9.4 DDM Responsibilities

On receipt of correct paperwork: -

- Confirm that the checklist has been completed and signed.
- Confirm that the standard of evidence meets the requirements.
- Sign the Checklist to confirm this.
- Endorse the MG18 with 'The TICs on this MG18 are authorised to be detected by.....'
- Endorse the OEL with 'I have reviewed the TICs detailed on the MG18 and certify that they meet the conditions set out in the Home Office Counting Rules (HOCR)'

10. Authorisation and Documentation

10.1 TICs must not be more serious than the offence(s) to be charged. Generally, this is dependent on the type of offence (but values, victim's vulnerability, time of day, type of premises etc. must all be considered). TICs must also be of a similar offence(s) to the offence(s) charged.

10.2 Following disclosure of additional offences, the investigator must conduct research in order to confirm the details given by the suspect are correct and the offences are in fact suitable for TIC.

10.3 Even if the offence admitted is potentially suitable for a TIC, the investigator must consider whether it is appropriate to charge some of the admitted offences (i.e., 1 charge and 10 TICs or 3 Charges and 8 TICs). If in doubt about the appropriateness of the charge / TIC, consult a Detective Inspector or the CPS.

10.4 The court must have jurisdiction to deal with the offence.

10.5 If the admitted TIC offences carry mandatory endorsement or disqualification and the offences to be sentenced do not, then it is not appropriate to consider them as TIC offences.

10.6 If the TIC breaches a previous court order it must be charged.

10.7 If the admitted offence affects the defendant's status as a third strike burglar or drug dealer, then it must be charged.

10.8 If the offence under investigation affects the defendant's 'criminal lifestyle' under Proceeds of Crime Act 2002 (POCA) it must be charged.

10.9 Where an offender admits an offence that has not been previously reported, attempts must be made to contact the potential victim to confirm the commission of a crime. If the victim cannot confirm that a crime has occurred or the victim cannot be identified, there is no obligation upon the Force to record a crime.

10.10 TICs must be authorised by the CPS, Crime Manager (DCI) or Gatwick Detective Inspector (DI) and must be satisfied that:

- The offences are suitable to be dealt with by way of TIC.
- The Home Office rules for detecting crime have been followed; and
- The investigator has complied with the Crime and Incident Disposal, Recording and Auditing Policy (757).

10.11 If offences are not considered suitable for TIC, due to the seriousness, or they are not a like offence, the investigator will act positively by way of charge if there is sufficient evidence to support this. R v KIRK Court of Appeal 1999, makes it clear that a suspect is entitled to know the nature of the offence(s) for which they are being interviewed, especially if it / they are more serious than the offence for which they were originally arrested.

11. Documentation

11.1 MG5 (Summary) – a summary of each offence taken into consideration is to be included on the MG5. If post charge the OIC must submit an MG6 with the MG18.

MG18 (TIC Form) – The form must be signed by the suspect prior to the court appearance. Add details to the MG18 form, print it and read the TIC form to the defendant, allow the defendant the opportunity to review it and endorse it. Scan it back into the master crime file using MG18 scanned option and task the Crime Manager for

review. The Custody Sergeant must not confirm the TIC but record on the custody record that TICs have been accepted.

MG19 (Compensation Form) – compensation can and should be claimed for TIC offences. It is important for the name and address of claimants to be included in the MG6 (restricted), as this will allow for the compensation to be dealt with at an early hearing in the absence of an MG19 completed for a full file.

Detecting the Crime Report – completing the MG18 does not automatically detect the crime. This can only be done from a case file 'disposal' and currently we do not use the 'TIC disposal' available within Custody / Voluntary Attendance (VA) or as a standalone. It remains the case that the DCI authorises the TIC PRIOR to the court stage and then the court / CPS has to agree them.

11.2 The OIC shall then:

- Complete a crime report submission for the crime(s) taken into consideration and send this to the DDM (Crime Manager DCI) on Division.
- The submission shall outline the case file and crime report number the TIC is to be attributed to.
- The submission must have attached a copy of MG15 highlighting the PACE compliant confession and a copy of the signed MG18.
- The submission must outline what the Additional Auditable Information (AAI) is so that the DDM may decide if the matter is to be detected.
- If so, the DDM will confirm the crime report as detected or reject it.
- If it is felt appropriate the DDM can add a letter to the case file to inform the court in relation to the defendant and the TICs. Which can be found on the intranet – TIC Letter Template for Crime Managers.

11.3 It is appreciated that the quantity of TICs may make the submission unsuitable for the recording of all the AAI, so it is considered best practice for the crime report to be included to cover this.

12. Offences NOT Subject to TIC

12.1 • If the offence to be taken into consideration is likely to attract a greater sentence than the offence for which they are to be sentenced.

- If the offence to be taken into consideration is not similar to one of the offences for which they are to be sentenced.
- If the offence to be taken into consideration might, by virtue of its date, constitute a breach of an earlier sentence giving the court increased powers of sentence
- If the public interest requires that it must be the subject of a separate trial.
- If the court has no jurisdiction to deal with the offence.
- If the offence attracts a mandatory disqualification or endorsement and the offence(s) for which the defendant is to be sentenced do not.

- If there is any doubt over the veracity of the suspects involvement.

13. Victim Care

13.1 It is the responsibility of the investigator to make contact with the victim of the offence that is to be taken into consideration. An explanation must be given to them of the process of offences taken into consideration and marked up on the crime report as per the Victim Code.

13.2 The victim must be told that their details will be placed on the MG19 (and MG6) relating to application for compensation, which will be considered at sentencing. They must also be told that this does not preclude them from seeking recompense through the civil litigation process.

13.3 It is not essential to take a statement from the victim at this stage if they have not already given one, however, the victim will be told that should the offender not accept the TIC at court, it is the policy of Sussex Police to vigorously pursue the offender through the courts so a statement may be required in the future.

13.4 The victim must be offered the opportunity to complete a Victim Personal Statement for inclusion in the case file and offered the opportunity to speak with the Victim Support Service. Please refer to How do I? Victim Code and Citizens Advice Witness Service Policy (131) for more information.

14. TIC NOT accepted at Court

14.1 Should the defendant not accept the TICs outlined in the MG18 at court, then charging / summons will be issued in accordance with the Director of Public Prosecution's (DPP) guidance on charging.

14.2 The case will be reviewed to take into account the circumstances of the TIC and whether it is appropriate to pursue the matter to court (i.e., 1 TIC for theft not taken into account when the offender has been imprisoned for 2 burglaries – is it in the public interest to pursue?).

14.3 As consideration is now being given to charging, the file will then be forwarded to the CPS for a charging decision via the CM/01 procedure, complete with supervisor's endorsements.

14.4 CPS will review the file for evidential quality and public interest issues.

14.5 If there is additional evidence found, not present at the time of the original arrest, the offender can be re-arrested (if a power of arrest exists).

14.6 If there is no additional evidence, a warrant can be sought under Section 1, Magistrates Court Act.

14.7 CPS will have the final decision regarding charging of TICs not accepted at court. This will be based on the evidential and Public Interest Test

14.8 Where there is an admission alone, the evidential tests must still be met. It is therefore essential for the initial interview to be of sufficient quality and clear that only the suspect could have known the detail of the offence.

15. Additional Safeguards

15.1 Reference must be made to the PACE codes of practice relating to the arrest and detention of suspects who require additional safeguards.

15.2 Where a young person is aged under 18, the notice must be given in the presence of a parent, guardian, or other appropriate adult.

15.3 The TIC process, if appropriate, can apply to non-English speaking people utilising an interpreter or to vulnerable people by using the TIC 2 form.

15.4 Should a suspect have difficulty reading, the arresting officer or investigator shall record this fact on the custody record and read the notice to them.

Team: Specialist Crime Command