



<u>Policy Title</u>	Offences Taken into Consideration by a court (TICS)
<u>CCMT Sponsor</u>	ACC Specialist Operations
<u>Department</u>	HQ Force Crime Management Unit
<u>Section/Sector</u>	Headquarters

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1.0 Rationale

1.1

From the first of March 2008, Thames Valley Police will adopt a new approach to Offences Taken into Consideration by a court (TICS)

1.2

This new approach has the backing of the CPS and the judiciary covering the Thames Valley Area.

1.3

When a suspect is to be charged with an offence, and where there is reasonable suspicion of their involvement in further outstanding offences, the Police and Criminal Evidence Act 1984 allows for them to be questioned about those offences.

1.4

Reasonable suspicion may be arrived at through forensic or other evidence, or secondary or other investigation which may link the offences, for example through intelligence, similar suspect or suspect vehicle description, similar MO, or same location and time span.

1.5

Where further offences are admitted in these circumstances, **and** there would be sufficient evidence to charge the suspect with the offences, they may be 'taken into consideration by the court'. They must be similar in nature to the offence charged and cannot be more serious.

1.6

The value of this process as a cost effective method of detecting crime and reassuring the victims of crime has now been formally recognised, and is outlined in the Sentencing Guidelines which were reviewed in July 2007, and the Prosecution Team Guidance for police and prosecutors, published in May 2007

This policy has been set out to provide assistance for officers when interviewing suspects for further crime offences that may be taken into consideration by a court. (TIC s)

2.0 Intention

2.1

The intention of this policy is to;

- Promote the ethical use of TICs as a cost effective method of detecting crime
- Provide more victims with the satisfaction of knowing that the offender for 'their' crime has been brought to justice
- Improve performance in the detection of notifiable offences

NOT PROTECTIVELY MARKED

- Reduce crime by utilising intelligence gained through TIC interviews

2.2

This will be achieved by;

- Adopting a transparent, ethical and auditable TIC process
- Training nominated staff in the detail of obtaining TICs e.g. Prison Intervention Units, Priority Crime Teams, (Case Directors as advisors) and any other staff demonstrating ability in establishing rapport with offenders
- Training front line officers in the basic principles of obtaining TICs and ensuring they have access to specialist advice
- Briefing Custody staff in their role in the process

Ensuring continued support from the judiciary, CPS etc.

3.0 General Principles

3.1

BCU and LPA Commanders will be responsible for ensuring compliance with this policy.

3.2

Close working between the police and CPS is important for the effective use of TICs. The Case Director and CPS should be consulted at the conclusion of TIC interviews, to ensure that the principles of the scheme are complied with, and that there is a rational balance between the offences charged and the offences TICd.

3.3

No inducements should be offered to the suspect in exchange for admissions. For example, interviewing officers cannot promise bail, or that any offence admitted will be TICd.

3.4

All TIC interviews will be conducted according to the Police and Criminal Evidence Act 1984, and will be audio recorded.

3.5

All TIC detections will be recorded in accordance with the Home Office Counting Rules

3.6

The Thames Valley Police TIC Procedures detailed on the Intranet Streetcraft Site will be followed.

3.7

Where TIC interviews are to be conducted post charge, but pre-sentence e.g. the offender is remanded in custody awaiting sentence, the general principles of this policy must be adhered to.

4.0 Guidance, Procedures & Tactics

4.1

This policy will be publicly available except for the TIC Guidance for Officers, which contains detail of police tactics. (Exemption 31.1(a) FOIA 2000). It may be published on the Freedom of Information Internet site.

5.0 Challenges & Representations

5.1

Any person directly affected by this policy may make representations in relation to this document and/or any decision taken in consequence of it, to:-

Detective Chief Superintendent Crime Support
Thames Valley Police Headquarters
Kidlington
Oxon
OX5 2NX

5.2

A complaint against individual officers' conduct should be progressed through the Complaints against Police procedures.

5.3

The areas covered by this policy are open to scrutiny by H.M. Inspector of Constabulary during official inspections.

6.0 Communication

6.1 Links to Police National Legal Database Other

This policy should be read in conjunction with the Thames Valley Police Crime Investigation and Management Policy.

6.2 Implementation Strategy

The Communication Strategy for this policy is to recirculate it to original stakeholders. BCUs will be expected to train relevant staff in the process.

6.2.2

The target audience is;

- BCU and LPA Superintendents
- Area Crime Managers
- Custody staff
- CIMU staff
- Supervisors
- Investigating Officers, including front line staff and specialist interviewing teams.
- Case Directors

NOT PROTECTIVELY MARKED

6.2.3

The new TIC Scheme has been widely circulated to the Policy Advisory Group, Force Crime Meeting, Area Crime Managers, and practitioners. The CPS and judiciary have also been consulted at a senior level.

6.2.4

This policy (but not the SOP) will be published on the Force Intranet.

7.0 Compliance and Certification

7.1 Human Rights Certification

This policy has been drafted and audited in accordance with the Human Rights Act 1998. It has also been audited in accordance with the Race Relations Act (as amended) 1976.

(i) Legal Basis

The legal basis for this document is derived from:

- Police and Criminal Evidence Act 1984
- Criminal Justice Act 2003

(ii) Human Rights Articles Engaged

It is acknowledged that the policy has the potential to engage the following articles:-

- Article 5 Right to liberty
- Article 6 Right to a fair trial
- Article 8 Right to respect for private and family life

In the event that an Article of the convention is engaged, then the legitimacy for the engagement is provided within the text of the Article:-

Article 5(c) of the Convention (Right to Liberty) states '...the lawful arrest or detention of a person effected for the purposes of bringing him before a competent authority on reasonable suspicion of having committed an offence, or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so...'

Article 6 applies in its entirety when a person is detained/ arrested/ charged.

Article 8 (Right to respect for Private and Family Life) provides the following legitimate aims;

- public safety
- prevention of disorder or crime
- protection of the rights and freedoms of others

(iii) Prohibition of Discrimination

By engaging any of the aforementioned Articles, there is the potential to engage Article 14 of the Convention. The enjoyments of the Rights and Freedoms set forth in the European Convention of Human Rights shall be secured without discrimination on any grounds, such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status. Actions taken as a consequence of this policy will be applied fairly and impartially, having due regard for natural justice and human rights.

Thames Valley Police interview suspects from diverse social and ethnic backgrounds. The Police have a positive duty to ensure that this policy takes effective measures to reduce and eliminate the possibility of discrimination.

7.2 Diversity Impact Assessment

This policy has been assessed for its relevance against the six strands of Diversity and is rated as "LOW".

7.3 Diversity (Human Resources)

In the application of this policy, the Force will not discriminate against any persons regardless of their gender, sexual orientation, race or ethnic origin, religion, age or disability.

7.4 Management of Police Information (MoPI) Compliance

Information deemed 'for a policing purpose', or any data about an individual that is circulated or received by e-mail; or published/downloaded via the intranet or internet or circulated in any other format must comply with MoPI guidelines.

7.5 Community Engagement Strategy and Standards

This policy has the potential to engage the Force Community Engagement Standards.

7.6 Data Protection

Personal data processed as a result of this policy will be managed in accordance with the provisions of the Data Protection Act 1998. It is acknowledged that 'sensitive personal data' (Criminal convictions and their proceedings) may be processed and this data will be protected in accordance with the requirements of the Act.

7.7 Freedom of Information Act

This policy will be publicly available except for the Guidance which contains detail of police tactics, (Exemption 31.1(a) FOIA 2000.) It may be published on the Freedom of Information Internet site.

7.8 Protective Markings

This policy has been assessed for its correct level of protective marking and is NOT PROTECTIVELY MARKED.

The 'Guidance, Procedures and Tactics' are exempt from publication under the Freedom of Information Act 2000 as they contain police methods of working, (Exemption 31.1(a) FOIA 2000.)

7.9 Health & Safety at Work

There are no specific Health and Safety Issues involved in this policy

8.0 Monitoring and Review

The areas covered by this policy are open to scrutiny by H.M. Inspector of Constabulary during official inspections.

This policy document will be reviewed annually. The review will take into account the following criteria:-

- changes in legislation
- changes in Thames Valley Police procedures
- human rights challenges in domestic and Human Rights Courts
- changes to Home Office guidance
- complaints against officers
- representations by Non Governmental Organisations
- representations made by individuals
- relevant equality data