

Guidelines on the Cautioning and Charging of Knife Crime Offences

The National Police Chiefs' Council (NPCC) with the College of Policing and the Crown Prosecution Service (CPS) has agreed to these revised guidelines being circulated to, and adopted by, Police Forces in England, Wales & Northern Ireland, and Prosecutors.

It is marked as OFFICIAL under the Government Protective Marking Scheme and any referrals for advice and rationale in relation to Freedom of Information Act disclosure should be made to the NPCC Central Referral Unit at npcc.request@foi.pnn.police.uk.

Document information

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Author:	DAC Graham McNulty (NPCC) & Strategy & Policy Directorate (CPS)
Force/Organisation:	NPCC & Crown Prosecution Service
NPCC Coordination Committee Area:	Crime Co-ordination Committee (VPP)
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These revised guidelines have been produced by the NPCC Knife Enabled Crime Lead in conjunction with the CPS. They replace the 'Guidelines on the Investigation, Cautioning and Charging of Knife Crime Offences' v4.0 (2015). They have been approved by the Crime Co-ordination Committee (NPCC) and the Director of Strategy and Policy Directorate at CPS. These guidelines should be used by chief officers to shape police responses to ensure that the general public experience consistent levels of service and by the CPS to inform decision making. The implementation of all guidance and strategy will require operational choices to be made at local level to achieve the appropriate police response. It will be updated and re-published as necessary.

Any queries relating to this document should be directed to either the authors detailed above or the NPCC at info@npcc.police.uk



Introduction

In 2019 CPS and NPCC Knife-Enabled Crime portfolio undertook a joint review of the existing 'Guidelines on the Investigation, Cautioning and Charging of Knife Crime Offences' v4.0. As part of the review a consultation was undertaken with police and criminal justice partners. The particular emphasis of the review was the charging directions given in the guidance around youth offenders.

NPCC and the CPS published joint guidance in 2020 entitled 'Knife Crime Practical Guidance' (<https://www.cps.gov.uk/legal-guidance/offensive-weapons-knife-crime-practical-guidance>) which covers investigative considerations in more detail and therefore this reviewed document will focus primarily on providing clarity around charging for knife crime offences.

This guidance should also be read in conjunction with CPS legal guidance on Offensive Weapons, Knives, Bladed and Pointed Articles (<https://www.cps.gov.uk/legal-guidance/offensive-weapons-knives-bladed-and-pointed-articles>) and CPS guidance on Youth Offenders <https://www.cps.gov.uk/legal-guidance/youth-offenders>.

Purpose

The purpose of this guidance is to give clear direction to Chief Constables and Crown Prosecutors on charging for knife crime offences.

Context

Knife-enabled crime and its tragic consequences continue to be a concern to police, partners and the public, and there is a strong public interest in deterring the carrying and use of knives and offensive weapons.

Knife-enabled crime recorded by the police saw a 4% decrease to 46,950 offences in the year ending December 2021 driven largely by a reduction in robbery offences. Levels of knife-enabled crime were lower during periods of lockdown but returned to pre-coronavirus (COVID-19) levels in the April to December 2021 period (Office for National Statistics, 2022).

The consequences of knife crime can be devastating on victims, their families, and the wider community. Overall, 44% of recorded homicides in the year ending December 2021 involved a knife or sharp instrument (Office for National Statistics, 2022), increasing from 39% in the year ending December 2020.

This guidance seeks to promote public confidence that those who illegally carry and use knives will be brought to justice.

Charging and disposal

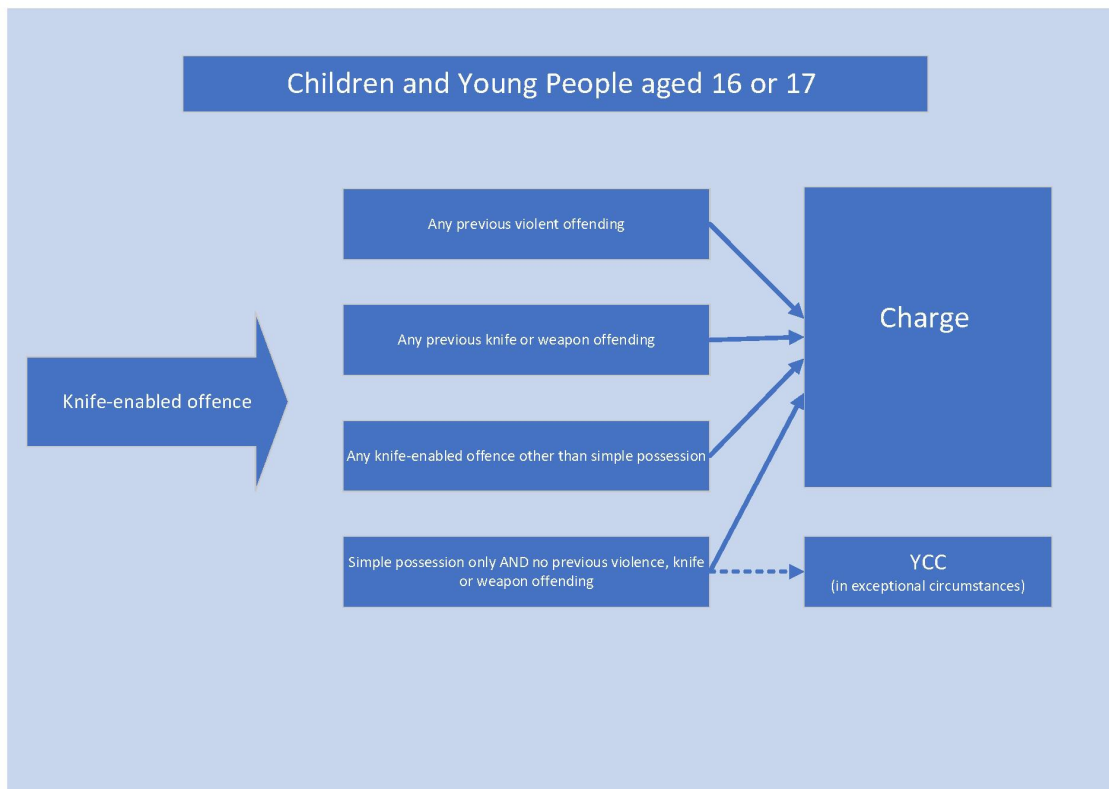
Adults (18 and over)

The expectation is that those aged 18 and over will be charged for all knife-related offences. Prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction, and that prosecuting is in the public interest in accordance with the [Code for Crown Prosecutors](#).

Children and Young People – 16 and 17 years

The starting point for children and young people aged 16 or 17 for simple possession should be to charge unless there are exceptional circumstances that would make it appropriate to issue a Youth Conditional Caution (YCC).

Where the suspect has any history of offences of violence, has previously been dealt with for a knife/weapon offence, or the offence under investigation is an offence other than simple possession, then they should be charged.



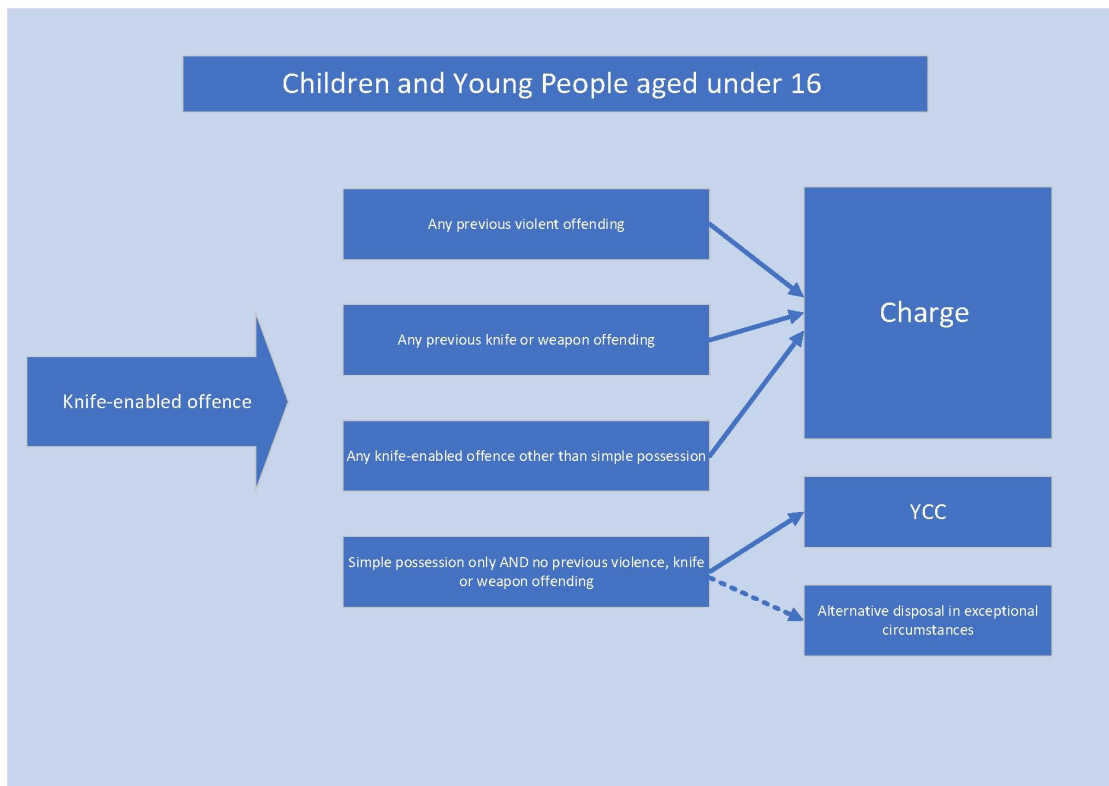
Children and Young People aged 16 or 17

Children and Young People - under 16 Years

The starting point for a child aged under 16 for simple possession who has not previously been involved in any violent offending, or offences including knives or weapons should be a YCC.

There may be circumstances where an alternative disposal may be appropriate, but this should be reserved for truly exceptional cases.

Where the suspect has any history of offences of violence, has previously been dealt with for a knife/weapon offence or the offence under investigation is an offence other than simple possession, then they should be charged.



Children and Young People aged under 16

CPS Decision Making

The CPS has legal guidance regarding the prosecution of the possession of knives and other offensive weapons.

When making charging decisions the CPS is required to follow the Code for Crown Prosecutors issued by the Director of Public Prosecutions.

The Director's Guidance on Charging 6th Edition (DG6) also applies to cases submitted to the CPS for charging advice, for the first time, after 31 December 2020 irrespective of when the investigation began.

The Code states (Section 3.4) that prosecutors must only start or continue a prosecution when the case has passed both stages of the Full Code Test.

The Full Code Test has two stages: (1) the evidential stage; followed by (2) the public interest stage.

The Evidential Stage

Prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge. They must also consider what the defence may be, and how it is likely to affect the prospects of conviction. A case that does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be.

The finding that there is a realistic prospect of conviction is based on the prosecutor's objective assessment of the evidence, including the impact of any defence and any other information that the suspect has put forward or on which they might rely.

The Code states that prosecutors consider

- Can the evidence be used in court?
- Is the evidence reliable?
- Is the evidence credible?

The Public Interest Stage

In every case where there is sufficient evidence to justify a prosecution, prosecutors must go on to consider whether a prosecution is required in the public interest. See paragraph 4.9 onwards of the Code.

The Code states that when deciding the public interest prosecutors should consider a Number of questions:

- How serious is the offence committed?
- What is the level of culpability of the suspect?
- What are the circumstances of, and the harm caused to the victim?
- Was the suspect under 18 at the time of the offence?
- What is the impact on the community?
- Is prosecution a proportionate response?
- Do sources of information require protecting?

The Code contains explanatory text for each of these questions.