



Counter Allegations Procedure

Supporting Documents

[College of Policing APP- Investigation](#)

Policy

The Recording of Investigative Policy Decisions and Maintenance of Investigative Logs
Policy Surrey and Sussex

Procedure

1. Introduction

- 1.1 This document details the procedure for dealing with counter allegations.
- 1.2 The practice of making counter-allegations, particularly affecting assault type offences has been increasing. Experience has found that counter-allegations have been made immediately after charge by the alleged offender. This practice **may** be initiated in an attempt to disrupt a successful prosecution or to confuse the investigation.
- 1.3 In other examples, both parties have made allegations against each other in the early stages of an investigation, which can cause the investigating officer to have difficulty identifying the 'victim' of a crime. The complete allegation must be investigated, and Public Order offences considered as a potential alternative if appropriate.

2. Statement

- 2.1 **It is not the role of Police Officers to 'broker deals' between the parties involved. Under no circumstances must this practice take place.**

2.2 Post-Charge

- A separate crime report **will not** routinely be created. A 'Crime Related Incident' **will** be created on Niche and linked to the original report. A statement **will not** be taken, but sufficient information will be recorded to allow Investigators and the CPS to examine the allegation.
- Consultation will be made with the Officer in the Case.
- In fast-time cases where evidence may be present to support the counter allegation i.e. recent injury or independent witness evidence; consideration must be given to the Home Office advice below. In addition, any such material **will** be relevant to the case and therefore **will** be retained and disclosed to the CPS under the disclosure rules detailed in the Criminal Procedures and Investigations Act 1996. If the probability exists that the counter offence did take place, then a the CRI must be reclassified to a full offence by tasking Dedicated Decision Makers (DDM) **who will apply the National Crime Recording Standards**.

2.3 Pre-Charge

- An investigation has commenced, allegations have been made from one party, and then followed by counter-allegations from another.
- The initial allegation will be recorded on a crime report and classified as a crime when required in accordance with the NCRS. Full details will be recorded on the one report. The allegation will be investigated as a whole, allowing the investigating officer to be able to make an informed decision about any potential prosecution. It may be found that both alleged victim and alleged suspect could be responsible for a Public Order offence.

3. Home Office Guidance

3.1 RECORDING PRACTICE: COUNTER ALLEGATIONS OF ASSAULT

When assaults are alleged to have taken place, these must be recorded in accordance with the National Crime Recording Standards (NCRS).

- 3.3 Very often, however, offenders claim that they were acting in self-defense and make counter allegations of assault. Great care must be taken before routinely recording such allegations as crime.

For example, when the offender, in a case of GBH or ABH, makes a counter allegation of assault, this must only be recorded as such if, on the balance of probability, the offence took place (in accordance with the NCRS).

- 3.4 The absence of any evidence, such as personal injury or independent witnesses, may show that the allegation is false, and care must be taken before recording as a crime. Each case must be treated on its own merits. It must be noted that any decision not to record such counter allegations as a crime must be recorded for disclosure purposes.