



NBCS

**A Guide for the
Management of
Business Crime**

Foreword

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The range of solutions available to directors / heads of LP are vast and the information contained within this guide will provide an invaluable single point of reference to business crime reduction.

The expertise used to gather this information spans years of industry experience and you can use this in the confidence that the information is well researched, accurate and supplier agnostic.

Strategies and policies must be developed for individual businesses, but when considering conventional activities such as civil recovery, up-to-date and practical advice is available within this guide. There is also the opportunity available to benchmark against other NBCS members.

If considering a more radical approach (Private Prosecutions for example) informed, up-to-date information is also available within the guide and from the NBCS.

Police response to crime reporting is a confused and challenging area at present. This guide provides comprehensive, informative and unique guidance that will prove invaluable to modern loss prevention professionals.

In summary, this guide should be the single point of reference for both new and experienced loss prevention / security professionals and will improve further through feedback and engagement by businesses with the NBCS and NBCC.

Overview & Contents

This basic guide is to support all businesses understand areas of best practice when managing business crime incidents. The aim is to highlight areas of good practice which can consequently help to drive national consistency by improving the application of investigations and the continuity of evidence for both criminal and civil workings. The guidance covers the end to end process of dealing with incidents and includes sections on the following:

 <p>Crime incident management</p>	 <p>Managing and dealing with vulnerable offenders</p>	 <p>Reporting crime to police</p>	 <p>Civil investigations</p>
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Crime incident management

Detaining persons, staff safety, confirming ID, evidential capture and continuity, statements, attending court and witness care.



Overview

Businesses will have their own policies for dealing with crime incidents including external theft. Many businesses operate policies whereby they detain all shop thieves and request police attendance. Some retailers prefer to operate a strict policy of deterring thieves wherever possible. These are often referred to as “no arrest” or “selective arrest” policies. This section is designed to provide summary advice for both policies.

Personal safety of colleagues, customers and suspects

Colleagues should never place themselves in harm’s way and always use training provided and follow company policy, also never allowing personal actions to enable the transference of risks to others. Should a suspect be detained, businesses should place the individual in a safe environment whilst awaiting police or security support. Best practice would facilitate confrontation management, powers and policy and safe restraint for both colleagues and security staff alike.



Evidential capture

Incidents should be captured on CCTV where possible, exhibits retained and not interfered with and witnesses either kept at the scene to take statements or witness names and addresses captured for future contact.



Reporting to police

All incidents should be reported to police on the understanding that they may not attend. In any case exhibits and statements need to be retained should the suspect be seen or return to store, enabling a prompt and effective investigation of the matter.



Internal reporting

For businesses to understand their risk profile, matters should be reported internally to correctly capture the incident details, enable colleague aftercare and capture stock loss against the crime supporting inventory management processes.





Indictable offences

Simply put, these are the more serious criminal offences including:

- theft
- robbery
- burglary and
- serious assaults

Common errors and offences that **do not** have a citizen's power are **trespass related offences**, detaining those who have entered without leave. You can witness these offences but will require a police officer to effect an arrest where necessary.

Detaining persons

When using detention to hold an offender it is essential to follow common law, clearly communicate agreed internal best practice and provide suitable training.

Powers of arrest

Section 24a of the Police And Criminal Evidence (PACE) Act governs citizens arrest powers which broadly are:

any person can detain someone who has committed / is committing an **indictable offence** such as theft.

There must be reasonable grounds to believe the arrest is necessary and it is not practicable for a constable to make an arrest.

Section 3 of the Criminal Law Act states a person may use such force as reasonable in the circumstances of the prevention of crime, detention of offenders and arresting those unlawfully at large.

Common law allows that a person may use such force as is reasonable in the circumstances for the purposes of self-defence, defence of another, defence of property or prevention of crime.

Using reasonable force on others

Touching someone without their permission must only involve necessary force (was it needed?) and must be reasonable.

Members of the public can lawfully use forces on others. Any force used must be reasonable, proportionate and within confines of training if provided. The person using the force must record it in a statement and be prepared to explain, or justify any force used to the police and possibly a judge or jury.



Staff safety

Confrontation does not only occur when detaining shop thieves, other trigger points occur when dealing with age restricted sales and dealing with out of policy refunds & exchanges for example. It is therefor strongly recommended that retailers train and educate their staff appropriately, irrespective of whether they discourage the detention of shop thieves.

Confrontation management

Identifying the signs of confrontation and defusing an incident - all personnel should have a good understanding of the powers of arrest and use of force.

Safe restraint and detention

(if applicable to company policy).

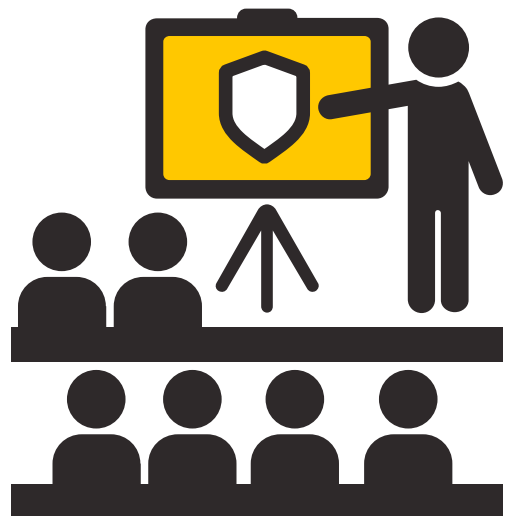
Evidential capture

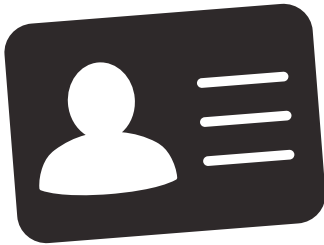
Securing evidence, correctly storing it, recording where it is and who currently has it (if given away).

Statement writing

Writing about what happened and how it felt.

Business colleagues and security staff should have a good understanding of the powers of arrest and use of force. This should be supported by technology such as CCTV, lone worker devices, remote monitoring, indelible marking and ready access to be able to raise an alarm.





Confirming ID

Businesses and police take a risk-based approach to activities, ensuring they deal with more serious incidents (still reported, but not actioned or investigated). However, in almost all cases there is a requirement to confirm the identity of the individual which often takes some conversation with the person in question and can be challenging. Businesses should do all they can to confirm identity themselves, corroborated by official identity documentation, or external databases.

Databases used to confirm identity are:

- voters register
- Civil recovery contracts
- the DVLA
- crime partnerships and
- the police

Data sharing varies by company policy, police force and crime partnership. All data sharing must be proportionate and the sharing purpose in line with General Data Protection Regulation (GDPR) articles. Such activity would normally fall under articles 6, 9 or 10. Further information can be found via the Information Commissioner's Office (ICO) www.ico.org.uk

Evidential capture & continuity

Exhibits

Any item used, touched or left behind in the commission of an offence, should be left in situ or protected. If this is not possible, items should be moved sensibly to a safe location and not over-handled. The person moving an item should record this in a statement to say that they have done so.

Witnesses (*staff or members of the public*)

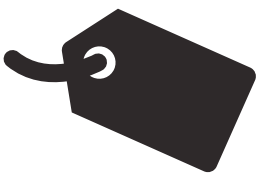
Should be made available and asked to record what they have seen in statement format.

CCTV

Footage should be kept, indexed as an exhibit (with a few minutes either side of the incident) and logged as such in a statement. Provide a master (exhibit) for policing purposes and retain a working copy.

Evidential continuity

Businesses should retain relevant statements and exhibits by incident reference number in a secure location with a log of where and who holds them at any time *e.g. handed to police etc.*



Statements

It is important to capture as much information about an incident as possible in the form of written statements. Statements should be taken at the time of the event or as soon afterwards as possible. The following information should be recorded in statement form where applicable:

A loser's statement

Who owned what, how much or what was taken, who it belonged to and the fact that the suspect did not have permission to take the item(s) in question

Witness statements

Evidence from those who witnessed the criminal act, signed as correct

Exhibiting statements

Providing information about exhibits, such as CCTV, including a unique internal reference number

Victim and/or Business Impact Statement

Provision of information of how the crime impacted an individual, a collective group, a wider community or a business

Record of interview

Questions and answers signed as correct by all present

Identifying persons

If confirming the identity of another



Attending court & witness care

Business colleagues should be afforded time to attend court during their working hours. They should be encouraged to engage with witness care providing an opportunity to understand the court process and what is expected of them as a witness/victim.





Managing and dealing with vulnerable offenders

Including juvenile, exploited or foreign national offenders or victims of modern slavery and human trafficking.



Managing juvenile, vulnerable or exploited offenders

Sadly, many offenders are not adults, are vulnerable, have health or addiction issues or, in extreme circumstances, are victims of serious crimes themselves and have been forced into criminal acts. Businesses, when detaining or dealing with offenders, should be mindful of the full possible picture in front of them and be prepared to fully and transparently explain the situation when contacting authorities.

For example, note the difference between these two statements:

“I’ve detained a female shoplifter”

“I’ve detained a female juvenile shoplifting, who cannot speak any English”

Businesses should always treat juveniles and vulnerable people as victims before suspects, asking questions to identify if they are at risk of exploitation or need of medical care.

- Q Where are they from?
- Q How did they get here?
- Q Do they know what town they are in?
- Q Are they under the influence of drugs/drink?
- Q Are they injured?

Be prepared to provide care and support to the individual where possible. Such an approach will often calm situations and build a rapport with the individual, enabling the capture of the full situation and supporting the correct outcome whether it’s care, support, diversionary activity, investigation or arrest.



Managing foreign national offenders

When dealing with foreign offenders it is best practice to capture as much information about the person's identity as possible. Most foreign nationals carry identity cards so take a copy and pass to the police so they can conduct checks with Europol / Interpol.

In addition, use the following acronym to remember which information to capture which supports the i24 checks required by Interpol when reporting an incident:

MICOP:

- **M**other and Father names of the offender
- **I**dentification details and reference numbers
- **C**ountry and town of birth*
- **O**verseas address
- **P**lace and store everything on a system

**in parts of Europe most records are held locally and are not updated until persons are convicted.*



Modern slavery and human trafficking

Some offenders can be victims of modern slavery and human trafficking who are forced to carry out acquisitive crimes such as shop lifting and forced begging.

The British Retail Consortium estimates that one third of shoplifting offences nationwide are committed by Organised Crime Groups (OCG's). Victims are usually in their early 20s, both male and female, and are exploited by the OCG's who play on their vulnerabilities such as homelessness and unemployment for the trafficker's own financial gain.

Information has shown there is a high level of planning involved, where victims are forced to steal pre-selected items from stores and are provided with a rehearsed narrative if stopped. Some victims are known to steal food for their own survival in addition to being forced to shoplift. Migrant children have been known to shop lift under the supervision of adults.

Full guidance can be found on the NCA website at: www.nationalcrimeagency.gov.uk/publications/989-guidance-for-ngos-on-how-to-identify-and-support-victims-of-criminal-exploitation/file

To report a crime, call the police on 101 (non-emergency) or 999 (emergency). If you suspect that a person is being exploited through modern slavery, please make this clear when reporting.

If you need further advice or unclear about whether you are dealing with a victim, contact the Modern Slavery helpline on 08000 121 700 or visit www.modernslaveryhelpline.org





Reporting crime to police

When to make contact and the correct initial response



Business and police have expectations of each other. Initial transparent and full information exchange facilitates the correct initial response, supported by good and readily available evidence, enabling a prompt and effective investigation or honest rationale to decision making processes.

Where a person has been detained by store staff for theft some police forces carry out a risk assessment based on threat, risk and harm before deploying an officer to the scene. This allows the 'lower risk' offenders to be dealt with locally by the store, so avoiding having to wait for police attendance.

The following are deemed risk factors for the police so, when present, inform the police if:

- Young people or foreign offenders are involved or if there are language difficulties;
- Drink, mental health or drugs are involved or suspected;
- Violence is used or threatened.

In any incident when seeking a police response consider the following and inform the police:

- Where there is an injury or there is a concern for the welfare of somebody at the scene;
- If the offender is still at the scene or in the immediate area i.e. the risk is still present;
- If there is a risk that evidence will be lost in the 'immediacy', for example forensics or witnesses;
- If property has been recovered or found (think investigative opportunities)
- If there is a safeguarding issue and a need to protect a vulnerable person, for example children or the elderly.

The police may also request the name and address of the person detained, as this allows checks to be made to ascertain if the person is wanted or a prolific offender. Where a name and address cannot be verified, inform the police.



Ring 999 when...

...a serious offence is in progress or has just been committed

...someone is in immediate danger or has come to harm

...property is in danger of being damaged

...a serious disruption to the public is likely



Ring 101...

...for non-emergency police enquiries only, such as reporting crimes and other concerns that do not require an emergency response



Digital Reporting

A number of UK police Forces can also accept non-emergency reports online.



Civil investigations

Exclusion orders, injunctions, private prosecutions and interviewing persons.



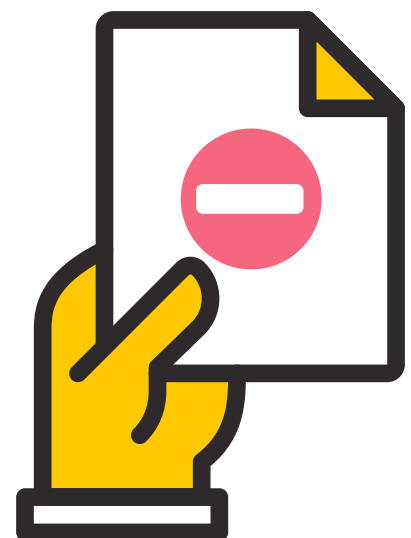
In a time of policing cuts and therefore an increase in risk-based approach to investigations, businesses need to have an alternative approach to manage the investigation and prevention of crime. Increasingly businesses are using more proactive measures to proportionally target persistent prolific offenders and to more effectively manage internal criminal acts.

Exclusion orders

Members of the public have an implied right to enter shops but this can be revoked by an exclusion notice. An exclusion notice is also commonly known as a banning order. Exclusion notices should be personally served and cover a store, a group of stores or a whole business/group of businesses. The execution of exclusion notices must be proportionate to the offending profile of the individual. Exclusion notices need to be recorded correctly, ideally in a central database for searching. Service of an exclusion notice should be in the language of the offender. Service of the exclusion notice should be recorded.

Breaches of exclusion

If an offender re-visits a premises they have been excluded from they are committing trespass. This then entitles the business to take civil proceedings. This will require continuity of evidence of the breaches (CCTV, statements etc) enabling the issuance of a penal notice meaning further breaches will result in criminal offences and the offender could be sent to prison.





Injunction processes

After exclusion notices have been correctly served a penal notice would likely result in a civil court injunction. Injunctions will have a set of conditions that the offender must abide by. Breaches must be evidenced with witness statements, exhibits (CCTV etc) and evidential continuity as previously described. Injunctions can have powers of arrest to either be actioned by police or court bailiffs as directed. This process will require support of a solicitor to prepare the proceedings and to attend court.

Private prosecutions

Private prosecutions are increasingly being used by businesses as a mechanism for achieving justice for economic crime, as well as making a significant contribution to an organisation's effective fraud deterrence strategy. They provide a resolution for those cases with which law enforcement are not able to assist, for example, due to operational reasons or where any investigation may not move quickly enough.

Private prosecutions therefore come with a number of unique advantages, including:



Speed

Investigators, whether they are in-house, external, or a combination of both, will work in partnership with prosecutors to achieve a swift resolution.

Strategic input

The case strategy can be shaped collectively to ensure a proportionate and cost-effective outcome.



Costs

Providing the private prosecutor acts reasonably, a significant proportion of the costs of bringing the prosecution can be recovered from the state.



Crucially, private prosecutions result in the same punishment upon conviction as public prosecutions. They are a powerful tool for businesses, offering them the ability to send a strong deterrent message to those who seek to target them for crime.

Questioning suspects and interviewing persons

Whenever coming into contact with a suspect a conversation takes place. This innocent exchange often leads to questioning to establish the legitimacy of customer behaviour and whether an offence has taken place. This is simply broken into two facets;

Interviewing suspects at an incident

Members of the public can interview suspects to establish the facts of an offence, facilitate lawful activity, searching etc and to ensure their own safety. This can include confirming the correct ownership of property. Questions should be recorded contemporaneously or as soon as is reasonably practicable. Questions should be signed as correct by the suspect. If the suspect refuses to sign this should be noted on the questions.

Interviewing suspects by appointment *(internal staff investigations)*

Invited persons should be provided notice of the event and invited to attend with a friend, union or legal representative. Interviews should be held in a warm, lit room, ideally taped or recorded on CCTV. Questions should be recorded contemporaneously and offered for signing by the suspect as an accurate record of events. Should an interview go over 2 hours a break of 15 minutes should be offered.

In either case, questions and answers should be referred to in a witness statement or record of interview.





Civil recovery

Best practice regarding civil recovery application, principles and service and consideration of costs included in recovery processes.



Civil recovery is the application of the recovery of costs from an incident, for example, a low-level theft investigated by a store detective with the offender either arrested or not by police. The application is for the business to recover the costs of the offence, as well as labour and security costs in full.

Who can Civil recovery be applied to?

Civil recovery can be applied to any person, including juveniles. If applying to juveniles the service should be conducted personally in the presence of their responsible adult. Consideration should be given to the vulnerability, mental state and any language barrier, ensuring service is upheld. ***It is important to ensure the recipient fully understands the outcomes and consequences of non-compliance.***

Serving a Civil recovery application

Service of Civil recovery can be conducted by post, or in person. It is well accepted that personal service results in a higher return ratio than those conducted by letter but has a higher labour cost. If necessary, consideration should be given to personally serving an application in the presence of a witness and/or capturing on CCTV which should then be exhibited.

Setting good business principles for financial minimums

Civil recovery can have a minimum financial level of application. For example, it could be applied to thefts of £20 and above or to all incidents however, there is a risk of setting financial minimums, which can result in offenders repeatedly committing crimes under the minimum level to avoid detection or further action being taken.

Consideration of costs to be included in recovery processes

Civil recovery can include multiple activities from colleagues' labour, to stock loss, lost trade, investigative processes, technology and third party costs i.e. security.

Civil recovery is a crime preventer as well as a cost recovery process





Working with Business Crime Reduction Partnerships & BIDs

Business partnerships combine efforts and intelligence in order to reduce crime and support effective criminal prosecutions or civil action.



A Business Crime Reduction Partnership (BCRP) is a subscription-based, business-led group, working with police and the local authority to tackle and reduce crime and disorder affecting businesses. Some Business Improvement Districts (BIDs) perform this function either themselves or in collaboration with a separate business crime reduction partnership.

BCRPs are uniquely positioned to provide:

- an overview of a subject's offending and behaviour across an area which is beneficial when compiling evidence for civil or criminal action.
- crime prevention advice and intelligence sharing to prevent and detect crime. Radio schemes are a popular feature of BCRPs to enable the sharing of real time information between businesses.

BCRPs may also administer exclusion schemes on behalf of members, including the data protection and review requirements that individual businesses may not have the time or knowledge to undertake. Additionally, exclusion from all businesses in the partnership may be more effective at deterring and preventing offending than exclusion from a single business or premises. Collating breaches as well as other evidence can prove useful when applying for Criminal Behaviour Orders or civil injunctions.

There are now national standards for BCRPs available on the National Business Crime Centre website and accreditation to the standards is available through assessing organisations. These standards provide reassurances to businesses and the police of the value, conduct and management of the partnership. If you are in an area that has an accredited BCRP we would encourage you to join them.

Visit nbcc.police.uk for more information about partnerships and the national standards.





Internal theft, fraud prevention and HR screening

Educating your employees, carrying out investigations, forming company policies and vetting future and current colleagues.



In many cases, the people that we know and trust to manage aspects of our businesses are guilty of criminal activity and create a loss against the business. These offences are committed by employees at all levels of the business.

All too often, businesses fall victim to a person's actions. Below is a list of possible reasons or events that can lead people into the world of internal theft. People will often display or show signs of their intentions, sometimes unknowingly. Lifestyle changes are a big indicator of someone's change in loyalty towards a business – the business can go from their “employer” to an “opportunity” quite quickly, whether they were a dishonest person beforehand or not.

The offender's personal life

- Being controlled by someone else
- They may have a habit or addiction to fund
- Financial difficulty
- Relationships (new, old or additional)

Living beyond their limits

- Buying an expensive car or house
- Friends with a higher income
- Expensive taste in possessions

Sense of entitlement

- Having contracted/non contracted hours reduced
- Restructuring departments
- Conflict or friction with a manager or other employee
- Disciplinary action

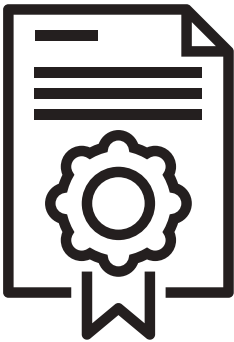
Understanding the factors that can lead to internal theft is prevention in itself - when these scenarios manifest themselves at work - they are a good indicator that someone may take a dishonest path.



Education and people

Educate employees on internal theft, the consequences of committing such offences and how they can help identify a dishonest colleague to you. The consequences of acting dishonestly in employment should be communicated to new employees early in their careers. This should form an essential part of induction programmes.

If your business does not have a training team, think about how you can share this in a different way and consider creating a “team talk” or “programme” around security and deterrent. If you already have this in place, keep it fresh, up to date, relevant, appropriate and realistic.



Policies

Policies for staff search need to be appropriately managed and disciplined, but these must also be legal. Even a police constable is limited and can only search a person’s jacket, outer garments and gloves when in a public place - and even then that must be under justified circumstances. Any further search must be in a place deemed satisfactory to the human rights of an individual. In the work place, the location and depth of search must be appropriate and again, legal.

The case strategy can be shaped collectively to ensure a Section One of PACE 1984 allows a constable to search an individual, if they have reasonable grounds to believe that person may have stolen or prohibited articles on their person. Any person who is not a constable does not have that right, and so we can include in our policies that people employed in a business must present themselves for a search/check out procedure. Should someone refuse this, internal policies must be in place to ensure there is consequence and therefore the action of a search remains a deterrent. What this refusal does mean however, is that a constable would then have reasonable grounds to search an individual for stolen or prohibited articles!

Again, publicity of such procedures is key to deterrent and subsequent prevention. Utilise staff handbooks and policy communication to share and enforce this requirement (with the satisfaction of legal/HR teams).

Investigations

Businesses should consider investing into individuals who will be able to conduct such conversations (interviews / internal investigations) professionally. Ensure you recruit and train these people accordingly; having a face to face conversation with an employee suspected of dishonesty is potentially very confrontational, invasive and sensitive. HR policies need to be followed in line with company disciplinary procedures and as such escalated accordingly. Sharing news of successful internal theft investigations can be very effective if done sensitively - it creates a present and credible risk to dishonest activity being detected.

There are various forms of investigative and interviewing techniques available and businesses should be encouraged to identify the type of investigate process best suited to them, and ensure this is understood and implemented consistently. There are various investigation specialists that will accredit your staff to interview in techniques that vary from exploratory interviews to styles and methods that satisfy criminal law. **The NBCS can introduce you to these organisations and NBCS Board Members can offer advice in these areas.**

HR screening

BS78582012 is the current security vetting standard for security staff, which includes the ability to conduct financial enquires. Initial and ongoing vetting strategies of colleagues working in at-risk environments, such as cash handling or handling high value stock, should be conducted routinely.

Any at-risk markers (i.e. CCJ or IVA) should be discussed with the colleague and recorded on personnel files and individual risk based decisions should be recorded by management. This supports a preventative and ongoing investigative business culture.



Maintaining visibility and standards

If everything is in its place – it's much easier to notice something that is not. This not only means that internal theft can be identified swiftly, but it also makes it much harder for an internal thief to perform. If they know their actions won't "blend in" to the surroundings, then they can't easily hide packaging, defeated security tags or stock to take at a later date.

Perform regular checks in disused areas; having general footfall through a secluded part of your business means that again you are deterring criminal activity in those areas. Whether you identify someone behaving in that way or not – you may have made them have to work harder to steal, or reduced the value or volume of their thefts.

You may notice patterns and in turn be able to install covert CCTV to identify an offender – but if there is no order or structure to these areas, it will be much harder to ascertain even on CCTV if something is out of place.

Aside from the "investigators", businesses need also to ensure crime prevention and recording equipment is available and controlled at all times, which is adequate to your business needs. **Again, the NBCS can introduce you to suppliers and NBCS Board Members can offer advice to suit your needs.**



CCTV

Historically CCTV has always been a good deterrent, however in recent times it is less so. If an internal offender knows or thinks they can go undetected, it makes dishonest actions easier for them. If you have CCTV, use it. Ensure regular reviews of events take place - ensure people know that CCTV monitoring takes place. As mentioned above, where needed, covert CCTV can be used to secure evidence (again ensure your business/HR policy supports this). Always ensure CCTV systems are maintained and comply with current Data Protection Laws - whether they are overt systems or covert.



Secure your building

Such a simple action which is easily forgotten. Staffing levels are low, demand is high, and the basics are being ignored first. Locking doors reduces the access for employees who do not need access to sensitive or desirable spaces and stock - security of your stock and most importantly your people, should never come second to speed. The same applies for staff valuables in lockers; you can include this in your terms and conditions of employment that they secure them in a provided locker (consult with HR departments).



It is very important to understand that there are no degrees of dishonesty; falsifying expenses, fabricating hours worked, taking company property for example, are all forms of dishonesty and should be investigated thoroughly and the same action taken as if someone has stolen from the till.



Thank you

Our thanks go to NBCS members who took the time to attend the Civil Investigations working group and to provide feedback to this guidance. We would also like to thank the following partners who helped produce this guidance:

- National Business Crime Centre
- Crime Strategy Unit, Home Office
- Modern Slavery and Human Trafficking Unit, Vulnerabilities Command, National Crime Agency
- Group Loss Prevention team at Next
- Mishcon de Reya

Tackling business crime together

If you have any comments or suggestions for additional content for this guide please contact the NBCS with your feedback.

Use us.

The more engaged you are, the more effective NBCS will be and the better we can assist all concerned.

Tackling business crime together

NBCS

The NBCS logo features the letters 'NBCS' in a bold, sans-serif font. Below the letter 'C', there is a stylized graphic element consisting of a downward-pointing triangle with a horizontal line above it, resembling a shield or a drop.

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