

Top Tips

- Don't try and record a 'no-contact order' as your community resolution. We cannot enforce such orders! Keep it simple.
- When dealing with local crime always consider the range of options available. Discuss these with the victim. Don't just default to making an arrest without using your professional judgment.
- You cannot record a community resolution if the offender denies the offence or refuses to sign the WC201R.
- The WC201R can only be filed once the resolution has been completed; not at the point of the initial agreement.
- If you can't fit all the information required on the one-page crime report, use a standard WC200.
- ALWAYS check FLINTS and PNC before agreeing to a community resolution. Record the check on the WC201R. Previous offences are not an automatic bar to being dealt with by way of resolution but common sense should prevail. If in doubt, consult a supervisor.
- If a resolution involves a shoplifter, remember it is the shop that issues a civil banning notice, not the police.
- It is important that the offender acknowledges responsibility and demonstrates remorse for their actions. This should be recorded on the WC201R.
- Keep community resolutions short, manageable and REALISTIC.

For further information

For further information and more detailed reference material, see the intranet under Programme Paragon.



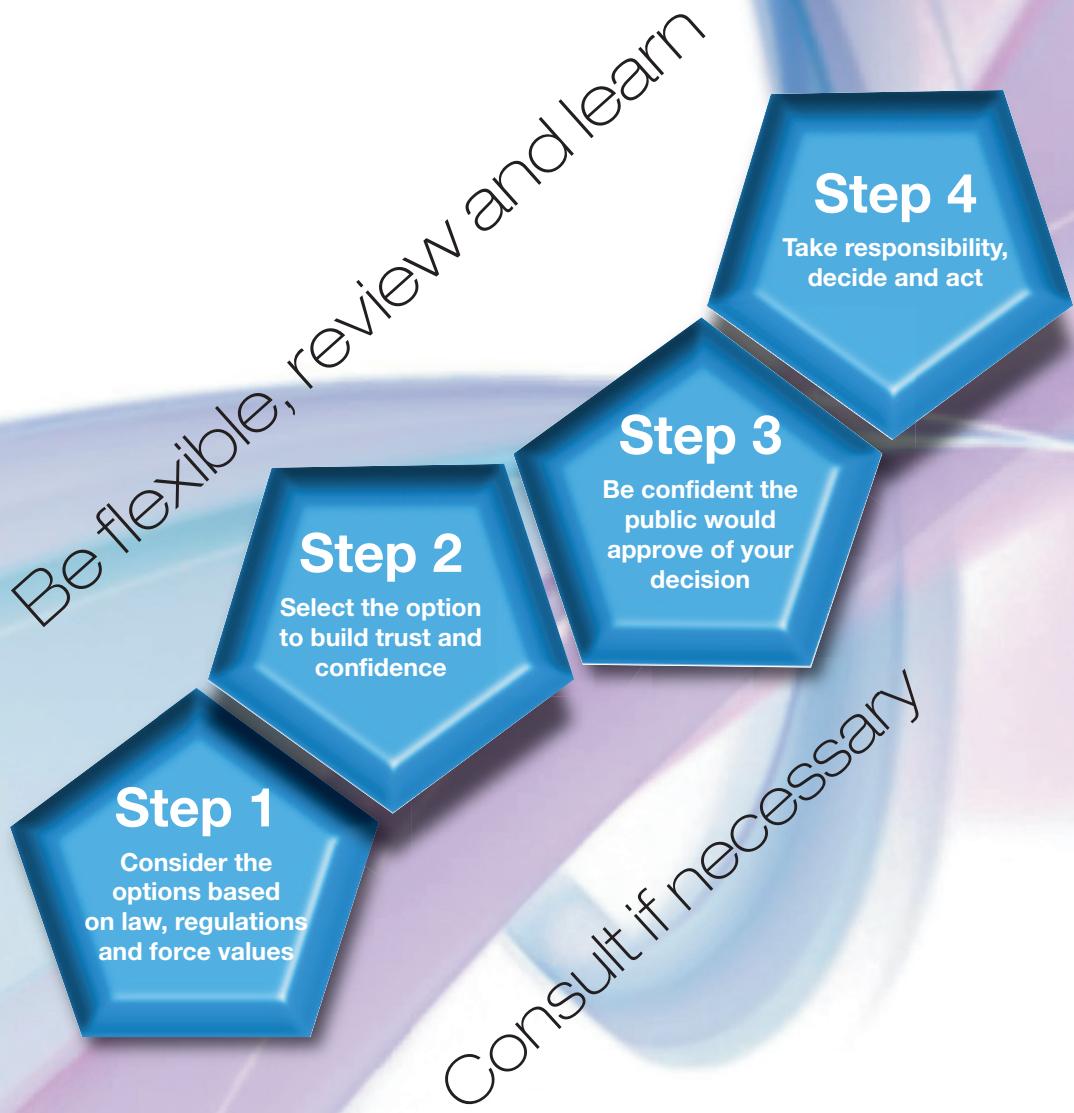
Doing the right thing – the effective use of community resolutions



Guidance Booklet



Values Based Decision Making Model



Doing the right thing the effective use of community resolutions



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Chris Sims **Chief Constable**

Officers can use their professional judgement, based on the decision-making model, to find an appropriate solution



I intend to change that and refocus our efforts on the needs and wishes of the victim – doing the right thing and putting the public at the heart of everything we do.

Victims often tell us they would prefer a speedier and more effective solution to their complaint rather than taking the matter to court. Community resolutions allow us to do this.

Officers can use their professional judgement, based on the decision-making model, to find an appropriate solution – empowering victims and allowing them to be part of that solution.

I want to encourage all officers to make full use of their powers around community resolutions and hope you find this booklet useful as a basic guide.

Doing the right thing – the effective use of community resolutions

Eligible offences

Offences in the red section are normally excluded from a community resolution.

Vehicle crime is in the orange section as it can range from a broken wing mirror to serious and organised lorry theft.

The offences in the green section are a guide only and the list is not exhaustive. Just because an offence in the green section does not automatically mean it will be appropriate for a community resolution.

Officers must assess all the circumstances of the offence and use their professional judgement to decide what is the right thing to do.

Inspector's authority only

- Serious assaults (i.e. Sec 20 GBH & above)
- Serious sexual offences
- Robbery
- Burglary dwelling
- Partner & ex-partner domestic
- Racist / hate / vulnerable
- Drugs offences

• Vehicle crime

Eligible

- Public Order
- Criminal damage
- Assault ('minor' Sec 20 & below)
- Theft
- Burglary other



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'Special case' offences

If there are compelling reasons for an offence in the red section to be dealt with under the community resolution process, this must be authorised by an inspector. (See later chapter on domestic abuse offences.)

Crime report

For offences in the green section, use the single page crime report (WC200R). If details will not fit on the form (eg, a large amount of property is involved), use the standard crime report (WC200).

The important thing is how the offence is dealt with, not the piece of paper it is recorded on.

Local crime – proportionate investigation

Use the following three 'filters' when considering the most appropriate outcome for local crime:

- Is the offence solvable with a proportionate investigation?
- Does the victim support a prosecution?
- Is it in the public interest to prosecute?

If the answer to one or more of these questions is 'no', then provided all the circumstances of the offence are taken into consideration, along with the background of both the victim and the offender, the matter may be dealt with informally.

Don't forget to consider issues around vulnerability or community concerns when deciding on the appropriate outcome.

Community resolutions

A community resolution is:

"Any action requested by the victim which is agreed by the suspect and considered appropriate and proportionate by the OIC".

The definition is deliberately non-prescriptive and allows officers to resolve local crime in line with the victim's wishes.

Officers must check FLINTS and PNC prior to agreeing to a community resolution, and must record their rationale for dealing with the offence in this way. (This should be recorded on the WC201R or case papers.)

PPOs are automatically excluded from the community resolution process.



What if the victim doesn't want the police to take any action?

There will be occasions where a victim reports an offence but insists that officers just record the matter and do not approach the alleged offender. There could be many reasons for this, for example the situation may have calmed down and the victim feels that police intervention may make the situation worse.

Clearly, a suitable community resolution should always be considered as an option, but the officer should take all the circumstances of the offence into account (eg, victim's wishes, background of the offender, likelihood of reoffending, risk, community impact etc), and use their professional judgement to decide on the most appropriate course of action.

What if the victim insists on a community resolution when the offender would not normally be eligible?

There are occasions where a victim is adamant that they want a community resolution but background checks reveal the offender would not normally be eligible (eg, they have several previous convictions for similar offences).

In these circumstances officers should use their professional judgement to decide if a community resolution is appropriate, taking all factors into account and considering what the right outcome is for the victim. (There have been occasions where a meaningful community resolution has been achieved in this type of situation, but it is even more important that a suitable rationale is recorded in such cases.)

Regina offences and non-notifiable offences

There are occasions where it could be appropriate to apply the same principles when dealing with some Regina and non-notifiable offences.

For example, a Section 5 Public Order offence, where a third party reports offensive behaviour and the offender agrees to apologise to the person. If the offender did not intend to offend the other party the matter could be resolved between the two people, even though the injured party is Regina.

For non-notifiable offences, such as drunk and disorderly, the principles of a community resolution could be applied if it is felt that some action on the part of the offender would be more beneficial than prosecuting them or issuing a fixed penalty notice. For example, an offender agrees to clean up the contents of a litter bin they have tipped out during a drunken prank.

Their details should be recorded on an OASIS log, which means that future FLINTS searches would assist officers' decision-making, should they come to the notice of the police again.

Non-crime incidents

The principles of community resolutions can also be applied when dealing with non-crime incidents, such as anti-social behaviour.

Officers should use every opportunity to achieve a positive outcome with those involved and their details should be recorded on the OASIS log.

Doing the right thing – the effective use of community resolutions

Domestic abuse offences

When dealing with domestic abuse, our main concern must be to protect the victim from harm. Domestic abuse victims are among the most vulnerable and it is critical that we respond appropriately when they need help.

Therefore, when considering the use of a community resolution in these cases officers must first of all identify whether it has occurred between family members or partners.

Family member offences

While it is essential that all domestic abuse cases are subject to scrutiny to assess the level of potential risk, 'family member' domestic offences can potentially be dealt with as a community resolution if it is clearly the right thing to do.

Supervisors must ensure that officers deal with such offences ethically, conduct thorough background checks, and record a sound rationale prior to allowing a community resolution to take place.

The views of the victim and the overall circumstances of the offence should be considered in the decision-making process.

Officers must be particularly aware of considerations around vulnerability when determining the appropriate course of action. If there is any history of domestic abuse it is extremely unlikely that a community resolution would ever be appropriate.

Offences between partners or ex-partners

Dealing with partner-on-partner domestic abuse under the community resolution process should only occur in exceptional circumstances, and if the following conditions apply:

- WC392s and risk assessments have been completed at the outset
- All pertinent intelligence checks have been conducted and recorded, including PPU systems and relevant information available within the Domestic Abuse Unit. Officers cannot consider a community resolution until these checks have been carried out
- The OIC must obtain special case authorisation from an inspector
- Full details of the rationale are recorded, to include reasons why a community resolution outcome would enhance confidence from a community and partnership perspective

Inappropriate use of community resolutions in this sensitive area of policing exposes the public to avoidable risk and can harm both the integrity of community resolutions and the reputation of the force.

Successful examples of community resolutions in this area include:

Criminal Damage: Wife broke window of husband's car after discovering it parked outside the address of a woman he was having an affair with. No previous domestic abuse history. No previous convictions. Victim accepted that his behaviour had provoked this out-of-character reaction and insisted that his wife was not prosecuted.

Common Assault: Wife suffering from post-natal depression slapped husband once. This was an isolated incident with no injury caused. No previous domestic abuse history. No previous convictions. Victim wanted her to receive help and not be prosecuted. Parties agreed to attend counselling and offender has sought medical support as part of the resolution.

Young offenders

Community resolutions are an effective way of dealing with lower level local crime, especially where the victim does not want to pursue a prosecution.

They are especially effective for first time and very young offenders.

They are less likely to be appropriate where the young person has an offending history: the more recent, serious and persistent the offending history, the less likely it is that a community resolution will be appropriate.

If a young offender already has a final warning, a community resolution will rarely be appropriate.

If the victim is strongly opposed to an arrest being made, any community resolution should involve Youth Offending Teams or some beneficial intervention rather than just a verbal warning. In such cases it is imperative that officers record their rationale.

Complaints

Any complaints about the community resolution process should be recorded as a Quality of Service matter, unless the circumstances disclose potential misconduct regarding the individual officer / staff member's behaviour.

Good examples of effective community resolutions

Theft – 12 year old offender (no previous convictions) stole a fishing net from a shop (value £1.50). The shopkeeper did not want the child to be arrested so he was given a warning by police in the presence of his mother and the item was returned.

Common assault – Two friends had an argument which resulted in the offender shoving the injured party once, causing no injuries. The offender had never been in trouble before and the victim did not want him to be arrested. The matter was resolved by the offender apologising and both parties shaking hands.

Criminal damage – Two 13-year old boys climbed into the grounds of a local primary school during a school disco. They vandalised the nature garden, causing damage to a bird table and tipping over large plant pots. The offenders were seen running away and named to police. Neither had ever been arrested before. It was agreed with the school that the pair would attend the school during the summer holidays and re-plant the containers they had emptied, replace the bird table at their own expense and tidy up the nature garden. This was done and the nature garden was restored in time for the new term.