“Doing the right thing – Community Resolutions and Professional Judgement”

A review of the forcewide rollout of Proportionate Crime Recording and Investigation across West Midlands Police
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“Doing the right thing – Community Resolutions and Professional Judgement”

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Introduction

Between 1st June 2008 and 30th September 2008, 3 OCUs within West Midlands Police took part in a four-force national pilot in the proportionate recording and investigation of crime. As a result of the evaluation that followed, a decision was taken that the process should be rolled out across all 21 OCUs in the force, beginning 1st April 2009. This review is designed to explore how this was achieved and highlight the key learning that came out of the experience, as well as make recommendations that will enhance the process further.

The report’s findings are drawn from a range of sources, and are presented in two sections:

1. An executive summary that highlights the main findings and recommendations.

2. A comprehensive yet ‘readable’ narrative that describes the forcewide implementation in more detail, and also examines the key findings and recommendations in the context of individual elements of the process.

The purpose of this review is to enable West Midlands Police to further enhance the use of Professional Judgement, to document the experience of the forcewide rollout, and also to share our learning internally and externally. It describes the positive impact that has been felt by victims of crime, as well as officers and staff engaged in the process, and the wider community.

I would like to take this opportunity to place on record my thanks to all involved in shaping and implementing the process, on OCUs and at Headquarters; in particular, Superintendent Andy Shipman, Inspector Simon Guilfoyle and Natalie Childs, as well as all members of the project board. The project rollout has now reached the point where we seek to move from initial implementation to incorporating the principles into wider aspects of normal business, and I am therefore delighted to hand ownership to the new Citizen Focus lead, ACC Gordon Scobie.

Gareth Cann
ACC (Crime)

August 2009
Section One: Executive Summary

Generally, the first four months of the forcewide rollout period have mirrored the experience of the pilot phase in 2008, although due to the wider scale of the rollout, there have been some new occurrences that have helped shape the process further. There are also massive opportunities for future development and improvement.

The rollout has been evaluated from a number of different perspectives, and a variety of methodologies have been utilised in order to ‘triangulate’ the experience. The nine Key Findings and nineteen Recommendations are listed at the end of this summary, but in broad terms, the main points are outlined below:

General

- Officers and the public welcome Community Resolutions and the use of Professional Judgement. There have been some fantastic examples of good decision-making and inventive Community Resolutions being undertaken.

- The use of Community Resolutions and Professional Judgement since 1st April 2009 is expanding month-by-month, and is at the highest rate amongst the pilot forces.

- Leadership at the front line is the greatest lever on whether the process is successful locally.

- The overt support of OCU Command Teams and the effectiveness of the OCU SPOC are critical in allowing the process to achieve its full potential.

- The performance culture of the last few years has impacted on how the principles are embedding, and uptake is uneven in some areas.

- Risk aversion has been found to affect the process and can impede it from realising its full potential.

- Officers’ decision-making has proven to be generally sound, although sometimes poorly recorded. Supervision of Community Resolutions also varies.

- The principles of Professional Judgement and Proportionate Investigation are inextricably linked to values based decision-making.

Processes

- The single page crime report (WC200R) is fit-for-purpose but requires minor amendments.

- The Community Resolutions form (WC201R) has proven to be extremely successful and is robust yet non-bureaucratic. Some minor amendments would improve it further.
The training package is fit-for-purpose, but requires development in the areas of the SOLAP for student officers, as well as bespoke input for newly-promoted supervisors.

Future

Consideration should be given to expanding the use of Community Resolutions and Professional Judgement into the areas of suitable Regina offences, non-reportable crimes and non-crime incidents.

The authority level for ‘excluded offences’ should be reviewed.

The greatest lever on achieving an increase in public confidence is successful marketing of good news stories. The external media strategy will be one of the main areas of focus over the coming months.

Officers and staff across the force would benefit from an internal communication featuring updated guidance.

Widespread successful use of Professional Judgement as normal business is the key to achieving excellent service delivery within West Midlands Police and beyond.

The enormity of bringing about the culture change that is required cannot be underestimated, and the force should recognise that it will require ongoing work at all levels to achieve a transformation in this area.

Future development of the process will require concurrent support and direction at force level.

“It was great and I was very pleased with the response from the police.”
**Summary of Key Findings**

**Key Finding 1**

The feedback from training sessions (and subsequent experience) confirmed the validity of the main finding of the OCU-level pilot evaluation, i.e. “Tackling the dual culture of risk aversion and excessive focus on performance targets has perhaps been the biggest challenge of the pilot”.

The enormity of bringing about this culture change cannot be underestimated, and the force should recognise that it will require ongoing work at all levels to achieve a transformation in this area.

**Key Finding 2**

The WC200R single page crime report has practical benefits in that, if used correctly, it provides a slimline yet adequate method of recording crime. Moreover, it is symbolic in the sense that it is the gateway to the rationalised investigation and resolution process.

The three pilot OCUs are now familiar with the document and make proper use of it, although they did experience problems with incorrect usage during the first few weeks of the pilot phase in 2008. This situation was replicated in varying degrees across the other eighteen OCUs in 2009, but is unlikely to present long-term issues that negate its value, or should restrict future usage. Recent debrief sessions also indicate that these ‘teething problems’ are now beginning to subside.

**Key Finding 3**

One of the strengths of the WC201R is that it ‘walks the officer through’ the Community Resolution process from start to finish, and is designed to ensure that this is carried out with integrity, whilst requiring a minimal amount of detail to be recorded. Officers are able to demonstrate that they have taken into account all relevant factors, and both the victim and the offender sign the form to confirm that they understand and agree to the Community Resolution.

This also ensures a corporate approach and allows each Community Resolution to be achieved with transparency and in a way that withstands scrutiny, yet remains non-bureaucratic. As the form is accessible via Crimescan 24 hours a day, it also assists future decision-making in the event that the same offender should come to notice again. A properly completed WC201R provides a robust and transparent record that enhances public confidence and protects the force reputation.

“I think the response was very timely and I was very happy with the resolution”. 
**Key Finding 4**

When analysing which factors hinder the propagation of Community Resolutions the three following elements have been identified as critical:

- The existence of a performance culture that does not value Community Resolutions.
- Risk aversion.
- Officers not being in an environment where Community Resolutions are actively promoted.

These findings reflect the factors that were identified as risks during the pilot phase, and OCU SPOCs from the pilot OCUs report even where these issues are countered, the situation can take many months to overcome.

**Key Finding 5**

Unenforceable ‘no-contact’ agreements represent one of the biggest risks to long-term public satisfaction, and have the potential to harm the reputation of the Community Resolution process if they continue to be recorded in large numbers.

**Key Finding 6**

There will be occasions where officers have to make difficult decisions around Community Resolution outcomes involving offenders who would not normally be eligible. The overriding consideration must always be the victim’s wishes, but care must be taken to ensure that all options and relevant factors (including other sources of available evidence), are taken into consideration and a transparent rationale presented that supports the decision-making.

“The police did more than I expected”.
Key Finding 7

The belief amongst front line officers and staff that their decisions may not be backed by supervisors demonstrates why it is critical that they are visibly supported in their decision-making, and any complaints are resolved quickly and supportively.

Key Finding 8

The extremely low volume of Quality of Service complaints that have been made in relation to Proportionate Investigation clearly demonstrate that officers who participate in using their professional judgment to make decisions are no more at risk of attracting complaints than in any other area of their work.

Key Finding 9

The role of force lead will remain critical to the ongoing development of Proportionate Investigation, not only in respect of implementing the recommendations of this review, but also in the context of how the new force structure may impact on this area of business.

“The whole process was very helpful”.
Summary of Recommendations

Recommendation 1

OCUs should locally review the proportion of trained officers and staff in the critical areas of response teams, neighbourhood teams and call handlers, and ensure that all staff in these roles are fully trained.

Recommendation 2

OCUs should revisit the force training package as a standing item on their training schedule to ensure that officers and staff who move between roles are fully trained and equipped.

Recommendation 3

The force training package should be refreshed to incorporate updates in guidance and changes in parameters that have occurred during the force wide rollout phase.

Recommendation 4

A supervisors’ version of the training package should form part of the mandatory training programme for all newly-promoted Sergeants and Inspectors.

Recommendation 5

The importance of Professional Judgement and Community Resolutions should form an integral part of supervisors’ development events on OCUs.

Recommendation 6

Student officers should receive an input on the practical application of professional judgement and the use of Community Resolutions upon their arrival on their OCU’s PDU.

“The police officer was very good and explained everything very clearly to me”.

Recommendation 6
Recommendation 7

The SOLAP for student officers will require development to include a section on Proportionate Investigation and implementing Community Resolutions.

Recommendation 8

Minor design alterations should take place on the WC200R single page crime report. These are listed in full in the main body of the review under Recommendation 8.

“It was just amazing, the PC came to see me afterwards to make sure everything was ok”.

Recommendation 9

Informed debate should continue regarding the viability of producing one fit-for purpose West Midlands Police crime report as an option for the future.

Recommendation 10

Evaluation of the WC201R revealed potential for minor amendments, designed to improve accurate completion and enhance relevance. These are listed in full in the main body of the review under Recommendation 10.

Recommendation 11

The WC202 Investigation Record should include a prompt amongst the existing guidance for officers to consider, “What outcome does the victim want?” and, “Is a Community Resolution appropriate?”

Recommendation 12

Further emphasis must be placed on ensuring that officers are aware that ‘no-contact’ agreements are not an appropriate element of Community Resolutions. The proportion of such agreements should be examined locally and addressed if prevalent.

Recommendation 13

Good practice identified by some OCUs who have large retail centres situated on their area is for the OCU SPOC to brief partners from the business community on the reasons for (and implications of) Community Resolutions, in relation to shoplifting offences. This is particularly important where local shops are part of a wider national chain, as currently not all forces use this option and head offices may not be aware of what Community Resolutions are. This good practice should be adopted by all OCUs where applicable.
“They told me everything that was happening and they did everything that they said they would”.

**Recommendation 14**

The Duty Inspector should be the designated authority for making decisions regarding whether an excluded offence may be dealt with under the Community Resolution process.

**Recommendation 15**

The fact that officers have used their professional judgement to make values based decisions when dealing with Regina offences, is a strong indicator that the process should be expanded to incorporate instances where implementing a non-victim based Community Resolution is clearly the right thing to do.

**Recommendation 16**

OCUs should capitalise on the increasing momentum of Community Resolutions by recognising their status within Programme Paragon, and making renewed efforts to raise their profile locally. This can be achieved by ensuring that Community Resolutions are promoted and incorporated into core business, and by ensuring that there is visible support from Command Teams. One method would be to encourage routine local recognition for good examples of Community Resolutions.

**Recommendation 17**

On the back of the internal media strategy, the force should consider a public message of support for officers and staff who make professional judgement decisions. It would also be an ideal opportunity to circulate updated guidance on Proportionate Investigation and Community Resolutions. This could be linked in with publicising the Values Based Decision Making Model. A format similar to the Contact Counts booklet, ‘The Face of The Force’ could be used to reach all members of staff.

**Recommendation 18**

In addition to suitable Regina offences, the principles behind Community Resolutions should be incorporated into the police response to non-crime incidents and appropriate non-reportable offences.

**Recommendation 19**

OCUs should review the position of their SPOC and ensure that they have both the right person in the role, and that they are in the necessary position of influence to be effective. It is also vital that the OCU SPOC is given the necessary time and support to enable them to be effective, and that the profile of the role locally reflects its critical nature.
Section Two: Review

The main section of this review examines the implementation and evolution of Proportionate Crime Recording & Investigation, looking at the overall experience from the perspective of different critical areas within the process. The review identifies the improvements that were made following the pilot phase and examines how they impacted upon the forcewide rollout. It also highlights important changes, key findings and recommendations in the context of each individual area and draws attention to the lessons learned from the experience.

1. Planning and Implementation: An Overview

Following on from the evaluation of the pilot phase, the Chief Constable decided that West Midlands Police should adopt the Proportionate Investigation model across all 21 OCUs. A force lead was appointed in December 2008 and a rollout strategy devised.

After existing guidance and user documentation had been updated, each OCU was asked to nominate a single point of contact (SPOC) to be the local lead on the rollout. OCUs were given the freedom to nominate who their SPOC should be; the only condition was that it should be someone who has the necessary drive and is in a position of influence within the OCU. This was important to ensure that the implementation and rollout gathered the appropriate momentum and that the SPOC was able to guide colleagues locally by generating a positive environment.
Across the force, the majority of SPOC nominations tended to be Inspectors, although there were also Chief Inspectors, Acting Inspectors, Sergeants, Acting Sergeants and one civilian crime assessor manager. Each SPOC was briefed by the force lead, together with a local training representative. A further briefing was also held for each OCU’s Command Team. On most of these briefings, the Force Crime Registrar was also present as he had been involved in shaping the pilot phase at force level and had also written the force evaluation paper on the pilot in 2008.

Additional briefings also took place with internal departmental heads, key individuals such as the seven Local Authority Liaison Officers, and selected partner agency heads at force level. A project manager managed the whole structure and timetable, and regular project boards were held throughout the entire implementation stage and live phase of the rollout. This was chaired by an ACC.

Preparatory work at OCU Level was supported with regular updates on the revamped Proportionate Investigation intranet site, as well as through active personal involvement from the force lead. By the time the live phase commenced on 1st April 2009, all systems were in place to support officers and staff forcewide in incorporating the new way of working into normal business. A Part One Order (07/2009) was also published to coincide with the start of the live phase.

(See Appendix One: ‘Force Policy – Part One Order 07/2009’)

The time line below provides an overview of the end-to-end process:

**Timeline**

- **June - September 2008**
  - 3 OCU pilot on F2, H2 and L OCUs.

- **October 2008**
  - Evaluation conducted and recommendations submitted.

- **November 2008**
  - Command Team approve forcewide rollout, with projected start date of 1st April 2009.

- **December 2009**
  - Force Lead appointed to implement recommendations and coordinate rollout.
  - Force training package updated.
  - User documentation updated.
  - Review of all existing guidance conducted and amendments made where necessary.
  - Proportionate Investigation intranet site redesigned and updated.

- **January 2009**
  - OCU Lead nominated on each OCU as a local single point of contact (SPOC).
  - Briefing sessions held for OCU SPOCs and training departments, and sessions commenced for OCU Command Teams.
  - Internal marketing materials (e.g. posters) circulated to OCUs.
• **February 2009**
  o Training commenced on OCUs.
  o Live training sessions on every OCU visited to ensure quality and corporacy.
  o Consultation sessions held with departmental heads.
  o Targeted external briefing sessions held with partners and selected external agencies at force level (e.g. Police Authority, LCJB members).
  o Briefing sessions held and external assistance provided to other forces intending to implement similar process.

• **March 2009**
  o All OCU Command Team briefings completed.
  o Majority of training completed on OCUs.
  o User documentation circulated to OCUs.
  o Local Authority Liaison Officers briefed and encouraged to engage with partners at OCU level. Briefing document circulated to support this.
  o Proportionate Investigation Force Policy published.

• **April 2009**
  o Live phase of forcewide rollout commenced.
  o Operational tour of duty worked on every OCU by Force Lead to provide support to frontline staff.
  o Database of good Community Resolutions set up on force intranet site.

• **May - June 2009**
  o Rollout continues, with ongoing real-time evaluation and support.
  o Training completed.
  o Telephone interview research conducted with victims of crime who have experienced Community Resolutions.
  o Quality assessment audit conducted.

• **July 2009**
  o External media strategy launched.
  o Proportionate Investigation & Community Resolutions brought under the force change strategy, Programme Paragon.
  o Debrief sessions held with OCU SPOCs.

• **August 2009**
  o Evaluation of the rollout completed and review document presented.

“I think the community resolution was a brilliant idea.”
2. Training

During the pilot phase in 2008, between 60-65% of police officers and staff on the three pilot OCUs received the force training. This was found to be a suitable proportion, as many officers and staff are not routinely involved in recording or investigating crime. The pilot evaluation identified that the training package was fit for purpose, but that additional emphasis should be placed on the importance of active supervision. It was also felt that it would be beneficial to include real life examples of Community Resolutions as part of an updated package.

During December 2008 the force training package was revamped to incorporate these recommendations, and the new version was circulated to training departments. Delivery of this training was given priority status and live sessions commenced in early 2009.

As part of the quality assurance process, a live training session was visited on every OCU to ensure proper delivery and to engage with trainers and the staff members being trained. These visits indicated that the general standard of training was high and was being delivered in a corporate manner. Those being trained posed a number of useful questions, and these formed the basis of an updated FAQ section on the force intranet.

Feedback from OCU trainers was that the training package and supporting lesson plan were easy to understand and teach. They also found it useful to be able to refer to the real life examples provided. Trainers on all OCUs reported that some sessions revealed varying levels of cynicism amongst delegates, and that this was usually based around the two following areas:

- Fears that senior management would not support officers who made decisions that resulted in complaints.
- Suspicion that the process just wouldn’t work.

These concerns were comparable to those expressed by the officers and staff who were trained prior to the 2008 pilot, but this time trainers were able to counter any negativity by pointing out real life successes and the fact that only two complaints had been made during the pilot phase. (In both cases, the officers had ultimately been supported).

“It was great and I was very pleased with the response from the police”.

One major area of concern for some delegates that emerged during training sessions was the question, “Will a community resolution count as a detection?” The pursuit of detections had become so fundamental to so many, that some officers even openly expressed the view that if the answer was ‘no’, then they would not engage in Community Resolutions at all.
Trainers had been made aware that from 1st April 2009, the force performance framework would be altered to recognise Community Resolutions as being of equal value to sanction detections in performance terms. This meant that for those who still sought to measure success by counting ‘ticks in boxes’, there was an incentive in considering the use of Community Resolutions.

This change in the force performance framework required striking the very delicate balance of recognising the intrinsic value of Community Resolutions without encouraging them to ever be perceived as a performance measure in their own right. The force disseminated this message from the outset, and reinforced through the training package that officers should implement a Community Resolution because it was the right thing to do, not because it counted as a tick in a box.

**Key Finding 1**

The feedback from training sessions (and subsequent experience) confirmed the validity of the main finding of the OCU-level pilot evaluation, i.e. “Tackling the dual culture of risk aversion and excessive focus on performance targets has perhaps been the biggest challenge of the pilot”.

The enormity of bringing about this culture change cannot be underestimated, and the force should recognise that it will require ongoing work at all levels to achieve a transformation in this area.

“I think the community resolution is very good idea for dealing with matters like this”.

By the commencement of the live phase of the forcewide rollout on 1st April 2009, 52% of the entire establishment of police officers and staff on OCUs had been trained, and this figure had reached 71% by the end of June. New student officers were also now routinely trained as part of the Student Officer Training Programme (SOTP).

Evaluation of the Proportionate Investigation training programme has identified good practice that is already being undertaken on some OCUs, as well as future considerations and existing gaps that require ongoing investment. These are outlined below:

- Some members of staff who were not trained prior to the rollout have subsequently moved into roles that involve the recording and investigation of crime.
• Some OCUs have identified that whilst the overall proportion of officers and staff trained is sufficient, there are significant gaps in critical areas (e.g. call handlers).

• It was felt that supervisors would benefit from an additional bespoke input that concentrates on their particular role and responsibilities, especially those who are newly promoted.

• Student officers who have been trained as part of the SOTP often find it difficult to apply the theory they have learnt when they become operational.

• There have been examples of tensions between student officers considering a Community Resolution because it is the right thing to do, and their tutors pressurising them into making arrests for a low-level offences in order to achieve competencies within their SOLAP.

Recommendation 1
OCUs should locally review the proportion of trained officers and staff in the critical areas of response teams, neighbourhood teams and call handlers, and ensure that all staff in these roles are fully trained.

Recommendation 2
OCUs should revisit the force training package as a standing item on their training schedule to ensure that officers and staff who move between roles are fully trained and equipped.

Recommendation 3
The force training package should be refreshed to incorporate updates in guidance and changes in parameters that have occurred during the force wide rollout phase.

Recommendation 4
A supervisors’ version of the training package should form part of the mandatory training programme for all newly-promoted Sergeants and Inspectors.

“Keep up the good work!”

Recommendation 5
The importance of Professional Judgement and Community Resolutions should form an integral part of supervisors’ development events on OCUs.

Recommendation 6
Student officers should receive an input on the practical application of professional judgement and the use of Community Resolutions upon their arrival on their OCU’s PDU.

Recommendation 7
The SOLAP for student officers will require development to include a section on Proportionate Investigation and implementing Community Resolutions.
3. User Documentation

At the conclusion of the pilot phase, a number of changes were made to the user documentation, based on recommendations made after the initial evaluation. These fell broadly into two categories:

1. Changes made to user documentation as a result of changes in guidance.

2. Changes made to user documentation to assist accurate recording of information and enhance ‘user friendliness’.

The only major change in guidance that resulted in redesign of user documentation was in the area of domestic abuse cases between non-intimate partners. During the pilot phase, cases had emerged where low-level offending between family members had occurred that was entirely appropriate for a Community Resolution outcome. At that time all domestic abuse offences that fell within the wide ACPO definition (i.e. siblings, parents, sons, daughters, grandparents, step family and in-laws) were outside of the remit of Proportionate Investigation. This meant that officers were unable to consider a Community Resolution outcome, even when the victim insisted the matter was dealt with in this way and where all factors pointed towards it being totally appropriate.

Following the evaluation of the pilot, it was decided that domestic abuse offences involving partners or ex-partners should remain in the ‘excluded’ list of offences, but that some flexibility should be introduced into those wider-context family-related offences, subject to the involvement of the PPU in the decision-making process.

In respect of all offences in the ‘red section’ of excluded offences, it was further recognised that it would be impractical for an ACC to review all cases where a Community Resolution appeared suitable, therefore the authority to deal with these offences under Proportionate Investigation was devolved to OCU Crime Managers as of 1st April 2009.

The aide memoir ‘Eligible Offences’ was amended to recognise these changes.

(See Appendix Two: ‘Eligible Offences Guide’)

The single-page crime report (WC200R) was amended following the pilot evaluation, to improve the accuracy of the information recorded and to make the layout more user-friendly.

(See Appendix Three: ‘Single page crime report WC200R’)

The Community Resolution form (WC201R) was also changed slightly in order to place additional emphasis on the importance of officers recording a suitable rationale, and also to verify that background checks had been completed prior to agreeing that a Community Resolution would be an appropriate outcome.

(See Appendix Four: ‘Community Resolution Form WC201R’)

**Impact of the WC200R and WC201R**

The WC200R and the WC201R came into use forcewide on 1st April 2009 and in general their reception amongst officers and staff reflects the experience of the pilot phase. The main difference is that a greater proportion of officers and staff have appeared to struggle over the use of the single page crime report when the victim is different from the person reporting the offence. (There were instances of this type of confusion at the beginning of the pilot phase in 2008, but all three OCUs overcame these issues quite quickly).

**WC200R Single Page Crime Report**

The guidance has always been that ‘if you can’t fit all the details required to record an offence on the WC200R, simply use the standard three page WC200’. Despite this, many people appeared not to understand this advice, and as a result, crime assessors across the force reported large numbers of poorly completed single page crime reports being submitted.

“They dealt with it very professionally”.

“It was forward thinking by the officers”.

On most OCUs this problem has now subsided, but one OCU actually took the step of withdrawing the WC200R due to continued problems two months after the rollout began. Officers were then required to use the standard WC200 to record all crimes, which meant a slight increase in paperwork at the recording stage. (The issue of reducing bureaucracy at the crime recording stage was never the main element of Proportionate Crime Recording & Investigation within West Midlands Police, as the
existing crime report was already relatively streamlined compared with some other forces).

Interestingly, one of the first effects of withdrawing the WC200R on that OCU was that the number of Community Resolutions decreased, as officers mistakenly believed that in order to implement a Community Resolution, they had to have already recorded the original offence on a single page crime report! This was eventually addressed, and officers now understand that the initial method of recording a crime does not influence its suitability for a subsequent Community Resolution outcome.

Across the force, other examples of the mistaken belief that the WC200R and WC201R must always be completed in tandem have emerged. I have seen examples of where officers have duplicated details from a standard three page crime report onto a single page report, before attempting to implement a Community Resolution.

It is ironic that considering that the single page crime report was introduced as an option designed to minimise a small amount of bureaucracy at the recording stage, it initially caused widespread confusion that actually generated additional workload in rectifying poorly completed reports!

During evaluation sessions in July 2009, a debate began to emerge regarding whether the benefits of the WC200R actually outweighed the problems it had initially become associated with, and whether the force should consider using one fit-for-purpose document to record all crimes. Interestingly, the original three pilot OCUs all report that the single page crime report is now quite popular amongst officers and staff, and the issues currently being experienced on the other eighteen OCUs are no longer prevalent on the former pilot sites. These OCUs advance the view that it would be detrimental to withdraw the WC200R after so many officers and staff have become familiar with it.

A further consideration is that the primary significance of the WC200R is in its symbolism in respect of removing a degree of bureaucracy, however small. The one page crime report is the gateway to the rationalised investigation and resolution process, and the experience of the OCU that withdrew it was that officers did not automatically consider alternative outcomes when they commenced the investigative process using the three page crime report. There is a significant risk that there could be a negative impact on Community Resolutions if the WC200R is withdrawn.

**Key Finding 2**

The WC200R single page crime report has practical benefits in that, if used correctly, it provides a slimline yet adequate method of recording crime. Moreover, it is symbolic in the sense that it is the gateway to the rationalised investigation and resolution process.

The three pilot OCUs are now familiar with the document and make proper use of it, although they did experience problems with incorrect usage during the first few weeks of the pilot phase in 2008. This situation was replicated in varying degrees across the other eighteen OCUs in 2009, but is unlikely to present long-term issues that negate its value, or should restrict future usage. Recent debrief sessions also indicate that these ‘teething problems’ are now beginning to subside.
**Recommendation 8**

Minor design alterations should take place on the WC200R single page crime report, namely:

- Section 2, currently ‘Person Reporting’, should be changed to ‘Victim’.
- User guidance advising the person completing the WC200R to ‘Use the standard WC200 if all required details cannot fit on this report’ should be added to the form in a prominent position.
- The Victim Support option should be revised to maximise appropriate referrals.
- As an alternative to ‘Person Completing’, the field could read ‘Initial Investigator’. This would emphasise the point that the investigation begins at the first point of contact; i.e. that the person who fills in the report is not merely performing a recording function.
- The ‘B’ series and ‘NS’ Ethnic Self Classification descriptors were accidentally omitted from the current version of the form- these should be included.

**Recommendation 9**

Informed debate should continue regarding the viability of producing one fit-for purpose West Midlands Police crime report as an option for the future.

**WC201R Community Resolution form**

The WC201R Community Resolution form has proved to be an effective, yet non-bureaucratic form for capturing the entire Community Resolution process. Victims of crime like the fact that it is ‘semi-official’, whilst it is also popular with officers, as they find it straightforward and easy to use.

During July 2009, the Performance Assessment Team at HQ carried out a detailed audit of 210 WC201Rs from across the force. The forms were assessed against the eight-point WC201R quality checklist that was drawn up as a guide for accuracy.

(See Appendix Five: ‘Checklist for good quality WC201Rs’)

This audit revealed a high proportion of forms that were deemed to be ‘not compliant’ (45.7%), as not all required fields had been completed. In practice this meant that if one or more of eight specific elements were incomplete or missing, the whole WC201R failed the audit. Interestingly, the overwhelming majority of the WC201Rs that ‘failed’ actually related to a good Community Resolution, backed up with sound decision-making and a satisfied victim of crime at the end of the process.

The issue was clearly poor completion of the forms, rather than inappropriate decision-making, (although four examples appeared to show that Community
Resolutions had been implemented in unsuitable circumstances). The main reasons why WC201Rs failed the audit were because of limited or missing rationale, or no confirmation that background checks had been conducted to ascertain the suitability (or otherwise) of the offender. This was coupled with an apparent absence of supervisory input on many occasions.

The importance of these elements had been emphasised during the training sessions and are essential in ensuring that officers demonstrate transparent and appropriate decision-making. The Performance Assessment Team report that these examples of poor ‘housekeeping’ and supervisory deficiencies are not unique to the WC201R, nor exacerbated by its design, and that they also reflected the findings of a similar audit conducted during the pilot phase in 2008.

It is important to consider these findings in the context of the many good Community Resolutions that have been achieved despite the incomplete forms, but not lose sight of the importance of retaining accuracy in the recording element of the process.

"They dealt with this in the right way".

**Key Finding 3**

One of the strengths of the WC201R is that it ‘walks the officer through’ the Community Resolution process from start to finish, and is designed to ensure that this is carried out with integrity, whilst requiring a minimal amount of detail to be recorded. Officers are able to demonstrate that they have taken into account all relevant factors, and both the victim and the offender sign the form to confirm that they understand and agree to the Community Resolution.

This also ensures a corporate approach and allows each Community Resolution to be achieved with transparency and in a way that withstands scrutiny, yet remains non-bureaucratic. As the form is accessible via Crimescan 24 hours a day, it also assists future decision-making in the event that the same offender should come to notice again. A properly completed WC201R provides a robust and transparent record that enhances public confidence and protects the force reputation.
4. Community Resolutions & Professional Judgement

The definition of a Community Resolution is:

“Any action requested by the injured party, which is agreed by the suspect and considered appropriate and proportionate by the OIC”.

Recommendation 10

Evaluation of the WC201R revealed potential for minor amendments, designed to improve accurate completion and enhance relevance. These are listed below:

- The word ‘detection’ to be removed from the header, as this gives the wrong emphasis. ‘Community Resolution Form’ to replace the current header.

- The field ‘Occupation’, to be replaced with ‘Occupation / School’.

- ‘Appropriate Adult’ field to be included in the ‘Victim’ section.

- The following line to be added to the offender’s declaration to cover disclosure issues: “I consent to the information contained within this form being disclosed if applicable”.

- PNC / FLINTS ‘Yes/No’ tick boxes to be removed and replaced with a declaration from the officer, as follows: “I verify that PNC and FLINTS have been checked in relation to this offender, and taking into account all the information known to me at this time, I consider that a Community Resolution is appropriate”.

- Guidance note to be included on how to record ‘Regina offences’ that are suitable for a Community Resolution outcome.

- Guidance note to be included on how to deal with offences involving suspects aged below 10 years of age that would be suitable for a Community Resolution outcome.

“The outcome was exactly what I wanted”.
Comparison with the pilot phase

Community Resolutions and decision-making based on Professional Judgement are the mainstay of Proportionate Investigation. In contrast to the single page crime report element of the process, where a modest saving of officers’ time is realised, Community Resolutions have provided opportunities for immeasurable capacity to be unlocked. Moreover, as the process is victim-driven, it has the overriding benefit of allowing the officer to resolve any suitable low-level offence in the way that the victim requests. This means that officers do not need to resort to disproportionate investigations, or apply a ‘one size fits all’ solution to every case. The inevitable result is an increase in public confidence.

During the four-month pilot phase in 2008, the three pilot OCUs recorded 392 Community Resolutions, which accounted for 3.1% of total recorded crime. These consisted largely of verbal and written apologies, verbal warnings and advice from officers, repairs or restitution being carried out, as well as some really imaginative outcomes involving community work and charitable donations.

The same types of resolutions have been recorded since the forcewide rollout began in April 2009. In the four months between 1st April 2009 and 31st July 2009, a total of 4247 Community Resolutions were recorded across all 21 OCUs, accounting for 5.8% of total recorded crime. This is even more significant when one considers that approximately one third of total recorded crime in the West Midlands falls into the ‘excluded offences’ category; in terms of Community Resolutions as a proportion of local crime, this would be about 8.7%. This is also the highest rate amongst the four forces that took part in the national pilot.

The proportion of Community Resolutions achieved during the rollout has increased month on month, indicating that officers are becoming more familiar with the concept and increasingly confident in its application. The chart below illustrates this increase.

<table>
<thead>
<tr>
<th>Month</th>
<th>Total</th>
<th>% TRC</th>
<th>% Local Crime</th>
<th>Total</th>
<th>% TRC</th>
<th>% Local Crime</th>
</tr>
</thead>
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<tr>
<td>April</td>
<td>762</td>
<td>3.7%</td>
<td>5.6%</td>
<td>762</td>
<td>3.7%</td>
<td>5.6%</td>
</tr>
<tr>
<td>May</td>
<td>1052</td>
<td>5.5%</td>
<td>8.2%</td>
<td>1814</td>
<td>4.8%</td>
<td>7.2%</td>
</tr>
<tr>
<td>June</td>
<td>1230</td>
<td>6.7%</td>
<td>10.1%</td>
<td>3044</td>
<td>5.5%</td>
<td>8.2%</td>
</tr>
<tr>
<td>July</td>
<td>1203</td>
<td>6.8%</td>
<td>10.2%</td>
<td>4247</td>
<td>5.8%</td>
<td>8.7%</td>
</tr>
</tbody>
</table>

When broken down to the volume of Community Resolutions recorded on a weekly basis, the chart below also highlights the upward trend, as well as the first step change, seven weeks after the commencement of the forcewide rollout:
Variation

One area of significance that has emerged is the variation in the volume of Community Resolutions that have recorded on different OCUs. Currently, this variation is between 1.9% and 10.4% of total recorded crime on the OCUs at the opposite ends of the range. Most OCUs’ rates are currently between 5 and 7 per cent of total recorded crime, with the force average being 5.8%. Every single OCU has shown a steady growth in their Community Resolutions rate since the rollout began, which demonstrates improvement against self.
The map below shows ‘hotspots’ of where Community Resolutions were recorded between 1st April and 31st July 2009.

**Hotspot locations of where community resolutions have been issued**
*(1st April – 31st July 2009)*

A chart showing the exact numbers and volume of Community Resolutions as a proportion of total recorded crime by OCU is included as an appendix to this review.

*(See Appendix Six: ‘Volume of Community Resolutions by OCU’)*

Analysis of the volume and rate of Community Resolutions on different OCUs revealed a number of factors that contributed to variation:

- Varying levels of crime, and types of crime meant that different OCUs had different degrees of opportunity to achieve Community Resolutions.
- OCUs who had commenced and completed the training programme very early in the year found that officers needed to be refreshed on the principles by the time the live phase commenced on 1st April 2009.
• There was evidence of variation in how OCUs marketed the rollout internally during the build up to April 1st 2009, which impacted on how the live phase started out.

• The way in which OCUs supported the rollout also varied, for example, some OCU SPOCs and/or members of the Command Team would take an active personal involvement in talking to individuals and teams, and encouraging officers to implement Community Resolutions.

• Some OCUs were so entrenched in a very strong performance culture, which meant that officers did not always consider a Community Resolution as an option. Local performance frameworks and the culture on some teams actually prevented Community Resolutions from achieving their full potential.

“I was just happy with the way they handled it”.

Performance Culture

The performance culture that West Midlands Police has been immersed in for the last ten years, coupled with the sort of widespread risk aversion that Sir Ronnie Flanagan talked about in his 2008 Review of Policing, is without any doubt the greatest hindrance to realising the full potential of Proportionate Investigation and Community Resolutions.

Even since the advent of the single top-down target to improve public confidence, I still encounter examples of officers making arrests for extremely low level offences (often involving first time offenders), in order to achieve a sanction detection. This type of activity has even occurred on the pilot OCUs, where officers have had the Community Resolution option open to them for over a year.

The evaluation of the forcewide rollout revealed that some OCUs still retain a localised performance framework that rewards arrests, sanction detections and even intelligence logs by volume only, and does not take into account the quality of any of these things. This then drives activity that results in inappropriate arrests and the unnecessary criminalisation of low level, first time offenders, even when the victim does not support a prosecution.
Two examples of the type of activity that have occurred even though the Community Resolution option is available, are outlined below:

**Case Study 1: ‘A tick in the box’**

A Duty Inspector was approached by an officer who advised him in advance that he intended to make an arrest by appointment later in that tour of duty for a low level offence. The officer told the Inspector that the offender wouldn’t be in custody long as the victim had indicated that he did not want the offender to be prosecuted and had already signed a WC201R to ask that a Community Resolution be implemented as his desired outcome.

The Duty Inspector asked the officer why he intended to arrest the suspect if he had already decided that a Community Resolution was going to be the outcome, to which he received the response that the officer would ‘get a tick in the box for the arrest’, as his OCU’s performance framework rewarded the number of arrests.

Fortunately, the Inspector advised the officer that he should implement the Community Resolution without making an arrest.

**Case Study 2: ‘Naughty Students’**

Two University students walking home from a night out at 3am were stopped by police. They had a small advertising board with them that they had taken from outside a shop, intending to keep it as a souvenir. Neither had ever been arrested before, and they both agreed that their actions were unacceptable. They expressed remorse, and the item was returned undamaged to where they had taken it from, but they were also arrested.

The arresting officer’s home OCU was extremely busy that night and there was no cell space available, so the two students had to be taken to another OCU’s custody block, where they both eventually received a criminal caution for theft. This resulted in the officers being unavailable for deployment for some time, as well as two otherwise law-abiding members of society being criminalised for what amounted to an act of drunken stupidity.
OCU SPOCs report that there has also been disparity between teams at OCU level. The main factor that has influenced the uptake of Community Resolutions at ground level is without doubt the quality of leadership at the front line. The SPOC evaluation sessions held in July 2009 identified numerous examples of some teams with strong decision makers at Sergeant and Inspector rank positively influencing their officers, which resulted in good Community Resolutions being achieved on those teams.

Conversely, I was given examples of teams where Sergeants and Inspectors were themselves extremely risk averse, and this had a negative effect on how their teams approached the use of Community Resolutions as an option.

A third factor that has been shown to affect the uptake of Community Resolutions is where general apathy towards them exists on a particular team, and officers literally do not consider them as an option. This is what was referred to as the organisational memory in the OCU-level review of the pilot phase, and simply means that if officers are not being encouraged to consider Community Resolutions as an option, and are not in an environment where others are regularly implementing them, then they can simply forget they are available.

“This is the first time I have contacted the police and I felt that they really supported me”.

As the rollout progressed, there was less evidence of any resistance to Community Resolutions, but plenty of examples of officers not considering them because they weren’t happening around them. In more than one dip sampling exercise that I carried out, I found examples of arrests being made simply because a sergeant has allocated an enquiry to an officer with an investigation plan on a WC202 that looks like this:

1. Take statement from victim.
2. Take statement from witnesses.
3. Arrest offender.

Unfortunately, many officers will interpret these instructions literally and do exactly as directed without giving any consideration whatsoever to any other possible option. In some cases, neither the sergeant nor the arresting officer have even considered that a Community Resolution may be appropriate and no one has asked the victim what they want.

**Recommendation 11**

The WC202 Investigation Record should include a prompt amongst the existing guidance for officers to consider, “What outcome does the victim want?” and, “Is a Community Resolution appropriate?”
Key Finding 4

When analysing which factors hinder the propagation of Community Resolutions the three following elements have been identified as critical:

- The existence of a performance culture that does not value Community Resolutions.
- Risk aversion.
- Officers not being in an environment where Community Resolutions are actively promoted.

These findings reflect the factors that were identified as risks during the pilot phase, and OCU SPOCs from the pilot OCUs report even where these issues are countered, the situation can take many months to overcome.

‘In Custody’ Resolutions

Community Resolutions are designed to be an option that allows a suitable matter to be dealt with without the need for an arrest, although sometimes there are occasions where an arrest is necessary (e.g. the suspect cannot be dealt with due to being intoxicated). There have also been occasions whereby a situation has calmed down after an arrest and the victim then informs officers that he or she does not want the offender to be prosecuted. In a small proportion of circumstances, therefore, a Community Resolution that is agreed in custody is totally appropriate.

In order to monitor the frequency and type of Community Resolutions that were being conducted in custody, I carried out an analytical exercise in July 2009, which revealed that 6.4% of all Community Resolutions implemented across the force were done in custody. At one end of the scale one OCU had recorded none in custody at all, whilst another OCU had recorded 36.7% of all their Community Resolutions in custody - a volume that accounted for over one fifth of the entire force total of in-custody resolutions.
From in-depth follow up work with that OCU, it was identified that a large proportion of their officers appeared to have a predisposition to arrest without considering alternative options. A small number of examples also emerged of suspects who had denied offences during interview, were bailed for CPS advice (who recommended NFA), and were then dealt with by way of community resolution upon answering bail, despite having apparently demonstrated no remorse or even admitted the offence.

It was identified that this situation was not unique to this particular OCU, but had manifested itself in such extreme proportions due to a deeply embedded culture of ‘detections at all costs’. The two main drivers for why officers were recording so many Community Resolutions after arrest fell into either one or both of the following categories:

- Officers were reluctant to make professional judgment decisions on the street and therefore preferred to revert to arrest and decision-making in slow time.

- An investigation intended to achieve a formal criminal justice disposal became destined for NFA and the resolution option was considered at the very end of the process as the only way to record a ‘detection’.

The OCU’s Command team acted swiftly to counter this culture by visibly supporting Community Resolutions as an alternative to arrest and ensuring that their officers knew that they were trusted to make decisions, and would be supported in doing so. In the month that followed, in-custody resolutions dropped on the OCU from 36.7% to 6.4% of the OCU’s total Community Resolutions; exactly the force average.

“The officer was very helpful”.

‘No-contact orders’

The idea of a Community Resolution is that it is straightforward, achievable and realistic. A good Community Resolution allows the matter to be resolved quickly, with a minimum of bureaucracy, and to the satisfaction of the victim. Throughout the training sessions this message was emphasised and specific attention was given to one major piece of learning that came out of the pilot phase:

*Don’t agree a promise to the future, such as a ‘no contact’ agreement.*

The evaluation of the pilot phase revealed examples of Community Resolutions where the agreement was for the offender to ‘stay away from’ / ‘not to contact in any way, directly or indirectly’ / ‘not to go near’ the victim. In effect, officers who allowed this type of agreement were unrealistically raising the expectations of the victim that the offender had to avoid all contact with them, and the police would somehow enforce this.

Clearly, such an agreement is unenforceable, and technically means that the resolution must run for the duration of either party’s lifetime, with a promise that if the agreement were breached, then the police would take some form of action. Often these agreements are for family members not to contact each other again, which is even more unrealistic. The message that officers received during the training is that this type of agreement is firmly within the remit of civil courts and not the police.
A variation on this theme is where an officer ‘bans’ a shoplifter from a store, thereby taking the responsibility of enforcement of such a ban away from the store. The importance of ensuring that the store issues a civil banning notice instead of agreeing a police-led ban was also highlighted as a result of the pilot evaluation, and fortunately this message now seems to have been generally absorbed.

In contrast, ‘no-contact’ agreements between individuals continue to form the basis of many Community Resolutions across the force. The message regarding their unsuitability has been circulated via OCU SPOCs, on the intranet site, and in the force newspaper, but examples continue to emerge. In the event that an offender breaches the agreement, the officer in the case puts themselves in a position where they must either make an arrest or explain to the injured party that they cannot do so, thereby demonstrating the futility of the agreement and potentially damaging public confidence.

Where an offender breaches such an agreement, the longer the amount of time that has elapsed since the incident, the less likely it is that the officer can justify an arrest as being necessary. In practice, this means that they may be unable to take any action at all.

The risks surrounding ‘no-contact’ agreements were highlighted during a series of Community Resolution interviews, conducted by the Call Bureau as part of the evaluation of the rollout. (The overall findings of this research are discussed in more detail later in this section). Whilst the interviews revealed a high level of satisfaction amongst victims who had been involved in the Community Resolution process, it also exposed feelings of disappointment where a ‘no-contact’ agreement had been made that was subsequently breached.

The same piece of work also revealed that 55 of the 209 victims interviewed (28%) cited some form of ‘to stay away from’- type agreement as part of their Community Resolution. This was the second most popular type of Community Resolution, and clearly demonstrates the potential for victims of crime to be left disappointed by the police in the long run, as it is inevitable that a proportion of these agreements will be broken.

“The action from the police was thorough and they put my mind at rest”.

Key Finding 5

Unenforceable ‘no-contact’ agreements represent one of the biggest risks to long-term public satisfaction, and have the potential to harm the reputation of the Community Resolution process if they continue to be recorded in large numbers.
Community Resolution Interviews

During June and July 2009, 209 semi-structured interviews were conducted with members of the public who had experienced a Community Resolution.

The methodology chosen was to survey a small number of people on each OCU and report on qualitative findings, rather than findings that are quantitative or statistically robust. This methodology allows us to probe into what was experienced by these interviewees and develop a context to their views. During the pilot phase in 2008, 31 respondents were surveyed using the same methodology, which allows for some comparison to these findings.

The findings of this research demonstrated that there is overwhelming support amongst victims of crime for the use of Community Resolutions, although the report also highlighted some important areas for attention. The main points are summarised below:

- Almost nine out of ten respondents were confident that the police both appeared to know what they were doing and explained what would happen and why (88%).
- 91.4% said they felt reassured by what the police did and 86.1% thought that the response was appropriate to the report.

Satisfaction with all services was comparable amongst those who experienced Community Resolutions to those who reported ‘crimes’ (in the Contact Counts survey):

Recommendation 12

Further emphasis must be placed on ensuring that officers are aware that ‘no-contact’ agreements are not an appropriate element of Community Resolutions. The proportion of such agreements should be examined locally and addressed if prevalent.
• 85.6% (93.5% in the pilot) of respondents were satisfied with action taken – compared to 85.9% victims of crime (-0.3%)

• 83.5% (83.9% in the pilot) of respondents were satisfied with how well they’d been kept informed, compared to 78.4% of crime victims (+5.1%)

• 85.6% (90.3% in the pilot) of respondents were satisfied with the service provided overall, compared to 87.5% in crimes (-1.9%)

*Significantly, more people had a good opinion of the police after the resolution than before.*

**Types of resolutions**

The types of Community Resolutions experienced by the interviewees shows that an apology (either face to face, written or relayed via the officer), is the most popular outcome (34%). An apology is especially powerful as it gives closure to the victim and provides the offender with the opportunity to demonstrate remorse. Victims who experience Community Resolutions, and in particular apologies, often report feeling empowered and that they experience a sense of closure to the incident.

The second most popular type of Community Resolution was some form of agreement for the offender to ‘stay away’ (28%). (The risks surrounding this type of agreement were outlined in the previous section of this report).

Below is a chart showing the breakdown of the types of Community Resolutions implemented in the cases of the 209 interview respondents:
Examples of Good Community Resolutions

The following case studies highlight some examples of good Community Resolutions that have been achieved during the forcewide rollout, and demonstrate why there is such strong support for this way of dealing with low-level offending.

**Case Study 3: ‘Nature garden damage’**

Two juvenile offenders climbed into the grounds of a local primary school during a school disco. They proceeded to vandalise the nature garden, causing damage to a bird table and tipping over large plant pots. The two youths were seen leaving by a local parent and named to staff. The offenders were both aged 13 and had never been arrested before. Officers visited their parents who were shocked by their actions.

It was agreed with the school that the two youths would attend the school during the summer holidays and re-plant the containers they had emptied, replace the bird table and tidy up the nature garden. Their parents agreed to pay for the materials. This was done and the nature garden was restored in time for the new term.

**Case Study 4: ‘BMX Bandits’**

Three teenagers were seen removing large sections of foam from a building site. Police were called and the youths were stopped a short distance away. They explained that they had taken the foam to create a ‘foam pit’ at their local BMX bike track to protect them when doing stunts. A representative of the building company informed police that they did not want to prosecute the offenders as all the property was returned to the site. The youths also apologised for their actions.

**Case Study 5: ‘Tree destruction’**

Three youths destroyed an ornamental tree in their local park by stripping all the bark from the trunk and carving their names into it. As a result of this, the tree died and had to be replaced at a cost of £190. None of the youths had ever been in trouble before and it was agreed that the best course of action was for them to write a letter of apology to the head park ranger, help the park rangers plant a replacement tree, and assist in tidying up the park.

**Case Study 6: ‘Egg attack’**

Thirteen-year-old boy threw an egg at the injured party as a prank. No injury was caused and the matter was resolved with a letter of apology.

“The police came back home with me the same day and they were great”.

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Areas for improvement

- The research identified that some victims of crime felt that the Community Resolution process could have been explained more fully to them. (Only 72.2% of respondents said they felt the process was explained clearly to them).

- The research identified examples of where a ‘no-contact’ agreement had formed the basis of the Community Resolution that had then been breached. The frustrations of these victims are demonstrated by some of their comments, below:
  - “I felt in the end the whole thing was a waste a time because the man was back onto me”.
  - “I don’t know if the resolution is the right thing for this chap [offender] because he has broken it four times since the resolution was put in place”.
  - “I think the police need to take this more seriously and do exactly what they say that they are going to do because I just felt that they were going back on their words”.

"The follow up and aftercare was as good as always".
Some of the respondents worked in the retail trade and felt that there was tension between Community Resolution outcomes for shoplifters and their company policy; i.e. “All shoplifters will be prosecuted”. Some of their comments are recorded below:

- “As a company, we would rather prosecute as that is our procedure. From a personal point of view I fully understand where the police are coming from”.
- “It would be nice to have more information about community resolutions; it would be nice if someone could get in touch with our head office and tell them about it”.

**Recommendation 13**

Good practice identified by some OCUs who have large retail centres situated on their area is for the OCU SPOC to brief partners from the business community on the reasons for (and implications of) Community Resolutions, in relation to shoplifting offences. This is particularly important where local shops are part of a wider national chain, as currently not all forces use this option and head offices may not be aware of what Community Resolutions are. This good practice should be adopted by all OCUs where applicable.

**Positive responses**

The victim interviews revealed some fantastic results in respect of demonstrating how Community Resolutions built public trust and confidence in the police. All of the quotations in red featured throughout this document are comments made by respondents. Some of the positive comments made by victims of crime are also recorded below:

“I feel very positive about the police and if anything happens again I can know that I can trust the police”.

“This is the first time I have contacted the police and I felt that they really supported me”.

“I thought it was a great way of dealing with it”.

“I was really grateful because the officer kept in touch every step of the way, I don’t think there was anything else they could do. The outcome was exactly what I wanted”.

“This form of action brings reality and it really does work”.

“I was just happy with the way they handled it. It gave me confidence that they could deal with it”.
“I was very impressed with the two officers involved; they handled it perfectly and they didn’t persuade me to do anything I didn’t want to”.

“I think the community resolution was a brilliant idea”.

“The service from the police was very good and I do think that the community resolution is a very good way of resolving minor matters”.

“I can’t praise the police enough - they were great”.

Diversity Monitoring

The age, ethnicity and gender of both defendants and victims of crimes where a Community Resolution was issued have all been analysed in comparison to the population of the force area and the profiles of victims and defendants alike, in respect of all recorded crime.

The below chart shows a breakdown of age groups of defendants collectively for the West Midlands area. Overall, Community Resolutions are used widely across defendants of all age groups, and are proportionate to offenders for all crime, although the results showed a slightly higher proportion for offenders aged between 10 and 24. (Community Resolutions are displayed under clear up code 18: CUC18).

- Around 67% of Community Resolutions have been issued where the offender is male, with the 33% issued to female offenders being a slightly higher proportion than that of female offenders responsible for all recorded crime (20%).

- Approximately 67% of Community Resolutions were issued when the offender is of white ethnicity; this is in line with records of all crime and the make up of population. The chart below shows a full breakdown of the ethnic groups.
Victim Profiles

The chart below shows the age groups of the victims where a Community Resolution has been implemented. It clearly shows that a higher proportion of resolutions were issued when the victim was aged between 10-17, in comparison to victims of all crime and the West Midlands population, although these account for less than a quarter of the total number of Community Resolutions recorded.
• As illustrated by the above chart, victims of crimes aged between 10 and 17 are more likely to choose to ask that a Community Resolution be implemented to resolve their offence. This could indicate that the process is particularly relevant to young people who see it as a viable and speedy alternative to a formal criminal justice outcome.

• The ethnicity of victims of all crime and those being issued with a Community Resolution are very similar and no categories appear to be disproportionate to the population data.

• There is no disparity of the gender of victims where a community resolution has been issued; there was a proportionate split between male and female victims.

Community Resolutions for Excluded Offences

Some of the most thoughtful and robust decision-making during the rollout has been around considerations to deal with ‘excluded offences’ within the Community Resolution process. The protocol currently is for the OCU Crime Manager or Public Protection Unit DCI to review such cases and make a decision about whether the victim’s wishes for a Community Resolution can be met, or if the officer should still make an arrest due to the circumstances of the offence, offender, or victim.

The experience has been that the majority of these offences tend not to be PSA 23 offences (i.e. Burglary Dwelling, Robbery, etc), but offences that would otherwise be classed as Local Crime, except for the fact that they have a partner vs partner domestic abuse, or racially aggravated element to them. Many of these offences have proven to be so low-level (e.g. verbal abuse via text messages, or name-calling between children), that a Community Resolution has been the ideal outcome.
Below is a Pareto chart that shows the types of offences that were resolved through Community Resolutions during the rollout: PSA 23 offences account for just 20 of the total of 4247 (0.5%). The chart illustrates that the offence types most likely to be resolved by way of a Community Resolution are low level assaults, shoplifting and criminal damage, which between them account for 72% of all resolutions recorded.

In respect of partner vs partner and racially aggravated offences, their respective volumes as a proportion of all recorded Community Resolutions during the rollout are:

- Partner vs Partner / Ex-partner vs Ex-Partner: 101 (2.4%)
- Racially Aggravated: 17 (0.4%)

“They listened to me, and they did something about it”.

Whilst the increased risk involved in these offence types is recognised, the experience of the rollout has been that the flexibility afforded to consider a Community Resolution in the right circumstances can be much more powerful and beneficial than a rigid criminal justice outcome, for all involved. One particular case that demonstrated this is outlined overleaf:
Another area where Community Resolutions have been found to be an ideal and constructive option are in the cases of young people in a relationship who experiment sexually with each other. Public Protection Units have found that the Community Resolution option affords them the opportunity to make positive interventions into the behaviour of young people who commit offences in this category- the overriding purpose being to divert them from risk behaviour in a supportive manner, and without resorting to criminalising them.

“\textit{It was dealt with straight away}”. 

\textbf{Case Study 9: ‘Racially Aggravated Common Assault’}

The offender is a 15-year-old youth (no previous convictions or cautions), diagnosed with Autistic Spectrum Disorder. This is neurological disorder that affects social communication, social interaction and social imagination. He receives intensive support to enable him to access a modified school curriculum and is on an individual education plan.

On 1st April 2009 the offender was playing football in his street when the ball hit an Asian female who was visiting other family members. A male relative of the lady told the youngster off for being careless, and he reacted by swearing, barging past the man and using a racially offensive comment.

Officers attended and the matter was recorded as a Racially Aggravated Common Assault. The initial request from the victim was for the police to advise the youngster, as he did not wish to go to court. Once the offender’s medical condition was made known to the victim, this further confirmed his initial decision.

The investigating officers conducted background checks and visited the offender’s school, where they obtained both his individual education plan and a report concerning his disorder. It emerged that an arrest would have very little impact or learning upon him. It was also suggested that the experience of being arrested and put in a cell could actually be harmful and counter-productive.

This youngster struggles to understand social situations and has a limited understanding of facial expressions, intonation and body language. He does have the mental capacity to form the intent to commit the offence (i.e. that the word he used was offensive), but he does not have any understanding of how his actions will affect the other person.

Following further consultation, the school have arranged to work with the youngster to explore the consequences of the incident, using a resource designed for ASD pupils to assist him to understand his offence. Part of this will be a written apology in the form of a card and drawings. The victim is entirely happy with this and whilst this falls into the excluded offence category, the matter has been reviewed by the OCU Crime Manager and deemed appropriate for a Community Resolution outcome.
A stark example of when an apparently serious offence can actually be suitable for a Community Resolution outcome is outlined below, in what represents risk aware but not risk averse decision-making on the part of an OCU Crime Manager:

**Case Study 10: Statutory Rape**

This offence involved a fourteen-year-old boy who had sex on one occasion with his girlfriend, aged twelve years and eight months. The girl's parents found out about the matter after reading text messages on her phone, in which she had told her boyfriend to 'bring condoms'. Her parents were shocked at her behaviour and contacted authorities for support.

The boy's parents were also shocked and disappointed at their son's behaviour and co-operated fully with the police. Both youngsters confirmed that it was a one-off incident and the act was consensual, but accepted that it was wrong to have had sex at their age. Neither party had ever come to notice of the police, and there were no wider concerns about their home lives.

All of the parents involved felt that it would be wrong to criminalise the boy, and the matter was reviewed by the OCU Crime Manager. It was identified that the Public Protection Unit had conducted a thorough investigation and that future risk of reoffending was minimised, as the two youngsters were no longer together. It was decided that the most appropriate outcome was for the youngsters and their families to receive support from social services and take part in awareness sessions on sexualised behaviour.

*These examples demonstrate the value of trusting officers to make informed, victim-led decisions based on the full circumstances of an offence.*

The statutory rape offence is clearly at the most serious end of the spectrum of excluded offences, and it is right that all offences in the 'red category' are subject to an extra level of independent scrutiny when considering whether a Community Resolution is appropriate. One interesting debate that emerged during the OCU SPOCs debrief sessions was around 'does the authority level need to be at DCI rank, or could the Duty Inspector make the decision?' (This debate included the views of DCIs who were also OCU SPOCs, so were able to put forward arguments based on personal experience from both angles).

"The police were just excellent from start to finish".

One example put forward in support of the option of empowering Duty Inspectors to be the decision-maker in 'red offence cases' was a racially aggravated public order offence in a city centre, whereby a drunken reveller called a nightclub door man a racist name. Police attended and were prepared to arrest the offender, but the doorman insisted that all he wanted was an apology, and furthermore said that he didn't want to have to provide a statement or go to court.
Under the current system, the officers could record the victim’s wishes, but would have to defer the decision about whether a Community Resolution could be implemented until after the OCU Crime Manager had reviewed the circumstances, which could mean a delay of several days. In the meantime they would have to either arrest and bail the offender, or verify his details and make arrangements to visit him once the decision had been made. The argument was that if the Duty Inspector was empowered to make this decision at the time, any Community Resolution would not become unduly protracted or delayed.

Broadly, the advantages and disadvantages of each option are as follows:

**DCI Authority: advantages**
- Corporate decision-making across the OCU for all excluded offences.

**DCI Authority: disadvantages**
- Delay in decision being made due to availability and office-based hours.
- DCIs rely on information and rationale provided by the OIC and supervisors.

**Duty Inspector Authority: advantages**
- Real time decision-making.
- Compatible with ethos of placing decision-making with front line leaders.

**Duty Inspector Authority: disadvantages**
- Risk of variation in decision-making between individuals.

This advantages and disadvantages were discussed and it was identified that the volume of excluded offences that are considered for a Community Resolution outcome are relatively small (3.3% of all Community Resolutions), and do not represent a significant workload, whoever is the decision maker. The consensus was that the Duty Inspector should be the decision maker in these cases. It was noted that in particularly sensitive cases such as the rape example, (or indeed any partner vs partner domestic abuse offence) the appropriate PPU expert would already be aware and should always be involved in the decision-making anyway.

It was also pointed out that Duty Inspectors are empowered around virtually every other disposal type that does not require CPS advice, and it seemed improper that he or she could caution or charge an offender, but could not allow a Community Resolution for the same offence.

**Recommendation 14**

The Duty Inspector should be the designated authority for making decisions regarding whether an excluded offence may be dealt with under the Community Resolution process.
Regina Offences

By definition, Regina offences do not lend themselves to an agreement between the offender and the victim, so these offences have not fitted neatly into the Community Resolution process. An obvious exception is a Section 5 Public Order offence, where a person has actually been caused harassment, alarm or distress, yet there is no evidence that the offender intended them to be affected, and they did not direct the behaviour towards that individual.

In these types of situations, there have been good examples of where a Community Resolution has been agreed between the offender and the third party, e.g. an apology for their behaviour. This allows for a constructive and common sense outcome, whilst the offence remains correctly classified with the ‘victim’ being the monarch.

During the rollout there have also been examples of Regina offences dealt with by way of Community Resolution, even though no member of the public has been directly affected, and there has been no identifiable ‘human’ victim to enter into the resolution agreement. Again, this does not fit neatly into the process, but in each case the test has been ‘What is the right thing to do?’, and the officers’ decision-making has been found to be absolutely proper. Two examples are outlined below:

“They dealt with it quickly and professionally”.
Case Study 11: “Cannabis cigarette”

All drugs offences are in the ‘excluded’ list of offences for a combination of reasons:

1. They are Regina offences, so do not lend themselves to a victim-based resolution.
2. There is a recognised link between drug use and acquisitive crime.
3. Specifically in relation to cannabis, there is already a force policy that is designed to afford a set of escalating options when dealing with this type of offending.

These principles have held throughout the pilot phase and beyond, until a recent case that demonstrated why doing the right thing could sometimes be contrary to the guidelines.

A teenager had been arrested on suspicion of theft of an item, which later turned out had genuinely been in his possession lawfully, but whilst in custody, he was searched and a small amount of cannabis (enough to make one ‘spliff’) had been found. This teenager only had one caution on his record, and that was for possession of cannabis, so whilst the theft matter was subsequently NFA’d, the custody sergeant was left in the predicament of what to do regarding the cannabis. According to policy, the offender should have been charged with the offence, and there was no apparent alternative option of dealing with the matter as a Community Resolution.

The matter was discussed with the OCU Crime Manager and it was recognised that it would be disproportionate in the circumstances to send the offender on his first court appearance over approximately £2 worth of cannabis. There was no evidence that he was involved in acquisitive crime, and the DIP test in custody showed ‘negative’ for the presence of cocaine or opiates.

The decision was taken therefore that it would not be in the public interest to prosecute in these circumstances, but that it would be beneficial to implement some form of constructive outcome, so a Community Resolution agreement was set up whereby the offender agreed to attend classes run by the local drug action team on the dangers of cannabis use.
Clearly there would be limitations as to the use of Community Resolutions in these types of circumstances, especially in respect of TKAP, but this type of values based decision-making would clearly sit comfortably with a reasonable member of the public who was 'looking in'. In both cases the officers have taken into account all relevant factors and assumed responsibility for implementing a positive and common sense outcome.

Although not directly victim-based, these outcomes demonstrate thoughtfulness and constructive action. The public would be reassured by seeing the police take positive action, and if an eligible offender is willing to participate, it is impossible to see how it could be wrong. The offender's details would be recorded in the same way as in a victim-based Community Resolution, so this would assist future decision-making should that person come to notice again.

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**Case Study 12: “Knuckleduster”**

Crimes involving offensive weapons are almost always unsuitable for consideration for a Community Resolution outcome, not least because there is often no offender / victim relationship to form the basis of an agreement, but chiefly as this type of offending impacts negatively on feelings of public safety.

An interesting case where a Community Resolution for carrying an offensive weapon was agreed as the most appropriate outcome was when officers were conducting a proactive drugs operation on local buses. A drugs dog indicated towards a seat where a young woman was sitting and the officers informed her that they intended to search her under the Misuse of Drugs Act. She stated that she had never taken drugs in her life but would cooperate in the search.

Before commencing the search, the officers asked her if she had anything on her that she shouldn’t have, and she then produced a knuckleduster from her bag. She explained that she knew it was illegal to carry it, but that she had been attacked on public transport recently and felt unsafe travelling during the evening. She had therefore brought it with her as a deterrent in case of future incidents.

Officers conducted background checks on her and it became apparent that she had no convictions or cautions, and had no record on FLINTS. She was extremely apologetic but the officers felt that there was no option but to arrest her. Despite this, they felt uncomfortable about criminalising her as the item had not been used to threaten anyone, nor had it even been seen by a member of the public at any stage. Basically, although this was an obvious offence, the circumstances made it different, and the officers felt that they should be able to deal with it on an individual basis.

The officers discussed the matter with their sergeant, who agreed that some form of alternative method of dealing with the offence would be appropriate, and the matter was resolved by the woman surrendering the knuckleduster to the officers for destruction, and endorsing a WC201R with her apology, and acceptance of responsibility.

Clearly there would be limitations as to the use of Community Resolutions in these types of circumstances, especially in respect of TKAP, but this type of values based decision-making would clearly sit comfortably with a reasonable member of the public who was 'looking in'. In both cases the officers have taken into account all relevant factors and assumed responsibility for implementing a positive and common sense outcome.
In effect, in cases where there is no ‘human’ victim, the officer would be acting as a representative of the overall community, as well as upholding the Queen’s peace and statute. This goes right to the heart of trusting officers to use their professional judgement, and I believe that incorporating appropriate cases involving Regina offences into the Community Resolutions model is the next logical step in Proportionate Investigation.

**Recommendation 15**

The fact that officers have used their professional judgement to make values based decisions when dealing with Regina offences, is a strong indicator that the process should be expanded to incorporate instances where implementing a non-victim based Community Resolution is clearly the right thing to do.

‘Contentious Cases’

The guidance for officers who are dealing with offences that involve offenders who demonstrate a pattern of offending behaviour, or who have recent convictions for similar offences, is that a Community Resolution will rarely be appropriate. In these circumstances, officers are encouraged to deal with the offence through the usual criminal justice route, i.e. arrest and prosecution.

There have been a small number of examples of victims who insist on a Community Resolution outcome, where the offender is known to the officer to be totally unsuitable. (For example, someone who would fall into the former ‘PYO’ category). This has presented officers with a dilemma- should they allow a Community Resolution because that is what the victim insists on, even though it is unlikely to moderate the offender’s future behaviour, or should they press ahead with an arrest against the victim’s wishes in the knowledge that the victim will not cooperate?

If they choose the former option, it could be seen as a ‘soft option’ for the offender, whereas if they choose the latter, if the victim refuses to provide a statement or go to court, they risk alienating the victim and are also extremely unlikely to secure a conviction anyway.

This type of situation is the ultimate quandary for officers and often no solution appears ideal. There is also a risk that they could be criticised after the event, regardless of what they decide to do. In order to assist officers in this type of situation, the following guidance was issued recently:

“In these circumstances officers should use their professional judgement to decide if a Community Resolution is appropriate. Officers need to take into account all factors, and consider what the right outcome is for the victim. There have been occasions where a Community Resolution has been achieved in these sort of circumstances, but it is even more important that a suitable rationale is recorded in such cases”.

(See Appendix Seven: ‘FAQs’, for this and other general guidance)
During the rollout there have been examples of where officers have agreed to implement a Community Resolution that involves a person who would not normally be eligible. There is little doubt that this has been done in good faith, and in line with the victim's wishes, but too many examples feature little or no evidence of a compelling rationale being recorded at the time.

**Key Finding 6**

There will be occasions where officers have to make difficult decisions around Community Resolution outcomes involving offenders who would not normally be eligible. The overriding consideration must always be the victim’s wishes, but care must be taken to ensure that all options and relevant factors (including other sources of available evidence), are taken into consideration and a transparent rationale presented that supports the decision-making.

“The police got the lady to pay for the damage”.

**Young Offenders**

This has proven to be an area for hot debate. There are already in existence many options for dealing with young offenders, and the Community Resolution model blurs the lines between many of them. There have been examples of where a Community Resolution has been agreed involving young offenders who have already received a final warning, and members of Youth Offending Teams have advanced the view that once a young person has received a final warning there should be no other option than a court appearance.

Part of the reasoning behind this argument is that by allowing a relatively informal disposal such as a Community Resolution to occur after a final warning has been issued, it can give the impression of devaluing the final warning, and send the message that the young offender has avoided the proper consequence of their further offending, i.e. court.

There is also the risk that an opportunity for positive intervention by YOTs is missed, if the officer implementing the Community Resolution does not consider utilising their
expertise. These are extremely relevant considerations, and officers should always consider informing YOTs if their involvement would be beneficial in devising a meaningful Community Resolution.

The other side of the argument is that some offending by young people does not warrant anything other than a swift and simple resolution, and often it would unduly constrain an officer’s attempt at doing the right thing by following a rigid process of escalating options. Care must be taken to strike the delicate balance between following the victim’s wishes and ensuring that repeat offenders are dealt with robustly, yet proportionately.

The following guidance was issued to assist officers in their decision-making when confronted with this type of situation:

“In relation to young people, Community Resolutions will be especially effective for first time and very young offenders. They are less likely to be appropriate where the young person already has an offending history; the more recent, serious and persistent the offending history then the less likely it is that a Community Resolution will be an appropriate disposal.

The presumption for young offenders who already have a final warning is that a Community Resolution will rarely be appropriate. Officers should consider arrest and prosecution. In the event that the victim is strongly opposed to this, then any Community Resolution agreed should involve Youth Offending Teams or some beneficial intervention rather than just a verbal warning. In such cases it is imperative that a suitable rationale for officers' decision-making is recorded”.

Complaints and the use of Professional Judgement

One of the risks of officers making decisions rather than following a prescriptive process is that occasionally some members of the public may disagree with these decisions. The message that was emphasised during the training sessions was that as long as officers have done the necessary checks, taken all factors into account, and demonstrated this with a brief rationale, then they will be supported by the organisation.

Even four months into the rollout, the feedback that I receive from some officers is that they are still not fully convinced that this will be the case. There is almost the sense that there ‘must be a catch’. Officers have made comments to me that Proportionate Investigation is ‘too good to be true’, and they have an expectation that someone will ‘drop in it’ after making a decision in good faith which is subsequently criticised. This emanates from years of back-covering and risk aversion, coupled with a suspicion that supervisors and managers will not support officers if they face a complaint.

Key Finding 7

The belief amongst front line officers and staff that their decisions may not be backed by supervisors demonstrates why it is critical that they are visibly supported in their decision-making, and any complaints are resolved quickly and supportively.
The case study below recounts an incident during February on one of the pilot OCUs:

**Case Study 13: “Snowballs”**

Two thirteen-year-old friends were having a snowball fight, when one of them managed to hit his friend directly in the face with a snowball, causing momentary pain, but no injury. The youngster told his parents about this, who contacted police and insisted that the other child was arrested for assault. The officers dealing with the matter informed the parents that they felt this would be disproportionate as the other child had never been in trouble, and there were no aggravating features to the incident whatsoever.

The option of a Community Resolution consisting of an apology or words of advice was offered, but the parents refused and insisted on a criminal prosecution. The OCU concerned contacted me for advice, as the officer felt that to arrest the snowball-thrower would clearly be the wrong thing to do. The officer’s worry was that he had been threatened with a complaint if he did not arrest the boy, and was unsure regarding whether he would be supported if he made the decision that it was not in the public interest to prosecute. He was also concerned that he may be instructed to arrest the child regardless, if the parents did actually make a complaint against him.

The OCU were advised that the officer’s decision-making and rationale were sound and that the matter should be filed. The ‘victim’s’ parents were informed of this and were unhappy, but did not make a complaint. The effect on officers from that OCU was that they felt trusted and empowered to make public interest decisions in the face of unreasonable demands from members of the public, which boosted confidence.

“**They dealt with it very quickly and it was done and dusted straight away**”.

It was agreed very early on in the pilot phase that any dissatisfaction with officers’ decision-making under Proportionate Investigation would be dealt with as a Quality of Service matter, rather than a complaint against the individual officer. During the initial pilot phase (and right up until the commencement of the forcewide rollout), there were only two complaints made. In both cases, the officers were found to have acted correctly, although in one case, the supervisor who initially recorded the complaint instructed the officer to revert to an arrest. (That decision was overturned and the officer’s original decision was supported).

Between 1st April and 31st July 2009, just four further Quality of Service complaints were recorded in relation to Proportionate Investigation or Community Resolutions.
Two of these related to ‘Contact Counts issues’, where the officers had actually implemented a good Community Resolution, but had failed to keep the victim informed.

Another was in respect of a victim who had asked for, and received, a letter of apology, but in hindsight wanted a further letter of apology that went into more detail so they could circulate it on the internet! This request was turned down as the offender had complied with the original agreement, and officers had concerns over the victim's motives.

The fourth occurred where an officer made a sound public interest decision against criminalising someone for very low level offending, where the victim even admitted that he had provoked the incident. That victim had insisted on a prosecution when it was clearly against the public interest, and was unhappy when a decision was taken that this would be inappropriate. The other party had admitted he had done wrong and was prepared to apologise, but the victim refused this option and the matter was filed after being reviewed by a supervisor.

The experience to date has been that in the vast majority of cases, the victim's wishes about how they would like their matter resolved coincides with the officer's public interest assessment, so cases where officers must make decisions that are not supported by the victim are rare. As a proportion of total recorded crime, since 1st April 2009, these four QOS complaints represent 0.005% of all offences (or 0.0075% of Local Crime). In the same period there have been 375 QOS complaints recorded, of which these four account for 1.07%.

**Key Finding 8**

The extremely low volume of Quality of Service complaints that have been made in relation to Proportionate Investigation clearly demonstrate that officers who participate in using their professional judgment to make decisions are no more at risk of attracting complaints than in any other area of their work.
Marketing and Media Strategy

During the pilot phase, all forms of external marketing were actively avoided, for three main reasons:

- To ensure that the results of customer satisfaction surveys would not be artificially distorted, or otherwise affected by anything other than that individual's actual experience of dealing with the police.

- There was a risk that residents of non-pilot OCUs may be dissatisfied that they were potentially receiving a differential service to neighbours on a pilot OCU.

- The whole purpose of Proportionate Investigation and Community Resolutions is to provide an excellent service. The question asked was, “Do we need to tell the public that we no longer intend to arrest 13-year-old children for throwing water bombs?” Apart from the risk of exposing perverse target-driven activity such as the water bomb example, West Midlands Police has always been keen not to allow this new way of dealing with low-level crime as being seen as some sort of ‘gimmick’. It is simply good policing.

At the start of the forcewide rollout, these first two points were no longer relevant, but the third has remained valid. There was also the risk that issues not experienced during the pilot phase may become evident during the early days of the rollout and therefore it was decided to ‘quietly’ commence the rollout, supported by proactive ongoing evaluation to identify any problems that may emerge. Internally, the rollout was promoted through the intranet, a poster campaign, and regular features in the force newspaper.

By July, it was apparent that there was a large and compelling body of evidence that the rollout was achieving its aims, and it was felt that this was now the appropriate point to start externally celebrating our successes. The focus has been on local stories, with OCU SPOCs and Communications & Reassurance Officers actively seeking out good examples of Community Resolutions and promoting them in the press.
Time saved

Feedback from the OCU SPOCs debrief sessions confirmed that effective use of Community Resolutions translates into massive amounts of time saved. Examples were provided of officers being able to spend more time targeting hotspots and space being freed up that enables robust offender management. Opportunities for proactive work such as plain clothes patrols on nights and warrant executions were increased due to the additional capacity.

Other ‘knock-on’ effects that were reported included reduction in the volume of file builder’s caseloads, more efficient custody blocks, reduction in the amount of offenders on bail, reduction in the volume of OASIS logs and faster response times, as well as a smaller volume of ongoing investigations held on Docutrak. Officers also reported feeling less rushed at incidents and able to devote more quality time to their interaction with victims.

By definition, there were fewer first-time entrants into the criminal justice system and this also benefits partners in the CPS, YOTs and the Courts. The theory is that those offenders who do appear in court are the ones who really need to be there, and any reduction in throughput should create additional capacity for these agencies to devote the attention to these cases that they deserve.

As a very blunt estimate, the Community Resolutions recorded during the rollout could translate into potentially 63,000 hours saved, although this is extremely difficult to quantify scientifically. The real benefits are measured in the reinvestment of time and effort into worthwhile policing activity, and the human stories of those involved in the 4247 Community Resolutions.

“The service from the police was very good and I do think that the community resolution is a very good way of resolving minor matters”.

"The service from the police was very good and I do think that the community resolution is a very good way of resolving minor matters".
5. Evaluation Methodology

In order to ensure that the evaluation process was robust and comprehensive, a number of different methodologies were utilised to ‘triangulate’ the experience from different perspectives. These are listed below:

- Performance Support Group statistical analysis.
- Diversity monitoring review.
- Performance Assessment Team WC201R quality audit.
- Victim interviews.
- Feedback from OCU Command Teams.
- OCU ‘operational tours of duty’ working alongside frontline officers.
- OCU visits seek the views of front line officers and staff.
- Intranet feedback forum open to all West Midlands Police officers and staff.
- SPOCs debrief sessions.
- Comparison with force and OCU-level evaluations of the pilot phase.
- Comparison with the experience of the other three pilot forces; Leicestershire, Staffordshire and Surrey.

The statistical element of the evaluation work was conducted at the end of the four-month initial rollout phase, but the principle approach has been to evaluate progress in real time throughout. This report has been compiled and will be presented with recommendations at the end of August 2009.

6. The Next Steps

Where do we go next? The rollout has proven to be a massive success, with over 4,000 satisfied victims of crime across the West Midlands who have experienced Community Resolutions. Officers and staff report that the new way of working is almost too good to be true, and other forces have shown interest in adopting the West Midlands model.

The answer to that question is that we don’t stand still, looking back at what has been achieved. We look to the future and improve the processes further; we expand the principles of Professional Judgement and Values Based Decision-making into other areas; we push the boundaries. The model works because police officers are professionals who can be trusted to make decisions that positively impact on people’s lives. This is possibly the greatest opportunity that British Policing has seen in a generation.

But there is a caveat. This exponential improvement in service delivery cannot be sustained without the greatest culture change in a decade or more. We must reverse the ‘back covering’, ‘just in case,’ culture of pathological risk aversion that has affected policing over recent years.
So how do we achieve this in practical terms? First of all I believe there is an ongoing need for active guidance at force level. The role of force lead was originally envisaged to last until the rollout had taken root, but I think we underestimated the enormity of the culture change that needs to happen, and there is no ‘quick fix’. Many OCUs have actively embraced Proportionate Investigation, but even on OCUs where it is embedding well, there are still ‘pockets’ of teams and individuals who do not fully engage.

There is a need to maintain awareness of the levels and types of Community Resolutions that are being recorded, to ensure that opportunities are maximised and the process reaches its full potential. The force needs to be in a position to monitor and intervene should issues arise, such as disproportionate volumes of in-custody resolutions that can indicate an underlying problem which needs addressing.

There is also the consideration of how the forthcoming LPU structure could affect the way Community Resolutions are driven locally. It is entirely feasible that some OCUs who currently actively endorse Community Resolutions will merge with neighbouring OCUs who currently don’t take full advantage of the principles of Proportionate Investigation. We need to look ahead and think about how we will manage this potential clash of cultures.

**Key Finding 9**

The role of force lead will remain critical to the ongoing development of Proportionate Investigation, not only in respect of implementing the recommendations of this review, but also in the context of how the new force structure may impact on this area of business.

“I can’t praise the police enough - they were great!”

**Profile**

In July 2009, Proportionate Investigation and Community Resolutions were brought under the umbrella of Programme Paragon. This had the immediate effect of raising the profile of this work stream, and ensuring that officers and staff of all ranks across the force understand the importance that the Chief Constable places on it.

The media strategy has now shifted to a more proactive stance and the force is actively promoting Community Resolutions internally and externally. Community Resolutions are more visible than ever before, and there is also ongoing work in developing the Values Based Decision-making Model, which is inextricably linked to the principles of Professional Judgement. This is the opportune moment to reinforce the importance of how Community Resolutions help to provide a better service to the public, and also enhance trust in our own people.
**Expansion of the principles**

Professional Judgement is such an intrinsic element of everything we do within West Midlands Police that we should explore how its principles can be expanded into other areas of business. Specifically in relation to front line policing activity, I believe the obvious areas are in dealing with non-crime incidents such as anti-social behaviour, as well as non-reportable offences, such as Drunk and Disorderly.

In practice this would mean encouraging officers to resolve suitable incidents rather than just record them. For anti-social behaviour it could mean arranging for an apology instead of just moving youths on. For a town centre Drunk and Disorderly offence where an offender has urinated in the street, it could mean an opportunity for them to clean up their mess instead of being arrested or receiving a fixed penalty. The possibilities are limitless, although care should be taken to ensure that offences such as drink driving are excluded from any discretionary option.

In both the above examples there would be no requirement to fill in any forms- the officer would simply record the offender’s details on the OASIS log and this would also mean that this information would be retrievable through FLINTS. It would then assist in painting a picture of that person’s past behaviour in the event that they came to notice again in future.

There are also wider opportunities, for example in the area of Restorative Justice. Whilst the majority of Community Resolutions are straightforward and often instantaneous, there are occasions where a more formal Restorative Justice approach is appropriate. With the involvement of partners such as local housing departments and social services, it is logical that RJ conferencing and mediation can reap benefits in the area of neighbour disputes, for example. This also has the added benefit of tackling low-level non-crime incidents before they escalate.

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**Recommendation 16**

OCUs should capitalise on the increasing momentum of Community Resolutions by recognising their status within Programme Paragon, and making renewed efforts to raise their profile locally. This can be achieved by ensuring that Community Resolutions are promoted and incorporated into core business, and by ensuring that there is visible support from Command Teams. One method would be to encourage routine local recognition for good examples of Community Resolutions.

**Recommendation 17**

On the back of the internal media strategy, the force should consider a public message of support for officers and staff who make professional judgement decisions. It would also be an ideal opportunity to circulate updated guidance on Proportionate Investigation and Community Resolutions. This could be linked in with publicising the Values Based Decision-making Model. A format similar to the Contact Counts booklet, ‘The Face of The Force’ could be used to reach all members of staff.
Leadership

Leadership is the most critical area that has the greatest leverage on the extent of success that can be achieved in the Proportionate Investigation arena. During the OCU SPOCs debrief sessions, it was regularly recounted how Sergeants and Inspectors determine whether a particular team uses Community Resolutions effectively, and whether staff members feel confident in making Professional Judgement decisions.

It is important to recognise that many Sergeants and Inspectors have only ever known a performance culture that rewards quantity, and has little room for decision-making or creativity. It is impossible to quantify the enormous influence they can have on their colleagues and teams, and the force should make every effort to ensure that they receive the support and guidance to influence positively.

OCU Command teams also have the responsibility of showing overt leadership, by deliberately creating a positive environment that encourages officers and staff to use their Professional Judgement. Officers will be reluctant to make decisions if they suspect that they will not receive the support of their senior management; neither will they actively implement Community Resolutions if a local performance framework or culture inhibits decision-making.

Recommendation 18

In addition to suitable Regina offences, the principles behind Community Resolutions should be incorporated into the police response to non-crime incidents and appropriate non-reportable offences.
OCU SPOCS

The role of the OCU SPOC will not go away now that the first four months of the rollout has been evaluated. Experience has shown the positive effect that an active local SPOC can make on OCU. It is fair to say that not everyone anticipated the enormity of what Proportionate Investigation and Community Resolutions are all about, and some SPOCs state that initially the role was considered to be just another ‘add-on’ to their day job.

During the OCU SPOCs debrief sessions, some SPOCs also informed me that they felt that they did not have enough time to devote to this role, due to other responsibilities and commitments. There was a contrast between those SPOCs who were given freedom to actively carry out the role, and those who felt that their senior management teams did not fully appreciate the volume or importance of the work that the role entails.

Another interesting point made was that some SPOCs below the rank of Inspector felt that they did not have the necessary ‘clout’ on OCU to really drive the changes. On some OCUs the situation was exacerbated by posting changes in the staff who performed the role; on two OCUs the SPOC position was held by three different people over a four-month period. Whilst local posting considerations have to be appreciated, the absence of continuity in such a critical role can be disastrous.

Performance

The emphasis on doing the right thing must always remain as the motivator for implementing a Community Resolution, and there must never be any target-setting around Community Resolutions. OCUs and teams should measure improvement against self rather than become embroiled in competition over numbers. OCUs should find ways to recognise good Community Resolutions without unwittingly turning them into a performance objective. If this happens, the only people who will suffer are the public.

Having said this, in order to recognise opportunities for continuous improvement, there remains a need to continue to record where Community Resolutions are coming from, and in what volume. The important thing is what we do with the information.

Recommendation 19

OCUs should review the position of their SPOC and ensure that they have both the right person in the role, and that they are in the necessary position of influence to be effective. It is also vital that the OCU SPOC is given the necessary time and support to enable them to be effective, and that the profile of the role locally reflects its critical nature.
Conclusion

Proportionate Investigation and Community Resolutions, underpinned by the application of Professional Judgement and Values Based Decision-making, point the way to the future of excellent service delivery within West Midlands Police and beyond.

Crucial lessons have been learned throughout the first four months of the rollout phase, and these will help shape what is to come. I still believe that when the principles are fully embedded it will be “the single most significant cultural change in any currently serving police officer’s career”.

Simon Guilfoyle
Force Lead

August 2009
Appendices

Appendix One: ‘Force Policy – Part One Order 07/2009’

WEST MIDLANDS POLICE
PART ONE ORDER

AUTHORITY: Chief Constable Sir Paul SCOTT-LEE
AUTHOR: Inspector 6621 Simon GUILFOYLE
DATE: 17th March 2009
NUMBER:

SUBJECT:
Proportionate Investigation

*PPM AMENDMENT REQUIRED? NO
*AMENDMENT ATTACHED? select from pick list

SUMMARY:
Guidance on the force-wide roll out of proportionate crime recording and investigation

MAIN TEXT: (continue on separate sheet, if necessary)

All members of the public and communities we serve, all police officers, special constables, and police staff members shall receive equal and fair treatment regardless of age, disability, gender, race, religion, belief or sexual orientation. If you consider this policy could be improved for any of these groups please raise with the author of this policy without delay.

Background

In February 2008 Sir Ronnie Flanagan published his Review of Policing, which contained a number of recommendations designed to provide members of the public with a more effective and less bureaucratic policing service. His review recognised that the public did not always want a formal criminal justice outcome for many of the incidents they reported to the police.

One of the recommendations (Recommendation 21) was for police forces to develop a ‘proportionate’ method of recording and investigating crime, focusing on the needs of victims and encouraging officers to use their professional judgment in the decision-making process.

West Midlands Police was one of four forces chosen nationally to pilot work on this recommendation, and in June 2008 a pilot was launched on three Operational Command Units, (F2, H2 and L OCUs).

Evaluation of the pilot confirmed that both the public and police welcomed the new approach. A Force-level and OCU-level review were written which both examine the pilot phase in detail and demonstrate wide-ranging benefits for the public as well as significant reductions in bureaucracy. Based on the success of the pilot, West Midlands Police will implement the new process of proportionate crime recording and investigation across all 21 OCUs, commencing 1st April 2009.

Principles

All officers and staff who are responsible for recording or investigating crime will be trained in the principles of proportionate crime recording and investigation, and encouraged to use their professional judgement when dealing with crime that falls into the ‘Local Crime’ category. A guide to which offences can be classed as Local Crime is included within the training programme, and aide-memoirs are issued to officers following training.
A series of ‘filters’ has been devised to assist officers when considering the most appropriate outcome for Local Crime, as below:

- Is the offence solvable with a proportionate investigation?
- Does the injured party 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, then the matter may be dealt with informally, or disengaged altogether. Officers must also consider any issues around vulnerability or community concerns when deciding what the appropriate outcome will be, and record their rationale on the case papers.

Training

Training is mandatory for officers and staff who record or investigate crime, or who supervise criminal investigations. Only officers and staff who have received training in the process are permitted to apply it. Once training has been completed, this will be recorded on the individual’s training record via the OTA system.

Documentation

A single page crime report (WC200R) has been introduced as an option for officers to use when recording instances of Local Crime. This is supplemented by form WC201R, which records the process of implementing a ‘Community Resolution’ as a way of achieving a positive outcome for the victim.

Forms WC200R and WC201R are both available on Standard Forms and copies can be ordered via the usual procurement process.

Community Resolutions

The West Midlands Police definition of a Community Resolution is:

“Any action requested by the injured party, 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 an instance of Local Crime in line with the victim’s wishes. The process is captured in its entirety on Form WC201R, and once complete, the offender details are entered into the ‘Defendant’ field on CRIMES and the matter will be classed as detected under clearance code 18. Code 18 detections will count towards OCU detection targets under the performance framework that commences 1st April 2009.
Officers must verify that FLINTS and PNC have been checked prior to agreeing to a Community Resolution, and they must also record their rationale for dealing with the offence in this way. This will be recorded on the WC201R.

The only suspects automatically excluded from the Community Resolution process are PPOs.

Complaints

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

Special Case Offences

In the event that there are compelling reasons for a non-Local Crime offence to be dealt with under the Community Resolution process, this may be authorised by the OCU Crime Manager.

Guidance and Reference Material

All current guidance on the process, as well as user documentation and reference material, is maintained and updated on the West Midlands Police intranet Proportionate Investigation site, which can be accessed here. The site contains extensive guidance on all aspects of the process and is regarded as the definitive resource for all matters pertaining to this subject.
### Eligible Offences Guide

<table>
<thead>
<tr>
<th>Excluded</th>
<th>Eligible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serious assaults (i.e. Sec 20 GBH &amp; above)</td>
<td>Public Order</td>
</tr>
<tr>
<td>Serious sexual offences</td>
<td>Criminal Damage</td>
</tr>
<tr>
<td>Robbery</td>
<td>Assault (‘Minor’ Sec 20 &amp; below)</td>
</tr>
<tr>
<td>Burglary Dwelling</td>
<td>Theft</td>
</tr>
<tr>
<td>Partner &amp; Ex-Partner domestic</td>
<td>Burglary Other</td>
</tr>
<tr>
<td>Racist / hate / vulnerable</td>
<td></td>
</tr>
<tr>
<td>Drugs offences</td>
<td></td>
</tr>
<tr>
<td>Vehicle crime (if not solvable)</td>
<td></td>
</tr>
</tbody>
</table>

- This list is not exhaustive.
- Officers must ensure that each case is considered on its own merits, taking into account the overall circumstances of the offence / offender / victim.
- **If in doubt, consult a supervisor.**
Appendix Three: ‘Single page crime report WC200R’

<table>
<thead>
<tr>
<th>WEST MIDLANDS POLICE</th>
<th>RESTRICTED (when complete)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CRIME / INCIDENT REPORT</td>
<td>WC 100.8.6</td>
</tr>
<tr>
<td>Amended 31 39</td>
<td></td>
</tr>
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<table>
<thead>
<tr>
<th>1. OFFENCE / INCIDENT</th>
<th>LOCAL INVESTIGATION</th>
<th>NON CRIME INCIDENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reported at</td>
<td>On</td>
<td>How Reported</td>
</tr>
<tr>
<td>Committed</td>
<td>On</td>
<td>To Whom Reported</td>
</tr>
<tr>
<td>Between A</td>
<td>On</td>
<td>Number</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. PERSON REPORTING</th>
<th>VICTIM ENTER TITL</th>
<th>Date of Birth</th>
<th>Or Estimated Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surname</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Names</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sex</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ethnic Self Classification</td>
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<tr>
<td>Ethnic Description</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Occupation</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Email Address</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Work</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobile</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preferred means of contact</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Other consideration</td>
<td></td>
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<td></td>
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<table>
<thead>
<tr>
<th>3. ADDRESS</th>
<th>Room or Flat No</th>
<th>Does No</th>
</tr>
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</tr>
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<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Post Code</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
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<th>4. OFFENCE LOCATION</th>
<th>Premises Name</th>
<th>Premises No</th>
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</thead>
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<td></td>
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</tr>
<tr>
<td>Town</td>
<td></td>
<td></td>
</tr>
<tr>
<td>District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Post Code</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beat</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. SPECIAL INTEREST INTELLIGENCE MARKERS</th>
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</thead>
<tbody>
<tr>
<td>-----------------------------------------</td>
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<td>-----------------------------------------</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>6. MODUS OPERANDI</th>
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</thead>
<tbody>
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<td>---</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>7. PROPERTY / INJURY</th>
<th>Value</th>
</tr>
</thead>
</table>

<table>
<thead>
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<th>8. ADDITIONAL INFORMATION</th>
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</tr>
</thead>
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<tr>
<td>---------------------------</td>
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<tr>
<td>---------------------------</td>
<td>---</td>
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<table>
<thead>
<tr>
<th>9. SOLVABILITY FACTORS</th>
<th>Intermittent</th>
<th>Restorative Option Appropriate</th>
<th>WC 200 attached</th>
<th>WC 202 attached</th>
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</thead>
<tbody>
<tr>
<td>Name</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Role Number</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>11. REPEAT VICTIM</th>
<th>Yes</th>
<th>Name</th>
<th>Role Number</th>
</tr>
</thead>
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<tr>
<td>Yes (Other)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes (stabbed)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<p>| 12. ADDITIONAL MATERIAL | | |</p>
<table>
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<tr>
<th>-------------------------</th>
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<tbody>
<tr>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>13. PERSON COMPLETING</th>
<th>Signature</th>
<th>Role Number</th>
</tr>
</thead>
</table>

<p>| 14. SUPERVISORY DECLARATION | | |</p>
<table>
<thead>
<tr>
<th>------------------------------</th>
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<tbody>
<tr>
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</tbody>
</table>

allocated | filing | signature | role number |

I have read this report and associated documents and I am satisfied that all and consistent enquiries have been completed at this time under the provisions of the Criminal Procedure and Investigations Act 1996.
# Appendix Four: 'Community Resolution Form WC201R'

## RESOLUTION DETECTION FORM

**HCR COMPLIANCE**

<table>
<thead>
<tr>
<th>OFFENCE AS RECORDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
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</table>

### OFFENDER DETAILS

<table>
<thead>
<tr>
<th>Surname</th>
<th>Other Name(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DOB (Date of Birth)</th>
<th>CRN (Case Reference Number)</th>
<th>Nationality</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ethnic Description</th>
<th>Sex</th>
<th>Self-Classification</th>
<th>Relationship to Victim</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>Premises No</th>
<th>Room or Flat No</th>
<th>Premises Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Street</th>
<th>District</th>
<th>Town</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>County</th>
<th>Postcode</th>
<th>Occupation</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Alcohol related Y/N</th>
<th>Drug related Y/N</th>
<th>Certificates/Firearms Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### RESOLUTION DETECTION

<table>
<thead>
<tr>
<th>DETECTION DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Detection Code</th>
<th>Primary detection factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State Offence title for claimed detection</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

### RESOLUTION DETAILS & INVESTIGATION NOTES

**VICTIM**

Effect of crime or incident on victim

Views of the Victim about how this situation could be resolved

Agreed course of action

<table>
<thead>
<tr>
<th>Agreement</th>
<th>Date Abridged</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Declaration: "The resolution process has been explained to me and I agree for this matter to be dealt with as outlined above. I understand that once resolution has been completed, the police do not propose to take any additional formal action."

<table>
<thead>
<tr>
<th>Signed</th>
<th>Witnessed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Date Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### SUSPECT

**CAUTION** Then read the following caption: “You have been identified as being responsible for (outline the incident).

Continue as necessary.

**CONTINUE AS NEEDED**

The victim / other party has intimated that he / she is willing to have this matter dealt with informally and provide you an opportunity to make recompense for your actions. This is voluntary and if you agree and complete the process you will not be subject to any further police investigation. Failure to complete the agreed actions may result in the matter being formally investigated and you being liable to prosecution. This declaration would then be presented as part of the case against you."
**PRIMARY DETECTION FACTOR**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>999 Call</td>
</tr>
<tr>
<td>02</td>
<td>Caught in the Act</td>
</tr>
<tr>
<td>03</td>
<td>Detained by other Agency</td>
</tr>
<tr>
<td>04</td>
<td>Named Offender</td>
</tr>
<tr>
<td>05</td>
<td>Stop &amp; Search</td>
</tr>
<tr>
<td>06</td>
<td>High Profile Patrol</td>
</tr>
<tr>
<td>07</td>
<td>Local Planned Operation</td>
</tr>
<tr>
<td>08</td>
<td>Force Planned Operation</td>
</tr>
<tr>
<td>09</td>
<td>Intelligence Led</td>
</tr>
<tr>
<td>10</td>
<td>Crew Shoppers</td>
</tr>
<tr>
<td>11</td>
<td>Investigation</td>
</tr>
<tr>
<td>12</td>
<td>DNA</td>
</tr>
<tr>
<td>13</td>
<td>Fingerprint</td>
</tr>
<tr>
<td>14</td>
<td>Other Forensic Evidence</td>
</tr>
<tr>
<td>15</td>
<td>Street Identification</td>
</tr>
<tr>
<td>16</td>
<td>CCTV Identification</td>
</tr>
<tr>
<td>17</td>
<td>Identification Photos</td>
</tr>
<tr>
<td>18</td>
<td>Photo Album Viewing</td>
</tr>
</tbody>
</table>

**OFFENDER DETAILS**


---

**INFORMATION ONLY**
All fields must be completed satisfactorily, with special attention being given to the following areas:

1. Has the victim signed their declaration?

2. Has the offender made a response acknowledging responsibility and/or showing remorse?

3. Has the offender signed their declaration?

4. Has an appropriate adult countersigned? (Where applicable).

5. Do the case papers confirm that the resolution has been completed? (This can be recorded in the ‘Y’ box in ‘Filing Information’, or on a supplementary WC202. If the resolution is still pending, the crime report will remain with the OIC on Docutrak).

6. Has the OIC confirmed that FLINTS and PNC have been checked?

7. Has the OIC recorded their rationale for why they consider a community resolution to be the appropriate outcome?

8. Has a supervisor endorsed the WC201R with their signature? (This may also be recorded on a WC202 if necessary).
Appendix Six: 'Volume of Community Resolutions by OCU'  

<table>
<thead>
<tr>
<th>Date</th>
<th>15-Apr</th>
<th>29-Apr</th>
<th>13-May</th>
<th>30-May</th>
<th>10-Jun</th>
</tr>
</thead>
<tbody>
<tr>
<td>OCU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D1</td>
<td>6</td>
<td>1.3%</td>
<td>18</td>
<td>2.1%</td>
<td>38</td>
</tr>
<tr>
<td>D2</td>
<td>17</td>
<td>3.1%</td>
<td>43</td>
<td>4.1%</td>
<td>77</td>
</tr>
<tr>
<td>D3</td>
<td>14</td>
<td>2.6%</td>
<td>35</td>
<td>3.5%</td>
<td>62</td>
</tr>
<tr>
<td>E1</td>
<td>22</td>
<td>3.7%</td>
<td>57</td>
<td>4.8%</td>
<td>97</td>
</tr>
<tr>
<td>E2</td>
<td>9</td>
<td>2.1%</td>
<td>27</td>
<td>3.4%</td>
<td>44</td>
</tr>
<tr>
<td>E3</td>
<td>13</td>
<td>4.2%</td>
<td>27</td>
<td>4.7%</td>
<td>46</td>
</tr>
<tr>
<td>F1</td>
<td>1</td>
<td>0.2%</td>
<td>12</td>
<td>1.4%</td>
<td>17</td>
</tr>
<tr>
<td>F2</td>
<td>9</td>
<td>2.8%</td>
<td>16</td>
<td>2.6%</td>
<td>29</td>
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<td>28</td>
<td>8.0%</td>
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<td>8.0%</td>
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<tr>
<td>G1</td>
<td>5</td>
<td>1.1%</td>
<td>22</td>
<td>2.6%</td>
<td>32</td>
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<tr>
<td>J1</td>
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<td>2.3%</td>
<td>34</td>
<td>3.8%</td>
<td>44</td>
</tr>
<tr>
<td>J2</td>
<td>6</td>
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Chart showing fortnightly checks on the volume of Community Resolutions by OCU, as well as the proportion of Community Resolutions against total recorded crime.
What are the aims of the proportionate investigation process?

The main aims of the proportionate crime recording & investigation process are to:

- provide the public with a quality service
- empower officers to use their professional judgement to make the right decision
- listen to the wishes of victims and act proportionately and consistently
- put the emphasis on doing what is right, rather than focusing solely on gaining detections

Officers will no longer be forced to resort to a ‘one size fits all’ solution of just prosecuting offenders – instead they will be able to devise constructive resolutions in line with a victim’s wishes, such as arranging for offenders to take part in local restorative programmes as an alternative to prosecution.

Why are WMP going to roll out the proportionate crime recording process across the force?

WMP are keen to help reduce the bureaucratic burden on officers which will allow them to spend more time on patrol rather than filling in forms.

Currently, there is a lot of frustration among officers with the crime recording system. Frequent complaints are:

“*We spend the same amount of time on paperwork regardless of the severity or seriousness of the incident or crime*”

“*We have lost proportionality*”

“*Around half of all crimes recorded as 'violent' involve no injury to the victim*”

“*Complainants want help rather than a criminal justice outcome that generates huge bureaucracy*”

We hope that by reducing bureaucracy officers and staff will have greater freedom to tackle the issues that matter most to local communities.

Officers will be encouraged to use their professional judgement – supported by an agreed framework - to provide a proportionate and ethical response.

The project provides WMP with an important opportunity to influence future policing and drive through major changes which will help shape policing nationally.
How does it work?

Three BCUs took part in the initial pilot phase between 1st June - 30th September 2008: Bloxwich (H2), Rose Road (F2) and Solihull (L). This involved trialling a new shorter crime report (WC200R), which is designed to capture only the information necessary when recording 'local' offences. Once an offence has been identified as being a 'local' offence then officers are able to make an objective decision regarding the most appropriate way of investigating and resolving the matter.

This includes the option of resolving 'named offender' offences without the need for an arrest, when the most suitable disposal is to deal with the offence relatively informally, through the new Community Resolution process. (More information about the Community Resolution process is contained in the Procedures & Guidelines page).

‘Local’ offences are the more common, lower-level offences that make up the vast majority of the type of crime that officers deal with on a daily basis, e.g., harassment, public order, low-value theft, and minor assaults. Crimes which fall under the 'full' offence category continue to be recorded and investigated in the same way as normal. In these cases officers would continue to complete a full crime report and undertake a full investigation to bring the offender(s) to justice.

‘Full’ offences are those more serious offences captured within PSA 23, such as murder, manslaughter, serious assaults (Sec 20 GBH and above), house burglary, robbery and serious sexual offences. They also include domestic offences, hate crime and offences committed against repeat victims or vulnerable members of society.

Due to the success of the initial pilot phase, the new process of proportionate crime recording and investigation will be rolled out across the force during early 2009. Officers will be issued with a new 'solvability' template to assist their decision-making process. The template can be used to help determine which crimes and offences are allocated for further investigation and determining when an investigation should be finalised.

What role will supervisors play?

Supervisors will need to play a key part in the roll out to ensure the agreed framework ‘filters’ are applied ethically at all times, taking into account the seriousness of the offence, the wishes of the victim and other relevant factors.

How has it worked in real life?

Here are some examples of actual offences dealt with during the initial pilot phase:

Example 1 – Sec 47 Assault

Two eleven year olds had an argument that ended up with the offender pushing the injured party over. No injury was caused and all parties agreed that the best way to
resolve the matter was to advise the offender about his behaviour. This was done by the officers who attended; all parties were friends again that same day and everyone felt the matter had been resolved in the best way possible.

Example 2 – Criminal Damage

Offender kicked a wing mirror on the injured party’s car after an argument, causing damage. Offender agreed to repair the damage (which he did), and the injured party was happy with this course of action.

Example 3 – Theft from shop

Two offenders entered a store and stole £50 worth of fishing equipment (neither had any previous convictions). They were detained by store security and upon police arrival, the offenders agreed to pay in full for the items, accepted a banning notice from the store, and also voluntarily donated £10 to the Air Ambulance charity by way of apology. The management and staff at the store described the way the police dealt with the matter as ‘the best thing they had ever seen’.

Will Home Office counting rules be affected?

No. The principles laid down in the Home Office Counting Rules (HOCR) will not change – it is vital that ethical recording remains key to everything we do.

How will we know if the roll out has been successful?

Evaluation of the work conducted on the F2, H2 and L BCUs demonstrate that officers do not become entangled in lengthy and pointless investigations and are freed up to concentrate on more serious offences and local issues. Feedback from the public has also been extremely positive and the purpose of the force wide roll out is to replicate these successes across the whole on WMP.

The roll out will be subject to ongoing assessment and evaluation. Success will be measured in terms of public satisfaction as well as gains in efficiency.

How will the process be audited?

All activity will be robustly quality-controlled and evaluated throughout, both at OCU level and by Performance Review. This is to ensure the public receive a high standard of service and part of the process will involve surveys being conducted amongst those who have reported offences.

Officers and staff should familiarise themselves with the contents of the questionnaires that will be used in order to ensure that they know exactly what is being surveyed.
Is this process all about a one-page crime report?

No. Our current crime report is actually quite brief compared to those used by some other forces, some of which run to 14 pages long! The biggest gain in terms of police time saved is not in cutting out a relatively small amount of writing at the recording stage, but in the alternative way that local crime is subsequently dealt with.

For example, a common assault committed between 11 year olds at a local park will still recorded as a crime, but in the right circumstances officers will no longer be required to investigate the offence to the extent of obtaining V&I evidence from the IP and witnesses and arresting the offender, often against the wishes of everyone involved.

The one-page crime report is useful when recording the many straightforward examples of local crime, but there will be occasions when officers and staff still need to use the existing crime report (Form WC200), due to the fact that the one-page version may not feature sufficient fields to enter information in a particular case; e.g. if large amounts of property are involved, or PNC transaction details are required. Neither of these fields are included on the one page version, purely due to lack of available space.

Just because an individual might have to record a local crime on a standard WC200, this will not affect the way in which it is subsequently dealt with under the proportionate crime recording and investigation process.

What effect did the three-BCU pilot have on the public?

The effect of the initial pilot phase on members of the public on the F2, H2 and L BCUs was extremely positive. Public satisfaction surveys were conducted which confirmed that the public support the notion of officers being allowed to use their professional judgment to deal with low-level offences in a proportionate manner.

In particular, there was widespread support for the use of Community Resolutions as an alternative to arrest; 93% of those surveyed said that they felt reassured by what the police did, and the same number thought that the response was appropriate to the report.

Below are some quotes from members of the public who took part in the process:

- “I think they were very helpful, at the time I wanted a lot more but they gave me the best advice”.
- “Just was happy for it to be that way instead of pressing charges on a child.”
- “Well he could’ve gone to court but like I said, I didn’t want to do that. You guys are pretty good.”

What effect did the three-BCU pilot have on officers and staff?

Officers on the three pilot BCUs reported that the proportionate investigation process allowed them to use their professional judgment and deal with offences in a fair and practical manner. The following quotes are from officers who took part in the post-pilot staff survey:
• "I now have options and scope to deal with incidents. It allows me to offer the public solutions to problems that are more effective and in line with their views."
• "I can provide a better quality service, which meets the public needs, rather than organisational needs to achieve relevant performance targets."
• "It gives me a feeling of responsibility and the confidence to know that I am trusted to make an accurate assessment and decision".

The new way of dealing with local crime also meant that officers had more time to tackle more serious crime and community issues. Officers were able to conduct more proactive work such as plain-clothes patrols, targeting hotspots and warrant executions.

The benefits of the proportionate investigation process was outlined in an OCU-level review conducted at the end of the pilot phase:

• "The ‘domino effect’ of officers not becoming embroiled in bureaucratic, lengthy and disproportionate investigations, is that they are free to deploy more meaningfully; this leads to greater opportunity to conduct more proactive and valuable work, which in turn results in greater prevention and detection of crime; this in turn frees up more time and leads to greater efficiency, visibility and ultimately an increase in public confidence".

If you know anyone personally who works on the F2, H2 or L BCUs they will be able to provide you with an unbiased, first-hand account of what the pilot phase was like.

How will possession of cannabis fit in?

The proportionate crime recording and investigation process will not affect officers dealing with offences of cannabis possession. The force’s view is that the existing procedures for dealing with such offences (i.e. cannabis cautions policy) will still apply. Having said this, if officers encounter occasions where an individual is in possession of a small amount of cannabis, but the offender isn’t eligible to receive a cannabis caution for some reason and it is felt that a formal caution or charge would not be appropriate, please bring this to the attention of the OCU lead.

What is the position on domestic offences?

WMP is committed to taking positive action to protect victims of domestic abuse; therefore ‘partner vs partner’ domestic-related offences will NOT be included as being suitable for a Community Resolution. Research into domestic abuse has shown that it often follows a pattern of escalating severity that can start with relatively low-level abuse. It is also known that when a victim of domestic abuse first reports an incident to the police, it is very likely that several similar previous incidents have gone unreported, before they have finally gained the courage to report the abuse.

The ACPO definition of domestic abuse is wide-ranging and reads as follows:

‘Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, aged 18 and over, who are or have been intimate partners or family members, regardless of gender and sexuality.’

(Family members are defined as mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family.)
Research also indicates that the risk element in ‘intimate (or ex-intimate) partner domestic incidents’ is significantly higher than father-in-law vs son-in-law, stepmother vs step-daughter or brother vs brother type incidents.  

Whilst it is essential that all domestic abuse cases are subject to scrutiny to assess the level of potential risk, ‘family member’ domestic offences are sited within the boundaries of the proportionate investigation process, unless specific aggravating features dictate otherwise. (For example, Honour-Based Violence or abuse would never be suitable for a Community Resolution).  

Supervisors are absolutely key in ensuring 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 overall circumstances of the offence should be paramount in this decision-making process. Factors such as a previous history of offending between the parties would normally preclude a resolution from being the preferred outcome. Officers must be particularly aware of considerations around any elements of vulnerability when determining the appropriate course of action. In all cases, the OCU DA Unit should be involved in the decision making process prior to a Community Resolution being agreed.  

All domestic offences must still result in a standard referral to the local DA Unit, regardless of how they are dealt with. This is to allow for intelligence to be collated and additional follow-up action by the DA Unit if they consider it necessary.  

If in doubt, advice should be sought from the OCU DA Unit and Proportionate Investigation SPOC.  

**Where does the new classification for Section 20 assaults fit in?**  
Assaults where grievous bodily harm is caused will be not be eligible for inclusion; however, the lower level Section 20 (malicious wounding), will still be classed as local crime and will be included in the proportionate crime recording and investigation process, as long as the cut involved is relatively minor. A good rule of thumb would be to consider whether the injury would have been classed as a Section 47 assault prior to the recent change in counting rules. If in doubt, consult supervision.  

**Why is vehicle crime in the ‘orange’ section on the list of eligible offences?**  
Technically, vehicle crime is included in PSA 23, which is a government target relating to more serious crime. PSA 23 offences are generally excluded from being classed as ‘local’ crime, but if is apparent when dealing with a vehicle crime offence there are no obvious lines of enquiry and the offence is not part of a pattern, common sense dictates that it would be appropriate to deal with the matter as local crime. As always, professional judgement should apply.  

**Can harassment be dealt with as a local investigation?**  
This depends on the circumstances. If the harassment is ‘partner vs partner’ domestic abuse, then the answer is ‘No’ as it is not an eligible offence. For non-DA incidents it may be an option, but will be down to the individual officer to use their professional judgement on whether a local investigation is appropriate or not.
Are there going to be different crime numbers for local investigations?

No. Crime numbers will be issued in the normal way. It is important that victims of crime don’t feel that they are receiving a lower standard of service from us just because their offence falls into the ‘local’ crime category. They don’t even need to know we are doing anything differently; they should just feel they have received a good standard of service, whatever offence they are reporting.

Will a Community Resolution count as a sanction detection, and if not, won’t this affect performance targets?

A successfully completed resolution won’t be classed as a ‘detection’ as such, but it will be recorded as a positive disposal. In many cases this will be a more desirable outcome than a detection, and the force’s recording and evaluation of resolutions will recognise this. (Work is currently underway to revise the WMP performance framework to take this into account).

The Chief Constable is absolutely committed to the roll out and Sir Ronnie Flanagan himself has recognised that by implementing alternative outcomes this is likely to resulting sanction detection rates reducing in pilot areas.

There is a national emphasis on tackling the most serious offences (which will not be affected by the proportionate investigation process anyway), and the Home Office has accepted that by dealing with other matters in a more flexible manner, detection rates are likely to reduce. This is expected and will be taken into account at BCU, force and national level, and as long as officers can demonstrate that resolutions are occurring where we would have otherwise sought a detection, this will be viewed in a positive light.

What does ‘Public Interest’ mean?

This basically means assessing the impact of the crime on the victim, or community and the antecedents of the offender to decide whether a prosecution is needed in this case.

If someone is in custody and we resolve the matter as a Community Resolution, how do we close the PNC / Custody records?

Once a person has been arrested then there is a requirement to take fingerprints and DNA. In these circumstances if a restorative outcome has been decided the PNC record will be completed and finalised NFA.

The national lead for PNC has decided that if a restorative option has been conducted without the offender entering into custody then there is no need to register a case on PNC.

Can we use a one-page crime report for local crime when it is proportionate to investigate further?

Yes. If the offence type falls into the local category, then (subject to all required information fitting on the one page report!) officers would record the matter on the WC200R regardless of whether the matter is to be filed at source or investigated.
further. Just because we go onto investigate a particular local offence doesn't mean officers have to complete the full WC200. Any additional information can be recorded on a WC202 series (supplementary record) as per any ongoing investigation.

**What happens if a matter is dealt with by Community Resolution, then the injured party changes their mind and wants to prosecute?**

If the injured party has signed the Resolutions Form (WC201R) and the resolution has been successfully completed, they have no recourse to a prosecution. There is nothing preventing them from taking out a civil action at their own expense if they wish.

**What happens if a matter is dealt with by Community Resolution, then the injured party changes their story about what happened?**

You would deal with this in the same way as you would currently – if you consider the new version of events to be truthful, and the circumstances described amount to a new criminal offence, (e.g. an incident reported as a minor assault turns out to be a robbery), the matter should be crimed and dealt with accordingly.

If the change in detail does not amount to a new criminal offence being disclosed, or highlights any aggravating features that would result in the original offence now being excluded from the pilot (e.g. racist / homophobic etc), no additional action needs to be taken.

**How are we going to manage Community Resolutions such as paying for damage, if the offender does not know the injured party’s address?**

In these circumstances, if the injured party was unwilling for the offender to know their home address, they would either have to a) suggest an alternative method of resolution, b) make arrangements via a third party (not police) to collect the money, or c) decline the resolutions option and ask that the matter be dealt with by prosecution.

**Is there going to be a database of successful Community Resolutions to identify best practice?**

Whilst the resolutions process is deliberately very open-ended in order to promote initiative and allow officers to tailor their response to individual circumstances, it would be useful to see how others deal with similar incidents.

During the roll out, if officers advise their BCU project leads of any resolutions they implement, a database can be set up and made available on the intranet as a useful reference point for colleagues. This would enable colleagues to not only identify good practice, but also to see what hasn’t been as effective and adapt accordingly.

**What are the differences between Community Resolutions, conditional cautions, and restorative justice generally?**

**Community Resolutions** are intended to be a fair, informal and flexible method of resolving a local crime to the satisfaction of all parties, as an alternative to arrest and prosecution. In terms of paperwork, a resolution involves completing one short form
after the initial crime report, and its application relies on officers deciding on the suitability (or otherwise) of a particular case, using their professional judgement.

**Conditional cautions** are only available as an option following arrest. A conditional caution requires CPS approval and the system is tightly structured and controlled, requiring a similar amount of paperwork and content as a court file.

**Restorative justice** (as per the national framework) is not limited to criminal incidents, but also lends itself to matters such as neighbourhood disputes. It involves a set format that often involves victim and offender discussing their feelings and the effect that the incident has had. The process is mediated by trained personnel and utilises structured procedures and documentation.

All three methods are useful in providing alternative methods of dealing with offenders at different stages of the criminal justice process.

**What happens if an offender fails to complete a Community Resolution that they have agreed to undertake?**

Resolutions need to be achievable in the first instance otherwise they will not work. It is essential that officers set realistic outcomes and timescales when agreeing resolutions.

If an offender fails to complete an agreed resolution officers can revert to making an arrest and dealing with the offender as they would do otherwise. The fact the offender has failed to complete the resolution can be disclosed as part of any subsequent court case.

Officers need to consider all potential forms of evidence when first attending an incident that may be subject to a resolution and make sure they retain details of witnesses or CCTV etc, in case the resolution fails and they have to revert to prosecution.

This does not mean that statements need to be obtained at the time of initial report, or CCTV automatically has to be seized. If there is CCTV footage that is held by the injured party the officer may choose to request that they retain the CCTV themselves, pending the outcome of the resolution. Alternatively, if third parties hold CCTV evidence, officers could either seize it using standard procedures and return it as soon as the resolution is complete, or serve the owner with a Section 66 PACE notice, to remain effective while the resolution is underway.

It is important to strike the balance between gathering evidence unnecessarily on a ‘just in case’ basis, and not ensuring that evidence can be secured or recovered if it is required a few days later.

It is envisaged that the majority of resolutions will involve little more than officers being requested to offer advice to offenders, and that most resolutions will be resolved on the same day. In those circumstances where offenders agree to repair or pay for loss, officers should ensure that timescales are kept as short as possible, and that alternative resolutions are also considered.

WMP cannot enforce such payments and officers should never become personally involved in handling or transferring monies between offender and victim.
Does completing the Community Resolutions form mean the offender is being interviewed under PACE, and if so, do we have to tell them they are entitled to free legal advice?

The answer to both of these questions is 'no'. By completing the resolutions form (WC201R) this does not constitute an interview mainly because the officer will not be asking any questions after cautioning the suspect. If the suspect chooses to make a comment after caution then they are free to do so and any response will be recorded, but this is purely voluntary. There is an obligation to interact with the offender under caution purely because they are suspected of committing an offence, not because the officer intends to interview them.

Also, as the interaction is not taking place at a police station, the suspect would not be entitled to free legal advice or other rights that would apply if they were in detention at a police station. As the suspect's involvement in the resolution process is offered as a voluntary alternative to prosecution it is unlikely that any comment made would be heard at court anyway- if they failed to complete the resolution and we had to default to arresting them, then they would be interviewed under PACE at a police station, which would afford the opportunity to obtain evidence by questioning in the usual manner. This could then be presented at court as normal.

In the worst case scenario a suspect might fail to complete a resolution, go 'no-comment' in interview then argue that any original comment or admission recorded on the resolutions form should be excluded. Even if the court ruled that the actual comment could not be used as evidence for some reason, this would not affect the admissibility of other evidence that formed part of the case, and the fact that the suspect had been offered the resolution process would still be admissible.

How will risk assessments fit in with implementing Community Resolutions?

Common sense should prevail when implementing resolutions. There is an overriding responsibility to ensure that health and safety requirements are considered and no-one is exposed to undue risk, but there are no additional forms to fill in.

How many times can we consider a Community Resolution for an offender before we must proceed by way of a full investigation?

Each case should involve a full review of the circumstances. If the offender has re-offended within a short period of time either against the same victim or a similar type of offence then there should be a presumption that a criminal justice outcome is appropriate. However, using the general principles of the pilot it may be that the victim for the second offence still supports a restorative outcome and the contact with the offender suggests this still may be the preferred option. If that is the case a second chance could be appropriate.

It is imperative that officers show their 'workings out' when making such decisions. A space is provided for rationale on the rear of the WC201R, or officers may record the reasons for their decision on a WC202 if additional space is required.
What involvement will PCSOs have?

PCSOs will need an awareness of the new processes but if they do not record crime currently, then they will not be expected to record/deal with local crime under the new process, or facilitate community resolutions. The WC201R form itself will only be completed by police officers (part of it is under caution), so PCSOs would not be placed in a situation where they would be expected to negotiate or record the initial agreement between victim and offender.

Where PCSOs involvement is likely to lie is where a police officer has agreed a community resolution that involves a PCSO's subsequent involvement, e.g. regular high visibility presence in a particular area etc. This will enable PCSOs to take part in positive community disposals where appropriate, whilst retaining their primary function of providing regular and visible reassurance to the public.

Will the new process affect the ACPO policy on dealing with crime within schools?

The schools policy should still be implemented as the preferred method of dealing with such offences. It is worth noting that for an offence to be eligible, the injured party and their parents have to agree for it to be dealt with under the schools policy. If officers encounter a situation where a school-related offence cannot be dealt with under the schools policy (e.g. if the parents refuse permission), then the offence will fall within the boundaries of the proportionate crime recording and investigation process, as long as it is a local crime.

What happens if I get it wrong?

Don't worry! As long as officers are professional, make decisions in good faith, and supervisors are involved in guiding and assisting staff, there is little that cannot be rectified. The emphasis is then about looking at what didn’t go well, why it didn’t go well, and devising a method to minimise the likelihood of a reoccurrence.

During the initial pilot phase, some mistakes did occur. The force was able to learn some valuable lessons from them, individuals were not blamed, and amendments were made to aspects of the proportionate investigation process to assist colleagues in future.

Will this new way of dealing with crime result in more complaints being made?

Possibly. Officers are being encouraged to use their professional judgement in an objective and ethical manner; sometimes this will mean informing someone that we will not conduct an investigation due to it not being in the public interest, or it being disproportionate to investigate effectively.

As long as this is done ethically and individuals record their rationale, they should not shy away from making these important, yet potentially unpopular decisions.

If a member of the public goes on to make a complaint, as long as the officer has acted professionally and within the framework of the pilot, the matter will not be recorded as a complaint against police.
Where such a ‘complaint’ about a local crime investigation is received, it will be recorded as a Quality of Service matter, which reflects dissatisfaction with force policy, as opposed to the actions of individual officers or staff members.

Supervisors need to satisfy themselves that officers have implemented the principles of the pilot correctly and recorded their rationale. This aspect of the pilot is about honestly managing the expectations of the public, and officers should not feel under pressure to revert to a full investigation when all the circumstances indicate that the matter should be filed. Supervisors are absolutely key in supporting those who make such decisions, as well as ensuring that they are arrived at ethically and properly.

During the initial pilot phase, over 6500 ‘local’ offences were dealt with by officers on the three BCUs involved; only two complaints were recorded, and both of these were quickly resolved as it was found that the officers had applied the principles of the process correctly.

What happens if an offence is reclassified after it has been dealt with by way of Community Resolution?

This depends on the nature of the offence. For example, if an offence was originally recorded as a ‘minor’ Section 20 assault and dealt with as a community resolution in line with the IP’s wishes, but was then reclassified as Section 20 GBH, there are a number of possible outcomes.

Always be aware that there is no need to rush into a course of action. In the case of a ‘borderline’ Section 20 assault where there is doubt over the extent of the injuries, it may be prudent to delay the completion of a community resolution until after the full extent of injuries is known and the crime classification has been approved and managed by the crime assessors.

Using a Section 20 assault as an example, some possible outcomes are outlined below:

1. If the injury level was truly ‘borderline’ then as long as the community resolution had been done in good faith and backed up with sound rationale, then it will be allowed to stand and no additional action would be required.

2. If it transpired for example that an IP’s injuries were found to be more serious than first thought as a result of an additional medical check up (e.g. internal injuries / broken bone not identified during initial examination), then it may be appropriate for the offender to be arrested on the basis of this further evidence, unless there was a compelling reason not to.

3. If the original classification and action taken was so obviously flawed as to render the decision inappropriate, then it is the duty of supervision to challenge the decision and deal with the offence via the criminal justice process.

In all cases, supervisors are crucial in ensuring that offences are recorded and dealt with appropriately.

What happens when a Community Resolution is implemented for a suspect whose job happens to be a notifiable occupation?

There are certain types of occupation where an offender’s employer must be informed when someone is cautioned or charged with certain offences:
For example, a caution for indecent assault may be relevant for disclosure for a dentist due to their contact with children or vulnerable adults, but may be considered not suitable for a member of lottery staff.

As a community resolution disposal is not classed as a conviction, there is no requirement for officers to inform an employer when a person is subject to this type of disposal. Officers must consider however, whether a community resolution is appropriate at all if they have concerns over the nature of the offence, or the level of risk that the offender is likely to pose to others.

As community resolutions are included within enhanced disclosure, any relevant information about the offender's antecedents (including community resolutions) can be passed on to future prospective employers in the event that they apply to work with vulnerable people, for example.

**Does someone who has been subject of a Community Resolution have to disclose this when travelling abroad?**

No. As a community resolution does not count as a conviction there is no requirement to inform anyone when travelling abroad.

**If an officer arrests someone, can the suspect at a later time still be considered for a local resolution? If so, what happens if the suspect then fails to complete said resolution? Do we have a power to re-arrest the suspect in order to deal with them by way of the Criminal Justice route? Is further evidence needed to make a second arrest for the same matter?**

The short answer to the first part of this question is 'yes'. To address the other points in the question, the vast majority of resolutions will be conducted instead of an arrest but in the event that someone is arrested (e.g. they are unfit to be dealt with at the time), and it later transpires that a resolution would be desirable (e.g. the IP comes into the station insisting the PIC isn't charged, and all other background checks support this avenue of disposal) then it can be done. If the resolution is something that can be finalised there and then (e.g. apology or reparation made on the spot), then the WC201R will be completed and ICIS will be marked 'NFA'.

If the agreed resolution involves the suspect performing the resolution after they are released from custody (e.g. repairing a fence), then they should be bailed Sec 37(2) until shortly after the agreed completion date. If they complete the resolution successfully then their bail can be cancelled and the ICIS record will be marked 'NFA'.

In the event that the offender subsequently fails to comply with the resolution agreement and it is felt that the offender should be prosecuted, the OIC can then obtain a complaint statement (and witness evidence if applicable) and proceed with a formal criminal justice disposal upon the suspect's return from bail. Another option open to officers is to proceed with the matter by way of summons (or fixed penalty) as an alternative, if appropriate.
Can a suspect agree to a local resolution if they have consumed alcohol? If not, what advice can be offered to officers when dealing with matters that would be clearly eligible?

If the offender has had a drink but is capable of understanding what is going on and they are compliant, then a community resolution may still be considered.

Can an OCU designate an arrest or full investigation policy for local crime, for example on football match days?

Yes. OCU Commanders may designate areas such as individual pubs / town centres / neighbourhoods for an 'arrest only' policy for certain types of offences if this is considered appropriate: e.g. for football-related offences on match days, for offences committed against staff members in an A&E department, for alcohol-related disorder in a town centre, or where a particular area is suffering from a string of Burglary Other offences.

This could either be a long-term local policy, or something that is brought in temporarily in response to a particular problem identified through the tasking process.

Obviously if an officer encountered something that they felt should be excepted on an individual basis due to the specific circumstances or the victim's express wishes, then that should be discussed with supervision, for a local decision to be made regarding whether the offence could still be dealt with as a community resolution.

Can excluded offences ever be dealt with by way of resolution?

During the initial pilot phase, there were a handful of offences that fell into the 'red' section of excluded offences, where due to exceptional circumstances an ACC reviewed the matter and allowed a community resolution to be implemented. An example is provided below:

Racially Aggravated Public Order

The circumstances of this offence were that a group of youths were hanging around and causing a nuisance outside the injured party’s address. The injured party confronted them and one youth responded by telling her to 'go back to India', before running off. This was perceived as a racist insult and the victim contacted the police.

Officers attended and recorded a public order offence as a result of the words used. Upon police arrival, the offender returned to the scene and offered his apologies.

In this case, the injured party insisted that she did not want the offender to be arrested, as this was an isolated incident and she was happy with his apology. She felt that having the opportunity to explain to the offender the effect his words could have was much more valuable than simply having him arrested.

Background checks revealed that the offender would have been eligible to be dealt with by way of resolution had it not been a racially aggravated offence; he had no previous convictions, there was no history of anti-social behaviour at the location, and he recognised that his behaviour and language was totally unacceptable. He was taken home and further admonished by the officers in the presence of his parents.
As a result of these overall circumstances, the matter was reviewed at force level by an ACC and a decision was made that the offence could be dealt with as a ‘special case’, in line with the wishes of the injured party. Although the offence type would usually be excluded from the process, all factors were taken into account and it was found that the officers’ actions were proportionate, totally in line with the victim’s wishes, and absolutely the right thing to do.

From 1st April 2009, when the roll out commences forcewide, OCU Crime Managers will be the designated authority for making these decisions in respect of offences that would normally be excluded from the Community Resolutions process. In effect, as long as the officers have conducted relevant background checks and can present a compelling rationale requesting that an excluded offence be dealt with as a special case, the Crime Manager may permit this method of disposal for any offence.

If officers encounter an excluded offence that they feel may be appropriate for dealing with as an exception, they should record the victim’s views on a WC201R but not raise the victim’s expectations about how the matter will be resolved at this stage. The officer should then liaise with supervision (and the OCU SPOC if available), conduct the standard checks into the offender’s background and circumstances of the offence, then if it is felt appropriate, they may submit their rationale to the OCU Crime Manager for review. Only if the OCU Crime Manager authorises it, the matter may then be dealt with by way of Community Resolution.

Can ‘Regina offences’ be dealt with by way of a community resolution?

The vast majority of Regina offences cannot be resolved through a community resolution as the agreement must be between the offender and a ‘human victim’ of the offence. The main exception would be a Sec 5 Public Order offence where there is no evidence of any intention to harass, alarm or distress a particular individual (as in Sec 4A), but where a human victim has been offended by the actions of the offender.

In these circumstances, although the actual ‘victim’ is Regina, it could be entirely appropriate to resolve the matter through a community resolution between the offender and person offended. The ‘real life’ victim can be entered on CRIMES as an additional IP and the matter cleared under code 18.

Which form do I use if the person reporting the offence is different to the IP?

You can always use the standard WC200!

The one-page crime report is useful when recording the many straightforward examples of local crime, but there will be occasions when officers and staff still need to use the existing WC200, due to the fact that the one-page version may not feature sufficient fields to enter information in a particular case; e.g. if person reporting the offence is different to the victim, large amounts of property are involved, or PNC transaction details are required.

If a local crime has been recorded onto a standard WC200 you do not need to re-write the details on a WC200R. The piece of paper that is used to initially record the offence will never dictate how the matter is ultimately investigated or resolved.
How will the policy affect offences committed by youngsters in children’s homes?

Offences committed by youngsters in children's homes will be subject to the same assessment as any local crime committed elsewhere when determining if a Community Resolution would be an appropriate outcome. The overriding question is ‘what is the right thing to do?’

West Midlands Police recognises that staff in children's homes often report incidents between residents that would not normally be reported to the police had they occurred between members of a traditional family. It is recognised that children's home staff also have a responsibility to resolve low level issues without the requirement for police attendance. There is the additional risk that youngsters are being unnecessarily criminalised by police intervention when this is not the best way of resolving the problem.

The force is proactively looking into this issue and will be issuing further guidance in due course.

What happens if the agreed course of action is just to warn to suspect about his/her behaviour, you do this and then the suspect refuses to sign the declaration accepting responsibility? Do you still need to arrest the suspect, which is against the wishes of the IP, or can the matter be filed as offender fails or declines restorative option?

A Community Resolution can only be recorded if the victim agrees and the offender admits responsibility. If the offender denies the offence or refuses to sign the WC201R, the officer would effectively go back through the local crime ‘filters’, i.e. Is the offence solvable? / Does the victim support a prosecution? / Is it in the public interest to prosecute?

This will then determine whether the right thing to do is to make an arrest or not. If an arrest is not the appropriate outcome then the matter can be filed as ‘offender declines restorative option’.

Can a community resolution be implemented when the offender is under 10?

If the offender is below the age of criminal responsibility, National Crime Recording Standards state that police must still record the offence, but it cannot be detected if the offender is under 10. (This applies to all criminal justice outcomes, not just community resolutions).

If a victim feels that it would be beneficial for the police to take some form of action rather than just record the offence and take no additional action, then there is no problem with following the resolution procedure if the offender and appropriate adult agree. Please note that the caution will not apply, and all involved must be aware that the offender’s involvement is entirely voluntary and there is no recourse to prosecution should he or she fail to complete the resolution.

This has the benefit of allowing the victim to see the police making some form of intervention (e.g. words of advice), but cannot be recorded as a code 18 clearance for the reasons outlined at the beginning of this answer. Extra care should be taken to ensure that any agreed action is appropriate, considering the age of those involved.
I recently had a job involving someone potentially firing an air weapon outside their property boundary. I know this is an offence but would it be possible to deal via proportionate crime recording if there were no aggravating factors, i.e. personal injury, threatening behaviour etc?

There are two parts to this question: First of all, the crime recording element would be that this offence is not in the excluded offences category, so subject to the amount of detail required to record the offence, officers may use the WC200R and assess the circumstances against the three proportionate investigation 'filters'.

In respect of how the matter could be dealt with, most Regina offences such as this one (Section 21A and Schedule 6 to the Firearms Act 1968), cannot be resolved as a community resolution as there is no human victim. However, if an actual 'human victim' has been affected by the actions of the offender (i.e. annoyed or frightened), then it is perfectly proper to consider whether a community resolution would be appropriate. If the matter is resolved in this way on a WC201R (e.g. apology, words of advice, or even disclaim the air weapon), then the affected person’s details may be entered on CRIMES as an additional victim.

What happens 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 a Community Resolution is the only outcome they will accept, but where background checks reveal that the offender would not normally be eligible (e.g. the offender has several previous convictions for similar offences).

In these circumstances officers should use their professional judgement to decide if a Community Resolution is appropriate. (If the matter is an excluded offence, advice should be sought from the OCU Crime Manager prior to any agreement being made). Officers need to take into account all factors, and consider what the right outcome is for the victim. There have been occasions where a Community Resolution has been achieved in these sort of circumstances, but it is even more important that a suitable rationale is recorded in such cases.

What do I do 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 since the initial report and the victim feels that police intervention may actually 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 (e.g. 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 are the considerations when dealing with young offenders?

Community resolutions are an effective way of dealing with minor local crime, especially where the victim does not want to pursue a prosecution. In relation to young people they will be especially effective for first time and very young offenders. They are less likely to be appropriate where the young person already has an offending history: the more recent, serious and persistent the offending history then the less likely it is that a community resolution will be an appropriate disposal.

The presumption for young offenders who already have a final warning is that a Community Resolution will rarely be appropriate. Officers should consider arrest and prosecution. In the event that the victim is strongly opposed to this, then any Community Resolution agreed should involve Youth Offending Teams or some beneficial intervention rather than just a verbal warning. In such cases it is imperative that a suitable rationale for officers' decision making is recorded.

Above what value of goods would a community resolution be deemed not appropriate for an offence of shop theft (assuming that the offender has no previous arrests for acquisitive crime)?

There has never been any value set around this, quite deliberately. Officers should use their professional judgement to make a decision, based on the effect on the victim, the background of the offender, and all the circumstances of the offence. It is also vitally important that any Community Resolution that is agreed is realistic if it means the offender will be paying the victim back (in the event that goods are not recovered at the time), but as a general rule of thumb, the value of goods taken should act as a sliding scale; i.e. the higher the value, the less likely a resolution would be suitable.

The reason there is no set value is that each case should be taken on its individual merits.