



Community Resolution Disposal

This procedure is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Police, Fire and Crime Commissioner are required to adhere.

Procedure Statement

Community resolutions, which can include elements of Restorative Justice, are an available option for adults or young people and are a non-statutory disposal. They are a method of dealing with a suspect proportionately for low-level less serious matters rather than progressing to more formal outcomes.

Community Resolution can be used following arrest or voluntary attendance processes as well as being an option for officers on initial attendance if the matter can be progressed at that stage.

By encouraging suspects to face up to the impact of their behaviour and to take responsibility for making good any harm caused, a Community Resolution can reduce the likelihood of their reoffending. There must be an acceptance of responsibility on behalf of the suspect to undertake a Community Resolution response.

The most appropriate offences to warrant a Community Resolution are likely to be less serious matters such as criminal damage, low-value theft, minor assaults (without injury) and anti-social behavior (ASB). Less serious is not nationally defined but should be determined on a case-by-case basis taking into consideration the following.

- The type of offence
- The suspect's criminal record
- The circumstances of the offence (The classification of the offence may appear serious although the circumstances may be less so and a Community Resolution may be appropriate)
- Risk to the public and community confidence in the police
- Likely penalty; and
- Whether Community Resolution is appropriate given the circumstances of the offence.

As a result of the local Community Remedy approach, victims of low-level crime and anti-social behaviour have a greater say in what happens to those individuals who have caused them harm. Although the focus of Community Remedy is on victims, the aim is also to have a positive impact on the offender to reduce re-offending and further acts of low-level crime or ASB. This is in line the Commissioner's vision, shared by the Chief Constable, which puts victims at the heart of the North Yorkshire Police approach to tackling crime and ASB.

Community Resolution approaches can have a significant impact on reducing re-offending whilst increasing victim and community satisfaction and confidence.

The main benefits of adopting a Community Resolution approach to low level detected crime and ASB are:

- delivery of swift, simple, and effective justice
- proportionate response
- the use of discretion
- increase officer visibility and availability because of reduced demand

Research has shown that the use of 'Restorative Justice' techniques can be hugely beneficial in reducing reoffending and improving the outcome for the victim. This procedure identifies those low-level offences that are suitable for consideration by officers/staff immediately and indicates where higher levels of authority are required of a Sergeant or Inspector prior to delivery of the Community Resolution Disposal or Restorative Justice outcome.

Procedures:

Adult Prosecution Procedure

Youth Justice Procedure

ACPO Guidance on the use of Community Resolutions incorporating Restorative Justice

Other Documents:

The Community Resolution Eligibility criteria

Restorative Justice in North Yorkshire

Form 149 Sample CRD template

Process

Who can issue a Community Resolution?

- Any Warranted Officer
- Police Community Support Officer – with the authority of a warranted officer

CRDs are primarily **aimed at first time offenders and where genuine remorse has been expressed**. However, those with limited criminal records may be considered where it is deemed the most suitable response. It must be appropriate and proportionate to the circumstances.

When applying the National Decision Model (NDM) and the ACPO Guidance in relation to Community Resolutions and Restorative Justice, if an officer/staff member is satisfied that the public interest can be met by dealing with matter out of court, then this is the preferable approach.

Where police officers/staff have any concerns from the outset regarding the compliance then a Community Resolution is unlikely to be an appropriate solution and alternative disposal options should be considered.

The suspect must be made aware that if they do not comply with the actions set within 28 days, the police may take further action that could result in prosecution. However, the Community Resolution

is an informal voluntary agreement that will not be directly enforceable by the police in all but exceptional circumstances.

Types of action can include:

- **Apology** – written or verbal. Note – this should be a meaningful response. Support is available from Restorative Solutions to manage the process between suspect and victim for letter writing and for Restorative justice conferencing between victim and suspect
- **Repair damage** - for example repairing damage/cleaning graffiti
- **Voluntary Work** - by doing local unpaid work for a short period
- **Enter an agreement** - perpetrator signing an Acceptable Behaviour Contract where they agree not to behave antisocially in the future
- **Financial** - paying an appropriate amount for the damage to be repaired or for stolen property to be replaced. This must be proportionate, and consideration given to the financial circumstances of the suspect (or in the case of a young person, their parents). Where a financial arrangement has been agreed as part of the CRD process this will be recorded by the officer on the Community Resolution Disposal ticket. No money will be handled by police officers/ staff.
- **Address Behaviour** – This could be rehabilitation by attending drug or alcohol referrals (separate NYP procedure) or be engaging in the Hate Crime Awareness Course (further information is contained within this procedure)
- **Restorative Justice** – To initiate and work with the Restorative Justice provider

Restorative Justice in North Yorkshire

Restorative Justice is provided by the Police, Fire and Crime Commissioner in partnership with Restorative Solutions who provide the service across the whole of the North Yorkshire area including the City of York.

Restorative Justice (RJ) brings those harmed by crime or conflict and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward. It is voluntary for both the victim and suspect/offender and the latter must have accepted responsibility for the harm caused. It can be used alongside any outcome, either as a condition for an out of court disposal or separately.

To make a referral to Restorative Solutions or for further information the simplest ways are to either email or telephone as follows.

Email: RJNorthYorkshire@restorativesolutions.org.uk (add .cjsm.net to make the address secure)
Telephone: 01423 546175

Community Resolution: Operational considerations

These should be considered alongside the Eligibility Criteria when police officers are deciding whether to administer a Community Resolution disposal.

- **Actual offence** – based on the circumstances of the offence, it must be in the public interest to offer a community resolution
- **Evidential standard** – it must be clear that a crime or incident has occurred, and there is reasonable suspicion that the suspect is responsible
- **Admission of guilt** – the suspect must have an acceptance of responsibility for committing the offence
- **Suspect consent** – the suspect must agree to participate in Community Resolution and be capable of understanding the situation and process
- **Suspect history** – the suspect should have no relevant offending history. If they have previously offended, the police officer should refer the decision to a supervisor and record the reasons for the decision
- **Victim check** – the victim should be consulted, and agreement sought. A Community Resolution disposal can proceed without victim consent, but the supervisor must agree to the decision and the rationale should be recorded.
- **Implications** – a Community Resolution does not form part of a criminal record but may be disclosed in an enhanced Disclosure and Barring Service (DBS) check

The Community Resolution Eligibility Criteria should be consulted to establish whether a CRD is appropriate for the suspect and victim and whether supervisory authority is required.

*** Limited Criminal Record**

- Conviction in the last two years
- Conditional Caution in the last two years
- Caution for a similar offence in the last two years
- Subject to an existing order

If any of the above apply the suspect can be considered to have a limited criminal record but may, in exceptional circumstances, be considered for a CRD with supervisor approval.

Community Resolution: Administrative considerations

A police officer should carry out the following actions once a Community Resolution is administered:

- confirm that the suspect accepts responsibility for the offence
- explain the process to the suspect, including how they will rectify the harm caused
- explain to the suspect the implications of receiving a community resolution
- ensure the Community Resolution is recorded appropriately. Where the offence relates to a notifiable crime, a crime report must be completed. The offence must be recorded and subsequently detected in accordance with the national crime recording standard (NCRS) and Home Office counting rules (HOCR) for crime, and a positive outcome shown

Domestic Abuse

The definition of domestic abuse is:

‘Any incident or pattern of incidents controlling, coercive, threatening behaviour, violence or abuse between those aged **16 or over** who are, or have been, intimate partners or family members regardless of gender or sexuality’

It is national policy that Restorative Justice (RJ) should not be used in cases of domestic abuse. However, in cases where there is no intimate partner relationship and the offences do not include violence, stalking, harassment or sexual offences, RJ may be considered. It should only be used as an exception where the call is in isolation and there is no previous history or concern. It should be an extremely low-level offence.

Hate Crime

The definition of hate crime is:

‘Any criminal offence or incident which is perceived by the victim, or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic’

Community Resolution Disposals can be used in incidences of low-level hate crime and are actively encouraged to be utilised in these circumstances

Hate Crime Awareness Course (HCAC)

- CRDs that are issued to suspects responsible for incidents of hate crime as part of their remedy should be told to contact Restorative Solutions in order to arrange and complete a two-hour HCAC with a Restorative Solutions practitioner.
- The suspect must have accepted responsibility for the offence and is agreeable to attending the HCAC as a condition of the Community Resolution.
- A victim may not wish to attend court but does support some positive intervention to advise and educate the suspect about their behaviour. The victim cannot demand a suspect is prosecuted but their views should be taken into consideration and it is preferable that their consent is sought to use of a Community Resolution outcome.
- The Course is provided free to the offender and the victims views will be sought by restorative solutions so that they can make the course relevant and bespoke in its delivery. The victim and offender will be offered a restorative conference where appropriate but neither party is obliged to take part in this. The victim will be updated at the conclusion of delivery of the course by a Restorative Solutions representative
- The course can be combined with other CRD conditions as appropriate.

Normal CRD decision making criteria applies with consideration of the following points:

- Consideration of the vulnerable risk assessment (Form 174 VRA) and the community impact of this type of disposal being used. Consider consulting with Neighbourhood Policing Team supervision if there is any concern regarding community tension.
- Victim is supportive of the HCAC and the suspect is willing to partake in the course.
- Suspect has no previous convictions relating to hate crime or intelligence linking prejudicial ideologies

- Other intervention is already ongoing that will challenge the suspects behaviour that may be more suitable in the circumstances
- If the victim refuses to engage then the HCAC may still be a suitable course of action where it is deemed an opportunity to educate the suspect and reduce the likelihood of future offending
- If the offender is a pupil or student and the incident has occurred within school grounds during school hours there may be more suitable interventions offered by the school that should be explored first

Referral for a hate crime awareness course

To access the service please complete a CRD as normal, annotate it with “Hate Crime Awareness Course” then tick any other relevant community remedies.

The suspect must be asked to contact Restorative Solutions by telephoning 01423 546175 preferably during office hours. There is an answerphone facility and where there is no answer then a short message should be left providing contact details.

Email the CRD to “Restorative solutions” (on outlook). Restorative solutions will contact the victim within one working day upon receipt of the referral. Restorative Solutions will attempt contact with the suspect up to three times if no contact is received to them.

Please note that Restorative Solutions do not have access to Niche so a summary of the offence and any other relevant information must be included on the email referral. The investigating officer will be updated via email upon compliance with the course.

Restorative solutions may facilitate any other remedies as requested on the CRD (e.g., compensation, repair of damage, letter of apology etc).

The NYP Hate crime coordinators are available for any advice and support required with a case, including whether the HCAC may be a suitable option. A Sgt authority is required to use Community Resolution as an outcome for Hate Crime as per the Eligibility criteria.

Recording of the community resolution agreement

The consent of both the victim and suspect will be recorded on the CRD Form, FORM 149 together with the precise terms of the resolution.

The form is in three distinct parts:

- White top copy – retained by police
- Yellow middle copy – given to the suspect
- Blue rear copy – given to the victim/complainant

Non-compliance

It is expected that in most cases the suspect will comply with the terms of the Community Resolution Disposal. The disposal is an informal non-statutory voluntary agreement that will not be directly enforceable by the police in all but exceptional circumstances. To have given a Community Resolution in the first place, the public interest factors to give a formal criminal justice outcome, or to charge the offender to appear in court are not generally met, and may never be met, even where the agreement

is broken. There may be circumstances in which you could consider escalating the matter for a more formal outcome. This could be achieved via Arrest or Voluntary Attendance with an interview under caution but would be rare.

Responsibilities

Investigating Officer

- Explaining the Community Resolution process to both the victim and suspect.
- Brokering and recording the terms of the Community Resolution agreement with the victim. Victims must be made aware that conditions agreed may not be legally enforceable.
- Taking positive action if the suspect fails to comply with the terms of the Community Resolution agreement.
- Recording on the crime report or occurrence that a Community Resolution has been agreed with the victim. Then after 28 days, or sooner in many circumstances, whether the terms of the agreement have been complied with.
- The fully completed CRD Form (149) must be scanned into the '**Scanned documents**' Q drive folder. It should then be uploaded onto Niche in line with the guidance titled - Attaching a scanned CRD to Niche. It is important that the 149 is named with one of the specific options on the picklist. Officers should refrain from giving the Form 149 a unique name. The picklist options must be used as this allows data to be collated by our Performance team regarding use of the various disposal options.
- Once the form has been uploaded from the Scanned Documents folder it should be deleted from the Q drive.
- The OEL of the Niche occurrence will be updated by the OIC to show that the suspect has been offered and accepted the Community Resolution. The OIC will include in the update what form the resolution will take. After 28 days the OIC must submit an OEL update to indicate whether the suspect has complied with the terms of the resolution and to indicate

Sergeant

- Approving the use of Community Resolution in respect of retail crime in appropriate cases where the retailer declines this disposal outcome.
- Approving the use of the Community Resolution in respect of all matters which fall within the terms of the 'Amber' section of the Eligibility Criteria.
- Quality assuring the Community Resolutions carried out by members of their team and specifically ensuring satisfactory follow up contact with the victims and the closure of the CRD.

Inspector

- Exceptionally, approving the use of Community Resolutions for appropriate offences which fall within the 'Red' section of the Eligibility Criteria.

Other considerations

Drug/Alcohol offences

- When drug and alcohol referral is being considered as a disposal it is essential that the relevant DAR form is completed rather than a Form 149. This is to ensure the external services receive

the correct documentation. There are separate procedures for both Youth and Adult, and these can be found on The Source. The crime will be closed under the Community Resolution outcome but a CRD form should not be completed in these circumstances.

Young people (Under 18)

- In relation to young people, although the action detailed in the Form 149 can occur immediately, the parent/guardian must be informed what has taken place and has been agreed as soon as possible. Furthermore, any agreement which involves material reparation or compensation can only be agreed with the written consent of the parent or guardian. This agreement should be recorded on the Form 149
- A **PENY 145 Form** should be submitted to the relevant Youth Justice Service within 24hrs of the Community Resolution being issued to advise them of the young person coming to attention

Biometric Data

- In relation to suspects who are dealt with by means of a Community Resolution on the street, fingerprints, photograph, and a DNA sample will not be requested
- In relation to those who are arrested and then subsequently offered a Community Resolution, if they have been arrested for a recordable offence, they will have their fingerprints photograph and a DNA sample taken
- Those dealt with as a VA should not have samples taken if the outcome is a Community Resolution Disposal

Recording of Community Resolution disposals on Niche – Crime Recording and Occurrence Management Unit (CROMU)

- After 28 days, if the suspect has complied with the Community Resolution the CROMU will be responsible for validating the 'status field' on the 'Stats classification' page with the status 'Community Resolution'
- CMU must apply the person involvements 'suspect' and 'CRD disposal'
- The suspect must not be linked as 'offender'
- CMU will add a flag on the person with a 2-year expiry date showing they have been subject of a Community Resolution. This does not prevent a further Community Resolution, but this information can be shared with the officer for their consideration in deciding an appropriate and proportionate response

Recording of Community Resolution Disposals on PNC

- PNC rules do not permit the recording on PNC of community resolutions delivered on the street.
- In relation to those arrested and then subsequently issued a Community Resolution disposal (CRD) then PNC will show as 'NFA - Dealt with by Community Resolution Disposal'.