



Community Resolution Disposal

This procedure is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Deputy Mayor for Policing as part of the York & North Yorkshire Combined Authority are required to adhere.

Procedure Statement

A community Resolution (CR) is the nationally recognised term used to describe the lowest disposal type available to policing. It is used for the disposal of low level crime, and may be used with children, young people and adults where;

- A case is capable of proof
- An offender has been identified
- There is an acceptance of responsibility or admission of guilt

CR supports the professional judgment of police officers and supervisors to assess an offence, the case details and the offender's history to reach an outcome which best meets the interests of the public. They enable officers to meet the needs of the victim wherever possible, provide a quick resolution and give victims a greater say in how the offender, whether child, young person or adult is dealt with.

They aim to reduce the likelihood of reoffending by encouraging offenders to face up to the impact of their behaviour and to take responsibility for making good and harm caused.

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 classification and circumstances of the offence. The offence may appear serious although the circumstances may be less so and a CR still be appropriate
- Risk to the public and community confidence in the police
- Potential impact on the victim, offender and other involved parties
- Likely penalty on conviction
- The relevant offending history (see below)

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

NPCC Guidance on the use of Community Resolutions incorporating Restorative Justice

Other Documents:

Community Resolution Eligibility Criteria

Restorative Justice in North Yorkshire

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 NPCC 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 preferred 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.

Interventions can include but are not limited to;

- Instantaneous – for example an apology (in person or via letter) and/or reparation (repairing or paying for any damage/loss)
- Deferred – actions agreed between the interested parties but completed at a later date. This can also include where there are no interested parties and an offer of education for rehabilitation has been accepted
- Involving Restorative techniques (see RJ guidance)

Restorative Justice in North Yorkshire

Restorative Justice is provided by the Police, Fire and Crime Commissioner in partnership with a commissioned service 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.

Community Resolution: Operational considerations

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

- **Evidential standard** – it must be clear that a crime or incident has occurred, and there is sufficient evidence to prove it
- **Acceptance of responsibility** – the suspect must have an acceptance of responsibility for committing the offence or admits guilt. This is not defined in legislation. However an acceptance of responsibility is different to, and should not be treated as a PACE compliant formal admission in interview. There must be evidence, written or otherwise recorded, that the suspect either accepts the facts of the case and their responsibility for them or that they accept their actions contributed to the offence. For cases involving children, young people and vulnerable adults an appropriate adult must be present when the acceptance is sought.
- **Suspect consent** – the suspect must agree to participate in Community Resolution and be capable of understanding the situation and process. Where the suspect is vulnerable or under 18 this must be done in the presence of an appropriate adult.
- **Suspect history** – previous offence's in the last 12 months may make a CR inappropriate. Supervisory guidance from a sergeant or police staff equivalent should be sought, or consultation and referral to YJS in the case of children and young people.

- **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** – the suspect must understand that a Community Resolution does not form part of a criminal record but may be disclosed in an enhanced Disclosure and Barring Service (DBS) check and may be cited in future criminal proceedings.

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 a crime has occurred and there is evidence to prove it
- confirm that the suspect accepts responsibility or admits guilt for the offence
- explain the process to the suspect, confirm that they understand the situation and process including how they will rectify the harm caused
- explain to the suspect the implications of receiving a community resolution
- record the views of the victim and explain to them that the interventions are voluntary and not legally enforceable
- record the gravity matrix score and the rationale for the CRD decision. Include supervisor authority where required
- 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.

An Inspector's authority must be obtained to issue a CRD for DA offences.

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. An Inspector's authority must be obtained to issue a CRD for a hate crime.

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 our commissioned service in order to arrange and complete a two-hour HCAC with a 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 our commissioned service 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 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 our commissioned service by telephone, preferably during office hours.

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

Please note that they 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.

The commissioned service 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. An Inspector’s 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. 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 is no process for escalation in the event of non-compliance.

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 are not legally enforceable.
- 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 '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

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

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
- Where biometrics have been obtained during the course of an investigation, they should be destroyed once the case has been closed as outcome 8

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'.

Definition of Special Terms N/A