



**ASSOCIATION OF
CHIEF POLICE OFFICERS**

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Guidelines on the use of Community Resolutions (CR) Incorporating Restorative Justice (RJ)

The Association of Chief Police Officers has agreed to these guidelines being circulated to, and adopted by, Police Forces in England, Wales & Northern Ireland.

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These guidelines have been produced and approved by the ACPO Criminal Justice Business Area. This document was considered and approved by the Professional Practice Gateway Group on the 15th August 2012. The document was approved by Chief Constables' Council on 6th July 2012. The purpose of this document is to provide a framework for police officers and staff for the use of Community Resolutions. It will be updated according to legislative and policy changes including prospective changes in the Legal Aid, Sentencing & Punishment of Offenders Act (LASPO) 2012 and re-published as necessary.

Any queries relating to this document should be directed to either the author detailed above or the ACPO Programme Support Office on 020 7084 8959/8958.

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1. SECTION 1 – INTRODUCTION

1.1 ABOUT THESE GUIDELINES

- 1.1.1 A Community Resolution is the nationally recognised term for the resolution of a less serious offence or anti-social behaviour incident, where an offender has been identified, through informal agreement between the parties involved as opposed to progression through the traditional criminal justice process. A Community Resolution may be used with both youth and adult offenders.
- 1.1.2 It is a tool to enable the police to make decisions about how to deal more proportionately with lower level crime and is primarily aimed at first time offenders where genuine remorse has been expressed, and where the victim has agreed that they do not want the police to take more formal action.
- 1.1.3 A Community Resolution may be delivered either with or without the use of restorative justice techniques. It is at the discretion of forces whether they train their officers to undertake CR with RJ or use referral to appropriately trained services (e.g. Neighbourhood Justice Panel or Youth Justice Service). Please refer to the ACPO RJ Minimum Standards for further information.
- 1.1.4 These guidelines seek to bring greater national clarity to the use of Community Resolutions so as to increase understanding and public confidence in the approach. These guidelines is sufficiently high level to allow forces to use the approach in circumstances most appropriate to their policing area and communities and give individual officers the discretion necessary when dealing with the wide variety of circumstances they encounter.
- 1.1.5 These guidelines do not discuss the role of a Community Resolution for Domestic Violence or Hate Crimes and forces are referred to the latest position as stated by the relevant ACPO and Home Office leads in these areas. These guidelines should be considered alongside any other supportive or relevant ACPO policy and guidelines, for example, how, or if, Community Resolutions may be used for cases involving domestic violence, etc.
- 1.1.6 In cases where a Community Resolution is not considered appropriate officers retain the full range of traditional criminal sanctions. Officers are expected to exercise their professional judgement to ensure that the most appropriate outcome is selected based on the circumstances presented to them.

1.2 PURPOSE AND BENEFITS OF COMMUNITY RESOLUTIONS

- 1.2.1 Community Resolutions provide police with a timely, effective and transparent means for dealing with lower level crime and anti-social incidents, offering an alternative to formal criminal justice processing.
- 1.2.2 Community Resolution supports the professional judgement of police officers to assess an offence, the wishes of the victim, and the offender's history in order to reach an outcome which best meets the interests of the victim and of the public.
- 1.2.3 To focus police officers on meeting the needs of the victim wherever possible, and to give victims a greater say in how their offender, whether youth or adult, is dealt with.
- 1.2.4 Community Resolutions allow the use of Restorative Justice (RJ) techniques, where appropriate, as part of the process. This increases victim inclusivity in the outcome of the offence, and also assists the offender to understand the impact that the offence has on other individuals. This can significantly reduce reoffending amongst those offenders subject to RJ interventions.
- 1.2.5 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 the harm caused.

2. SECTION 2 – DELIVERY OF COMMUNITY RESOLUTIONS

2.1 CORRECT USE OF COMMUNITY RESOLUTIONS

2.1.1 Officers should apply the ACPO National Decision Model (NDM) in their decision making.

2.1.2 Consideration should only be given to the issue of a Community Resolution when:-

- It is clear that a crime or incident has occurred;
- **The offender accepts responsibility** for the offence and agrees to participate in CR and is capable of understanding the situation and process;
- **The victim has been consulted** and consent sought. In certain cases CR *may* be appropriate without victim consent, or in the absence of an identifiable victim (e.g. drugs or public order), but in circumstances where victim consent is not secured it is recommended that a supervisor is consulted and the officer should make a record of the rationale behind the decision;
- **It is a less serious offence** – ‘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 offender’s previous 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 still be appropriate);
 - Risk to the public and community confidence in the police;
 - Likely penalty; and
 - Whether CR is appropriate given the circumstances of the offence.
- The most appropriate offences for Community Resolution are likely to be low-level criminal damage, low value theft, minor assaults (without injury) and anti-social behaviour
- **The offender has not relevant offending history** – If an offender has previous convictions or CRs but the officer feels that CR is the most appropriate outcome (due to relevance of previous offending of timescales since last offence). It is recommended they refer the case to a supervisor for a second opinion and record the decisions made.

2.2 INCORRECT USE OF COMMUNITY RESOLUTIONS

2.2.1 There are occasions when CR is inappropriate to use - for example, this includes when an Offender is **subject to an existing court order**, on bail for other offences, or is wanted on warrant, etc.

2.2.2 The **circumstances of the case** may, therefore, require an alternative course of action, such as charge or caution. CR should not be used to divert suitable cases from court.

2.3 PROCEDURE BY WHICH COMMUNITY RESOLUTIONS SHOULD BE DELIVERED

2.3.1 When undertaking a Community Resolution an officer will:

- Discuss the incident or offence with the victim including whether they consent to the CR outcome. Victims must be made aware that conditions agreed may not be legally enforceable. If a victim does not consent to the process and the officer is sure that a CR is the most appropriate disposal, reasons behind this should be appropriately recorded.
- Confirm the identity of the offender and ensure he/she is eligible for CR following a check of the Police National Computer (PNC) and other force intelligence systems.
- Be satisfied that the case is suitable for disposal by CR and, if uncertain, discuss and agree the actions with a supervisor.

- Discuss the incident or offence with the offender and ensure they have accepted responsibility for the offence and understand that a CR may be disclosed as part of an enhanced CRB check.
- Once an officer has decided that CR is appropriate, the decision must be made with regard to the most appropriate activities to resolve the harm brought about by the offence. Outcomes should always be focused on the offender making good the harm caused.

2.3.2 Outcomes can: -

- Be instant – an apology (in person or via letter) and/or reparation (repairing or paying for the damage/loss);
- Be deferred – actions agreed between the parties but completed at a later date; and
- Involve Restorative techniques.

3. SECTION 3 – RESTORATIVE JUSTICE (RJ)

- 3.1 Restorative Justice is a methodology that is used to deliver outcomes that, research shows, can deliver tangible benefits to all participants. Whilst RJ is not the solution to all societal problems, it does offer the police an opportunity to do the right thing and prevent reoffending in the long term.
- 3.2 Independent research and evidence shows that, when used appropriately, RJ delivers significant improvements in customer satisfaction. The research also shows that there are fewer calls for repeat service because RJ deals with the underlying issues that generate repeat calls. The people who perpetrate the harm are significantly less likely to reoffend. This means less people entering the Criminal Justice system, fewer victims of crime and increased capacity for the police to concentrate on repeat offenders.
- 3.3 It gives the officer the opportunity to re-engage with our communities and use their own discretion to problem solve the issues that are impacting our communities and place them at the heart of the community.
- 3.4 These guidelines describe how a CR may be delivered with or without the RJ. The strategic benefits of RJ are:-
- **Victim Satisfaction:** RJ can further improve satisfaction levels for victims by allowing affected parties to directly engage with, and contribute to, the process. Victims are empowered and are able to suggest how the offender can acknowledge the impact of their actions and make reparation. The process enables a victim to understand why they were victimised and offers 'closure' enabling them to 'move on' from the experience.
 - **Reduction in Reoffending:** Offenders are more likely to appreciate the effect of their behaviour in a face to face conference with a victim (or victim representative where the victim cannot / chooses not to meet) with the likelihood of the victim offering honest and emotional comment. Research has shown that the reduction in reoffending is significant and sustained.
 - **Community Cohesion:** With formal CJ sanctions, there may continue to be reoccurrences of the same issue if victims and offenders have not resolved their differences; a restorative intervention at an early stage can prevent escalation from a minor conflict to a major event. RJ can increase and restore a sense of 'community' where offenders repair the harm done directly to the individual or the neighbourhood, allowing reintegration and a return to normality.

4. SECTION 4 – FURTHER CONSIDERATIONS

4.1 STAFF POWERS AND TRAINING

- 4.1.1 The decision to deal with an offence by CR can be taken by a warranted police officer, special constable or Police Community Support Officer (PCSO) or other staff (for example, suitably accredited partners, as per the powers designated to them by a Chief Constable).
- 4.1.2 Use of CR should not be limited to a particular policing role. It can be used by response or neighbourhood officers on the street, by custody following detention, or by CID or specialist officers having made an initial investigation into the case. However, CR should only be used by staffs who have received appropriate training.
- 4.1.3 Training standards for Community Resolutions have not been nationally mandated but each force should provide appropriate awareness and/or professional development for their officers based on these guidelines. Forces undertaking RJ should refer to the latest RJ standards of training and in order to maintain the credibility of RJ must use an accredited training provider with a proven track record of delivering RJ.

4.2 RECORDING

- 4.2.1 All crimes must continue to be recorded in accordance with the National Crime Recording Standards (NCRS), the HOOCR for Crime and the National Standards for Incident Recording (NSIR) for Anti-Social Behaviour (ASB). Forces should be able to quantify crimes dealt with via CR and this should be separate to any crime classified as No Further Action (NFA). The Home Office will accept forces reporting CRs, as part of any ADR return, and will record it as a positive outcome. It is at the discretion of each force whether to differentiate between CRs involving Restorative Justice and those without.
- 4.2.2 For any crime/incident resolved by means of CR, each force should have a record of the information listed below:
- Incident details (offence type, time, date & location);
 - Evidence to show that offender accepts responsibility for their offending; and
 - Victim details.
- 4.2.3 Officers and Staff should use the NDM in deciding on the most proportionate means of recording the following:
- Rationale setting out why CR was an appropriate method of dealing with the offence; and
 - Details of any additional actions agreed.
- 4.2.4 A crime or incident report should show CR as the outcome once closed. If the crime has opened a record within the PNC (i.e an Arrest Summons has been created), then forces should finalise the record NFA and may leave notes within PNC to reflect the CR outcome.

4.3 USE OF CR BY PCSOs

- 4.3.1 The circumstances in which PCSOs can carry out a CR will be limited to those offences which their Chief Constable has designated them powers to deal with. Other CRs may be delivered by PCSOs but only on the authority of a warranted officer of the appropriate rank.

4.4 COMPLIANCE

- 4.4.1 A CR is an agreement entered into between offender and victim, and, as a result, the officer must explain to both parties that this is a voluntary agreement which will not be directly enforceable by the police in all but the most exceptional circumstances.

4.4.2 Where an officer has concerns at the outset regarding compliance, then a CR is unlikely to be an appropriate outcome and an alternative sanction (such as conditional caution) should be considered.

4.5 DISCLOSURE

4.5.1 Community Resolutions are not recorded on PNC, however the information could be retained on local systems. The information will not be made available as a result of a standard CRB check, but may be disclosed if an application for an enhanced CRB check is made.

4.6 MONITORING

4.6.1 Each Chief Constable should be satisfied that there are adequate protections in place to ensure appropriate use of this disposal. Forces may wish to consider methods of audit or oversight that include partners or the wider community.

4.6.2 It is not intended that CRs would be issued more than once to an offender unless there is clear rationale for doing so. Forces are encouraged to monitor instances of multiple uses.