

# Community Resolutions (CR) Guidance 2022

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The National Police Chiefs Council (NPCC) has agreed to these guidelines being circulated to, and adopted by, Police Forces in England and Wales.

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## Document information

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These guidelines have been produced and approved by NPCC Out of Court Disposal lead. This document was considered and consulted upon by forces across England and Wales. It was approved by Chief Constables' Council in September 2022.

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 and re-published as necessary.

Any queries relating to this document should be directed to the office of the NPCC OoCD Lead, via NPCC Hub.

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## 1. SECTION 1 – INTRODUCTION

- 1.1 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;
  1. A case is capable of proof.
  2. An offender has been identified.
  3. There is an acceptance of responsibility or admission of guilt.
- 1.2 These guidelines seek to bring greater national clarity to the use of CR's so as to increase understanding and public confidence in the approach. They allow forces to use the approach and discretion in circumstances most appropriate to their policing area and communities.
- 1.3 CR supports the professional judgement 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.
- 1.4 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.
- 1.5 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 any harm caused.
- 1.6 Part 6 of the Police Crime Sentencing Court (PCSC) ACT 2022 introduces a two-tier framework of OoCD for adults;
  - Community Caution (Lower tier)
  - Diversionary Caution (Upper tier).
- 1.7 Despite not appearing in the PCSC Act 2022, CR can continue to be used as an OoCD option by Forces. As CR is non-statutory, the interventions agreed cannot be legally enforced or escalated to a higher disposal.
- 1.8 The available options (in ascending order of severity) are;
  - Community Resolution
  - Community Caution (Adult) or Youth caution
  - Diversionary Caution (Adult) or Youth conditional caution
  - Charge/Postal Requisition
- 1.9 CR is a disposal which enables police to make decisions about how to deal proportionately with lower-level crime and is aimed at first time offenders, but is subject to the discretion of forces to be used where an offender may have a history of offending.
- 1.10 Formal and informal Restorative Justice (RJ) is available for use at all points of the criminal justice system, but is distinct from a CR. RJ can be used alone, but it is recommended that where appropriate RJ is used alongside a disposal. RJ like the CR are not for use with intimate DA cases.
- 1.11 RJ does not have its own outcome code and therefore sits under outcome 8 with a CR. When used with other disposals, such as a caution, it will be closed as a caution. When used alone it will be closed, however, the case was closed.

## 2. SECTION 2 – DELIVERY OF COMMUNITY RESOLUTIONS

### 2.1 Key considerations

- A crime has occurred, and there is sufficient evidence to prove it.
- The **offender accepts responsibility or admits guilt** for the offence, agrees to participate in CR, and is capable of understanding the situation and process. Where the offender is vulnerable or under 18, this must be done in the presence of an appropriate adult.
- Where a victim has been identified, the victim should be consulted and their views recorded, however, the ultimate decision to dispose of the case as a CR is for the police.
- Police Officers should use the relevant youth or adult gravity matrix to inform decision making.
- Rationale should be recorded, justifying the decision.
- Where a supervisor's authority is required this must be recorded.
- **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 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** – previous offences in the last **12** months may make CR inappropriate. Supervisory guidance from a **sergeant** should be sought, or consultation and referral to YJS in the case of children and young people.

### 2.2 Acceptance of responsibility

This is not defined within legislation. It is therefore reasonable to hold that an acceptance of responsibility is a lower standard than 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. It should also be evidenced that they are prepared to accept a Community Resolution and agreed interventions to help address any underlying causes of their actions.

For cases involving children, young people and vulnerable adults an appropriate adult must be present when the acceptance is sought.

### 2.3 Restrictions

Forces must refer to the relevant youth or adult gravity matrix, when considering disposal by way of a Community Resolution. A CR **should not** be issued for the following;

- Indictable only offences
- Intimate partner DA
- Other offences as determined by force policy.

For Hate Crime and non-intimate DA crimes, CRs may only be issued in exceptional circumstances, with an **Inspector's** authority and the rationale must be recorded. Exceptional circumstances, are those which relate to the person or the offence.

### 2.4 Administration of Community Resolution

2.4.1 When undertaking a Community Resolution an officer will:

- Make the victim aware of interventions available on the Police and Crime Commissioner (PCC)

Community Remedy Document<sup>1</sup>.

- Set intervention(s) that have rehabilitative and/or reparative effect, including but not limited to, the following types;
  - 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; and
  - Involving Restorative techniques (see RJ Guidance).
- Make victims aware that interventions agreed are voluntary and not legally enforceable.
- Confirm the identity of the offender and ensure he/she is eligible for a CR following a check of the Police National Computer (PNC), Police National Database (PND) and other force intelligence systems.
- Discuss the incident or offence with the offender and ensure they have accepted responsibility or admitted guilt for the offence and understand that a CR may be cited in future proceedings and disclosed as part of an enhanced DBS check.
- Crime report must be updated to reflect whether the intervention has been completed or not.
- For children and young people the YJS will be informed via force electronic systems as soon as practicable, but within 24 hours of any CR issued.
- Where a second or subsequent CR is being considered, referral to the YJS at the earliest opportunity should be made. This will enable the YJS or a joint decision to be made on the most appropriate outcome.

### **3. SECTION 3 – FURTHER CONSIDERATIONS**

#### **3.1 Staff Powers and Training**

- 3.1.1 The decision to deal with an offence by CR can be taken by any 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).
- 3.1.2 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.
- 3.1.3 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.
- 3.1.4 A CR should only be used by staff who have received appropriate training. Training standards for CRs have not been nationally mandated but each force should provide appropriate awareness and/or professional development for their officers based on these guidelines, to ensure they have an appropriate knowledge of CRs to be able to utilise effectively.
- 3.1.5 Where an officer has concerns at the outset regarding compliance, then a CR is unlikely to be an appropriate outcome and an alternative disposal should be considered.

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<sup>1</sup> This does not apply to the BTP, who are not required to have a community remedy document. They do not fall under a PCC or Mayor's office.

### 3.2 Recording

- 3.2.1 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 the offender accepts responsibility for their offending,
  - Victim details,
  - Rationale setting out why CR was an appropriate method of dealing with the offence,
  - Details of any additional actions agreed,
  - Officers and Staff should use the appropriate youth or adult gravity matrix when deciding on the most proportionate disposal.
- 3.2.2 A crime or incident report should show CR as outcome 8 once closed, this includes where any interventions have not been complied with. If the crime has opened a record within PNC (i.e. an Arrest Summons has been created), then forces should finalise the PNC record as an NFA and a note added to reflect the CR outcome.
- 3.2.3 Biometrics obtained during the course of investigation should be destroyed once case closed as outcome 8.

### 3.3 Rescinding

- 3.3.1 The community resolution should have been fully explained to the offender and their appropriate adult in those instances when one is required.

The offender will have signed to say that they accept responsibility and the community resolution and therefore there should be no reason for rescinding a CR once given. However, where a CR has been given inappropriately, there may be cause for it to be rescinded. However, this is local force decision and should be made once the circumstances of the case and the issuing of the CR have been reviewed.

## 4. SECTION 4 - MONITORING

- 4.1 Each Chief Constable should be satisfied that there are adequate protections in place to ensure appropriate use of this disposal. This should include appropriate levels of supervision and guidance around officer's decision making. For youth cases there should be a system in place to ensure that updates and referrals to YJS are made as soon as practicable and that they are involved in the decision making, when consideration is being given to repeated use of CR's.
- 4.2 Force scrutiny panels should regularly scrutinise cases where a CR is given. Scrutiny panels, should include partners and/or the wider community. Any learning from these panels, should be shared widely and not limited to the officer and supervisor involved.