



STAFFORDSHIRE
POLICE

JUSTICE SERVICES

Force Policy

OFFENCE RESOLUTION

OUT OF COURT RESOLUTIONS (OOCR)

(ADULT)

Produced by Staffordshire Police FOI 17266

GLOSSARY OF TERMS

ASB	Anti-Social Behaviour
ABC	Acceptable Behaviour Contract
CC	Conditional Caution
CR	Community Resolution
CPS	Crown Prosecution Service
DBS	Disclosure and Barring Service
HO	Home Office
HOCR	Home Office Counting Rules
JSSU	Justice Service Support Unit
NPCC	National Police Chief's Council
NICHE RMS	NICHE Record Management System (for occurrences).
MOJ	Ministry of Justice
OEL	Occurrence Enquiry Log (NICHE)
OIC	Officer in the Case
OOCR	Out of Court Resolution
PACE	Police and Criminal Evidence Act (1984)
PNC	Police National Computer
PND	Police National Database
PNLD	Police National Legal Database
PPN	Public Protection Notice for DA (Risk Assessment).
RJ	Restorative Justice
RUI	Released Under Investigation
SOMU	Sex Offender Management Unit
STORM	Steria Operational Resource Management (Command & Control)
VSS	Victim Support Service

GENERAL PROCEDURES FOR COMMUNITY RESOLUTIONS

3.1 National Guidance

The full guidance is attached at **Appendix B**. The national guidelines have been approved by the National Police Chiefs Council (NPCC) Out of Court Disposal lead. The NPCC 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 the NPCC 2022 Guidance is to provide a framework for police officers and staff for the use of Community Resolutions (CR). The Guidance will be updated according to the forthcoming legislation changes stemming from the Police, Crime, Sentencing and Court (PCSC) Act 2022. As is noted, Part 6 of the PCSC Act 2022 introduces a two-tier framework of OOCR for adults, which (as stated prior) will not be in force until 2025/26.

- Community Caution (Lower Tier)
- Diversionary Caution (Upper Tier)

CR's do not appear in the PCSC Act 2022, and therefore, can continue to be used as an OOCR option by forces. As CR is non-statutory, the intervention agreed cannot be legally enforced or escalated to a higher disposal.

Community resolution (CR) is the nationally recognised term and is used to describe the lowest disposal (now referred to as 'resolution') type. CR's are used for low-level crime, and may be used for children, young people and adults where:

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

A CR can include the use of Restorative Justice (with the consent of the victim); however, other disposal (resolution) options for CR still require consultation with the victim, but do not require their consent.

3.2 Staffordshire - Overview

The Community Resolution (CR) process in Staffordshire is designed to deal with less serious offences or an anti-social behaviour incident. The procedure has replaced the need for Street Warnings (Cannabis and Khat), Penalty Notices and Simple Cautions. Although a record of the incident/crime will be kept on local systems, no record of the CR will be entered onto PNC. However, CR's can be placed on the Police National Database (PND) for intelligence purposes, which includes information which may be useful for enhanced DBS checks.

The term 'Community Resolution' is not to be confused with the term Restorative Justice (RJ), they are two different things. A community resolution is a qualified disposal and is classed as a police outcome. A restorative justice element (such as negotiating reparation) can form part a police outcome process, which can include a Conditional Caution or indeed the charge.

Police Constables, Special Constables and Police Community Support Officers are all authorised to administer CR's once trained to do so. For the purposes of this section they will be referred to collectively as Officers.

3.3 Staffordshire - Procedure

The CR1 must be used by the Officer when recording the details of the offence, the circumstance and the particulars of the victim and the offender. An informal agreement must be reached with the offender and the victim for the CR to be signed off – although there is no legal basis for this agreement and it cannot be enforced.

The designated Form CR1 template for the Community Resolution process is now available on PRONTO, which is now the de-facto evidential platform for the completion of the CR1, requiring the electronic signatures for both the victim and offender. However, hard copy CR1's are still in stock and it may be necessary for the officer to complete the hard copy and obtain the wet signatures from the victim and offender if the PRONTO function is not available.

The electronic CR1 copy from PRONTO or the hard copy CR1 must be recorded/scanned into the 'PERSON REPORT' section on NICHE. Once the CR1 is complete and signed by both victim and offender, the following action should be taken:

- 1) Notifiable Offence under Home Office recording rules – STORM log to be created and a NICHE occurrence generated.
- 2) Non-crime incident – a NICHE occurrence to be created.
- 3) Details of any PACE compliant interview should be recorded, unless the matter was dealt with immediately at street level and the PACE interview was not required.
- 4) Assurances that the PRONTO transfer of information on the template is recorded on NICHE or that the hard copy of the CR1 is correctly scanned into the appropriate NICHE section.

Notes

It is not an automatic requirement for a PACE interview as part of the CR process (as opposed to a Conditional Caution, where a PACE interview is required on every occasion). It must be born in mind that once a resolution has been agreed without the evidence being secured it is not possible to enforce the offender's compliance. The expectations of the victim need to be carefully managed during this process.

Once the CR1 has been completed by the Officer, and endorsed by a supervisor, and NICHE has been fully updated, it can be forwarded directly to the force archive.

The Officer will be responsible for monitoring the compliance of the offender under the circumstances of the agreement.

3.4 Minimum Standards

Less serious offences for CR are not defined, and the full circumstances of the offence need to be considered before a decision is made. The focus on the CR is primarily to meet the

needs of the victim, and to allow the victim to have a say on how the offender is dealt with. In addition, the offender must feel satisfied with the process and must not have been treated unfairly, otherwise the CR is likely to fail.

CR's that do not involve a restorative element can be completed without the consent of the victim, but the rationale for this must be provided on the CR1 and further recorded on NICHE.

The following criteria is necessary for resolution of a CR:

- ❖ The offender must accept responsibility for the offence and agree to participate in the process, understanding the harm that they have caused.
- ❖ The victim should be consulted and consent sought, save where a CR is decided contrary to the victim's wishes.
- ❖ The offender's history should be checked, at least through the NICHE records and PNC. In this context the identity and eligibility for the offender must be considered.
- ❖ An assessment to any risk posed within the community.
- ❖ The likely penalty if the case was dealt with by the court.
- ❖ Of note, the offender must not have a previous CR within ONE YEAR of the proposed CR.
- ❖ The offender must be informed that the CR could form part of an enhanced Disclosure and Barring Service (DBS) check, although not part of a standard check.
- ❖ The rationale for the decision to deal with the event/crime by way of CR must be clearly endorsed on the CR1.
- ❖ The victims must be advised that any compensation offered to them by way of reparation as part of a CR is an agreement between them and the offender(s) and that the police cannot ordinarily revert to a more formal sanction if the agreement is not met.

Decision making authorities – table of responsibilities:

OFFENCE TYPE (NOT DEFINITIVE)	CIRCUMSTANCES/SUITABILITY	AUTHORISATION REQUIRED
LOW LEVEL OFFENCES E.g., • ASB • Criminal Damage £500 max • Theft £500 max • Vehicle interference • Section 39 Assault • Public Order Sec 5, 4 & 4a • Possession of drugs A, B, C	Adult with NO previous Community Resolution within the last 12 months Offender admits responsibility Victim agrees to outcome	Police Constable, Special Constable, PCSO (as designated)
ADDITIONAL COMPLEXITY E.g., • Low level harassment • Sec 47 Assault • Neighbour disputes • Burglary Other • Theft from motor vehicle • TWOC • Affray	More serious first offence Adult may have previous community resolution disposal Offender admits responsibility Victim does/does not agree to outcome Reparation not exceeding £1000	Sergeant authorisation required before CR agreed
ADDITIONAL RISK, E.g., • Hate Crime • Sexual Offences (limited) • NONE-INTIMATE PARTNER DA –(e.g., Section 39 Assault Brother and Sister)	More serious first offence Adult may have previous community resolution disposal Offender admits responsibility Victim does/does not agree to outcome Reparation exceeding £1000	Inspector authorisation required before CR agreed

3.5 Offender Management**Consent**

The offender must agree to the process of the CR, including whether there is to be a RJ procedure. In the case of RJ, the information is recorded on the CR1 as such:

“They (the victim and the offender) have agreed to engage in the process and in doing so have agreed for Staffordshire Police to record their personal details and details about this incident/crime on a database, and for this information to be shared with our partners delivering restorative justice across Staffordshire”

The victim must also be informed: *“That the CR outcome is not statutorily enforceable and the police are unable to force offenders to comply”* (unless through circumstances the investigating officer has conducted a PACE compliant interview).

Admission of Harm

Offenders must provide an unambiguous admission of responsibility for the harm they have caused. Where there is no need to complete a PACE compliant interview, it will be sufficient to record the admission in a pocket note book/electronic note book entry.

Reparation

An agreement between victim and offender for the action or activity by the offender to make amends to the harm caused to the victim. Similar to Conditional Cautions, the actions for compliance have to be appropriate, proportionate and achievable.

Examples for CR actions are:

- Verbal or written apology
- Payment or the carrying out of repairs for any damage caused.
- Charitable donations
- Unpaid work (not exceeding 20 hours)
- Voluntary attendance at a well-being clinic or substance misuse programme.

Compliance

The responsibility for managing and monitoring CR's remains with the Officer administering the CR.

The full details are to be recorded on NICHE, and if the offender comes to the notice of the police in the future, any previous non-compliance must be considered. If there is any doubt that the offender is unlikely to comply then a CC or charge should be preferred.

Disclosure and Barring Service (DBS)

A CR is not a conviction and the offence will not be recorded on PNC.

The CR need not be disclosed to a prospective employer; however, where an application is received for an enhanced disclosure, the Chief Constable has the right to disclose relevant information – which could include a CR disposal.

Example: Where an individual has applied for a position involving regular unsupervised work with children or vulnerable adults and that person has previously admitted to assaulting a child or other vulnerable adult, and the information was processed through the CR route.

Custody Records and PNC

Where a person has been arrested and dealt with in custody, then the finalisation of the case via NICHE will update PNC. If the offender has been bailed or subject of RUI and then subsequently dealt with by CR outside of the custody process, then the Officer responsible should inform the custody sergeant. NICHE can then properly reflect the outcome. PNC will record the case as NFA.

If biometrics have been taken and the outcome results in a CR, then steps should be taken to remove the biometrics through the Forensic Services Department.