

 WARWICKSHIRE POLICE		POLICY
Security Classification	Official	
Disclosable under Freedom of Information Act 2000	YES	

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EQUALITY ANALYSIS	MEDIUM
TIER	1

Warwickshire Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy. Please e-mail policiesandprocedures@warwickshire.police.uk

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1.0 POLICY OUTLINE

Warwickshire Police recognise that Out of Court Resolutions (previously known as Out of Court Disposals OOCd) allow the police to deal effectively and proportionately with low- to medium-level offending, where the public interest is better served by providing the offender with an opportunity to address the offending behaviour and, where applicable, provide a reparation for the victim.

The process is centred around diversionary activity in order to allow offenders to reflect and rehabilitate to prevent future reoffending.

Research has shown that an appropriately issued OOCR is more effective in reducing reoffending and increasing victim satisfaction than pursuing these offence types through the full court system.

2.0 PURPOSE OF POLICY

This policy will define:

- The circumstances under which a Community Resolution may be appropriate.
- The level of authorisation required to determine suitability of a Community Resolution.
- The procedure for issuing a Community Resolution.
- The requirements of finalisation of the investigation.

This policy applies to all police officers.

This policy applies to Community Resolutions for adult offenders, aged 18 or over. There is a separate pathway for young offenders aged 17 and under.

A Community Resolution can provide an opportunity to reduce demand or address re-offending behaviour by offering interventions to divert offenders into recognised rehabilitative services. A Community Resolution can be utilised where there is a public interest to provide such opportunities to an offender.

It is acknowledged that victims, suspects and legal representation may not be familiar with the framework. Warwickshire Police will provide relevant information about a Community Resolution :

- To all victims of crime at the earliest opportunity;
- To all legal representatives and suspects at an appropriate time during investigation.

3.0 IMPLICATIONS of the POLICY

This policy is based on The NPCC Community Resolution Guidance 2022 and complies with the following;

- MOJ Code of practice for Adult Community Resolutions 2022.
- Legal Aid, Sentencing and Punishment of Offenders Act 2012
- Criminal Justice Act 2003
- Crime and Disorder Act 1998 (as amended by the Criminal Justice and Immigration Act 2008)
- Rehabilitation of Offenders Act 1974

- Data Protection Act 2018
- APP Intelligence management
- APP Prosecution and case management
- NPCC Guidelines on the Investigation, Cautioning and Charging of Knife Crime Offences
- ACPO Restorative justice guidelines and minimum standards
- Director's Guidance on Charging

It is recognised that court will always be the right place for serious and contested cases, and persistent offenders. The public have the right to expect these cases are heard before court. However, it would be disproportionate for all low-level offences and infrequent minor offenders to be dealt with at court, and would only introduce delay to other, more serious cases.

There will be occasions when the public interest is better served by a Community Resolution instead of prosecution. These cases will be less dependent on the amount of previous offending and more informed by the availability of suitable diversion pathways and the opportunities to satisfy victim expectation.

In certain cases, where evidence for a prosecution is available, it may be in the public or the offender's best interests to work with them through diversionary pathways aimed at improving their lifestyle choices to reduce the risk of reoffending, rather than instigating court procedures.

Community Resolutions empower decision makers to use their professional judgement to determine an appropriate disposal based on the overall circumstances of the case, taking account of the victim's views.

Community Resolutions generally do not require an Officer to complete a Case except when used in Custody.

Community Resolutions should not be offered for the same or similar offences within 12 months of administering the first offence.

Authority Levels:

All Non intimate DA requires the authority of the DI DART in advance of consideration. Community Resolutions cannot be applied to the following:

- Intimate partner relationships – historic or current
- Where the risk has been assessed as High to the victim
- Offences with a risk assessment involving any of the 6 High Risk indicators of harm – pregnancy, stalking/harassment, sexual abuse, escalation, isolation, separation/child contact.

The offender in the domestic abuse crime:

- Cannot have any previous convictions for domestic abuse or violence
- Must show remorse
- Must admit responsibility

Focus must at all times be on victim safety. A request by them for RJ must be treated with care to ensure that they are not under the influence of controlling or coercive behaviour and making the request to please or appease the perpetrator.

If consideration is to be given to issuing a Community Resolution for a domestic abuse offence, then a Domestic Abuse Safeguarding Officer will need to carry out a further assessment of the risk.

Any proposed Community Resolution for domestic abuse that involves children aged 16 and 17 years old will include Children's Services and the Youth Offending Service as part of the decision making process.

Designated Decision Makers (DDM) will review all Community Resolutions prior to filing.

For further information, and the full context for Domestic Abuse, please refer to the Domestic Abuse Policy.

- Hate Offences

A Community Resolution should only be used for Hate Crime in exceptional cases, PRIOR authorisation is required when CR is being considered for Hate Crime and should be sought from at least the rank of Inspector.

Hate crimes may involve complex underlying issues which mean that out-of-court disposals and, in particular, informal resolutions (including those using Restorative Justice) may be insufficient to effectively manage the longer-term criminality that only formal interventions (usually court proceedings) can better achieve.

The CPS national policy is that hate crime needs to be dealt with seriously (mostly by way of court proceedings) to ensure that victims have confidence in the CJS, and to address under-reporting and the lack of suitable rehabilitation programmes for offenders. Offenders who demonstrate motivation or hostility based on discrimination towards the victim are, therefore, more likely to be prosecuted.

- Assault ABH and above/ Assault Emergency worker: A Community Resolution should only be used for Hate Crime in exceptional cases, PRIOR authorisation is required when CR is being considered for Hate Crime and should be sought from at least the rank of Inspector.
- Knife/Weapon Offence and Sexual Offences: A Community Resolution should only be used for Knife/Weapon and Sexual Offences in exceptional cases, PRIOR authorisation is required when CR is being considered for Knife/Weapon and Sexual Offences should be sought from at least the rank of Inspector. (CPS guidance stipulates starting point of charge for such offences)

The Criminal Justice Unit facilitate the appropriate use of Community Resolution upon receipt of the diversionary option proposed by the investigative officer.

Community Resolutions are regularly monitored for appropriateness and suitability, both through internal audit by the DDMs and externally by an independent Scrutiny Panel.

All individuals are required to be familiar with this policy and the supporting information when considering a Community Resolution as an alternative to prosecuting a case to court.

4.0 PROCEDURE

Rationale must be provided on the Investigation, with due consideration to the Adult Gravity Matrix/Severity of the offence/CPS guidance by the decision maker to justify all decisions and then approved by the appropriate authority.

Appropriate rationale will increase public confidence in the disposal utilised as an alternative to court.

There is opportunity to satisfy the expectation of the victim. Victim expectations **must** be recorded as part of any VCOPs Updates.

The state-bases offences, the victim may be the wider community or a defined section of it that would be affected by the offending behaviour.

In exceptional cases it may be appropriate to complete a Community Resolution against the wishes of the victim of which must be recorded within the investigation. In such circumstances the approval of at least the rank of an Inspector with rationale attached must be sought in advance and a full admission provided by the suspect.

A successfully completed Community Resolution will serve to close the investigation. Non-compliance of conditions will not prohibit the disposal from being detected.

4.1 Criteria

Three Strands

There are three terms utilised in consideration of a Community Resolution. These terms correspond to the three-stage decision making process:

- **Suitability of the offence** – severity, evidence and victim expectation;
- **Eligibility of the offender** – admission and offending history;
- **Proportionality** – how rigorous the conditions are in providing a credible alternative to the likely sentence at court.

Stage 1: **Suitability** will take account of:

- Victim expectation in respect of resolution of the incident;
- Requires an admission or suspect accepts full responsibility for the offence;
- Adult gravity matrix has been duly considered and referenced including score;
- Severity of the offence, allowing for any aggravating/mitigating factors; and
- Certain situations specified as unsuitable in the supporting document. (Specified Offences and the appropriate level of authority for offence approval)

Suitability criteria must be satisfied before assessment for a Community Resolution.

Stage 2: **Eligibility** of the offender to receive the disposal, based on:

- Suspect ID is confirmed;
- An admission or suspect accepts full responsibility for the offence;
- The relevant offending history of the suspect (Ensuring Orders and Interventions tab for suspect is reviewed); and
- The demeanour of the suspect.

All suspects are considered **eligible** unless one or more of the above exclude them.

Stage 3: **Proportionality** is assessed based on how the conditions:

- Satisfy victim expectation;
- Safeguard the victim;
- Meet the offender's rehabilitative needs; and
- Address the offending behaviour by applying at least one condition which is reparative/restorative/punitive. Therefore words of advice are not appropriate

4.2 Adult Community Resolution

General

An Adult Community Resolution is a disposal available for use with offences committed before the implementation of the Police, Crime, Sentencing and Courts (PCSC) Act 2022. The disposal is recorded on PND.

An ADULT Community Resolution **must** be offered before prosecution in all suitable cases.

All ADULT Community Resolutions may be cited in future proceedings and disclosed as part of an enhanced DBS check.

Principles

An ADULT Community Resolution is a statutory disposal available for any summary only or either-way offence, where the public interest does not warrant prosecution.

The disposal is spent once administered but may be disclosable as part of an enhanced DBS check, if the offender applies for work in certain occupations.

Admission

The suspect should be reminded of their entitlement to receive free and independent legal advice in relation to the offence.

The offender must provide a clear and unambiguous admission or accepts full responsibility to the offence under consideration, which must be recorded in a durable format. (Accepts responsibility, is about the suspect accepting the facts of the case or that

they accept their actions contributed to the offence. For example; The suspect explaining what they did and knowing it was wrong, part of that should be the officer covering basic points to prove so that acceptance is evident.)

Where a defence is raised for an offence, or where the evidence presented is contested, and these objections are not refuted in interview, then an ADULT Community Resolution is not available for that offence.

The offender must sign the document containing details of the offence, and admission that the offender committed the offence, consent to be given a Community Resolution and details of the conditions attached to the Community Resolution.

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Decision Making

The decision that an ADULT Community Resolution is appropriate may only be made by a warranted police officer of at least the rank of sergeant.

An ADULT Community Resolution may be appropriate where:

- There is sufficient evidence that a crime has occurred; AND
- Any admission does not constitute the only evidence; AND
- The offence is not indictable only; AND
- There is a public interest to community resolve instead of prosecuting.

There is a higher level of authority where the offence is either:

- Domestic related; OR
- Hate crime; OR
- ABH and Above; OR
- Assault Emergency Worker; OR
- All Weapons and Sexual related offences.

Conditions

All Conditions specified as part of an ADULT community Resolution must:

- Take Account of the expectation of the victim; and/or
- Provide a means to safeguard the victim and the community; and/or
- Address the root cause(s) of the offending behaviour, or, in the absence of the above provide a punitive fine.

The offender must accept the conditions and agree to complete them.

All monetary conditions must be processed through the court payment system (supported of case coordination unit- CCU)

Issuing

All ADULT Community Resolutions **must** be administered to the offender in person, by a suitably trained officer in the administration of OOCR.

All ADULT Community Resolutions **must** be recorded digitally and signed appropriately.

In advance of the ADULT Community Resolutions being administered, the authorising/issuing officer will assess whether the offender is capable of understanding the process and, if so, will:

- Read out and confirm the offender admits the offence(s);
- Obtain the offender's signature to confirm admission;
- Read out the conditions attached to the Community Resolution;
- Explain the process and implications to the recipient; AND:
- Obtain the offender's signature to confirm understanding and acceptance of the Community Resolution.

Compliance

All community Resolutions are recorded with the Orders and Interventions tab of the offender role profile on Athena.

Any failure to comply, the DDM, when notified by the OIC, will record non-compliance as well as in the Orders and Interventions tab.

4.2 Biometrics

Biometrics are not required for Community Resolutions.

Offenders who have been arrested will have biometrics taken in custody before the disposal decision has been made, then:

- Where the disposal used is a Community Resolution, the biometrics should be destroyed once the Investigation is closed as Outcome 8.

Offenders who have been dealt with following a voluntary attendance interview will not be required to provide biometrics.

4.3 Responsibilities

Operations and Communications Centre (OCC)

OCC staff are responsible for:

Providing the officer at the scene with accurate information in respect of previous history of the suspect, particularly:

- In respect of recent similar offending;
- Outstanding Court Orders; and

- Offenders on Prison Release or subject to a Suspended Prison Sentence

Investigating Officer

Investigating officers are responsible for:

Identifying that a Community Resolution may be suitable **through use of the decision making tool**;

Confirming with the OCC any previous offending history;

Discussing the benefits of a Community Resolution with the victim and either:

- Acting as decision maker if the appropriate Community Resolution may be determined by an officer of their rank; OR
- Consulting with a decision maker of the appropriate rank to discuss suitability of any other pathways; and
- Where applicable, passing on all relevant OOCR information to the officer in the case (OIC).

Officer in the Case (OIC)/ Decision Maker/Issuing Officer/Custody

It is accepted that a single person may fulfil more than one of the roles listed, therefore they are dealt with as a whole under this section.

The OIC is responsible for:

- As part of the investigation:
 - Establishing the victim's expectation for a result;
 - Introducing the possibility of an OOCR at every opportunity including the use of the decision making tool;
 - Discussing the benefits of OOCRs and how the conditions are more able to satisfy victim expectation; and
 - Diverting victim expectation away from prosecution;
 -
- **Before issue** of the disposal:
 - Identifying that an OOCR may be suitable at the earliest opportunity;
 - Assessing offender eligibility based on suspect admission/accepts full responsibility and previous offending history;
 - Consulting the victim to discuss the possibility of an OOCR, why it is appropriate and explaining how the OOCR will be more likely to satisfy their expectation;
 - Consulting the decision maker to discuss victim expectation and obtaining authorisation for the disposal if required;
 - Completing the electronic disposal ready for issuance and signatures; and
 - Discussing the disposal with the offender to explain the conditions, and obtaining consent for the disposal;
- **After issue**:
 - Updating suspect status within the Athena Investigation

- Ensure Athena case only if disposed through custody, reflects the correct offence type/offence date/disposal types and disposal date.
- Updating the victim that the disposal has been issued and including which victim-based conditions have been issued and how they satisfy their expectation (update Athena investigation VCL)
- Establish whether any conditions listed beyond that of diversionary disposal or punitive have been completed (i.e letter of apology) and Athena investigation updated
- **On completion** of the conditions:
 - Confirming with the victim that the conditions have been completed.
 - Confirming on the investigation that the conditions have been completed for those conditions outside of the diversionary and punitive options
 - Submit Athena Investigation for outcome via supervisor

Decision Maker Responsibilities

The decision maker is responsible for:

- Ensuring the victim expectation has been recorded on the Investigation;
- Advising the OIC on proportionate conditions;
- Authorising the disposal; and
- Recording rationale for the decision on Athena INVESTIGATION. Rationale will:
 - Directly refer to and mitigate any offending history;
 - Directly refer to the adult gravity matrix
 - Directly justify the use of all rehabilitative or diversionary measures;
 - Refer specifically to the victim's expectation and how conditions satisfy those expectations;
 - Account for and justify any deviation from the Code of Practice, local policy or the supporting information;
 - Where the victim expectation is prosecution, then rationale will address why the OOCR is appropriate and record the victim's response.
 -

Full rationale is required and recorded on Athena investigation in ALL circumstances before the disposal is issued.

Issuing Officer Responsibilities

The issuing officer is responsible for:

- Confirming that the offender admits the offence;
- Ensuring the recipient is aware of the conditions which are attached to the disposal and agrees to complete them;
- Ensuring the recipient is aware of all implications of accepting the disposal
- Administering the disposal;
- Any non digital version must be uploaded to the Athena case.
- Additionally, **where a case has been disposed of out of custody, yet the offender remains on bail**, the OIC must, as soon as practical, notify the custody sergeant of the

completion of the OOCR confirming the date of issue, offence for which it is issued, level of authority and authorising officer.

Custody Officer Responsibilities

The custody officer (where the offender is in custody) is responsible for:

- Ensuring the disposal recorded on the custody record is accurate and complete;
- Fulfilling the role of issuing officer, above; and
- When asked by an OIC to close a custody record for an offender who has been dealt with outside of custody at a later date verify the OIC has provided all relevant information and if correct close the custody record.

Supervisor

Supervisors are responsible for:

- **For all Community Resolution disposals:**
 - Ensuring that appropriate signature has been secured from the offender;
- Where the signature is not present, but recorded as 'Unable to Sign', ensure that there is full rationale to account for the non signature.
- In all cases for Community Resolutions:
 - Recording rationale for the decision on the INVESTIGATION prior to the disposal being issued including the Adult Gravity Matrix score
 - Ensuring the involvement of each suspect has been updated, including NFA where the OOCR was not issued
 - Complete outcome task for supervisor within Athena investigation.

Case Coordination Unit (CCU)

CCU are responsible for:

- Refer to external agencies regarding appropriate courses as outlined in the conditions
- Monitor compliance and update Orders and Interventions tab as appropriate

Force Designated Decision Maker (DDM)

The DDM will review the below aspects for HOCR compliance in respect of applying Outcome 8 Adult Community Resolution.

The DDM's will ensure:

- Offence as recorded is made out.
- MOJ code of practice and force OOCR policy has been adhered to.
- Suitable admission or acceptance of full responsibility is present on investigation (short precis of admission attached) and no legal defence raised.
- Victim's views considered before authority considered/granted.
- Offender accepts and signs the Community Resolution.
- Appropriate level of authority present.

- Authorising officer rationale recorded including reference to the Adult Gravity Matrix.
- Case dashboard completed where appropriate.
- Signed Community Resolution form uploaded to Athena.
- Ensures the rationale provided is sufficient to consider the alternative offence rule where the offence selected by the OIC for the CR is not the recorded offence. Eg the rationale explains what circumstances were taken into consideration for the decision/authority to CR.
- Applies Outcome 8 when the process is fully complete or where the investigation disposal steps outside of force policy or MOJ code of practice the investigation is referred to the FCR for additional review.

4.3 Please state which head of department or chief officer has been consulted in the development of this policy:

Head of Dep't/ Chief Officer Consulted	Date Communication Sent

5.0 DOCUMENT HISTORY

Date	Author / Reviewer	Amendment(s) & Rationale	Date of Approval / Adoption
March 2024	Jeenifer Clee & Jane Rischmiller	New policy/rewrite	October 2024

6.0 CONSULTATION

- Pete Hill / Ruby Nailor - DA
- Dawn – CJ
- Gill Wall – Diversity, Equality and Inclusion
- Andy Shipman – Force registrar
- Paul Edwards - Unison
- Gill Burford, Steve Martin and Simon Payne – Police Federation
- Force IAG's
- Staff Support Network
- Federation, D&I Board
- Unison

7.0 ASSESSMENT AND ANALYSIS

7.1 An Equality Analysis (EA), Health and Safety Assessment (HAS) and Risk Assessment (RA) is available on request.

Annex

- Community Resolution process map – [13804.pdf \(warwickshirepolice.uk\)](#)
- NPCC Community Resolution Guidance 2022 - [Microsoft Word - New Community Resolution Guidance Document V4 \(warwickshirepolice.uk\)](#)
- Decision making tool - https://forms.office.com/Pages/ShareFormPage.aspx?id=tq8ko-8K90eih5grpzEdiqGGLJ9D2ntMg42ceKNi_C9UNlhRSU5YSEswQTBKQzJGNUNBNEVYUjZUMiQIQCN0PWcu&sharetoken=UwWGI6pwt1vPePmGeLP2
- Adult Gravity Matrix - <https://intranet.warwickshirepolice.uk/smiiupload/n/20953/13259.pdf>
- Specified Offences - <https://intranet.warwickshirepolice.uk/smiiupload/n/20953/14529.docx>
- Warwickshire Domestic Abuse Policy - [Microsoft Word - DA Policy PUB 22.03.23 \(warwickshirepolice.uk\)](#)
- MOJ Rehabilitation of Offenders [Rehabilitation of Offenders \(publishing.service.gov.uk\)](#)