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WEST MIDLANDS POLICE

Force Policy Document

POLICY TITLE:	Positive Justice
POLICY REFERENCE NO:	CJ/20

Executive Summary

This guidance is designed to assist officers in making decisions as to how to resolve offences and deal with the offenders responsible: whether it be prosecution or an alternative. This guidance is generic and will underpin all disposal decisions, however dealt with by officers. It supplements, and complies with, all legislation in this area.

***Any enquiries in relation to this policy should be made directly with the policy contact / department shown below.*

Intended Policy Audience

This policy is aimed at all police officers, special constables and police staff of WMP.

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Supporting Documents, Policy

- The Directors Guidance on Charging – 4th Edition 2011
- Authorised Professional Practice: Case Management and Prosecution, Module III Justice Outcomes (under construction)
- ACPO Out of Court Disposal Framework
- Home Office circular 30/2005 – Simple Cautions
- The Directors Guidance on Conditional Cautioning 2010 (new version due out soon)
- The Sentencing Guidelines Council – Overarching Principles, Sentencing Youths, Definitive Guidelines 2009
- ACPO Guidance on the Use of Community Resolutions 2012
- ACPO Guidelines on the Investigation, Cautioning and Charging of Knife Crime Offences 2012
- CPS Guidance on Knife Crime Offences 2008
- Ministry of Justice Circular 2009/05 PND Police Operational Guidance: Cannabis Possession Offences
- Ministry of Justice Circular 2009/04 PND Police Operational Guidance: Retail Theft and Criminal Damage
- WMP Combined Cautioning Policy
- WMP Penalty Notice for Disorder Policy
- WMP Community Resolutions Policy
- Part I Order 7/2009 – Proportionate Investigations
- WMP guidance – Disclosure Issues for Police Disposals

Supporting Documents, Other

- ACPO Memo Dec 2012 R v Killick and the Right of a Victim to Request a Review of a Decision Not to Prosecute
- Criminal Law Review 2012 – ‘Finality in Criminal Justice – When should the CPS Reopen a Case?’ by Kier Starmer
- Ministry of Justice Green Paper ‘Breaking the Cycle – Effective Punishment, Rehabilitation, and Sentencing of Offenders’ 2010
- Ministry of Justice White Paper ‘Swift and Sure Justice’ 2012
- ‘Primary Justice – an Enquiry into Justice in our Communities’ All Party Parliamentary Local Government Group 2009
- ‘Exercising Discretion: The Gateway to Justice’ CJI Inspection Report 2011
- NPIA National Decision Making Model 2012
- The Independent Commission on Youth Crime and Anti-Social Behaviour 2010
- HMCPSI Thematic Review of Youth Offender Casework 2011
- WMP ‘Tackling Youth Crime: a Review of the Forces Approach to Youth Crime and Recommendations for Improving it’ Pickles 2012
- Home Office ‘Assessing Young People In Police Custody: An Examination of the Operation of Triage Schemes’ 2012
- Audit Commission Youth Justice 2004 – A Review of the Reformed Youth Justice System
- ‘Differential Treatment in the Youth Justice System’ Equality and Human

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Rights Commission 2010

- ACPO and YJB 'The YOT Police Officer Review and Role Development' 2010
- HMCS and YJB 'Making It Count in Court' 2009
- Home Office 'Putting Victims First' More Effective Responses to Anti-Social Behaviour' 2012
- 'Changing Futures' Birmingham's Strategy for Addressing Crime and Anti-Social Behaviour Committed by Young People – 2010 and Beyond
- House of Commons Justice Committee – 'Cutting Crime, The Case for Justice Reinvestment', 2010
- 'They Moved Like Fish' The Birmingham Riots of 2011, Report by Peter Latchford OBE for Birmingham City Council
- 'Beyond the Big Society' RSA Projects 2011
- 'Our Vision for Safe and Active Communities' Baroness Newlove 2011
- CJS 'Engaging Communities in Criminal Justice' 2009
- Ministry of Justice Report on the Governments Strategy for Diverting Women Away from Crime 2009
- Home Office Consultation on a Revised Framework for Recorded Crime Outcomes, 2012
- 'Why Invest?' How Drug Treatment and Recovery Services Work for Individuals, Communities and Society, NHS leaflet
- Restorative Justice – an Overview, Marshall 1999 for the Home Office
- 'Facing Up to Offending – the Use of Restorative Justice in the Criminal Justice System' CJI 2012
- ACPO Restorative Justice Guidance and Minimum Standards 2010
- NOMS 'Better Outcomes Through Victim Offender Conferencing' 2012
- Ministry of Justice Restorative Justice Action Plan for the Criminal Justice System 2012

Evidence Based Research

- Ministry of Justice Research Summary 7 - Conditional Cautions – an Examination of Early Implementation of the Scheme 2007
- A State of Disorder – Moving Beyond the ASBO in Tackling Anti-Social Behaviour, from the Policy Exchange, 2010
- 'It's a Fair Cop – Police Legitimacy, Public Cooperation and Crime Reduction' NPIA 2011
- 'Procedural Justice, Trust and Institutional Legitimacy' Hough, Jackson, Myhill, Bradford, Quinton, Bradford, 2010
- 'An Exploratory Analysis of Police Attitudes to the use of Community Resolution for Minor/Local crime; Professional Judgment and Discretion' C.Supt Byrne, 2012
- Overview of 'Imprisonment and Crime – Can both be Reduced?' Durlauf and Nagin ASC 2011
- 'From Peel to Popper – The Case for more Scientific Policing' Neyroud ASC 2011
- 'Rhetoric or restoration? A study into the restorative potential of the conditional cautioning scheme' Braddock 2011
- 'Restorative Justice – the Evidence' Sherman and Strang 2007
- 'Does Restorative Justice Affect Reconviction?' Shapland 2008 for the Ministry of Justice

Please Note

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UPTO DATE VERSION OF ANY POLICY OR DIRECTIVE CAN BE FOUND ON THE EQUIP DATABASE ON THE INTRANET.

Force Diversity Vision Statement and Values

“Eliminate unlawful discrimination, harassment and victimisation. Advance equality of opportunity and foster good relations by embedding a culture of equality and respect that puts all of our communities, officers and staff at the heart of everything we do. Working together as one we will strive to make a difference to our service delivery by mainstreaming our organisational values”

“All members of the public and communities we serve, all police officers, special constables and police staff members shall receive equal and fair treatment regardless of, age, disability, sex, race, gender reassignment, religion/belief, sexual orientation, marriage/civil partnership and pregnancy/maternity. If you consider this policy could be improved for any of these groups please raise with the author of the policy without delay.”

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1. INTRODUCTION

This guidance is designed to assist officers in making decisions as to how to resolve offences and deal with the offenders responsible: whether it be by prosecution or an alternative. This guidance is generic and will underpin all disposal decisions, however dealt with by officers. It supplements, and complies with, all legislation in this area.

Our Statement of Mission and Values of the Police Service will underpin officers' decisions in this area. The National Decision Making Model has this at its core, and gives a structure to making these decisions. This guidance will help officers apply its five steps in a fair, consistent and effective manner.

Our approach to resolving offences and dealing with offenders will not only consider the past – the offence, its victims and its impact – but will also be forward looking: seeking to reduce crime by reducing reoffending and victimisation. Our communities and partners are essential to this and we will actively seek to include them and utilise their skills and capability.

It is worth reminding officers that the [Directors Guidance on Charging](#) stipulates that Police ensure that cases appropriate for a police sanction or disposal are identified as early as possible and dealt with prior to charge, and suspects should not be charged where the public interest in a case can be met in any other way.

In 1951 Sir Harley Shawcross, who was then Attorney General, made the classic statement on public interest:

“It has never been the rule in this country – I hope it never will be – that suspected criminal offences must automatically be the subject of prosecution.”

Police have significant powers to deal robustly with much offending without automatic recourse to prosecution. Maximising the effective use of these powers will lead to swift, fair and proportionate justice. It will also maximise our ability to reduce reoffending, and thus better protect our communities.

The [National Decision Making Model](#) can be applied to all police decision making. This policy will follow this model showing how it can support best practice in this area. Officers must remember that the decisions they make in this area are likely to impact significantly on the lives of both offenders and victims. Our communities and colleagues rightly expect that these decisions will be carefully considered and judiciously made.

2. STAGE 2 – INFORMATION

Decisions on offence resolution must take place after a proportionate investigation: all reasonable lines of enquiry should be pursued. This will allow the full facts of the case to be taken into account. Failure to do so is unprofessional and likely to lead to evidential problems and/or complaints at a later date.

The prosecution decision is significantly different to many other decisions we make as police officers – it is an executive and quasi-judicial decision. It must be made with **independence** from the investigation and from operational matters. We must therefore ensure that all such decisions are taken **fairly** and are **objective** – based on fact and not supposition. These decisions must not be affected by other factors, which although relevant to operational policing, are not relevant to this particular decision. Examples of factors that must not be taken into account:

- Intelligence information on the individual.
- Hearsay or rumour on the individual or incident.
- Personal feelings towards any person involved.
- The suspects' attitude towards the police.
- Performance targets or measures.

Note – broad policy decisions to arrest or prosecute all offenders in any given category, without reference to the circumstances of the case, are generally unlawful. Both of these decisions must be made on a case by case basis.

3. STAGE 2 – ASSESSMENT

Officers will need to assess the impact of information in four key areas:

- The community
- The offence
- The victim
- The offender

The Community

Decisions will always be made in the public interest. We will uphold the law by ensuring a proportionate response to offending. We will also seek to reduce crime in our communities. As well as considering and serving the victim of the current crime, we will seek to reduce the number of future victims.

Where we can harness community activity in both supporting victims and rehabilitating offenders we are likely to be helping build strong and resilient communities.

Our communities feel particularly strongly about certain issues, for example domestic abuse, hate crime and other crime against vulnerable groups, sexual offences and the use or carrying of weapons. This is reflected in Ministry of Justice and Home Office guidance instructing officers to pay particular attention to these priorities. This

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guidance is not repeated in force policy, but will be available alongside, on the force intranet. In providing a local and community orientated service we must ensure that we also take these issues seriously. Our responses to offenders in these areas should reflect the seriousness of each set of circumstances. Simple police disposals are highly unlikely to achieve this, whereas conditional police disposals will be much more likely to achieve this. It will often mean that a prosecution is the proper way to proceed.

Domestic Abuse is a serious issue, and one which requires the Police Service to take strong and positive action to support victims and give offenders the clear message that it is unacceptable. However, every incident is unique and officers need to ensure the action that they take is proportionate to the circumstances. Preventing further offences and safeguarding victims and the vulnerable are always the key priorities when dealing with domestic abuse. Officers need to remember that in partner on partner domestic abuse cases victims' considerations will often involve crucial, life changing decisions. They are likely to need time without the offender present to make this scale of decision. The professional advice and support of both response and specialist officers, and partner agencies, will help victims make the best decisions.

Care must be taken when considering the resolution of any sexual offences. The wishes of the victim and the need to protect the public will be paramount considerations. There will be cases when the victim genuinely does not want formal action taken, and where there is no ongoing threat to the public – in these cases a simple and immediate disposal may be a suitable outcome.

For offences which in essence are sexual experimentation between consenting young people, a formal disposal will rarely be a proportionate outcome, especially where this leads to automatic sex offender registration. Officers must ensure that there is no element of coercion or abuse involved, and that we are not dealing with repeat offenders before deciding on the best outcome.

The Offence

The evidence available must meet the evidential test (that is providing a realistic prospect of conviction) for any police sanction or disposal to be applied. Care needs to be taken to ensure that all points to prove are covered and no defences have been put forward. In all cases (except a Penalty Notice for Disorder) a PACE compliant admission is also required.

Offences that are more serious or cause more harm or risk more harm will need a more intensive disposal. They are more likely to be appropriately and proportionately dealt with by way of a prosecution. In considering the offence officers should consider the relative weight of any aggravating or mitigating factors. The ACPO Gravity Matrix can be utilised to assist decision making here.

Officers should note that both Conditional Cautions and Penalty Notices for Disorder have limitations in legislation on the offences they can be issued for. This must be complied with.

Legislation also stipulates that cautions can only be issued for indictable only offences with the authority of the Crown Prosecution Service. This applies to all four types of cautions.

The Victim

The victim is usually the individual most affected by any crime. It is important that they feel supported by the police and the entire criminal justice system. They will rely heavily on the investigating police officers to explain what is or will happen in their case. This is a real opportunity to influence their feelings of safety and their impression of ourselves and our partners.

Our victim focus does not mean that victims get to select which sanction will be selected as we must always be mindful to the broader public interest. However, it is right that they have influence; it is right to take their views into account, and we will seek outcomes with their views in mind. We also have a responsibility to take time to explain our decisions, and rationale: Where this is done it can increase feelings of safety and satisfaction.

Where a victim is less than 18 years of age then the views of their parent/guardian need to be taken into account as well.

When dealing with victims with mental health issues or concerns officers must ensure that all the necessary safeguards are followed, such as appropriate adult or the use of a Health Care Professional (HCP). Where applicable the involvement of partner agencies such as the Intermediary Service, Victim Support or Social Services should be considered.

The Offender

The level of culpability and intention of the offender will be very relevant (bear in mind how their age and mental capacity will have a direct impact on this). Their attitude towards the offence, the victim, and making amends (if appropriate) will also be relevant.

Officers must understand the previous criminal history of the offender to be able to reasonably select the best outcome for each case. It is essential that full background checks are completed to enable informed decision making to take place. As a minimum this must include both PNC and Flints checks (including the Golden Nominal Check), plus any other database the officer feels may contain relevant information. Where an officer is dealing with partner on partner domestic abuse the previous history of these cases is especially relevant. They should always be discussed with the PPU Safeguarding Team and this officers' details noted on the paperwork. All reports must contain details of both which checks were completed, and what the results of the checks were, for example:

- "PNC and Flints checks reveal that this offender has no convictions and has never come to police attention as an offender before."
- "I have checked Flints which reveal the suspect has one previous Community Resolution issued for a shop theft of £20 of toiletries 3 years ago. He has no PNC record."
- "I have checked Crimes with the PPU which shows they have no records for either victim or offender, and have discussed the case with DC 0000 Jones."

Recording of such information is vital, as it underpins the officers' rationale that follows.

Where the offender has a substance misuse problem (i.e. either drugs or alcohol) any police disposal should attempt to ensure they tackle this issue.

In seeking to resolve offences officers need to be mindful of not passing up opportunities to intervene in an offender's criminal behaviour. We now have significant powers to intervene and require offenders to participate in a variety of interventions as part of a conditional disposal.

Where an offender is already on any sort of court order or conditional disposal the views of the organisation/team managing the current order should be sought before resolving the case, and as a minimum they must be informed of the result afterwards.

Persistent offenders are responsible for a disproportionate amount of crime and harm in our communities. The offender management team involved must be consulted before disposal decisions are made with these key individuals. We must use every opportunity to try and stop further offending by these individuals.

Home Office Guidance prevents the use of cautions with serving prisoners. The use of all police disposals are therefore inappropriate with this group of offenders.

Young Offenders

The supporting documents listed at the front of this policy explain that as young people develop maturity they may naturally experiment with their behaviour and test boundaries. The younger they are the less capacity they will have for restraining themselves, resisting temptation or resisting peer pressure. They will mature at different rates and will have less life experience than adults. We would also expect them to benefit from a greater opportunity to learn from their mistakes, being more able to change their behaviour and attitudes than adults. Young people will also suffer a greater impact from social stigma or a criminal record, affecting their future opportunities and prospects. Effective integration of young offenders back into their communities is a key consideration.

None of this excuses poor or criminal behaviour. It actually increases the need to intervene at a low level, to show that actions have consequences, and that harm is being caused. But we must also be careful, in acting positively, to take into account immaturity and ensure we don't inadvertently damage a young person's future. Police disposals should assist in one or more of the following:

- Confront young people with the consequences of offending.
- Help develop a sense of personal responsibility.
- Tackle any particular factors putting young people at risk.
- Strengthen factors that reduce the risk of re-offending.
- Encourage reparation
- Encourage the restoration of relationships of trust.
- Define, agree and reinforce the responsibilities of parents.

We will be firm, fair and consistent with young offenders. We will separate the young

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person themselves from the behaviour they have exhibited. Decision makers must have regard to the principal aim of the youth justice system, which is to prevent offending by children and young people. Consideration must be given to the interests of the young person when deciding whether it is in the public interest to prosecute. Youth Offending Teams (YOTs) are our key partners in tackling youth crime and their experience and skills should be utilised to the full.

In the interests of our communities, victims and offenders, West Midlands Police have agreed to make some decisions on offence resolution for young offenders in partnership with Youth Offending Services. Joint Decision making will facilitate a partnership approach and improve outcomes. We believe that more time and effort invested in dealing with offending behaviour at this early stage will better serve our communities in the long run.

To that effect West Midlands Police have agreed to only take the following actions with cases involving young people, without recourse to joint decision making:

- Issue their first Community Resolution
- Issue their first Youth Caution
- Immediate Prosecution in cases where there is no other reasonable response to the crime

Youth Offending Service are more than happy for the above cases to be referred for joint decision making too, on a case by case basis, where the officer dealing believes this would be appropriate. This should not be done routinely.

Where the joint decision making process cannot come to an agreed way forward, the case will be referred to both line managers for a second attempt at joint decision making. If the situation ever occurs where this does not resolve the matter, then the views of CPS will be obtained and their advice followed.

4. STAGE 3 – DEVELOP A WORKING STRATEGY

We will uphold the law fairly and firmly and work with communities, partners and the Criminal Justice System to reduce crime and deliver justice. We will seek to use every opportunity to reduce reoffending, and to support victims.

In making these decisions officers should be **outcome focused**. This means that whilst the particular disposal utilised is important, the final outcome of that disposal is more so. We should look to the end result and its impact on the community, the victim and the offender. Simple Community Resolutions will have the least impact; prosecution will be able to have most, through mobilising the courts powers. Officers need to be aware of the range of police disposals now available, and be able to apply them all, as appropriate. Having an outcome focus will require officers to consider if they can achieve the desired result from one of our conditional disposals. It will require consideration of the likely sentence of a court in a case and considering if an equivalent outcome can be achieved with a police disposal.

The effectiveness, especially at reducing reoffending, of the different options available is being increasingly researched. The results of this research will be disseminated to staff and will impact on national and local policy. Officers will be presented with this evidence in training and on the force intranet, and should use this

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to help them come to their decisions. An **evidence based approach** will be beneficial for our communities and assist in defensible decision making.

As a working strategy the following three steps are recommended:

1. Consider if a simple and immediate sanction is sufficient. This is more likely to be so for minor offences, first time offenders and cases where a prosecution is not possible or unlikely to succeed. These will generally be simple Community Resolutions and Simple Cautions.
2. Consider if a more intensive/impactive police disposal would be proportionate – an enhanced Community Resolution, a Conditional Caution, or a Penalty Notice for Disorder. A wide variety of standard conditions are available and other conditions can be tailor made for the specific case in front of you. These can be as demanding of offenders as some court sentences and have the advantage of being swifter and not requiring victim and witness presence at court.
3. Finally, consider if the only reasonable response is a prosecution. For guidance on whether initial charging decisions are made by police or CPS please refer to the most recent version of the [Statutory Charging Scheme](#).

5. STAGE 4 – POWERS & POLICY

Consider the resolutions available (click on each to be taken to force policy):

- [Community Resolution](#)
- [Cannabis Warning](#)
- [Conditional Caution](#)
- [Penalty Notice for Disorder](#)

The ACPO Framework, authorised Professional Practice and other useful guidance can also be found on the force website – search ‘Neighbourhood Justice’.

6. STAGE 5 - OPTIONS

Use your assessment at stage two of the model to develop suitable options. The willingness of the offender to engage in interventions, either conditionally or voluntarily will be relevant. Their history in keeping to any agreements will be relevant too. Whether the disposal forms part of a criminal record will be relevant.

Officers also need to bear in mind that the willingness of a victim or witness to attend court is crucial for any prosecution. However, this is less of an issue when considering if a police disposal is suitable. Therefore, if a reliable victim makes a complaint but indicates they do not want to attend court, any of the simple police disposals are still available. If the offender admits the offence they can still receive, for example, a caution. The evidential test needs to be met on what evidence the victim would give if they were to be at court – their willingness to attend is not essential. However, bear in mind with conditional disposals that if a failure to comply will be met with a prosecution then we must have witnesses willing to support this.

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If a conditional police disposal is selected then consider the issues you want it to tackle. These will generally fall in to one of the following categories:

- Reparative activities – where the physical damage/loss caused is repaired/replaced
- Compensation – where the offender gives financially to the victim to make good damage or loss
- Restorative activity – where the emotional impact of their offence is faced by the offender
- Rehabilitative/educational activities – where the offender learns to tackle issues that are supporting their offending
- Controlling – for offenders to keep clear of certain locations, areas or persons; to observe curfews; or to report to certain persons at set times
- Punitive – as a simple punishment, where no more constructive conditions are suitable, or in addition to them. Generally these consist of a financial penalty or unpaid work.
- Foreign National Offender – for adults only. Where a foreign national agrees to leave the country in return for the prosecution being suspended.

Restorative Justice (RJ) requires both the victim and offender to participate freely. It is particularly good at reducing victims' fears/anger, reducing any desire for revenge, and generally leaves victims very satisfied. It has also been shown to be effective at reducing reoffending. For these reasons the West Midlands Police will seek to maximise the use of RJ in all offence resolutions. This can be either a part of the decision making process (i.e. before a decision is made); as a condition of a police disposal; or as a recommendation to the court where a prosecution is commenced. Further guidance is contained on the force website (search Neighbourhood Justice)

A directory of conditional activities is under development on the force intranet to list those activities available as part of a conditional disposal. Decision makers need to be familiar with the activities available in their area so as they can determine the best activity or combination of activities for each specific case.

7. STAGE 6 – ACTION & REVIEW

If the outcome we can achieve is proportionate and appropriate, and no advantage is served by prosecuting, then a police disposal ought to be our first preference. Every case must be judged on its own merits and rationale for each decision fully justified and recorded.

If all the information you need to make the decision is not available at this time, then postpone it until you have that information. It may be that you feel a more detailed

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assessment of the offenders' motivation and circumstances would improve your decision making. It may be that you want to discuss the possible outcomes with the victim or determine their views on taking a restorative approach. It may be that you want to engage in joint decision making with the YOS or another partner, or just wish to seek their views.

Use of the [ACPO Gravity Matrix](#) may assist officers. Its use is not mandatory, and it is only a guide as it only deals with the offence element of your decision. Officers should always use their professional judgement and the National Decision Making Model to come to the best decision for the specific set of circumstances in front of them. (NB: there are both youth and adult versions of the matrix).

The officer making the final decision must be independent of the investigation and will either be an officer of a supervisory rank, or a specially trained officer in a role approved for this purpose (e.g. the Youth Crime Officer). For offenders in custody this is the custody officer. (PACE Code C, s 16.1). An independent decision maker reduces the chance of inappropriate factors affecting the decision, and is an essential element of a fair system of justice.

Street disposals can not practically be made by a separate officer, but the same principle of objectivity needs to be adhered to. These cases will be subject to retrospective scrutiny by line supervisors.

Raising Consistency and Involving Partners

Whilst there is a benefit in quickly resolving offences at the earliest opportunity, it is also likely that reducing the number of officers making disposals decisions and increasing the training and guidance given to them will improve consistency and outcomes for our communities. The Policing Plan is clear that our approach to community policing and justice will have joint working with both formal and informal partners at its heart. It is likely that these benefits will be better achieved through a decision making process that is less immediate, allowing time for increased consultation assessment and intervention. Central Justice Service will work with LPUs to develop processes that achieve these objectives without being overly bureaucratic.

Record of Decision-Making

All offence resolutions resulting in a police disposal or sanction must clearly explain the information on which the disposal decision is based (i.e. all relevant factors) on the investigation log on the Crimes Update Portal. This must include the full criminal history of the offender, or if there is none then this must be clearly stated. The rationale for the final decision should be clearly explained and recorded, with the details of the decision maker. This will allow meaningful supervision and independent oversight of such decisions and will support the forces drive for high quality decision making and leadership at all ranks. It also allows the force to defend the decision if challenged at a later date.

Appendix A identifies the key points that must be recorded in relation to the information on which a decision is made, and the rationale of the decision maker.

The same principles apply whether a suspect is arrested or dealt with voluntarily. It is

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expected that a higher proportion of cases dealt with voluntarily will be suitable for a police disposal due to the nature of those cases.

Delivery of the Resolution

To maximise impact the delivery of offence resolutions should be by a police officer in uniform, whenever possible. This is an opportunity to make an impact on the offender and give a clear message that offending behaviour is unacceptable. CJS will seek to develop training and guidance to assist officers in ensuring these meetings are impactful and support improvements in behaviour.

Review of the Decision

Where a prosecution is possible but not commenced the victim can request a review of that decision, and this should be undertaken by an officer independent of the original decision maker.

Standards and Accountability

Communities, victims and CJS partners can be reassured that our use of police sanctions are ethical and support community safety and cross CJS justice delivery through the use of local accountability measures. The use of Scrutiny Panels is being investigated and further information guidance will follow.

It is incumbent on all officers, their supervisors and managers to ensure that offence resolution decisions are made to the highest professional standards. Clear leadership, confidence and understanding are required at all levels, with a positive attitude acknowledging that we can make a difference. Senior Leadership Teams will nominate a Chief Inspector or Superintendent to have particular responsibility for ensuring that standards are high and accountability systems are effective. This will include:

- Encouraging a positive environment around the use of professional judgement in resolving crime, ensuring that there is visible support from leadership teams
- Ensure relevant LPU policies and processes are compatible with these principles
- Be available to offer guidance and feedback to officers and staff, particularly supervisors and custody officers
- Develop partnerships and community links to ensure a full range of conditional activities are available and effective locally
- Develop and maintain effective accountability measures
- Oversee the Victim Right to Review process
- Engage with the Press Office and partners to promote best practice and good examples of offence resolution and professional judgement in the media

8. EQUALITY IMPACT ASSESSMENT (EQIA)

The Policy has been reviewed and drafted against all protected characteristics in accordance with the Public Sector Equality Duty embodied in the Equality Act 2010. The policy has therefore been Equality Impact Assessed to show how WMP has evidenced 'due regard' to the need to:

- Eliminate discrimination, harassment, and victimisation.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Supporting documentation in the form of an EQIA has been completed and is available for viewing in conjunction with this Policy.

9. HUMAN RIGHTS

This policy has been implemented and reviewed in accordance with that set out with the European Convention and principles provided by the Human Rights Act 1998. The application of this policy has no differential impact on any of the articles within the Act. However, failure as to its implementation would impact on the core duties and values of WMP (and its partners), to uphold the law and serve/protect all members of its community (and beyond) from harm

10. FREEDOM OF INFORMATION (FOI)

Public disclosure of this policy document is determined by the Force Policy Co-ordinator on agreement with its owner. Version 1.0 of this policy has been GPMS marked as 'not protectively marked'

Public disclosure does not automatically apply to supporting Force policies, directives and associated guidance documents, and in all cases the necessary advice should be sought prior to disclosure to any one of these associated documents.

Which exemptions apply and to which section of the document?	Whole document	Section number
None		

11. TRAINING

Guidance and training tools will be available via the Criminal Justice Services intranet site. Initial training will be delivered through voluntary CPD days and to all custody officers during their routine training days. Further training will be provided according to feedback on the above, and according to need.

12. PROMOTION / DISTRIBUTION & MARKETING

The following methods will be adopted to ensure full knowledge of the Policy:

- Policy, national guidance and advice will be provided via the CJS force intranet site
- Recording and audit entry on the Force policy library
- Intranet marketing via message of the day and Newsbeat

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- Presentations to Force Leadership Conference, Strategic Tasking forum and the Investigation to Justice forum
- The use of posters to aid decision making and understanding

Explanation of the policy and our objectives externally will also have to occur. This will be to key CJS partners, including the CPS, magistrates and YOS. Further briefings to other key partners that could support this approach will occur at a force level, but will need to be supplemented by local activity.

13. REVIEW

The Policy business owner CJS maintain outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the department/unit responsible for its continued monitoring.

The policy should be considered a 'living document' and subject to regular review to reflect upon any Force, Home Office/ACPO, legislative changes, good practice (learning the lessons) both locally and nationally, etc.

A formal review of the Policy document, including that of any other potential impacts i.e. EQIA, will be conducted by the date shown as indicated on the first page.

Any amendments to the Policy will be conducted and evidenced through the Force Policy Co-ordinator and set out within the version control template.

Feedback is always welcomed by that of the author/owner and/or Force Policy Co-ordinator as to the content and layout of the policy document and any potential improvements.



CHIEF CONSTABLE

14. VERSION HISTORY

Version	Date	Reason for Change	Amended/Agreed by.
Draft v1.0	Feb 2013	Draft for Consultation	2228 Hobday
Draft V2.0	March 2013	Amendments following feedback from internal consultation	2228 Hobday
V1.0 Draft V2.0	19/08/2013	Added policy ref and taken for chief's signature	56408 Couchman
V1.0 Draft V2.0	19/08/2013	Added review date, policy implementation date and sig	56408 Couchman
V1.2	21/10/2013	Updated/Amended Policy	2228 Hobday
V1.2	21/10/2013	Wrong ACC on initial policy – have amended	56408 Couchman
V1.2	22/10/2013	Appendix A amended to remove reference to victims' right to review.	2228 Hobday

Resolution Rationale

The following points must be covered on the crime report before closure and any detection code can be applied. This can occur either directly input into CRIMES, or on a physical WC202, signed by the decision maker themselves.

1. The victims' views on a suitable outcome are recorded.
2. Where victim consent is required (i.e. community Resolutions only), this is recorded against their signature (with appropriate adult if required).
3. Where the offenders' account of the incident is recorded and whether there is a full admission, partial admission or denial. Where this is a written account then it must be against their signature (with appropriate adult if required).
4. Confirmation that all appropriate intelligence checks have been completed: FLINTS and PNC as a minimum; (in addition PPU Safeguarding Team for CA and DA offences: where the name of the officer consulted should be recorded).
5. The result of those checks been clearly recorded so as any offending history or other relevant intelligence/views can be taken into account in any review of the decision.
6. The decision-maker clearly records their rationale for the disposal chosen, against signature. For integrity and audit purposes the actual decision maker must authenticate this entry.
7. The details of any conditional activity required by the offender; whether this has been completed, and if not who is responsible for monitoring compliance.