

# Community Resolutions

## Shoplifting Out of Court Disposals

The following guidelines are issued to regulate the use of Out of Court Disposals for Shop theft. They are intended to ensure that victims and offenders receive a consistent and equitable service across WMP and that the objective of disposals is to reduce reoffending.

Out of Court Disposals are:

- Community Resolutions
- Conditional Community Resolutions (with referral into a rehabilitation pathway)
- Cautions
- Conditional Cautions (with referral into a rehabilitation pathway)
- Penalty Notices for Disorder

Offenders who already have more than one previous conviction or offenders who deny guilt are not eligible for Community Resolutions or Cautions / Conditional Cautions - they should be dealt with according to the evidence available.

### 1. Aggravating Features

Under the Magistrates Sentencing Guidelines, the following aggravating features could increase the minimum sentence at court to at least a higher level community order. An Out of Court Disposal will not be appropriate if any of these features are present.

- Going Equipped to steal
- Evidence of pre-planning
- 2 or more offenders involved where this offender played a leading role
- Adult using a child to commit crime
- Threats or violence used
- Breach of trust
- Deliberate targeting of a vulnerable victim
- Previous convictions

### 2. Value

The disposal of high value offences by means of community resolution has the potential to reduce public confidence in policing and encourage offenders to reoffend. The following values have therefore been agreed for each disposal type.

Offence Value	Disposal
Under £50 – no aggravating features*	Simple Community Resolution
Under £150 – no aggravating features*	Conditional Community Resolution / Caution
Over £150 or lesser amount with aggravating factors*	Conditional Caution or charge

As a result of these guidelines, a Simple Community Resolution, should not be given for offences over £50. Above this sum, the minimum disposal should be a Conditional Community Resolution with referral into appropriate rehabilitation / help – this may be in addition to the victim's wishes if different. Common rehabilitation referrals include (not exclusively) drugs / alcohol / debt advice or the Victim Awareness Course.

There are no lower limits so a conditional caution could be given for an offence under £50 if appropriate (eg small shopkeeper targeted, offender with previous disposals)

### 3. Previous Disposals

- Offenders should receive no more than one **unconditional** community resolution
- Conditional Community resolutions can be given to offenders who have had **one** previous community resolution as long as a referral is made with the potential to modify offending behaviour.
- It is not appropriate to give a community resolution to an offender who has already received 2 or more community resolutions or **any** PNDs / Cautions / Conditional Cautions / Convictions.
- One previous conviction should not preclude a conditional caution providing the offender is assessed and a referral is made with the potential to modify offending behaviour (eg drug treatment / Victim Awareness Course).