Police use of community resolutions

Under strict embargo

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What's the story?

Thousands of offenders have escaped prosecution for offences as serious as child sex abuse, grooming, kidnapping, knife crime and drugs trafficking.

Since 2014, police forces have resolved more than 400,000 crimes with a Community Resolution (CR), an out of court disposal which does not appear on a criminal record or standard DBS check and which will not count as a conviction.

An investigation into their use by the BBC's Shared Data Unit has prompted concerns and calls for change from politicians and experts including Labour's Shadow Policing Minister Louise Haigh, the Green Party's co-leader Sian Berry, The Criminal Bar Association, Victim Support, The Magistrates Association, and leading academic Professor Nicole Westmarland.

The BBC analysed Crime Outcomes data published annually by the Home Office and discovered that police have continued to use Community Resolutions to resolve serious offences, some of which are indictable only.

Guidelines from the Association of Chief Police Officers (ACPO) in 2012 recommend against the use of Community Resolutions for domestic abuse involving intimate partners and hate crime.

In response to the BBC's findings, some forces highlighted cases wherein CRs were deemed appropriate for serious crimes - such as child exploitation cases that relate to youngsters 'sexting' each other or CRs issued for sex offences to teenagers engaging in sexual activity with each other.

The data contained within this pack will allow you to compare your police force's use of CRs against others across the UK.

Please note, the data for Scotland and Northern Ireland is not comparable to England and Wales and is therefore addressed separately.

What are Community Resolutions?

Community Resolutions are an out of court disposal designed to tackle less serious offending and anti-social behaviour.

They are not convictions, do not appear on criminal records and will not be disclosed in a standard DBS check.

In 2015, use started to decline after the House of Commons' Home Affairs Committee published a report suggesting around 30% of out of court disposals previously recorded may have been inappropriately issued.

Guidance suggests:

- Offenders must admit responsibility for the crime
- Victim consent should be sought - but supervisors can grant permission to proceed without it
- Offenders should agree to make amends - through apologies, reparation of damages or other agreements
- Restorative justice techniques can be, but are not always, incorporated in the process
- Agreements between victims and offenders are voluntary and not enforceable by police, "in all but the most exceptional circumstances"
- Forces should use scrutiny panels to regularly review their use of the disposal
- They should not be used for domestic abuse cases involving 'intimate partners'

SCOTLAND - What are Recorded Police Warnings (RPWs)?

RPWs were introduced in 2016 after the Lord Advocate revised guidelines for offences that could be dealt with by what was then known as a formal adult warning.

According to Police Scotland, RPWs "do not have a resolution feature" as CRs do elsewhere.

**Note to editors: Additional information in relation to the RPW scheme can be found within the Police Scotland Direct Measures Standard Operating Procedure: https://www.scotland.police.uk/assets/pdf/151934/184779/direct-measures-sop.

What did we find?

When a crime has been recorded, several eventual outcomes are available to police forces - an offender can be charged, summonsed, cautioned, have their case dropped entirely or receive an out of court disposal.

We looked at 15 million crime outcomes reco

rded between 2014/15 and 2017/18, published annually by the Home Office.

England and Wales

- Out of more than 15 million crime outcomes recorded between 2014/15 and 2017/18, some 449,000 were Community Resolutions, representing 3% of all outcomes recorded during that period
- Thousands were issued for serious offences, including kidnapping, child sexual exploitation, weapons possession, drug trafficking, grooming, sex crimes, rape, robbery, assault with injury, absconding from custody, perverting the course of justice, perjury, stalking, arson with intent to endanger life and others
- At least 500 CRs were issued for indictable only offences between 2014 and 2018
- Use nationally is dropping as a whole - CRs made up 4% of all outcomes in 2014/15 and 2% in 2017/18
- Eight forces have seen a rise in use (calculated on CRs as % of overall outcomes) in that period
- As a percentage of recorded crime outcomes, Durham has issued the most at 8% overall, followed by Suffolk (6%), Derbyshire (6%) and North Yorkshire (5%)
- The lowest for percentage of outcomes were British Transport Police (1%) and the Metropolitan Police (1%)

Types of Offences

- Data for England and Wales for the period analysed shows that a higher percentage of CRs are recorded as outcomes for drugs related offences (5%) followed by violent offences (4%), possession of weapons (4%), theft (4%), public order (3%), criminal damage and arson (3%), miscellaneous crimes against society (2%), sex offences (1%), robbery and fraud. However, figures for weapons possession are skewed due to data for Essex Police reflecting a high use of CRs linked to weapons seizures at Stansted Airport

- CRs were issued for 2,500 sex offences, 27 were rape and more than 1,000 of them involved children. As a percentage of outcomes, Cheshire Police and Suffolk Police issued the highest.
- CRs were also issued for 29,000 drugs offences including 1,029 for drugs trafficking
- Some 68,131 were issued for criminal damage and arson, with 109 for arson endangering life
- Some 4,963 were issued for possession of weapons - 99 were recorded for possession of firearms with intent, 1,927 for possession of an article with blade or point and 1,689 for possession of firearms.
- Some 150,933 for theft offences - including 3,555 for burglaries, 309 for aggravated vehicle taking, 95 for blackmail and 1,033 for theft from the person.
- Some 155,733 for violent offences against the person, with 70,794 issued for assault with injury and 1,724 for cruelty to children (with 1,221 outcomes, West Midlands represent 71% of all CRs issued for this offence), 233 for stalking, 81 for endangering life, 463 for assault with intent to cause serious harm, 37 kidnappings and 10 child abductions. One was issued by the Metropolitan Police for attempted murder and one from Essex police for modern slavery offences.

Northern Ireland:

- The BBC analysed available Crime Outcomes Data for 2015/16 to 2017/18
- CRs are used most commonly for drugs offences, then theft, criminal damage, violence and weapons possessions
- A growing percentage of crime outcomes are being recorded as CRs, from 4% in 2015/16 to 4.8% in 2017/18.
- The percentage issued for drugs offences has grown in that time from 19% to 29%, but police in NI do not have the recourse to Khat and cannabis warnings that forces in England and Wales do.
- The percentage of CRs issued for weapons possession has dropped significantly, from 6.4% to 0.7%

Scotland:

- The closest equivalent to a CR in Scotland is the Recorded Police Warning (RPW) that was introduced to tackle low level offences in January 2016, as formal adult warnings were being discontinued.
- Between 2015/16 and 2017/18, some 41,117 RPWs have been issued
- According to experimental statistics from scot.gov.uk, they have mostly been used for consuming alcohol in a public place and breach of the peace,

vandalism, urinating, being drunk and incapable, refusing to leave licensed premises, loud music and malicious mischief

- However, 13,330 have been issued for offences described as 'other' - 39% of which were for drugs possession, 27% for threatening and abusive behaviour, 24% for shoplifting and 4% for theft. Details of offences linked to 79 more RPWs issued were not available.

Methodology:

- The BBC's Shared Data Unit collated annual Crime Outcomes data for England and Wales compiled by the Ministry of Justice and released by the Home Office for the years 2014/15 to 2017/18
- We also analysed available data for Northern Ireland and Scotland but had to treat their data separately as it was not comparable to England and Wales.
- We analysed the data, which was gathered from police forces across the UK, to research how often Community Resolution had been recorded as the outcome for a crime and where possible, for what offence groups and for what offence descriptions
- When summing the numbers of outcomes, we adhered to advice from the Home Office to calculate on an annual basis, due to the inclusion of negative numbers within the data sets that represent outcomes recorded but later cancelled.
- City of London Police and the British Transport Police have largely been excluded from our analysis as their data is not comparable
- We created separate tabs within our spreadsheet that provide the limited information available for Northern Ireland and Scotland.

Sources:

- Published annually, the Crime Outcomes data for England and Wales was last updated on January 29, 2018 and was published online here: https://www.gov.uk/government/statistics/police-recorded-crime-open-data-tables
- The data for Scotland for the period 2016-17 was published here on February 27 2018: https://www.gov.scot/publications/criminal-proceedings-scotland-2016-17/pages/18/
- We also analysed supplementary and experimental data supplied by the Scottish Government's press office for 2017/18.
- Data for Northern Ireland was analysed but only covered 2015/16-2017/18. It was published here:

https://www.psni.police.uk/inside-psni/Statistics/police-recorded-crime-statistics/

How to use the spreadsheet:

The data for Scotland and Northern Ireland is not presented in a comparable way but can be found in the *Scotland* and *Northern Ireland* tabs respectively.

England and Wales:

- The guide provided within the spreadsheet will describe each column used and give an insight into what it shows

What the police say:

National Police Chiefs' Council Lead for Charging and Out of Court Disposals, Deputy Chief Constable Sara Glen said:

"Community resolutions help police handle low-level offending proportionately. They can involve making amends, apologising or completing education. Victims' wishes are central to our decision-making and officers have established tools and guidance to help them to reach the right outcome. Our decisions are examined by force scrutiny panels.

"We anticipate that the number of community resolutions used for indictable offences will further decrease as our new national strategy on out of court disposals is implemented by forces. Community resolutions for these few cases must be authorised by an officer of a rank not lower than Inspector and we conduct thematic reviews to ensure compliance.

"Our national strategy makes clear community resolutions should not be used in the most serious cases. Officers are making decisions about whether it is fair and proportionate to give someone a criminal record for their first minor offence - when they've admitted responsibility, offered to remedy the crime, are considered unlikely to reoffend, and can be given a sanction that deters further offending.

"These figures show that around three per cent of crime is dealt with in this way, and that community resolutions are used in one per cent of sexual offence cases. When this occurs each force will scrutinise the decision to ensure that it is appropriate in the circumstances. The majority relate to sexual offences between children and

young people, which we would classify as peer on peer where we have juveniles who are in relationships but are not yet at the age of consent."

** Note to editors: NPCC oversees guidance relating to CROs, as outlined by ACPO in 2012. Full guidance can be seen here:
http://library.college.police.uk/docs/appref/Community-Resolutions-Incorporating-RJ-Final-Aug-2012-2.pdf

The national decision model mentioned is published by the College of Policing here:
https://www.app.college.police.uk/app-content/national-decision-model/the-national-decision-model/

Simon Kempton, Operational Lead for the Police Federation of England and Wales, said:

“The decisions have to be led by what is best for the victims.

“Occasionally, community resolutions could be an alternative to no further action, for example, conviction might rest on the ability of a victim to attend court and if they do not attend court, police and CPS could fail to secure that conviction in the worst case scenario.

“In this case, a community resolution might be appropriate, for example.

“Community resolutions should not be seen as an easy get out and in use should be appropriate to the circumstances– its use needs to be monitored whilst being victim focussed.

“The guidelines state there needs to be; a) a lower level crime, b) agreement of the victim and c) admission by the offender.

“There will always be exceptional circumstances which merit a community resolution being issued, but the victim focus should never be lost.”

Jo Farrell, Chief Constable of Durham Constabulary, said:

“We use Community Resolution as an outcome because it is the most appropriate option and, perhaps more importantly, because it works.

“A large part of the reason that Durham has achieved successive outstanding ratings in the annual Peel inspections is our “problem-orientated policing” ethos.

“Durham is also nationally recognised as having one of the most effective approaches to Crime Data Integrity in the country, which means we correctly record almost every crime, regardless of how trivial it may seem to others.

“We do this because of our commitment to victims: we put victims first at all stages of the criminal investigation.

“If an incident is correctly recorded as a crime from the start, it means we are able to give the victim the help they deserve and ensure that safeguarding takes place: we can also offer the perpetrator help to address the underlying cause of their offending.

“In many cases, we believe that we can better support the victims and resolve the underlying problems by facilitating a resolution between the parties.

“Before using a Community Resolution, the previous offending behaviour of the offender, the severity of the offence, along with the wishes of the victim, must be considered.

“We recognise that as a force we are a high user of Community Resolution and because of this we use quality assurance methods to ensure that at all times, we have done the right thing for the victim.”

**Note to editors: Durham Constabulary runs the Checkpoint programme, which offers low level offenders the chance to avoid prosecution by complying with an agreed level of activity for four months. Previously, completion of the scheme would have been recorded in crime outcomes data as a ‘community resolution’ but changes to legislation from April mean the outcomes to such cases are now recorded as deferred prosecutions instead. The force provided the following case studies as a random sample of CRs they had issued:

SEX OFFENCES: A 14-year-old male and a 13-year-old female were issued with CRs for a sex offence after consensual sexual activity because they were underage; A schoolboy was ‘poked in the groin and bottom’ while being called names during an incident involving another three boys at school, police were called by teacher and the episode was recorded as a sexual assault on a male over 13. CR was agreed with victim and parents’ consent; A 20-year-old man received a CR following a sex act with a 15-year-old girl; A 15-year-old male received a CR after rubbing his leg against a 15-year-old girl’s and later messaging her requests to see her naked. She did not want to prosecute.

POSSESSION OF A BLADE IN A PUBLIC PLACE: A man is found with a Stanley knife in public following a domestic incident and was issued with a CR and put on the force’s Checkpoint programme after telling police he had intended to harm himself with it; A man was given a CR after taking a 3.5in lock knife to Magistrates’ Court, telling police he had forgotten to take it out of his pocket after work on his allotment; police called to reports of a man carrying large knife in a town centre issued a CR and put the offender on the Checkpoint programme after finding a male carrying a ‘large machete’ in a holdall.

A statement from West Midlands Police addressed the force’s issuing of CROs for sexual offences. It said:

“Community resolutions are only ever used with the consent of the victim or their parent / guardian; they play an active role in the process and can help tailor aspects

of the resolution.

“Community resolutions have been used by West Midlands Police to resolve sexual offences; these include children in sexual relationships and matters of inappropriate touching.

“Examples include where a resolution was used after a 17-year-old male had touched the bottom of a female friend.

“She told him it was inappropriate and was happy for the matter to be resolved with a letter of apology acknowledging he’d overstepped the mark; he was also referred for a psychiatric assessment.

“Another was used after a resident at a mental health centre touched a nurse’s bottom.

“And a 14-year-old boy who forwarded an indecent image of a girl he’d met on social media was also dealt with by means of a community resolution.

“In cases like these the victims have agreed it’s not proportionate to take the offender to court and have been happy with a community resolution.

“Overwhelmingly, the feedback we continue to get from the public around the use of community resolutions is extremely positive.”

A statement from Essex Police referred to their high levels of CROs issued for possession of weapons offences and said:

“92% of the cases where an outcome was recorded as a caution or community resolution in 2018 were at Stansted Airport and relate to overseas travellers to the UK bringing with them items which may be legal in their country of origin but not in the UK.

“As a result of our policies, Stansted Airport has held a consistently high number of community resolutions for certain offences since 2015.

“These community resolutions relate predominantly to offences for the possession of a weapon, such as knives which may be legal to carry in other countries, or pepper spray, which would be considered a possession of firearms offence.

“Airport Security Officers notify our officers as soon as a weapon is found and our officers will issue a community resolution.

“We record these offences as per Home Office rules and confiscate the weapon but we would not normally consider it proportionate to charge.

“More needs to be done to advise travellers to the UK about our laws on possession of weapons and we have written to European embassies to ask for their help in better public engagement.

“In addition to this, we work hard to engage with passengers during Operation Sceptre to raise awareness of UK laws around possession of knives.”

Detective Sergeant Steve Bruce from Derbyshire Constabulary’s Public Protection Unit explained why the force had used CROs in relation for offences described as child sex exploitation. He said:

“Community resolution forms part of the restorative justice process which allows victims of crime and those responsible to meet and collectively decide on a response to an incident.

“This process empowers the victim and places them at the centre of the process, ensuring that we provide a victim-focused service.

“Where appropriate, the restorative justice process can be employed to deal with a variety of crimes ranging from anti-social behaviour to assault, if it is deemed ‘the obvious right thing to do’.

“A similar approach has been used to resolve incidences of sexting between children. We will always investigate reports of inappropriate material such as nude photos being received by or requested from children.

“However, there are times during our investigations when it becomes clear that the sharing of these images is not of a malicious nature.

“In such cases where restorative justice has been considered the best course of action, this route will be taken.

“This is the case with the Derbyshire child sexual exploitation figures quoted in the Home Office report. All of those listed in the report refer to incidences of sexting between children.

“Tackling CSE remains a top priority for us as a force and we will always strive to ensure that anyone who is a victim of it receives the highest quality service from us and our partners.”

Greater Manchester Police’s Assistant Chief Constable Wasim Chaudhry said:

“When dealing with criminality, community resolutions can be an effective method of dealing with some offences and can empower some victims when they believe that formal action is not the route that they wish to take.

“Community resolution, as defined by the Home Office, can incorporate a wide spectrum of activities, including restorative justice. However we cannot assume that every community resolution has incorporated the use of restorative justice when many have not. Restorative justice is a proven process in the criminal justice system even when applied to some difficult and challenging crimes, and it’s important to stress that it can be immensely beneficial to victims. It can support them as they make sense of what has happened to them and try to move on with their lives.

“It gives victims the chance to meet or communicate with their offenders to explain the real impact of the crime – it empowers victims by giving them a voice and provides them with the outcomes they need to recover. It also holds offenders to account for what they have done and helps them to take responsibility and make amends. The community resolution process is only used following discussions and agreement with the victim; is carried out by trained professionals and conducted in consultation with relevant support services.”

**Note to editors: A spokeswoman for GMP added the following for guidance: In a number of the cases where a restorative intervention has been applied for a sexual offence, these involved school-age young people sharing inappropriate images. In these circumstances, this approach provides the opportunity to educate young people, prevent unnecessary criminalisation, and provides an opportunity to apologise for their actions and understand the damage that they have caused.

A spokesman for Staffordshire Police said:

“Out of court disposals are a very effective way of dealing with lower-level crimes and those incidents where a more complex response, involving partners, is required.

“The use of out of court disposals receives a lot of scrutiny, both within the force and independently, and we are confident they are being used in a proportionate manner.

“Although some of the offences may appear to be too serious for an out of court disposal, often a response that is centred more on support and rehabilitation, rather than enforcement, can be more effective to reduce reoffending in future.

“Our ultimate aim is to reduce crime in Staffordshire and support those in need. In the right circumstance, out of court disposals offer an alternative option to traditional Police enforcement; and working with our partners, we are confident that this approach is a convincing way forward.”

Superintendent Barry Blair, of Police Scotland's Criminal Justice Services Division, said:

"Recorded Police Warnings are a tool available to officers to deal with a wide range of low-level offences.

"The scheme allows officers, in appropriate circumstances and on a case by case basis, to use their discretion to deal with low level offending behaviour on the spot. It aims to minimise police bureaucracy and maximise an officer's time spent on the street."

Guidance issued by the Police Service Northern Ireland said:

“Each force applies Community Resolution differently - however, within the PSNI there are a range of measures to reduce the risk of inappropriate use including:

- A list of specified offences and additional guidance (such as maximum value amounts) that dictate when Community Resolution is appropriate
- A supervisor must give authority where there are aggravating factors including hate or domestic motivated offences
- A Youth Diversion Officer must give approval for use of Community Resolutions for under-18s
- The offender must show remorse and agree to a suitable resolution with the approved list

“The PSNI does not have other methods to deal with possession of drugs cases, such as the cannabis or Khat warnings some forces use, therefore volumes of Community Resolutions will be influenced by this.

“Hate crimes are only suitable for Community Resolution in NI where it is perception only and the Victim Risk Assessment Matrix is low - hate crimes aggravated by hostility are not suitable for Community Resolutions.

“It is not approved for possession of an offensive weapon - any Community Resolution issued previously has been issued against PSNI guidance and due to the robust governance of Community Resolutions in PSNI and the education of officers, this has led to the reduction in use.”

What the experts say:

Chris Henley QC, chair of the Criminal Bar Association, said:

“Community Resolution Orders, which require an admission of guilt, were specifically designed to deal with less serious offences, particularly involving young and/or first time offenders.

“What is clear from the figures is that contrary to their original purpose and the very clear guidance given to the police, CROs are being used to deal with more and more serious offences. This shouldn't be happening.

“These cases should be resolved formally in a courtroom. It is incredible that someone who admits committing an offence of rape receives what amounts to little more than a warning.

“It is unsurprising that offenders arrested for serious crime leap at the offer of an informal CRO.

“Sadly, this is all about a lack of resources, that the police and CPS are struggling to cope with the consequences of years of savage cuts.

“The number of CROs issued in serious cases has increased significantly as funding has fallen dramatically. This lets down both the current and future victims of serious crime.”

A spokesman for independent charity Victim Support, said:

“Community resolutions can be effective for dealing with low level offences, as long as the views of the victims have been firmly taken into account.

“They can result in a quick outcome for the victim and give them closure following the crime.

“However, the fact that they are being used in cases where a serious offence has been committed, such as a sexual offence, is seriously concerning.

“It is wholly inappropriate to use them in these cases as it means that victims are denied the justice they deserve, and the public could be put at risk if violent and sexual offenders are not receiving a criminal record.

“Too often victims feel let down by a criminal justice system that fails to take their needs into account, and using CRs in violent and sexual offence cases will leave many victims feeling that the justice system does not work for them.”

John Bache JP, national chair of the Magistrates Association, said:

"Community resolutions may be appropriate for some minor or first-time offences and they undoubtedly play a role in contributing to the smooth running of courts by freeing up valuable resources.

“However more serious crimes, such as those involving violence or sexual misconduct, should, with rare exceptions, be dealt with in a court.

“We are therefore concerned at the reported number of community resolution orders being given for serious offences.

“While we are aware there may be specific reasons why a community resolution was appropriate in some of the cases identified, the public must have confidence that serious offences are taken seriously – especially where there is an identifiable victim.

“Cases should be brought to court not only where more serious offences are involved but also when there are other complexities including the defendant having a previous pattern of offending behaviour.

“When a case comes to court, there are opportunities for all factors to be taken into account including not just the seriousness of the offence, but vulnerabilities of the offender and the impact of the offence on a victim.

“Courts are then able to ensure an appropriate sentence is ordered which reflects all five purposes of sentencing: punishment; reduction of crime, including by deterrence; reform and rehabilitation of offenders; protection of the public; reparation.

“Scrutiny panels should also be used in every area. MA research highlighted good practice in relation to scrutiny panels. They are an effective way of overseeing the use of orders, identifying any inappropriate use and tackling inconsistency."

Derek Robson, Restorative Lead at County Durham and Darlington’s Restorative Hub, said:

“From my years as a police officer, working in the youth offender system and at the Restorative Hub, I have seen all sides of the argument and the divides between them.

“The benefit for me is about immediate resolution rather than going through the criminal justice system, with its cost to the purse, to society and to the individual in terms of the stresses and the lack of control.

“We often find that victims do not care about the criminal outcome - there’s a surprising amount of crimes committed by people who know their victim, who does not want that person criminalising.

“A Community Resolution gives power back to the individual rather than the state doing what it’s done for hundreds of years and controlling the situation.

“Investigations can often take over and get a life of their own but CRs give ownership back to individuals involved and that’s a real benefit.

“During my time in youth offending, we would see first time offenders come through the system and be given cautions - 70% of those young people will never come back again but they were receiving records that would hang around their necks like a millstone.

“We were finding some young people were not being admitted to college on the basis of something they’d done when they were 12 and having that record in the competitive world we live in makes life much more difficult.

“A CR allows them not to become embroiled in the criminal justice system and does not give them the label of an offender ad infinitum.

“For most people, being involved in the justice system is not a rite of passage but CRs will not work for those coming through that are hardened to the whole process.

“As a cop, you see people who just did not know what they did was an offence but ignorance of the law is no excuse.

“CRs allow people to make mistakes and not be burdened by them for the rest of their lives.

“But they should not be used for serious crimes, they’re there for a purpose, for when circumstances dictate it’s the right thing to do.

“Our chief constable line has always been about doing the right thing and both he and the PCVC are very victim focused.

“We have been introspective in looking at the process and the chief has accepted there has been times when they’ve not been used appropriately - in 2015, when I started this role, these kinds of things were going on.

“It absolutely should not be the case that they’re used for serious offences and if cases like that are getting through, then that needs to be stopped and stamped out, there’s no excuse.

“Officers are so busy and cops on the street will tell you that they’re run ragged going from job to job to next job but that can never be an excuse for shoddy work and not doing the right thing.

“CRs are fantastic when used in the right context but it comes as a bit of a shock to hear that they’re still being used in areas like domestic abuse.”

**Note to editors: Derek Robson worked as a police officer and within the youth offender service before taking up a role at County Durham and Darlington’s Restorative Hub in 2015. The hub is supported by the office of the area’s Police, Crime and Victims Commissioner Ron Hogg. For more information, visit http://www.restorativehub.org.uk/

Nicole Westmarland, Director of the Durham University Centre for Research into Violence and Abuse (CRiVA) and Professor of Criminology at Durham University, said:

“It is very clear that nothing has been learned as a result of our work, our research or the recommendations that we made.

“Community resolutions are still being used for crimes as serious as ABH, which is a high level criminal act.

“It is disappointing to see so many serious problems still happening in relation to policing domestic abuse.

“It could have been said before that we just did not know that community resolutions were being used in this way or that there was an issue, that policy needed to change.

“But that can no longer be used as an excuse - we already know that they are being used in domestic abuse cases that they should not be used in.

“And now we know nothing has happened to change that, as these findings show the same things as our study, that they are being used to respond to very serious allegations of domestic abuse.

“It flies in the face of the idea that positive policing is taking domestic abuse seriously - there may be some cases, such as brothers fighting - where a community resolution could be relevant but for personal relationships and partner violence, because of the dynamics involved, it is not safe to be using them or anything that does not involve a risk assessment, speaking to the offender separately to the victim or taking that power and control dynamic into account.

“Victims are told in posters and campaigns to report to police and they will be taken seriously but if they get the courage to ring and police use a community resolution, it works to reinforce the message that the perpetrator has been sending, that it’s not serious, that it’s all in their mind, they’re unreasonable and irrational.

“It absolutely could put people off reporting and risks reinforcing perpetrators’ version of the facts and leading to worse happening, suicide or someone being killed.

“It takes so much for a victim to ring the police that as soon as they do, every single response needs to be spot on.

“I’m disappointed that this is still happening and I’d like to see clear guidance, not just saying that community resolutions are not recommended but that they should never be used in cases of intimate partner violence.

“The wishy, washy language around this that says ‘normally’ or ‘not recommended’ needs to stop, it leaves too much open space.

“We need a complete ban on using them in cases involving intimate partner violence.

“The College of Policing and the NPCC need to be sending out a stronger message on this front.”

** **Note to editors:** Professor Westmarland is the author of two papers concerning the use of out of court disposals in cases involving domestic violence, namely ‘*Under the Radar: The Widespread Use of ‘Out of Court Resolutions’ in Policing Domestic Violence and Abuse in the United Kingdom*’ and ‘*Using restorative justice approaches to police domestic violence and abuse’.* Under the Radar, published in 2017, drew upon findings from Freedom of Information requests submitted by her team to police forces across the country that highlighted domestic abuse cases where out of court resolutions were issued.

For more information, visit: http://nicolewestmarland.pbworks.com/w/page/14447493/FrontPage

What the politicians say:

The Government issued the following guidelines concerning Community Resolutions:

- Community resolution can be an important tool allowing police to handle low-level offending proportionately

- Police guidance is clear that a community resolution will not normally be suitable for use with serious offences or without the agreement of the victim.

- Community Resolutions are primarily aimed at first-time offenders where genuine remorse has been expressed, and where the victim does not want the police to take more formal action.

- Police have the right to exercise discretion in the way they deal with these cases. This is an operational matter for the police.

- Police and partners have a range of measures in place to ensure appropriate use of Out of Court Disposals, including through local Out of Court Disposal scrutiny panels.

A spokeswoman for the Scottish Government said:

“The operation of recorded police warnings is a matter for Police Scotland following guidance from the Lord Advocate.

“Similar to the approach taken elsewhere in the UK, Recorded Police Warnings provide a proportionate way of dealing with very minor offences and significantly reduce the amount of time needed to deal with crimes which traditionally do not result in court action.”

Labour’s Shadow Policing Minister Louise Haigh said:

“Community resolutions are an important tool that provide alternatives to custody, involve the victim and provide positive steps for rehabilitation and resolution.

“They are, however, only appropriate in certain circumstances and although police recording can sometimes conflate certain crimes it is extremely alarming to see CRs used for child sexual exploitation offences and rape.

“I can't imagine a set of circumstances in which that would be remotely appropriate and I hope this mechanism isn't simply being used to boost clear-up rates in the middle of a criminal justice system that is in crisis.”

Co-leader of the Green Party, Sian Berry AM, said:

“Community resolution orders should be used as they were intended - as an alternative, community based way of dealing with minor crimes.

“All sentencing and crime resolution should be evidence based. It is therefore deeply concerning the police are not monitoring the success or failure of community resolution orders, particularly when used for more serious offences.

“I urge all police forces across the UK to start doing this as a matter of urgency.”

Former Conservative MP Nick De Bois said:

“In 2014 the government toughened up the guidelines on the use of cautions with the aim of tackling the misuse of Community Resolution Orders.

“Trials were conducted over three police forces but here we are, four years later and the misuse of these orders persists.

“Even the Home Affairs Select committee in 2015 identified up to 30% of the cautions, warnings and fixed penalty fines issued by the police are being used inappropriately to deal with serious offences and repeat offenders.

“I am not sure what it will take to make the changes necessary so that offenders are made to account for their hideous crimes.

"Every crime should have a consequence, and the use of community resolution orders which were designed for so called low level crimes should not be used for sexual assault, knife crime, trafficking, drug dealing and firearm offences.

“We will never get violent and serious crime under control if we let offenders off with a slap on the wrist and a promise not to offend again which is precisely what is happening.

“Victims who have to agree to the use of resolution orders are being asked at a time when they are most vulnerable and quite possibly in fear of reprisals should they not agree.

“It's time the government restricted the use of these community resolution orders so offenders face appropriate sentences for their often hideous crimes.

“Police Chiefs should take a look at what is going on in their own forces since police guidelines are clear on the use of CRs and they don’t allow for their use on this scale or for this serious level of crime."

** Note to editors: Mr De Bois, former MP for Enfield North, served on the Government’s Serious Violence Task Force until July 2018, has campaigned for tougher sentences for knife crime and has previously spoken publicly about misuse of Community Resolutions.

Case Studies

County Durham student Ben Matthews, 18, was attacked by an off-duty prison guard who was subsequently ordered to complete Durham Constabulary's Checkpoint scheme. When the offence was committed, the attacker could have received a Community Resolution if he complied with the requirements of Durham Constabulary's Checkpoint scheme for four months.

Since a legal change in April, the outcome of the case will be recorded as a deferred prosecution, which also does not involve the attacker going to court.

Ben was walking home from college at around 6.30pm when he was approached by a man who said he was an undercover prison officer and demanded to search his bag.

The teenager tried to walk away but was grabbed and dragged to a footpath where the man launched a savage assault, punching Ben repeatedly in the face before people living nearby heard the student's cries for help and intervened, with one man restraining the attacker until police arrived.

Officers from Durham Constabulary believe the Checkpoint scheme represents the most appropriate form of punishment in this case but Ben and his family believe tougher sanctions should have been imposed.

Mr Law's mother, Jo Law, said:

"My son had no chance to fight back, it all happened so quickly and he had never been in a confrontation with anybody, not even at school, he's not street wise.

“It has been really hard on us as a family and I don’t think Ben has been completely honest about how frightened he has been.

“We can’t let this ruin our lives but knowing that does not stop me worrying all of the time when he goes out if he’s going to get home safe.

“We thought his attacker would not get away with it because of the position of trust he is in and what he does for a living.

“But now we are petrified that he has gone onto this scheme and will walk away without a record.

“The police kept saying it’s better than him getting a caution but I think if there’s been any sort of violence, he should not be allowed to, it is disgusting.

“When we found out he was a prison officer, we thought there’d be no way he would be let off.

“We were prepared to make a statement and go to court but they railroaded us the whole time.

“As far as the police are concerned, they’re going down this route anyway, it is finished.

“I thought we were supposed to at least agree but we absolutely did not - we still haven’t given consent for this.

“I would have liked for him to go to court, at least, for Ben’s sake and to show that they’re taking it seriously and so that he has a criminal record.

“This was not some punch up in the street between two friends, it was completely unprovoked.

“People who commit violent offences should not be put onto this scheme, it is wrong and they do not realise the impact it’s having on victims.

“I don’t know if any change will come of this but if we can stop it from happening for someone else in Ben’s position, who feels like someone has got away with it, if we can relieve that, at least it’s something.

“Unless someone speaks out, it’s not going to change.

“If those people had not come out, I could have been going to my son’s funeral or sitting in the intensive care unit next to his bed.

“He wasn’t going to stop and I can’t stop that going through my mind.”

Michael Fisher is a pro-legalisation drugs campaigner and the founder of Teesside Cannabis Club, which operates an illicit speakeasy at a high street location in the North-East.

At the club, members meet regularly to socialise while consuming cannabis. He welcomes the use of CROs to resolve cannabis-related crimes and "low level" drug offences.

Mr Fisher said:

"While I'm surprised at the use of CRs for more serious crimes, I think they're the right route to take for people caught with cannabis.

"If they let 23,489 cannabis consumers avoid court, that's brilliant.

"It'd be good to see them used for other small scale drug use and they're good for under-25s who would otherwise carry around decisions made while young for the rest of their lives.

"Now, officers have to be seen to police this and to be doing something to satisfy taxpayers who want them to act.

"Community Resolutions are a good pacifier but it's a waste of taxpayers' money and a pain they have to police this at all rather than use common sense."

"It would be brilliant to see them used for small scale drug use in general, like if someone's caught with a small amount of crack or heroin.

"At the end of the day, there are functioning drug addicts out there with decent jobs and there are definite benefits to not putting them through court.

"They're also good for under-25s who could otherwise carry around decisions made while they were young for the rest of their lives, even a caution stays on your record.

“I welcome the use of Community Resolutions for cannabis consumption and the fact that so many have been issued shows that it’s seen as a low level crime but in the grand scheme of things, the police shouldn’t have to waste time and resources policing this area at all.”

** Notes to editors: Michael Fisher is from Middlesbrough and is happy to be interviewed further. He has worked with politicians and forces including Durham Constabulary to push for widespread drugs reform within the criminal justice system.

Ex-doorman Louis Cartlidge acted swiftly in rugby tackling a man who bottled two people in a town centre attack in 2016.

The 24-year-old from Sneyd Green, near Hanley, believes the assailant, who was dealt with via Community Resolution, should have received a tougher sentence.

Mr Cartlidge said:

“It was a normal night in town when I saw chaos kicking off at the top of the street - I saw a guy swing a bottle at two different people.

“He swung it and I saw it hit one man in the head, it didn’t break but you could hear the dink of it from the bottom of the street.

“The police came and tried to arrest him but he ran away and that’s where my tackle came in.

“I didn’t find out what happened to the guy after that.

“I can’t imagine anyone being bottled by someone not pressing charges and accepting a community resolution instead, I couldn’t do it, I’d want to know something was done to them.

“Hitting a bottle over someone’s head could have ended a lot worse and what does it take for them to decide to treat it more seriously - does the bottle have to cut someone’s face?

“It should be about the act of hitting a bottle over someone’s head, regardless of whether it breaks or not.

“It could have done some serious damage - all it takes is for a bottle to break in the wrong place.

“You can ignore some little fights and scraps but when you see someone get bottled, you know it’s serious.

“I’m surprised to find out there have been more than 66,000 community resolutions issued for assaults with injuries as it suggests to me that there are a lot of those that are incidents not being dealt with.

“I can see in some cases that they are the right way forward - if you’ve got two parties having a bit of an argy bargy and nobody’s really hurt, I get that but if you’ve got someone coming outside with a bottle and swinging it around, aiming for someone’s head, they’re trying to cause serious injury.

“He had the bottle in his hand when he was running at me, it was being used as weapon I think.

“You can see up to five fights a night sometimes on the doors, most of them won’t be dealt with or followed up by police, there will be no action taken and there’s not enough done.

“There are still police on the streets, but there’s not a big enough police presence.

“There are times where we’re not seeing police where they would have been seen just a few years ago.”

**Note to editors: In relation to this incident, a spokesman for Staffordshire Police said: “For the incident on Trinity Street, Stoke-on-Trent on Sunday 23 October 2016 no victim was ever actually identified. The reasons for this are not recorded, but are usually because either a member of the public has reported it as a witness as opposed to the victim or that officers proactively responded to an incident unfolding in front of them and the victim leaves the scene for any number of reasons. As no victim is identified the offence was reviewed and all three offenders were issued with a community resolution for the offence of using threatening or abusive words or behaviour or disorderly behaviour likely to cause harassment, alarm or distress.