Restorative Justice
Standard Operating Procedure

(Version 1.1 dated 25/07/2011)

BACKGROUND

Restorative Justice is designed to allow certain offenders to make amends for low-level offending and the harm they have caused, using individually tailored restorative solutions. Victims are placed at the centre of the process and stakeholders have a say in the outcome.

PROCEDURAL

The idea is that the offender is given a real understanding of the impact of their behaviour on the victim and takes some action to repair this impact in a meaningful way.

It is essential that the scheme should not be viewed as a means by which offenders or their families can buy themselves out of prosecution or to provide another rung on the ladder toward a seemingly inevitable Final Warning. Financial settlement should never be the sole aspect of a resolution.

Any resolution should be discussed with the victim, offender, and in the case of a juvenile, their parents to ensure that all parties are happy with the solution. It may be suitable for the offender's parents to supervise their child's reparatory action.

Completion of fast time RJ by initial officer –

The officer that initially attends an incident is responsible for identifying the most appropriate solution, taking into consideration a number of factors and dependent on the individual circumstances. These will include the type and seriousness of the offence, the attitudes and feelings of the victim and the offender, and the impact of what has happened on the community.

Restorative Justice should be considered as one of a number of options, and only used where it will produce the best outcome for all concerned.

The officer will also require approval of a supervisor.

Raising of the form, obtaining supervisor endorsement and submission -

On initially attending, if the officer decides that Restorative Justice would be the best way forward, they need to check that the situation fits the following criteria (refer to flowchart and detailed considerations of suitable offences):

OFFENCE	AGGRAVATING FACTORS	MITIGATING FACTORS
ANIMALS		
Causing unnecessary suffering by omitting to do any (1911 Act)	Not following instructions	Instructions not given
Offences contrary to the Wildlife and Countryside Act 1981)	• Protected species • Killed inhumanely	
Abandonment (Abandonment of Animals Act 1961)	Animals might have died if not rescued	
Dog Worrying Livestock		No apparent injury
Poaching Offences	• Organised team • Commercial purpose • Sophistication	
ASSAULTS		
Common Assault (Section 39 Criminal Justice Act 1988)	• Significant injury caused • Deliberate aggression without provocation • Vulnerable victim • Weapon used • Premeditation • Domestic violence • Group action	• Trivial nature of action • Impulsive action • Injury very minor
CRIMINAL DAMAGE		
Criminal damage Criminal Damage valued at £300 (Home Office) £500 (max)	• Damage deliberate • Potential of greater danger • Group offence • Damage £200+ approx.	Damage £100 or less
Threat to destroy property of another	• Intent to cause fear • Potential value of damage £200+ approx.	Potential value of damage £100 or less
Possession of Articles with Intent to Commit Criminal Damage	• Evidence of intent to commit serious criminal damage • Potential value of damage	Potential value of damage £100 or less

	£200+ (approx.)	
DRUNKENNESS		
Drunk and Disorderly	• Risk of escalation • Busy public place • Offensive language or behaviour • Threatening	• Only witnessed by a police officer • Little inconvenience to the public • Non-threatening
Drunk and incapable	Appears to have a serious alcohol problem	
Drinking in a Designated Area Section 12 Criminal Justice & Police Act 2001	• Blatant actions • Young person's present • Offensive behaviour • Risk of escalation	
EXPLOSIVES		
Throwing firework Section 80 Explosives Act 1875	• Thrown at or towards person or animal • Busy public place • Local problem	
FALSE MESSAGES		
False Alarms to Emergency Services (Fire & Rescue Services Act 2004)	Persistency	Obvious to recipient that a hoax
Other False Emergency Calls (S.127 Communications Act 2003)	Persistency	Obvious to recipient that a hoax
FOOTBALL GROUNDS		
Throwing a Missile in Ground (S. 2 Football (Offences) Act 1991)	Likelihood of injury Incitement factors	No, or minor injuries
Going into a playing area or adjacent area without lawful authority or excuse (S. 4 Football (Offences) Act 1991)	Risk of escalation	Non-threatening circumstances
FORGERY		
Making a False Document (S.1 Forgery & Counterfeiting Act 1981)	• Nature of document and potential consequences • Organised team	• Poverty/personal need • Coercion from others

	• Sophistication	
Using a False Document (S.3 Forgery & Counterfeiting Act 1981)	• Nature of document and potential consequences • Organised team • Sophistication	• Poverty/personal need • Coercion from others
Possessing a False Document with Intent (S.5 Forgery & Counterfeiting Act 1981)	• Nature of document and potential consequences • Organised team • Sophistication	• Poverty/personal need • Coercion from others
OBSTRUCTING		
Obstruct Police (S.51 Police Act 1964)	• Attempt to prevent arrest of another • Premeditation • Group action	
Wilful Obstruction of Highway	Close to traffic hazard e.g. School	• Brief period only • No considerable problems caused to other road users and/or pedestrians
PUBLIC ORDER		
Threatening, abusive or insulting words or behaviour intended to cause fear of violence or to provoke violence (Section 4)	• Use of weapons • Group action • People put in fear • Risk of escalation • Busy public place	No risk of escalation
Threatening, abusive or insulting words or behaviour likely to cause harassment, alarm or distress (Section 5)	• Risk of escalation • Group action	• Isolated incident • No risk of escalation
ROAD TRAFFIC		
Careless driving (Section 3 Road Traffic Act 1988) Inconsiderate Driving (Section	• Major error of judgement • Excessive speed • Driving with disregard for	• Minor error of judgement • Defect in road surface/signing, etc.

3 Road Traffic Act 1988)	road safety taking account of road, • whether and/or traffic conditions • Re-Test may be appropriate- Sec.36 Road Traffic Offenders Act 1988 • Disability -s.22 RTOA 1988 • Deliberate act of selfishness, impatience or aggressiveness causing inconvenience	• Momentary lapse • Adverse weather conditions • Both (or more) drivers mat have been at fault
a) Vehicle left in dangerous position b) Tampering with vehicle (S.25 Road Traffic Act 1988) c) Causing danger to other road users (S.22a Road Traffic Act 1988)	• Potential or actual danger intended • Danger of serious injury to other road users	
ROAD TRAFFIC INCIDENTS		
Driving other than in accordance with driving licence i.e. no 'L' plates	Blatant disregard of need	
No test certificate	Blatant disregard of need	Genuine oversight
Failure to notify change of ownership	Blatant disregard of need	Genuine oversight
SPORTING EVENTS		
Intoxicating liquor in possession on specified vehicle (Sections 1.3 & 1A.3)	• Group involvement • Large quantity	Small quantity
Drunk in a specified vehicle (Sections 1.4 & 1A.4)	• Group involvement • Risk of escalation • Threatening	Non-threatening
Intoxicating liquor/article in possession whilst entering or inside (viewing area) sports ground (Section 2.1)	• Group involvement • Risk of escalation	

Entering or being in a sports ground whilst drunk (Section 2.2)	• Group involvement • Risk of escalation • Threatening	Non-threatening
THEFT		
Theft - up to £100 in value - over £100 (approx.) Theft (shoplifting) Value £100 (Home office), £200 (max)	• Planned • Sophistication • Organised team • Value of £200+ (approx.) • Unrecovered property of considerable value • Adult involving children • Significant related damage	• Theft for reasons of poverty/personal need • Coercion from others in group in reluctant offender
Abstracting electricity	• Special equipment • High usage • Prolonged period	• Poverty/ personal need • Coercion by others
Obtaining property by Deception (Section 15 Theft Act 1968)	• Sophistication • Two or more involved • Committed over lengthy period • Unrecovered property of considerable value • Value £200+ (approx)	• Poverty/personal need • Coercion from others in group in reluctant offender • Value £100 or less
Obtaining services by Deception (Section 1 Theft Act 1978)	• Sophistication • Organised team • Unrecovered property of considerable value • Value £200+ (approx)	• Poverty/personal need • Coercion from others in group in reluctant offender • Value £100 or less
Evasion of Liability by Deception (Section 2 Theft Act 1978)	• Sophistication • Organised team • Unrecovered property of	• Poverty/personal need • Coercion from others in group in reluctant

	considerable value Value £200+ (approx)	offender • Value £100 or less
False Accounting	• Sophistication • Value £200+ (approx.)	Value £100 or less
Taking vehicle without consent	• Premeditated • Group action • Organised team • Commercial basis (stole to order) • Causes damage to vehicle or other property • Excessive speed to avoid apprehension • Evidence of drugs/alcohol	• Taking from family member • The taking is a technical offence • Employee using outside working hours
Tampering with Motor Vehicle (S.25 RTA 1988)	Potential or actual danger intended	
Interference with Vehicle (S.9 Criminal Attempts Act 1981)	Damage to Vehicle	
Making Off Without Payment (Section 3 Theft Act 1978)	• Deliberate plan • Two or more involved • Large amount involved	Small amount involved
Wasting Police Time	• **Detention of innocent person** • **Substantial time wasted**	• **Early retraction and remorse** • **Innocent prank**

Eligible offender – Anyone except: PPO, PYO, previous RJ, conviction, caution, conditional caution, reprimand, final warning, and youth conditional caution.

Vulnerable victim – Due to age, mental health or where they have been targeted

Views of the victim – Is the victim happy that the matter is dealt with by CR?

Offender admits offence and shows remorse – Mandatory and must agree to complete the CR.

If it is deemed appropriate to use Restorative Justice, the officer attending completes the Restorative Justice form (not including grey fields if it has already been recorded as a crime), including signatures from the victim, offender and their appropriate adults if appropriate. It must be signed by the authorising supervisor.

Signed RJ forms on completion will be submitted to the CIMU. A crime report will be raised by the CIMU where NCRS requires one and full details of the restorative justice and authorising officer recorded on the crimefile.

To support proper incident management, assist with the supervision and with future reviews of the scheme, details of the decision to use RJ including the officer's rationale will be copied to the crimefile.

Minimum information for RJ Detections

Header page

Division - Station - when occurred - officer noting - owner - offence- location

Person page

Agg - witness - offender

MO page

Brief description of what has happened

Notes page

Brief Description of what has happened or (see MO) - Effect of crime on agg. - Agreed resolution - Rationale - details of supervisory officer authorising RJ - text "Copy of RJ form received in CIMU and filed under this crime number"

Property Page

Description of property stolen or damaged and cost

Admin Page

Any markers if applicable

N.B The following section covers actions for delayed resolution/reparation. **During the first phase of training the use of delayed reparation will not be covered**. The training programme is being delivered between 28/02/11 and 18/04/11 and clearly there will be staff involved in delayed reparation that will be unsighted on their responsibility until they have attended the training course.

This section of the procedure will be reviewed and will come into effect during phase two of the Professional Judgement implementation plan.

Hand Over procedure to NPT for overseeing delayed or protracted resolution -

Whilst many cases are suitable for immediate resolution by the officer dealing, others may require delayed or protracted restorative action.

The officer attending will arrange the most suitable action to be taken to realise the Restorative Justice and set the parameters for that to take place.

If the restorative action to be taken by the offender is going to begin at a later date or cannot be completed the same day, then this can be passed to NPT to monitor the progress of, or in some cases supervise the agreed action as part of the resolution.

In cases where this is appropriate, a copy of the form should be passed to the relevant NPT Sergeant or Sector Inspector who will check that the transfer to NPT was appropriate. If not, then learning will be drawn from it involving the originating officer and their supervisor. It will not be passed back to the originating officer if to do so would be in any way detrimental to quality of service. The crime will then be

allocated to a PC/PCSO to oversee it as appropriate and update the crime notes on completion.

Who is eligible for Restorative Justice?

There is no age limit or limitations on whether the crime would have been detected or not. The persons shall be of previous good character though.

In short, anybody may be considered for a community resolution except:

1) PPOs & PYOs
2) Anyone subject to an ASBO.
3) Anyone with previous Restorative Justice, conviction, caution, conditional caution, reprimand or final warning or youth condition caution for a similar offence within the last 24 months.

   Officers must ensure that they check Crimefile, to identify whether a person has been subject to a previous CR. This will prevent offenders receiving numerous CRs and maintain the integrity of the process.

4) Police Officer or Police Staff.

Exceptions

These tight constraints are intended to minimise confusion and improve officers' confidence in using RJ, whilst reducing the risk of inappropriate use. It is recognised that in exceptional cases, an offence may be suitable for RJ, even though it exceeds these limits. Because the judgement required is highly subjective, use of RJ for offences or offenders which fall outside the guidance will require the approval of a Gatekeeper, Custody sergeant or Inspector.

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