

Community Remedy Document

Background

In March 2014 the Anti-Social Behaviour, Crime and Policing Act received Royal Assent.

The Act places responsibilities upon the Police and Crime Commissioner to develop a 'Community Remedy' document for their local area and places a statutory duty on Police and Crime Commissioners to consult with members of the public and community representatives on what punitive, restorative or rehabilitative actions they would consider appropriate for out-of-court punishment of offenders for low-level crime and anti-social behaviour.

Guided by the views of members of the public and community representatives, the Community Remedy document provides a guidance list of actions which may be chosen by the victim for the perpetrator to undertake as a consequence of their behaviour or offending.

When dealing with anti-social behaviour or low level offences through a Community Resolution, a Police Officer may also use the Community Remedy Document as a means to engage the victim in having a say in the punishment of the offender.

The Community Remedy document should also be considered when an offender is given a conditional caution or youth conditional caution. If the offender fails to comply with a conditional caution or youth conditional caution they can face court action for the offence.

Definitions

Community Remedy: The Community Remedy is a new way of dealing with offenders who commit low level crime and anti-social behaviour. While similar to a Community Resolution, it is a formal document giving victims of this type of crime a menu of options from which they can pick an activity for an offender to undertake. These actions are detailed in this document.

Community Resolutions: Community Resolution is an alternative way of dealing with less serious crimes, allowing officers to use their professional judgement and victims to have their say, when dealing with offenders. It can be used for offences such as low level public order, criminal damage, theft, and minor assaults. The Community Remedy is a form of this.

Conditional Caution: Conditional Cautioning enables offenders to be given a suitable punishment without the involvement of the usual court processes. It can be used when it is considered more appropriate for the offender to complete certain actions as a punishment. Unlike with a community resolution, the offender can be the subject of court proceedings if they fail to undertake these activities.

Youth Conditional Caution: This is similar to the Conditional Caution in that it requires the offender to complete a set of actions to address their offending. It is also backed by the prospect of court proceedings if the offender fails to comply. The difference is the involvement of the local Youth Offending Team in deciding what actions must be undertaken.

Community Remedy

The Community Remedy can be applied or used by:

- A Police Officer
- An investigating officer (including Police Community Support Officers for certain offences, if designated the power to do so by the Chief Constable)
- A person authorised by a relevant prosecutor for conditional cautions (section 22 of the Criminal Justice Act 2003) or youth conditional cautions (section 66A of the Crime and Disorder Act 1998).

It is considered appropriate to use the Community Remedy when:

- The officer has evidence that the person has engaged in anti-social behaviour or committed an offence **and**
- The person has admitted the behaviour or offence **and**
- The officer considers that the evidence is enough for court proceedings including a civil injunction, or impose a caution, but considers that a community resolution would be more appropriate **and**
- The victim has indicated a desire to deal with the incident via a Community Remedy.

For the purpose of this document anti-social behaviour is defined as:

- Conducted that has caused, or is likely to cause, harassment, alarm or distress to any person
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or
- Conduct capable of causing housing-related nuisance or annoyance to any person.

Community Remedy Options

The actions listed within this document have been agreed by the Police and Crime Commissioner and the Chief Constable. These actions must be appropriate and proportionate to the types of offences for which community resolutions are used, and seek to have an impact on the offender. They must also benefit the victim as the focal point for this method of resolution.

Each action contained within the Community Remedy must have:

- **A Punitive Element:** Reflecting the effects on the victim and the wider community **or**
- **A Restorative Element:** Achieving appropriate reparation to the victim **or**
- **A Rehabilitative Element:** Helping to address the causes of the perpetrator's behaviour **or**
- A combination of these.

Any initiation of a Community Remedy must be agreed by the victim, offender and investigating officer. It is however the victim who will be able to specify what action they would like the offender to undertake, providing this is subsequently agreed by all parties

The victim will have reference to the following list of options which will form the basis of the remedies the offender can undertake:

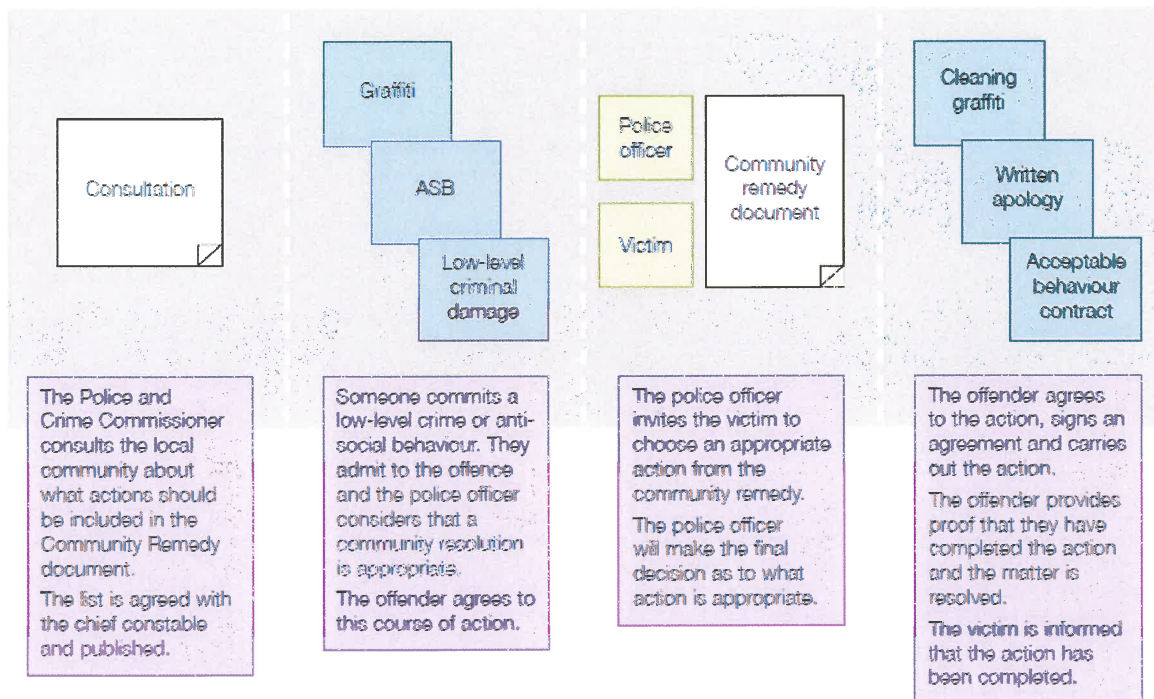
- A personal or written apology
- Participation in structured activities to address a dependency - such as alcohol or drugs
- Participation in a structured community service, for example litter picking
- Reparation to the victim or community affected; this would be directly related to the harm caused and could either be via paying compensation or carrying out an activity that will benefit the individual or community, such as removing graffiti the offender may be responsible for
- Any similar activity which conforms to the criteria of punitive, restorative or rehabilitative.

These options have been decided upon via public consultation and in conjunction with partner's recommendations. The public consultation ran between 25th July 2014 and 26th August 2014, taking the form of a survey on the PCCs website. Further consultation will be undertaken to ensure they represent the needs of hard to hear minorities within Lincolnshire. They will be continually assessed to ensure they remain viable and represent what victims of low level anti-social behaviour and crime consider a meaningful resolution.

Community Remedy Process

The flow chart below provides a simple representation of how the process of Community Remedy will work.

Community Remedy



In Lincolnshire it has been agreed by the Police and Crime Commissioner (PCC) and the Chief Constable that Community Remedy sits within the existing Restorative Justice (RJ) framework. Its place will be at the first stage of the process before the already implemented practices.

While the PCC has had the responsibility of producing the Remedy Document, the delivery of the service will ultimately fall on the police and restorative justice provider. To that end, a system has been put in place by the Force to allow for the administration and recording of incidents of the Remedy being used. This has included the use of volunteers who have been appropriately trained in facilitating RJ and will work within the RJ Project

All incidents of the Remedy being used will be logged on a database and tracked through to completion. This will enable the RJ coordinator to monitor outcomes for the victim and ensure that an offender is not repeatedly allowed to take the Remedy option. It will also allow for learning and improvement opportunities to be identified.

It is important that victims are kept at the heart of the process; this document ensures that this will be the case and demonstrates the commitment of both the Force and the PCC.

Signatures

A handwritten signature in black ink, appearing to read 'Neil Rhodes', written over a dotted horizontal line.

Neil Rhodes – The Chief Constable of Lincolnshire Police

A handwritten signature in black ink, appearing to read 'Alan Hardwick', written over a dotted horizontal line.

Alan Hardwick – The Police and Crime Commissioner for Lincolnshire

Date – 20th October 2014