

The Community Remedy Document (Humberside OPCC)



Community Remedy Document

This document is currently under review and will be republished by March
2023

Background

The Anti-Social Behaviour, Crime and Policing Act 2014 requires each local policing body (Police and Crime Commissioner) to prepare a Community Remedy document for its area.

A Community Remedy document is a list of actions any of which might, in the opinion of the local policing body (PCC), be appropriate in a particular case to be carried out by a person who -

- Has engaged in anti-social behaviour or has committed an offence and
- Is to be dealt with for that behaviour or offence without court proceedings.

An action is appropriate only if it has one or more of the following objectives -

- Assisting in the person's rehabilitation.
- Ensuring that the person makes reparation for the behaviour or offence in question.
- Punishing the person.

Examination of the legislation shows the Community Remedy to be a restorative process.

The Police and Crime Commissioner supports the use of Restorative Justice and the PCC and Force have invested considerably in Restorative Justice.

A Community Remedy will only be used in circumstances where anti-social behaviour has taken place, or an offence has been committed and -

- There is evidence that an individual has engaged in anti-social behaviour or committed an offence,
- The individual admits that they have done so,
- There is enough evidence to take proceedings against an individual for an injunction under section 1 of the Act, or for taking other court proceedings, but it is decided that it would be appropriate for an individual to carry out action of some sort instead and
- If the evidence is that an individual has committed an offence, it would not be more appropriate for them to be given a caution or a fixed penalty notice.

For the purpose of this document anti-social behaviour means -

- Conduct 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.

The Community Remedy will be delivered using trained staff. Where Restorative Justice is used, staff should be trained in either level 1 or level 2 restorative justice conferencing. The Act defines these persons as -

- A constable
- An investigating officer
- A person authorised by a relevant prosecutor for the purposes of section 22 of the Criminal Justice Act 2003 (conditional cautions) or section 66A of the Crime and Disorder Act 1998 (youth conditional cautions).

Those persons responsible for delivering Community Remedies will, during the process, have reference to the following list of options which will form the basis of the remedy -

- A written or verbal apology.
- Participation in structured diversionary activities in conjunction with Humberside Police, funded by the PCC which educate and rehabilitate.
- Reparation to the victim or community affected; this could be directly related to the harm and/or damage suffered by the victim, an offer of financial restitution to the victim or an act that will benefit the local community.
- The offender signs an agreement such as an Acceptable Behaviour Contract (ABC) where they agree not to behave anti-socially in the future or face more formal consequences.
- The offender agrees to participate in a Victim Awareness Course facilitated by Victim Support with support, where necessary, from Humberside Police and Remedi Restorative Services.
- Mediation where both parties meet with an external officer to resolve the issue or attend a neighbourhood justice panel.

Humberside Police working together with partners as part of the Restorative Justice Forum already has established procedures in place for the use of Community Justice and it is not intended that the Community Remedy replace or has an adverse effect on these procedures. Rather it is intended that the Community Remedy is applied as an out-of-court disposal and is an alternative to the more formal Criminal Justice Process.

It is clear that in the majority of cases, the police will be responsible for the delivery of Community Remedies. Therefore, the PCC will ask the police to put in place procedures and guidance for the delivery of Community Remedies by Neighbourhood Policing Team Officers. These procedures and guidance will be made available for any other appropriately trained and authorised persons who may have cause to deliver Community Remedies and it is expected that they will act in a manner that is compatible with those procedures.

It is important that we continue to put the victim at the heart of the process and this document ensures that this will be the case.

Appendix 1: APCC Briefing

APCC, Lower Ground, 5-8 The Sanctuary, Westminster, London SW1P 3JS T 020 7222 4296 E enquiries@apccs.police.uk
@AssocPCCs www.apccs.police.uk The APCC provides support to all Police and Crime Commissioners and policing governance bodies in England and Wales

Community Remedy

Where did Community Remedy come from?

Community Remedy derived from a public consultation in 2012-2013 run by the Home Office. After receiving support from a majority of respondents, the idea of Community Remedy became a key element of the Anti-social Behaviour, Crime and Policing Act 2014.

What is the Community Remedy?

The act is victims focused, aiming to give victims of low-level crime and ASB a greater say in how offenders should be dealt with. It was also hoped the act would increase the public's confidence in out of court disposals.

Taking a restorative Justice pathway, the Community Resolution offers a list of appropriate sanctions that can be used by the police and authorised investigating officers, sometimes in conjunction with other more formal out-of-court disposals.

The suitability of the options will depend on the nature of the offence, the age of the offender and the circumstances of the situation. Community Remedy is most often used with first time, low-level offenders.

Options can include, but are not limited to:

- Mediation (for example, to solve a neighbour dispute).
- The offender signing an Acceptable Behaviour Contract - where they agree not to behave anti-socially in the future or face more formal consequences.
- Participation in structured activities funded by the Police and Crime Commissioner as part of their efforts to reduce crime.
- Reparation to the community (for example, by doing local unpaid work for up to 10 hours).

Who is eligible for Community Remedy?

To be suitable for Community Remedy:

- The police must have evidence that the offender has engaged in anti-social behaviour or committed an offence
- The offender must admit to the behaviour or offence and agree to participate in a Community Remedy
- The officer must think the evidence is enough for court proceedings or to impose a caution but considers a community resolution would be more appropriate.

Role of PCCs

The Community Remedy Consultation Response (April 2013) declared that one of the three key elements of the community Remedy would be:

(1). Police and Crime Commissioners will be required to consult the public on a range of sanctions that can be used to deal with low-level crime and anti-social behaviour outside of the court system in their police force area, with the Police and Crime Commissioner and Chief Constable ensuring the final menu is proportionate

Under the Anti-social Behaviour, Crime and Policing ACT 2014, a mandatory requirement was placed upon Police Forces to discuss out of court disposals with victims of crime.

The community remedy document states:

(1) Each local policing body must prepare a community remedy document for its area and may revise it at any time.

(2) A community remedy document is a list of actions any of which might, in the opinion of the local policing body, be appropriate in a particular case to be carried out by a person who—

(a) has engaged in anti-social behaviour or has committed an offence, and

(b) is to be dealt with for that behaviour or offence without court proceedings.

(3) For the purposes of subsection (2), an action is appropriate to be carried out by a person only if it has one or more of the following objects—

(a) assisting in the person's rehabilitation.

(b) ensuring that the person makes reparation for the behaviour or offence in question.

(c) punishing the person.

(4) In preparing or revising the community remedy document for its area a local policing body must—

(a) have regard to the need to promote public confidence in the out-of-court disposal process;

(b) have regard to any guidance issued by the Secretary of State about how local policing bodies are to discharge their functions under this section;

(c) carry out the necessary consultation and take account of all views expressed by those consulted.

(5) In subsection (4)(c) "the necessary consultation" means—

(a) consultation with the chief officer of police for the area,

(b) consultation with the local authority for any part of the area,

(c) consultation with whatever community representatives the local policing body thinks it appropriate to consult, and

(d) whatever other public consultation the local policing body thinks appropriate.

(6) A local policing body must agree the community remedy document for its area, and any revised document, with the chief officer of police for the area.

(7) Once the community remedy document, or a revised document, has been agreed with the chief officer of police, the local policing body must publish it in whatever way it thinks appropriate.

Anti-social Behaviour, Crime and Policing Act 2014 (legislation.gov.uk)