

NORTHUMBRIA POLICE AND CRIME COMMISSIONER

Key Decisions

Title and Reference Community Remedy – PCC.99.2014

Summary

The Community Remedy, as a provision of the Anti-Social Behaviour, Crime and Policing Act (2014) is designed to introduce simpler and more effective powers for tackling low level crime and anti-social behaviour.

The Community Remedy provides a menu of options from which a victim can choose how an offender will make reparations and will administered by a police officer.

The menu of options for Northumbria's Community Remedy was developed following consultation with the public to ensure the Community Remedy is shaped by the people who live and work in the Northumbria Force area but is workable, reasonable and proportionate.

Recommendation/ Findings:

It is recommended that based upon the finding from the survey the Commissioner agrees to the publication of a community remedy list effective from 20th October 2014 as follows:

Unpaid work within the community
Payment for damage or stolen property
Educational or rehabilitation activities
Mediation
Written or face to face apology
Acceptable Behaviour contract

Northumbria Police and Crime Commissioner

I hereby approve the recommendation above.

Signature



Date 16.10.2014

Information and Advice provided to the Police and Crime Commissioner for Northumbria

1. Introduction and background

The Community Remedy gives victims a say in the out-of-court punishment of perpetrators for low-level crime and anti-social behaviour. This has been introduced as part of the Anti-Social Behaviour, Crime and Policing Act 2014 and gives victims and communities a say in the way anti-social behaviour and low level crime is dealt with.

However, the victim's involvement is voluntary and the victim must not be made to feel they should take part in a process they are not comfortable with, that they think may put them at risk, or that they do not believe will be of benefit to them.

Community remedy is primarily aimed at first time offenders where genuine remorse has been expressed, and where an out-of-court disposal is more appropriate than taking more formal action. This approach can help to reduce re offending by encouraging offenders to face up to the impact of their behaviour and to take responsibility for making good the harm caused.

To inform the Community Remedy list Police and Crime Commissioners are required to consult with members of the public on what punitive, reparative or rehabilitative actions they would consider appropriate. An overview of the findings is at **Annex A**. Police Officers will work with this menu of sanctions when using two types of out-of-court disposal – informal community resolutions and conditional cautions.

The victim must be consulted on the sanctions to be offered to the offenders and given the option to choose an appropriate sanction from the menu. The Police Officer in question will have ultimate responsibility for ensuring that the sanction offered to the offender is proportionate to the offence.

2. Issues for consideration

The Community Remedy provides a locally developed framework that will enhance existing Community Resolutions or Conditional Caution routes – often referred to as 'out-of-court disposals' – and reduce the burden and expense placed on the criminal justice system. Research shows that community remedy is a good way of breaking negative pattern of behaviour and also assisting the victim's recovery. It is recognised that extenuating circumstances are not defined and relies on the professional judgement of the officer and authorising supervisor who ultimately decide if the Community Remedy is to be used.

It is important to note that Community resolution may not be suitable if no clear and reliable admission is made or a statutory defence is raised during the investigation. However, the sanction offered should be proportionate to the offence caused

3. Financial considerations

Out of court disposals allow the police to deal quickly with less serious, often first time offending which can be resolved without a prosecution at court reducing costs.

4. Legal considerations

Community Remedy has been introduced as part of the Anti-Social Behaviour, Crime and Policing Act 2014

5. Equality considerations

The number of respondents from protected characteristics such as ethnicity, sexuality and religion were too low to form any judgement, however, responses from those that participated correlated with the majority of the respondents.

6. Background and supporting papers

Anti-social Behaviour, Crime and Policing Act 2014; Reform of anti-social behaviour powers (statutory guidance for frontline professional) July 2014.

Feedback from consultation

204 participants were consulted regarding the Community Remedy scheme and responses on the six options were ranked as follows:

- Unpaid work within the community (93%)
- Payment for damage or stolen property (92%)
- Educational or rehabilitative activities (85%)
- Mediation (81%)
- Written or face to face apology (77%)
- Acceptable Behaviour contract (74%)

Option 1 Mediation

Most did not give a comment when asked for reasons why they agree/disagree with mediation as an option. Some did suggest that “it depended on the events” and “in some cases this may work.” Two said it would depend on the people involved; 1 of whom spoke from previous experience and suggested it was intimidating.

Option 2 Written or face to face apology

There were more residents/victims who agreed that a face to face apology was more appropriate than a written apology as it may be more effective in reducing recidivism, although some suggested face to face may be a frightening or intimidating experience for the victim. Those who did not agree with option 2 entirely suggested offenders would not be sincere in their apology, and that it would depend on the type of crime they had committed.

Option 3 Acceptable Behaviour Contract

Some said ‘Acceptable Behaviour Contracts’ would not be effective and the offender(s) would not stick to the agreement, although a minority said it may work for some. Others suggested offenders would say/do anything to evade an alternative punishment. A few said they were unsure of whether this would work.

Option 4 Payment for damaged or stolen property

Although residents/victims preferred option 4, some suggested offenders may not be able to afford to pay the victim and that it may encourage more crime if they are struggling to pay. Generally, respondents thought this was a good idea in theory, but did have the aforementioned limitations.

Option 5 Educational or rehabilitative activities

Opinions regarding educational or rehabilitation activities were polarised. Some advocated it as a great idea, but others were sceptical and said it would depend on the activity and whether the offender was genuinely interested in being rehabilitated. Rehabilitation and education combined was emphasised by one participant.

Option 6 Unpaid work in the community

Some respondents suggested longer periods of work would be beneficial, and that it would depend on the individual as to whether this form of punishment would work. A couple of negative comments emphasised how this would not help the victim in any way with the other commented that this could be deemed as “slave labour.”