

## Community Remedy Document

### Context

The Anti-Social, Crime and Policing Act 2014 introduced a statutory responsibility on policing bodies to develop a Community Remedy document for their area. The Community Remedy gives a victim of a low-level crime and/or anti-social behaviour the chance to have a say in the punishment of an offender when considering an out of court disposal. The document contains a menu of actions, from which the victim can indicate what activity they would like an offender to complete.

The Act places a statutory requirement on the Police and Crime Commissioner and Police to consult with the community on what punitive, rehabilitative and reparative actions they believe should be included within the Community Remedy document. The actions considered must either assist in the rehabilitation of the offender, or make reparation and/or is an appropriate punishment. The Act specifies that the actions must be proportionate and commensurate to the type of offence and offer a positive outcome for both the victim and offender.

The purpose of Community Remedy is to place victims and witnesses at the heart of the criminal justice system and is used as part of the existing process for delivering a Community Resolution. The list of actions is not restrictive if circumstances dictate that an alternative solution could be more appropriate.

The definition of anti-social behaviour for the purposes of this document and in line with legislation means:

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

Included within the provisions of Community Remedy is the option to use this process alongside a Conditional Caution or Youth Caution, in order to provide a means where victims can be consulted about possible conditions to be attached.

## Application

The Community Remedy will be delivered through the Community Resolution process. A Community Resolution is a recognised term dealing with an offence or incident, where an informal agreement between the offender and victim can be reached, rather than using the traditional criminal sanctions.

Generally, Community Resolutions are used when dealing with low-level criminal activity such as low value theft, minor assaults (without injury) and anti-social behaviour. Resolutions are intended to provide police, partner agencies, victims and offenders with a timely, effective and transparent method of dealing with low-level criminal activity and anti-social behaviour incidents as an alternative to formal criminal justice processes.

The list of actions that form the basis of Community Remedy was produced following a consultation process with the general public, who were given the opportunity to comment upon and select the actions that they wished to be available under Community Remedy. The list of actions that resulted are:

- Financial Compensation (payment of cost of damage or replacement of property)
- Reparation (repair of damage to victim's property or work in the community)
- Parenting contract (voluntary agreement signed by the offender's parent/carer/guardian outlining expected behaviour)
- Acceptable behaviour contract (written agreement specifying behaviour)
- Written apology to the victim
- Verbal apology to the victim
- Restorative intervention (facilitated process between victim and offender to discuss the harm caused)

The use of Community Resolution is entirely voluntary on the part of the offender. Whenever an officer is considering the use of a Community Resolution all reasonable efforts must be made to obtain the views of the victim as to whether the offender should carry out any of the actions listed. Officers must also ensure that the victim is made fully aware of the purpose of Community Resolution, including the voluntary aspect in respect of offenders and that the victim's expectations of what can be achieved by Community Resolution is realistic.

Community Remedy is only considered to be an appropriate option in circumstances where anti-social behaviour has occurred or a suitable low-level offence has been committed and:

- The victim has been consulted and consent sought. In some limited circumstances where victim consent has not been obtained a Community Resolution may still be considered appropriate. Authority is required from a Sergeant under such circumstances for the Community Resolution process to continue.
- There is sufficient evidence that an individual has committed an offence or engaged in anti-social behaviour.
- The offender admits to the offence or the anti-social behaviour and displays remorse.
- The offender is capable of understanding the situation and Community Remedy process.
- There is sufficient evidence to take proceedings against the individual for an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, or for taking other formal court proceedings, but a Community Resolution is considered an appropriate alternative.
- Offender has no previous offending history (if an officer believes that Community Resolution is appropriate for an offender with prior offending history a Sergeant's authorisation is required in order to proceed).
- The incident is a 'less serious offence.' No national definition exists for 'less serious' and it should be determined on a case by case basis.

#### Local Delivery

Kent Police adopt a restorative approach to the delivery of Community Resolutions; this approach is utilised wherever possible in order to achieve the best possible outcome for the victim. The Community Remedy has been incorporated into the existing Kent Police Community Resolution process.

Community Resolutions incorporating the use of Community Remedy support the professional judgement of police officers to assess an offence, the wishes of the victim, and the offender's history in order to reach an outcome which best meets the interests of the victim and the public.

Community Resolutions will not be used for:

- Sexual offences

- Domestic abuse (as per ACPO definition)
- Offenders subject to an existing court order, on bail or wanted on warrant
- Diverting suitable cases from court

Community Resolutions are entirely voluntary and Kent Police are not able to enforce non-compliance. The officer must ensure the victim understands the purpose of Community Resolutions and they know they can choose not to be involved.

When a Community Resolution is used, the officer must make reasonable efforts to obtain the views of the victim as to whether the offender should carry out any of the Community Remedy actions. If the officer considers that the action chosen is appropriate, the offender will be asked to carry out that action. The officer ultimately has responsibility for ensuring the action offered to the offender is appropriate and proportionate and must consider the safety of those involved.

When using a Community Remedy the officer should consider the most appropriate way to involve the victim. Every effort should be made to allow the resolution to be delivered in a face-to-face restorative manner. However, it is not necessary for the victim to meet the offender in order to choose the Community Remedy action.

If an offender fails to complete their agreed actions it is not possible to then offer an alternative sanction such as a youth caution or caution – victims must be made aware of this before agreeing to the resolution.