

# POLICE AND CRIME COMMISSIONER FOR LANCASHIRE



## COMMUNITY REMEDY - REPORT AND PROPOSALS

### 1. Background:

The Community Remedy, introduced by the Anti-Social Behaviour, Crime and Policing Act 2014, is being put together to make sure that victims of certain types of crimes or anti-social behaviour have a say in the way offenders are dealt with out of court.

The Community Remedy is a list of appropriate actions that can be used by the police in response to less serious crime and anti-social behaviour, sometimes in conjunction with other more formal out-of-court disposals, such as conditional cautions. The use of a Community Remedy will be dependent on the offender admitting to the offence or incident. The victim will be consulted but the attending officer is required to ensure that any Remedy agreed is appropriate and proportionate to the offender and the offence.

### 2. Constabulary Context:

Lancashire Constabulary already have a range of Out-Of-Court Disposals (OOCs) which allow them to deal quickly and proportionately with less serious, often first-time offending, which could more appropriately be resolved without a prosecution at court.

The following disposals are available to the police and Crown Prosecution Service:

- Restorative Justice – Instant or Street Level RJ – adults (18+) and youths
  - Restorative Justice – Formal – adults (18+) and youths
  - Police Resolution - – adults (18+) and youths
  - Triage – youth (10-17)
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- Youth Cautions – youths (10-17)
  - Simple Cautions – adults (18+)
  - Conditional Cautions – adults (18+) and youths (10-17)
  - Penalty Notices for Disorder – adults (18+)
  - Cannabis Warnings –adults (18+)

In all of the above OOCs, with the exception of a Cannabis Warning (usually used when the offence is the possession of Cannabis consistent with personal use) the officer is required to consult with the victim and their views taken into account, but they cannot insist the matter is disposed of in a particular way.

Community Resolutions:

From October 2013 the Constabulary introduced Community Resolutions (CRs) with the top four OOCs disposals falling into this category.

A CR is a way of dealing with an offender which is proportionate to lower level crime. They can be offered when the offender admits an offence and, in most cases, where the victim has agreed that they do not want more formal action taken.

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## Anti-Social Behaviour and Out-Of-Court Disposals:

At present the range of OOCs used by the Constabulary, including the Community Resolutions can only be used where a criminal offence has been committed and cannot be applied to incidents or Anti-Social Behaviour.

## Recording use of Out-Of-Court Disposals:

Depending on the OOC being applied recording will be carried out on one of a number of different Constabulary systems. The use of OOCs is recorded in line with the National Crime Recording Standard (NCRS), Home Office Counting Rules (HOCR) and ACPO guidance.

In April 2013 Home Office Counting Rules changed which allowed Community Resolution (CR) to be recorded as a positive crime outcome. Constabulary IT systems were updated in October 2013 to allow the CR disposal to be recorded incorporating PR, RJ and Youth Triage.

### **3. Community Remedy – Constabulary Context:**

The Office of the Police and Crime Commissioner and the Constabulary have considered where the Community Remedy would fit into the OOC context outlined above and how the Remedy can be best delivered by Officers.

The criteria for the Remedy and its involvement of victims sits well with the Constabulary's use of OOCs and Community Resolutions and should not create excessive additional work for Officers. Whilst the Community Remedy will work alongside Community Resolutions, there is a need to ensure that residents are aware when the Community Remedy is being used and understand that it forms part of the Commissioner's approach to supporting victims.

The key issue to be considered by the Constabulary is the application of the Community Remedy to incidents and occurrences of Anti-Social Behaviour. This has required the Constabulary to review how incidents and occurrences of ASB are recorded and disposals registered. As well as supporting the application of the Community Remedy this review will enhance the Constabulary's ability to report on incidents and occurrences of ASB, providing a more complete picture of issues being faced by victims in Lancashire.

### **4. Community Remedy – Draft Proposals:**

Following discussions with the Constabulary the Commissioner produced draft proposals for the Community Remedy as follows:

1. Apologising to the victim, face to face or through a letter of explanation or apology;
2. Meeting the victim face to face through a Restorative Justice process to enable the victim to tell the offender about the impact that the crime has had on them;

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3. The offender signing an Acceptable Behaviour Contract where they agree not to behave anti-socially in future, and understand that if they do they will face more formal consequences;
4. The offender participating in structured activities funded by the Commissioner as part of his efforts to prevent crime and rehabilitate offenders. For example, drug or alcohol treatment programmes;
5. Paying compensation to the victim where appropriate, e.g. for any damage caused;
6. Reparation to the victim e.g. repairing or cleaning up any damage and mess caused;
7. Reparation to the community e.g. by doing local unpaid work.

## 5. Community Remedy - Consultation:

The Commissioner has undertaken consultation in relation to draft proposals for the Community Remedy via the Commissioner's Website, at the Constabulary Open Days and directly with each of the Local Authorities in the Lancashire area.

The Consultation required local residents to indicate if they supported the draft proposals or not.

Results from all of the consultations undertaken are as follows:

DRAFT PROPOSAL	% For	% Against
Apologise to Victim	86.3%	13.7%
Meet the Victim through Restorative Justice	83.5%	16.5%
Use of Acceptable Behaviour Contract	84.9%	15.1%
Participate in Structure Activity / Programme	92.0%	8.0%
Pay compensation to the Victim	92.9%	7.1%
Undertake Reparation directly for the Victim	92.8%	7.2%
Undertake Reparation in the local community	93.8%	6.2%

Whilst the overall response has been positive the higher percentage of negative responses to the first three draft proposals has been noted. From the comments received during the Open Day consultation the main concerns appear to be:

- Concern that victims may not wish to meet or see the offender again
- Lack of a clear understanding of the benefits of Restorative Justice
- Perception that Acceptable behaviour Contracts have very little true value



## **6. Community Remedy – Remedy Proposals:**

Following the discussions with the Constabulary and the outcomes of the Consultation it is proposed that the Community Remedies for Lancashire are as follows:

### **6.1 Apologise to the victim, where this is acceptable to the victim**

- i) Face to face at a location acceptable to the victim and offender
- ii) Through a letter of explanation or apology;

### **6.2 Meeting the victim face to face through a Restorative Justice process**

- i) Ensuring that the Restorative Justice process has been clearly explained to the victim;
- ii) Creating an opportunity to enable the victim to tell the offender about the impact that the crime has had on them;

### **6.3 The Offender participates in structured activities or courses**

- i) To address offending behaviour;
- ii) To address potential causes of offending behaviour such as substance or alcohol misuse;
- iii) To reduce the likelihood of re-offending;
- iv) For young people, may also include an option for parental involvement in applicable activities or courses;

### **6.4 Pay compensation to the victim where appropriate**

- i) Usually linked to the cost of damage caused;
- ii) Must ensure that it is realistic for the offender to be able to pay;

### **6.5 Reparation directly to the victim**

- i) Usually linked to repairing or making good damaged caused;
- ii) Could include undertaking other activity that will directly benefit the victim;

### **6.6 Reparation to the local community**

- i) Undertake supervised unpaid work in the local community
- ii) Work or activity may be proposed or suggested by victim

It is proposed that where a Community Remedy is applied as part of the Constabulary using a Community Resolution (i.e. in relation to a crime) compliance with the Community Remedy becomes part of the agreed Community Resolution.

Where a Community Remedy relates to an incident or Anti-Social Behaviour ensuring compliance may be more challenging to achieve as it will not be possible to attach specific sanctions to non-compliance with a CR.

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## 7. Community Remedy – Delivery Proposals:

To enable a number of the Community Remedies to be delivered the Commissioner will ensure that there are agreements with a number of other partners and agencies.

These will primarily support the delivery of:

- Structured activities or courses
- Reparation to the victim
- Reparation in the community

Current Constabulary Provision:

Where possible the Commissioner will look to use existing providers and services to deliver the above Remedies.

This will include:

- Substance and Alcohol support or awareness courses for adults:  
Delivered for the Constabulary from a range of providers, (actual provider varies depending on Constabulary Division).  
The Constabulary will monitor use of the services and will report back if any of the providers do not have sufficient capacity within their current contract. Initially there should be no charge to the Commissioner, depending on the levels agreed within the contracts.
- Substance and Alcohol support services and delivering reparation work for Young People:  
These are provided as part of the Triage Programme delivered by Child Action North West (CANW) on behalf of the three Youth Justice Boards in Lancashire. CANW currently deliver above the contracted level so will not have capacity to deliver any additional services within their current contract. It is proposed that the Commissioner consider the available options to commissioner the delivery of these services.
- Restorative Justice provision:  
The Constabulary currently have provision to deliver both Instant RJs and the formal RJ Conferences.  
Where suitable delivery of RJ may also take place through the Community Restorative Justice Panels.

Additional Delivery:

To enable all of the above aspects of the Community Remedy to be delivered the Commissioner will engage other partners to provide the following services:

- Reparation Services for Victims and the Community for Adults
- Other Structured Activities and Courses for Adults

It is proposed that the Commissioner works with the Cumbria & Lancashire Community Rehabilitation Company (CLCRC) to provide an immediate and short term provision of these services, subject to an acceptable pricing arrangement being agreed.