

Committee: Police Committee	Date: 24 th July 2015
Subject: Community Remedy Document	Public
Report of: Commissioner of Police Pol 40/15	For Decision

Summary

This report sets out proposals for the Community Remedy Document (CRD). Under Part 6, Section 101 Anti-Social Behaviour, Crime & Policing Act 2014 the local policing body must prepare a Community Remedy Document for the local police force area and may revise it at any time. The CRD will be published on the agreement of the City of London Police Committee in agreement with the City of London Police Commissioner and any other agreed community representatives.

A CRD is a list of the actions which might, in the opinion of the City of London Police Committee, Commissioner of the City of London Police and any other community representative included in the consultation process, be appropriate in a particular case to be carried out by a person who has engaged in Anti-Social Behaviour (ASB), or has committed an offence and is to be dealt with by way of Community Remedy and without court proceedings.

An internal consultation on the proposals with the various agencies that deal with anti-social behaviour was carried out and a public consultation was also undertaken. The public consultation was run for a period of three weeks, on the Corporation's website, detailing the remedies proposed by the City of London Police, with a largely positive response. The results from this consultation process are similarly represented around the country.

Recommendations

It is recommended that members endorse the proposed community remedies for inclusion within the Community Remedy Document.

Members are asked to consider:

- Whether the consultation process undertaken to date is sufficient to allow the preparation of the CRD.
- Endorsement of the proposed remedies included in this report for inclusion within the CRD.
- A date for publication of the CRD subject to any agreed further consultation.

Main Report

Background

1. On the 20th October 2014 the Anti-Social Behaviour Crime and Policing Act 2014 came into force. Under Part 6 Section 101 the local policing body must

prepare a Community Remedy Document (CRD) for the local police force area and may revise it at any time. The Community Remedy is intended to give victims more say in the punishment of perpetrators outside of the court system.

2. The CRD is a list of the actions which might, in the opinion of the City of London Police Committee, Commissioner of the City of London Police and any other community representative included in the consultation process, be appropriate in a particular case to be carried out by a person who has engaged in Anti-Social Behaviour (ASB) or has committed an offence and is to be dealt with outside of court proceedings.
3. The Act specifies how the Community Remedy will be applied and states that when a police or civilian officer has evidence that an individual has engaged in anti-social behaviour, or committed an offence; and the individual admits to the officer that he or she has done so, in certain circumstances the officer may decide it is more appropriate for the individual to carry out an action of some kind, instead of imposing other resolutions.
4. This course of action is dependent on the strength of the evidence, the appropriateness of the sanction and where they can be obtained, the views of any victim involved. If the victim expresses a view that the individual should carry out a particular action listed in the Community Remedy Document, the officer must invite the individual to carry out that action unless it appears to them it would be inappropriate to do so.
5. Under section 101(3) 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.
6. There is a legal requirement to publish the CRD once it has been agreed.

Community Remedy in practice

7. The Community Remedy Document will be used as part of the existing process for delivering community resolutions. It will give the victim of low-level of crime and anti-social behaviour a say in a punishment of perpetrators outside of the court system. The Community Remedy can also be used when a conditional or youth conditional caution is given, as means of consulting with the victim about the possible conditions to be attached to the caution.
8. When a community resolution is to be used the officer shall make reasonable efforts to obtain the view of the victim as to whether the perpetrator should carry out any of the actions listed in the community remedy document. If the officer considers that the action chosen by the victim is appropriate, the perpetrator should be asked to carry out that action.

9. The officer will have the ultimate responsibility for ensuring that the action offered to the perpetrator is appropriate and proportionate to the offence.

Relevant offences to which the remedies can be applied

10. The community resolutions already in practice within the City of London Police give the basis for the Community Remedy, therefore to maintain uniformity between both it is proposed that the following low level offences qualify for application of actions under the CRD:
 - Theft under £100 (Retail or other but excluding theft from employer)
 - Criminal Damage under £500
 - Sec.4 and Sec. 5 Public Order Act 1986 (Fear or provocation of violence/Intentional harassment, alarm or distress “low level” only)
 - Common Assault
 - Anti-Social Behaviour (low level)

Proposed Remedies

11. The Community Remedies proposed for inclusion in the document are:
 - Reparation direct to the victim for any damage caused (financial or otherwise)
 - Reparation direct to the community (unpaid work for a limited time)
 - Apology (face-to-face or by letter)
 - Counselling
 - Restorative Justice or mediation – third party to bring together both parties to reach common agreement
 - Agreement contract between parties (e.g. Acceptable Behaviour Contract, Parenting Contract)
 - Structured diversionary activity such as educational/training courses (self-funded or otherwise)
 - Targeted intervention (e.g. alcohol treatment or anger management course)

Consultation Process

12. To seek views from the different communities in the City of London, a public consultation was promoted via the Corporation’s website for three weeks from 20th April. It asked the public if they agreed or disagreed with the range of proposed actions as listed above and the results were:
 - 100% of participants agreed on reparation direct to the victim for any damage caused.
 - 100% of participants agreed on reparation direct to the community.
 - 80% of participants agreed on apologies while 20% disagreed.
 - 60% of participants agreed on counselling while 40% disagreed.
 - 60% of participants agreed on Restorative Justice or mediation while 40% disagreed.
 - 80% of participants agreed on agreement contracts between parties while 20% disagreed.

- 60% disagreed on structured diversionary activity while 40% agreed.
 - 60% of participants agreed on targeted intervention while 40% disagreed.
13. This consultation was carried out by the City of London Corporation. The consultation had five responses and although the number of responses was low it serves to demonstrate that certain Community Remedy options are viewed more favourably by the public. This pattern of the public preferring more direct and more clearly punitive responses is one seen in a number of areas. The low response rate is also consistent with that seen in other areas of the country.
 14. An Internal Consultation was carried out within the Anti-Social Behaviour Working Group which raised mixed views regarding the proposed remedies. The representatives of agencies dealing with drugs and alcohol saw diversionary schemes as a very positive way forward and other agencies had concerns about the police offering counselling as a remedy.
 15. A report on the Community Remedy Consultation was considered at the Safer City Partnership (SCP) chaired by Deputy Henry Pollard. The matter of the low numbers of responses received to the consultation exercise was discussed at this forum. The board were cognisant of the fact that this reflected the national picture.

Corporate & Strategic Implications

16. Once the CRD has been completed and approved, training will be required for relevant staff across the City of London Police and agencies that deal with Anti-Social Behaviour. All Community Remedies will be recorded.

Legal Implications

17. Once the CRD is complete, the advice of the Comptrollers will be sought to ensure compliance with the Anti-Social Behaviour Act.

HR Implications

18. An equality impact assessment has been carried out by the City of London Police in establishing their ASB standard operating procedure and policy.

Strategic Implications

19. Delivery of the remedies and the provisions for its implementation will be carried out by the City of London Police and officers employed by the force.

Consultees

20. It is intended that this will follow the recognised consultation process for police related decisions, therefore will be presented for decision to:
 - Police Committee – 24th July 2015

And for information to:

- Safer City Partnership –24th September 2015

Conclusion

21. The Community Remedy is a statutory requirement. The Community Remedy Document will be published on the approval of the City of London Police Committee in agreement with the City of London Police Commissioner and any other agreed community representatives.

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