

<b>Committee(s):</b>	<b>Date(s):</b>
Police Committee - For Decision	25 <sup>th</sup> February 2016
<b>Subject:</b> Community Remedy	<b>Public</b>
<b>Report of:</b> David Mackintosh Director, London Drug & Alcohol Policy Forum - Manager, Community Safety Team	<b>For Decision</b>

### **Summary**

The government has introduced the “Community Remedy” to empower victims of lower level crimes and anti-social behaviour to have a say in what happens to the offender. Every local police body has a statutory responsibility to develop a Community Remedy Document for their area in consultation with the community and community representatives.

The Community Remedy gives a victim or a community the opportunity to make a decision on what action an offender should carry out in order to repair the damage done, by using a document with a menu of options. This option can be made available as an alternative to going through the courts to prosecute the offender and can be more cost efficient, improve victim satisfaction and resolve issues in less time than other outcomes.

After consultation with the different communities in the City of London all eight remedies suggested were supported for inclusion in the document for the victim to choose how they wish the matter to be resolved. This follow-up report has been compiled to answer some concerns and questions from Members on the use of the remedy. The City Solicitors’ department was consulted in answering these, along with senior officers from the City of London Police and their responses are detailed later in the report.

Above all, the Community Remedy will be a channel to empower victims of certain specific offences to choose, with the final agreement of a police officer, their preferred outcome and sanction for the offender.

### **Recommendations**

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

Members are asked to:

- Endorse the proposed remedies included in this report for inclusion within the Community Remedy Document.
- Approve publication of the Community Remedy for May 2016 to allow time to prepare the processes and provide necessary training.

## **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.
2. Through the Community Remedy the Government has formalised the existing community resolutions used as a way of delivering Restorative Justice (RJ). The City of London Police have used RJ in the form of community resolution since November 2013 and the same offences already considered by officers for resolution by RJ are also presented in this report as suitable for Community Remedy, for consistency with the existing process.
3. When dealing with anti-social behaviour or low-level crime offences through a community resolution, the police officer may use the Community Remedy document as a means to engage the victim in defining the way forward and deciding the punishment of the perpetrator. The Community Remedy may also be used when a conditional caution or youth conditional caution is given, as a means of consulting the victim about the possible conditions to be attached to the caution and helping the victim decide the outcome.

### **Current Position**

4. This report was prepared to provide Members with further information on the flexibility of the financial threshold for theft offences and answer concerns regarding the inclusion of section 4 of the Public Order Act, hate crime and domestic violence.

### **Relevant Offences Proposed for Community Remedy**

5. The offences proposed below are the same as the restorative disposal offences already set out in the force's Restorative Justice Standard Operating Procedure for consistency of approach.

- a) Theft (Retail or other but excluding theft from employer). Until recently there was a £100 limit on offences which could be resolved through community resolution. This has been removed to provide the victim with a greater choice in certain situations where a higher value item has been stolen, but they still wish to elect for community resolution.
  - b) Criminal Damage under £500.
  - c) Sec.4 and Sec.5 Public Order Act 1986 (Fear or provocation of violence/Intentional harassment, alarm or distress but only in low-level situations). This does not include offences of hate crime or domestic abuse.
  - d) Common Assault
  - e) Anti-Social Behaviour (low-level only)
6. Hate crime and domestic abuse fall outside the scope of ss. 4 & 5 of the Public Order Act 1986 and these offences are not suitable for consideration under the Community Remedy scheme. Hate crime is covered by the provisions of Parts III and IIIA of the Public Order Act 1986 and therefore falls outside of ss. 4 and 5 of the Act and similarly, domestic violence offences are addressed in other legislation. For clarity, the Community Remedy Document will make it clear when published that offences of hate crime and domestic violence are specifically excluded from this disposal option.
  7. Of the 75 offences resolved by community resolution by the force in 2015, only five were Public Order Act offences, due to the substantial considerations officers undertake when deciding the available disposal options in each situation. In most cases offences under this legislation will not be suitable for resolution in this way, but there is flexibility provided by including them for the small number of occasions when community resolution is an option for the victim to choose.
  8. There is strict suitability criteria listed in the RJ Standard Operating Procedure that will also extend to use of the Community Remedy. The suspect cannot be considered for this type of disposal if they have previous convictions, cautions, or been subject to a youth or adult community resolution. Officers carry out checks to establish offender suitability prior to the disposal decision being made.
  9. The force is bringing together RJ community scrutiny, (which will extend to scrutiny of the use of the Community Remedy) with that of stop and search and the use of force. Information on the circumstances of use, consistency and appropriateness, along with any concerns will be highlighted and discussed at this group, with outcomes informing organisational learning.

## **Proposed Remedies**

10. The Community Remedies proposed for inclusion in the document following community consultation 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)

## **Corporate & Strategic Implications**

11. Once the Community Remedy Document has been completed and approved, training will be required for all staff across the City of London Police and agencies that deal with Anti-Social Behaviour.
12. All Community Remedy disposals will be recorded to allow usage to be monitored and accurate records to be kept of offenders who have received this disposal type.

## **Legal Implications**

13. Advice has been provided by the City Solicitors department and will continue to be sought during the drafting of the Community Remedy Document.

## **HR Implications**

14. An equality impact assessment has been carried out by the City of London Police in establishing their ASB SOP and Policy. An officer has been identified to work with the City of London to put the necessary processes and training in place once the Community Remedies are approved.

## **Strategic Implications**

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

## **Recommendations**

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

Members are asked to:

- Endorse the proposed remedies included in this report for inclusion within the Community Remedy Document.
- Approve publication of the Community Remedy Document for May 2016 to allow time to prepare the processes and provide necessary training.

## **Conclusion**

- 17.** The Community Remedy is a statutory requirement for all local police areas. The Community Remedy Document must 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.
- 18.** The Community Remedy Document will be used as part of the force's existing process for delivering community resolutions.

## **Contact:**

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