

Committee(s): Police Committee Safer City Partnership	Date(s): 21 st January 2016 2 nd March 2016
Subject: Community Remedy Document	Public
Report of: The Town Clerk Report Author: David MackIntosh – Community Safety Manager	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, to empower victims of low level crimes and anti-social behaviour to have a say in what happens to the offender. The CRD is published on the agreement of the City of London Police Committee, following consultation with the community.

A CRD is a list of the actions which might be appropriate in a particular case to be carried out by a person who has engaged in Anti-Social Behaviour (ASB), or has committed one of the low level offences relevant for resolution through the Community Remedy process.

The CRD gives a victim the opportunity to make a decision on what actions an offender should carry out to repair the damage done and can be made available as an alternative to prosecuting the offender through the courts

The government has suggested a number of possible remedies, on which the City community has been consulted as to their support for inclusion on the list of options available to victims. Following concerns raised at the Police Committee meeting in July 2015 that the response to an initial consultation had been too low, an additional consultation exercise took place. The consultation was run on the City of London's website and by personal email to residents, detailing the remedies proposed, with the majority of the 67 respondents supporting the use of all eight remedies.

Recommendations

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

Members are asked to consider:

- Endorsement of the proposed remedies included in this report for inclusion within the CRD.
- A date for publication of the CRD.

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 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. A combination of remedies can be used, such as reparation for damage caused and an apology to the victim.
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 of a 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. The City of London’s Community Safety Team commenced the consultation using the City of London’s website from the 20th of April 2015 for three weeks. Only a small amount of responses were received at the time, therefore it was decided at the Police Committee meeting in July 2015 that a wider consultation should take place.

13. Subsequently further consultation has taken place, with a deadline of 1st December 2015 for responses to be received, with questions extended by personal email or/and website to the following:

- City of London website
- Barbican residents
- Middlesex Street residents
- Golden Lane residents
- Hotels, Visitor Attractions and Culture Network
- Charities in the City
- Business organisations
- Partnership for Young London
- Independent Advisory Group

14. The participants above were contacted by email and information was also posted on their websites where available to encourage participation. The consultation letter emailed to residents is presented at appendix 1. The results from the consultation run from April to December 2015 are as follows from a total of 67 respondents:

- 94.03 % of participants agreed on reparation direct to the victim for any damage caused
- 89.39% of participants agreed on reparation direct to the community
- 83.58% of participants agreed on an apology being given
- 78.46% of participants agreed on counselling
- 80.60% of participants agreed on Restorative Justice or mediation
- 83.33% of participants agreed on contracts between parties
- 80% agreed on structured diversionary activity
- 86.15% of participants agreed on targeted intervention

15. The majority of respondents are in favour of seeing the City police using all eight remedies suggested by the government. Full results from the consultation are presented at appendix 2.

Corporate & Strategic Implications

16. Once the Community Remedies have been approved, the City of London Police will agree and document the process to be undertaken and provide training to front line staff. Members are asked to give due consideration to allowing time for training to take place in setting a date for publication of the Community Remedy Document.

17. All Community Remedies will be recorded and monitored for consistency and fairness in the application of the process.

Legal Implications

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

HR Implications

19. 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

20. Delivery of the remedies and the provisions for its implementation will be carried out by City of London Police employees.
21. It is intended that this document will follow the recognised consultation process for police related decisions, therefore it is presented for decision to the Police Committee and will be taken subsequently for information to the Safer City Partnership meeting and Community and Children's Services Committee.

Conclusion

22. The Community Remedy is a statutory requirement for all police force areas. The Community Remedy Document will be published following the approval of the City of London Police Committee and include the remedies supported during consultation with the community.
23. The Community Remedy document will be used as part of the existing process for delivering community resolutions, giving victims of low-level crime and anti-social behaviour a say in the punishment of perpetrators out of court. 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.

Appendices

- Appendix 1 – Consultation sent to residents in the City.
- Appendix 2 - Results of the consultation.

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