

<b>CAMBRIDGESHIRE POLICE AND CRIME PANEL</b>	<b>Agenda Item No. 8</b>
<b>28 JANUARY 2015</b>	<b>Public Report</b>

## **Report of Cambridgeshire Police and Crime Commissioner**

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### **COMMUNITY REMEDY AND ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

#### **1. PURPOSE**

- 1.1 The purpose of the report is to provide the Cambridgeshire Police and Crime Panel (“the Panel”) with details of the Community Remedy document for Cambridgeshire, outcomes of the Cambridgeshire Police and Crime Commissioner’s (“the Commissioner”) public consultation, how the Community Remedy is being applied and how this has been communicated to the public.

#### **2. RECOMMENDATIONS**

- 2.1 The Panel are asked to note the report.

#### **3. TERMS OF REFERENCE**

- 3.1 6 - To review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of the Commissioner’s functions.

#### **4. BACKGROUND**

- 4.1 As Commissioner I have worked to deliver the actions, outcomes and pledges specified in my Police and Crime Plan (“the Plan”). Tackling ASB continues to be a policing priority. As such one of the outcomes in my Plan is to provide an effective police and partnership response to protect individuals and communities from the harm caused by ASB. A ‘Measure of Success’ in my Plan is to maintain the low levels of perceived anti-social behaviour, and within the Performance Framework of my Plan the baseline for this is 0.9%. Public perception of ASB in the 12 month period to December 2014 was at 0.7% which is lower than the baseline in my Plan.
- 4.2 Under the provisions of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) I am required to prepare a Community Remedy document. The Community Remedy is a list of actions, any of which might in my opinion, be appropriate in a particular case to be carried out by a person who has engaged in ASB or has committed an offence and is to be dealt with for that behaviour or offence without court proceedings.
- 4.3 Community Remedy gives victims a say in the out-of-court punishment of offenders for low level crime and ASB. The actions listed within the Community Remedy may be chosen by the victim for the perpetrator to undertake as a consequence of their behaviour or offending. Community Remedy is seen as part of the overall community justice agenda, that being one which is more responsive and accountable to victims and the public, with proportionate but meaningful punishment.

4.4 It is worth noting prior to the Act coming into force that the Constabulary already carried out community resolutions based on the ethos that is now the Community Remedy. They have previously used community resolutions as a way of dealing with low-level crime, giving victims the chance to tell offenders the real impact of their crime, to get answers to their questions, and an apology.

4.5 Community Remedy also supports a preventative approach to act as a deterrent to reoffending. I along with my fellow Police and Crime Commissioners for Bedfordshire, Northamptonshire, and Hertfordshire have a shared ambition to transform and deliver an integrated approach to offending in our areas. We have come together as the 'BeNCH' (Bedfordshire, Northamptonshire, Cambridgeshire and Hertfordshire) partnership to achieve this. Equally important in the delivery, impact and outcome of the Community Remedy is 'every contact counts' (the middle tier of the BeNCH operating model). Our wish is to markedly reduce offending, preventing young people becoming involved in crime and stopping the 'revolving door' of criminality.

## 5. **COMMUNITY REMEDY – LEGISLATIVE REQUIREMENTS**

5.1 The Act came into effect in 2014 and contains a number of provisions to tackle ASB and crime and disorder. Overall, these powers enable agencies to deal with ASB and be able to respond quickly and protect victims. The Home Office is clear that the reforms within the Act will '*put victims at the heart of the response to anti-social behaviour*'. They also advocate that to achieve the best outcomes for victims, agencies need to work together and use their professional judgement to find solutions for victims.

5.2 Only some of the powers in the Act relate directly to myself as Commissioner and the Constabulary. Local authorities, for example, have powers at their disposal with which the Constabulary, through associated powers, maybe involved or where I am a statutory consultee.

5.3 The Act is not specific as to the actions that I should include within the Community Remedy document. However, it does place a duty on me to undertake the necessary consultation with the Chief Constable, local authorities, community representatives and the public as I think appropriate. Consultation has to be on the punitive (reflecting the effects on the victim and the wider community), reparative (achieving appropriate restitution/reparation to the victim) or rehabilitative (helping to address the causes of the perpetrator's behaviour) actions or a combination of these they would consider appropriate to be included in the Community Remedy document.

5.4 Following the consultation I have to agree with the Chief Constable on the list of actions which would meet the overall objective of improving public confidence in the use of out-of-court disposals. The agreed actions must be appropriate and proportionate to the type of offence which they are addressing and should seek to have a positive impact on the offender yet be compatible with the perpetrator's human rights. I am then legally required to publish the agreed Community Remedy document in whatever way I think is appropriate.

5.5 Should I wish to revise the Community Remedy document I have to undertake the necessary consultation with those consultees listed above, agree the revision with the Chief Constable and then publish the revised document.

## **6. CONSULTATION PROCESS**

- 6.1 I undertook a five week public consultation beginning in early July 2014. The aim of the consultation was to seek views to help inform my menu of options within the Community Remedy document. The consultation was widely publicised through a press release and subsequent media interviews, my Outreach Worker's channels, social media, eCops (to around 12,000 subscribers) and directly through partners such as Community Safety Partnerships. I also met with a number of MPs to hear their views.
- 6.2 Consultees were asked seven questions seeking their views on a list of options that would give victims a say in the out of court punishment for those who are involved in ASB or commit low level crime.
- 6.3 From the thousands of recipients of the consultation, 52 online responses were received. The vast majority of respondents were supportive of using the Community Remedy, with many of those having been a victim of ASB and or low level crime themselves.
- 6.4 There was overwhelming support and concern for victims, the effect that ASB and low level crime has on them, and how offenders must realise the consequence of their actions on both victims and communities. A number of respondents felt that having a range of options within the Community Remedy would be appropriate to fit the offence committed and meet the needs of both the victim and the offender.
- 6.5 It was evident that respondents felt there needed to be a clear link between the offence and the need for punitive action. There was support for financial compensation with payment direct to the victim. Community work was also favoured as a form of 'pay back', such as litter picking. However, there was a mixed response regarding whether an apology, either written or verbal, would have any impact on the offender for their actions and their future behaviour as well as the impact that this would have on the victim.
- 6.6 Respondents also gave suggestions for other sanctions on the Community Remedy, such as education and courses for example, on alcohol awareness.

## **7. COMMUNITY REMEDY OPTIONS**

- 7.1 In line with the my statutory duty to take account of all views expressed by those consulted, the Chief Constable and I agreed the options for the Community Remedy at my BCB meeting on the 2<sup>nd</sup> October 2014. In deciding upon the Community Remedy options, both the Chief Constable and I were clear that the options had to be realistically achievable, practical to deliver based on an officer's professional judgement as well as meeting the victim's needs.
- 7.2 The options the Chief Constable and I agreed on are:
- Apology (written and verbal)
  - Remedial work – victim and community
  - Any other reasonable action agreed by all parties e.g educational or awareness courses
  - Financial recompense
  - Alternative partnership remedy (where available) e.g mediation, Neighbourhood Panels

## **8. COMMUNICATIONS**

- 8.1 On the 22<sup>nd</sup> October 2014, I published the outcome of the consultation and the list of Community Remedy actions on my website. The Constabulary's website also includes information on the Act's provisions more generally, with links to local authority websites.
- 8.2 The Chief Constable and I are clear that the delivery of the Community Remedy is not predicated through using 'a piece of paper' or by publishing a document or leaflet. In fact the Explanatory Notes to the Act give the example of publishing the Community Remedy on a Commissioner's and police force's website.

## **9. COMMUNITY REMEDY IN PRACTICE**

- 9.1 The Act enables the Constabulary to use the Community Remedy options where:
- the officer must have evidence that the person has engaged in ASB or committed an offence;
  - the person must admit to the behaviour or the offence and agrees to participate;
  - the officer must think that the evidence is sufficient to support court proceedings including for a civil injunction, or impose a caution, but considers that a community resolution disposal, conditional or youth caution would be more appropriate.
- 9.2 The process for using a Community Remedy option is as follows where the:
- Constabulary will invite the victim to choose an appropriate action from the Community Remedy document;
  - Police officer will make the final decision as to what action is appropriate;
  - Perpetrator will then agree to the action, sign an agreement and carry out the action;
  - Perpetrator will then provide proof that they have completed the action and the matter is resolved; and
  - Constabulary will then inform the victim that the action has been completed.
- 9.3 As referred to paragraph 4.6 above, the Constabulary have previously used a form of Community Resolution. In the period April 2014 to September 2014, Community Resolution was used 695 times as an out-of-court disposal method for all crime types. The Constabulary review outcomes resulting from disposals and this will include those resulting from Community Remedy options.
- 9.4 The Constabulary have training packages in place on the ASB provisions of the Act, including Community Remedy. The training is delivered primarily by the Constabulary's ASB contact thus enabling it to be made relevant to local area issues. This will be followed up by problem solving training to ensure officers are kept up to date on the use of ASB powers.

## **10. COMMUNITY REMEDY REVIEW**

- 10.1 During 2015 both the Chief Constable and I will discuss the use of Community Remedy to ascertain if the options are fit for purpose and whether any further options need to be added to deliver outcomes for victims and offenders. Any revision will require a public consultation exercise to be carried out.

## **11. PERFORMANCE MONITORING OF ASB**

- 11.1 I am pleased to report to the Panel that a recent inspection (although prior to the Community Remedy coming into force) by Her Majesty's Inspectorate of Constabulary (HMIC) graded the Constabulary as "Good"<sup>1</sup> in how effective it is at cutting crime including how they tackle ASB.
- 11.2 Of particular note in relation to ASB is that HMIC found that the Constabulary has strong relationships with partners to tackle anti-social behaviour. At every level of policing in the county they found that there is good evidence of joint working to reduce crime and ASB and to prevent re-offending. Procedures in relation to the reporting of ASB, assessing the risk factors of victims and engagement with external service providers were found to be as rigorous as procedures for crime investigation. Early interventions to encourage offenders to moderate their behaviour, enforcing the law against those who repeatedly offend and a commitment to victims mean that ASB is a clear priority.

## **12. CONCLUSION**

- 12.1 Victims whether these are individuals, businesses or communities, and the general public need to have confidence that Community Remedy is an effective way to deal with offenders outside of a court process. Equally important is that the Community Remedy enables offenders to recognise the impact of their actions and change their behaviour. I hope that this may actually help to reduce re-offending.
- 12.2 I hope that the work the Constabulary has shown to be doing in respect of ASB should ensure that the public has confidence in the use of Community Remedy. I will continue to hold the Chief Constable to account for dealing with ASB through quarterly reports being presented to me at my BCB meeting. This will enable me to discuss and scrutinise the Chief Constable for efficient and effective policing in this area of operational activity.

## **13. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 13.1 Police and Crime Commissioner's Community Remedy public consultation  
<http://www.cambridgeshire-pcc.gov.uk/anti-social-behaviour-say-community-remedy/>

Police and Crime Commissioner's Community Remedy consultation response  
<http://www.cambridgeshire-pcc.gov.uk/victims-anti-social-behaviour-given-stronger-voice/>

HMIC report  
<http://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/cambridgeshire-crime-inspection-2014.pdf>

## **13. APPENDICES**

- 13.1 None

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<sup>1</sup> HMIC use evidence to produce an assessment of how police forces have performed, which in some areas will include a graded judgment of 'Outstanding', 'Good', 'Requires improvement' or 'Inadequate'

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