

The Community Remedy Document

What is it?

The community remedy is about giving victims a voice. When dealing with low level crime and anti-social behaviour, victims will have a say in how the offender is punished. It allows police in their local areas to deal with low level crime and manage the offenders within the community in consultation with the victim. It's about having a common sense approach to sorting out low level crime and disorder and giving the public confidence that out-of-court disposals are a workable, sometimes more beneficial, alternative to Court. The public should be able to see the offender putting right what they have done wrong, or being asked to participate in an activity that deters them from re-offending.

Where did it come from?

The community remedy was introduced as part of the Anti-Social Behaviour, Crime and Policing Act 2014.. The remedy document was drawn up and approved following public consultation by the Police and Crime Commissioner and the Chief Constable for West Mercia. It came into force in October 2014.

How is it used?

The police already use a process called community resolution. This enables them to deal with low level criminal damage, low value theft, minor assaults (without injury) and anti-social behaviour out-of-court. To use a community resolution the officer must have enough evidence for a case to be brought to court; the offender admits their guilt and the officer decides the matter would be better dealt within the community after consultation with the victim. The community resolution is the process by which the community remedy is delivered.

The list of options on the remedy document which the victim can choose from, informs the decision about how to deal with the offender in the community (known as an out-of-court disposal). The final decision on how to deal with the offender is made by the police; it must improve public confidence in the use of out-of-court disposals and must not breach the individual's human rights.

What are the options available for victims of crime to choose from?

- **An apology** from the offender, in person, or a written apology. (You would not be forced to meet the offender face to face if you did not want to). It can be helpful for the offender to apologise to their victim because it makes them face up to the consequences of their actions.
- **A third party** to bring together both parties to reach a common agreement to resolve a dispute. Where there has been a neighbour dispute it may help both parties to sit down with a third party and try to see the situation from both sides. This can be very effective if both parties are willing to engage but it may not be suitable for everyone.

- **A ban** from named premises for a specified period of time. It may be that a shop-owner has suffered theft and wants to ban the offender for a period of time.
- **An Acceptable Behaviour Contract.** An Acceptable Behaviour Contract (sometimes referred to as an Acceptable Behaviour Agreement - ABA) is a written, voluntary agreement between a person who has been involved in anti-social behaviour and one or more local agencies whose role it is to prevent such behaviour. The contract would specify types of behaviour, people or places that should be avoided.
- **A reparative activity** – putting things right e.g. cleaning, repairing damage etc. A victim of vandalism for example may want the offender to repair damage to their property. Where there is no “physical” victim i.e. the damage is to a community facility, the officer in charge may decide that the offender should carry out some repairs in the community by way of recompense.
- **Financial compensation** by means of a one-off payment for the damage caused to land or property, or the cost of replacing stolen goods, or a donation to a charity of the victim’s choice. This option would be overseen by the police and in the case of under 18’s it may be that the parents pay the compensation. Compensation may not be appropriate, for example where the victim is covered by insurance, it may however be appropriate that the “compulsory or voluntary excess” insurance payment could be covered by the offender.
- **Any other appropriate action** the police officer has agreed with the victim and subsequently with the officer’s line manager. The officer in charge will be able to use their professional judgement and in consultation with the victim come up with a range of options that may be appropriate for the offender to participate in. There may be diversionary schemes available in the local area e.g. an alcohol diversionary scheme. This allows for flexibility and innovation when coming to a decision on how the community remedy could be used on a case by case basis.

What if the person does not comply with the Community Remedy?

If an offender has agreed to carry out a series of actions from the community remedy but fails to do so, then the matter can be brought to court. Before a community resolution is put into place the officer in charge must be satisfied that there is enough evidence to bring court proceedings or in the case of anti-social behaviour apply for an injunction (civil court process). If the offender does not engage in the community resolution process court proceedings can be instigated.