

COMMUNITY REMEDY FOR WEST YORKSHIRE



The community remedy, introduced by the Anti-Social Behaviour, Crime and Policing Act 2014, seeks to ensure that victims of certain types of crime or anti-social behaviour are given the opportunity to have a say in the out-of-court punishment of offenders. Out-of-court punishments allow the police to deal quickly and proportionately with low-level, often first-time offending which could more appropriately be resolved without a prosecution at court.

The community remedy is a list of actions – many already in existence and currently used by several organisations – that the victim can ask for the offender to undertake in consequence of their behaviour or offending. For the remedy to be used the offender must admit their guilt. It can be used by the police and authorised investigating officers, sometimes in conjunction with other more formal out-of-court disposals such as conditional cautions. While the victim can have a say on the action they would like the offender to undertake, the investigating officer will have the final say and will make their decision based on the victims wishes, the seriousness and circumstances of the offence, the impact the offence has had on the victim and the appropriateness of the action.

It should be noted that unless actions are undertaken as part of a conditional caution, the actions are not enforceable and offenders cannot be prosecuted if they do not fulfil the action. However it is highly unlikely that an offender would be dealt with again via a community remedy option.

Following a period of consultation to obtain the views of the public, the Police and Crime Commissioner and Chief Constable have agreed a set of actions to be included in this remedy. These are:

- Apologising to the victim, face-to-face or through a letter of explanation or apology.
- The offender signing an Acceptable Behaviour Contract where they agree not to behave anti-socially in future, and understand that if they do they will face more formal consequences.
- Paying compensation to the victim e.g. for any damage caused, where appropriate.
- Reparation to the victim e.g. repairing or cleaning up any damage and mess caused*
- Parenting contract – a voluntary agreement where a carer of a young offender agrees to help them stay away from crime.

*subject to public liability, health and safety and skills checks

Use of the options will be determined locally, depending on capacity and availability, so may differ depending on location.

The community remedy is a living document and options contained within it will be amended as and when needed, but it will evolve and be reviewed at least once a year. There are some options which currently are not ready to offer in all areas as an action on the remedy as these need further work. These options are:

- Attendance at a neighbourhood resolution panel, bringing together the victim, offender and wider community to agree a way for the offender to play a part in repairing the harm they have caused. This may also in future be used to liaise between parties or undertake mediation during neighbour or lifestyle disputes.

- Participation in structured activities funded by the Police and Crime Commissioner as part of his efforts to prevent crime.
- Measures that will assist in the rehabilitation of offenders e.g. through an alcohol education or recovery scheme.
- Reparation to the community e.g. by doing local unpaid work.

Mark Burns-Williamson

West Yorkshire Police and Crime Commissioner