



To: Business Coordination Board

From: Chief Constable and Chief Executive

Date: 02 October 2014

COMMUNITY REMEDY AND COMMUNITY TRIGGER

1. Purpose

1.1 To update the Business Coordination Board (“the Board”) on the Community Remedy and Community Trigger and for the Police and Crime Commissioner’s (“the Commissioner”) and the Chief Constable to agree on the list of actions for the Community Remedy.

2. Recommendation

2.1 The Commissioner and the Chief Constable agree the options proposed for the Community Remedy in line with the statutory duty in section 101 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”).

2.2 That the Board note the approach to the Community Trigger.

3. Background

3.1 A paper was presented to the Board at their meeting on 8th May 2014 which detailed the statutory responsibilities of the Commissioner and the Chief Constable under the Act relating to Community Remedy, Community Trigger and powers to tackle anti-social behaviour. The paper also outlined the process by which the Commissioner would exercise his statutory duty to undertake a public consultation on actions appropriate for inclusion within the Community Remedy.

4. Community Remedy

4.1 The purpose of the Community Remedy is to give victims a say in the out-of-court punishment of offenders for Anti-social behaviour (ASB) and low level crime. The Community Remedy is a list of actions which may be chosen by the victim, whether this is an individual, business or community, for the perpetrator to undertake in consequence of their behaviour or offending. These actions have to be punitive, restorative or rehabilitative or a combination of all of these and have to be appropriate and proportionate.

- 4.2 Community Remedy is just one part of the overall Restorative Justice agenda. Restorative Justice can potentially be used for any crime, where it is proportionate and appropriate to do so. Restorative Justice can take place at any stage of the criminal justice system, both pre- and post-sentencing and out of court.
- 4.3 It is worth noting that the Constabulary already carry out Restorative Justice for certain offences. Community Remedy will allow them to deal proportionately with ASB and low level crime outside of the formal criminal justice system using individually tailored restorative solutions.
- 4.4 Community Remedy dovetails with the Criminal Justice Boards emerging Offender Strategy. As such it links to the wider “transforming rehabilitation strategy”, which drive efficiency and effectiveness in the local criminal justice system where “every contact counts” to reduce re-offending and cost-effective Integrated Offender Management of the most complex and prolific offenders is in place.
- 4.5 The Police and Crime Commissioners of Bedfordshire, Northamptonshire, Cambridgeshire and Hertfordshire have a shared ambition to transform and deliver an integrated approach to offending in their areas, and have come together as the ‘BeNCH’ area to achieve this. They are producing a Strategic Action Plan for Change to enable their wish to markedly reduce offending, preventing young people becoming involved in crime and stopping the ‘revolving door’ of criminality.
- 4.6 The BeNCH Operating Model is a three tiered approach for tackling offending which aims to:
- Effectively prevent the next generation of offenders;
 - Transform rehabilitation, to stop the ‘revolving door’ of re-offending through a genuinely integrated approach to offender management which effectively manages the risk to our local communities;
 - Tackle much more effectively the small minority of highly prolific offenders who cause a disproportionate amount of crime in their communities
- 4.7 Community Remedy supports the preventative approach to act as a deterrent to reoffending. Equally important in the delivery, impact and outcome of the Community Remedy is ‘every contact counts’ – the middle tier of the Operating Model. The decision on which actions from the Community Remedy are appropriate and proportionate in the circumstances will be based on the professional judgement of the Constabulary which must be informed by the views of the victim. However, all partners within the criminal justice system have a key part to play together to reduce reoffending. Evidence based interventions arising from using Community Remedy options need to minimise the impact of further re-offending on local communities.

5. Community Remedy Consultation

- 5.1 The Act places a duty on the Commissioner to consult with the Chief Constable of Cambridgeshire Constabulary, local authorities, and community representatives and

the public as the Commissioner thinks appropriate as to the punitive, reparative or rehabilitative actions.

- 5.2 The consultation process and the analysis of responses is given at Appendix 1.
- 5.3 Following the consultation exercise the Commissioner must agree the Community Remedy document with the Chief Constable. The list of actions that respondents to the consultation considered appropriate and the Commissioner and Chief Constable are proposing are:

- Apology (written and verbal)
- Remedial work – victim & community work
- Any other reasonable action agreed by all parties
- Financial recompense
- Alternative partnership remedy (where available) e.g Mediation, Neighbourhood Panels

- 5.4 The Board are asked to note that future options for Community Remedy may be warning letters, Parenting/ Acceptable Behaviour Contracts.

- 5.5 Once the list of actions has been agreed the Commissioner must publish it. It is recognised that the outcome achieved for the victim from the use of the Community Remedy is the most important factor in the process. The delivery of the Community Remedy should not be predicated using a 'piece of paper' or by publishing a document. Therefore, the list of actions within the Community Remedy and the approach the Constabulary will take will be published on both the Commissioner's and the Constabulary's website, as opposed to having published a document.

6. Community Remedy Review

- 6.1 Both the Commissioner and the Chief Constable will review the use of the Community Remedy in 2015 to ascertain if the list of actions is fit for purpose and whether any further actions need to be added to deliver outcomes for victims. A report will be brought back to the Board for their consideration.

7. Community Trigger

- 7.1 The Act also introduces another measure which is designed to give victims and communities a voice in the way ASB is dealt with. This is the Community Trigger which gives victims and communities the ability to demand action from agencies, starting with a review of their case, where the locally defined threshold is met. The agencies include local councils, clinical commissioning bodies and registered social housing providers.

- 7.2 Agencies have a statutory duty to undertake a case review following such a request on the basis that a local threshold is met. For example, where there are repeat and persistent incidents of ASB and the victim and or community feels ignored by the agencies, a victim or community can exercise their right to activate the Community Trigger. In practice, agencies would then come together to decide whether the agreed local threshold is met and would then collectively take a joined up approach

to find a solution, articulated through an action plan that is then discussed with the victim and appropriate action taken.

- 7.3 The Constabulary has been working closely with partner agencies, including local authority Community Safety Partnerships, to devise and agree the Community Trigger threshold and process. The threshold will be that three incidents of ASB have been reported in the previous six months or one incident if the impact is significant, an action plan will be agreed with the applicant and there will be an appeal process within the Crime and Disorder Reduction Partnerships (CDRP). The CDRP Board is made up of various partners, the intention being that the agency that deals with the appeal is not connected with the original investigation or review.
- 7.4 The Home Office statutory guidance on the Act suggests that Police and Crime Commissioners may be directly involved in the Community Trigger. This could include providing a route for victims to query the review of their case. The Commissioner is fully supportive of the Community Trigger as a process whereby those who are victims of ASB can feel reassured that agencies take their reports seriously and work together to find a solution to solve the most persistent, complex cases of ASB. The Commissioner will monitor the information that the Constabulary is required to publish annually on the Community Trigger.

8. Recommendation

- 8.1 That the Commissioner and the Chief Constable agree the options proposed for the Community Remedy in line with the statutory duty in section 101 of the Act.
- 8.2 That the Board note the approach to the Community Trigger.

BIBLIOGRAPHY

Source Document(s)	BCB paper – 8 th May 2014 Cambridgeshire Police and Crime Commissioner’s public consultation on Community Remedy ‘Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers – Statutory guidance for frontline professionals’ Home Office July 2014
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