



STAFFORDSHIRE COMMISSIONER

Police | Fire and Rescue | Crime

Community Remedy Strategy

Staffordshire and Stoke-on-Trent

2023

Commissioner's foreword

The Community Remedy is designed to give victims of low-level crime and anti-social behaviour (ASB) a greater say in how offenders should be dealt with. It allows Police and relevant partners to deal with low-level crime and manage offenders within the community, in consultation with the victim.

Community Remedy isn't about being soft on crime, it's about having a common-sense approach to addressing low-level crime. It's about having a victim focus – the victim 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. It's about delivering the best outcome for victims, perpetrators, communities and the criminal justice system.

Each Community Remedy must contain a punitive, reparative or rehabilitative element, or a combination of these. The conditions must reflect the effects on the victim and the wider community, achieve appropriate restitution and reparation to the victim, and/or help to address the causes of the perpetrator's behaviour. In certain circumstances where perpetrators fail to comply, this may lead to additional evidence being put forward for more formal procedures.

Consistent application of the Community Remedy is important. As such, awareness and training will be provided to officers and others involved in delivering the process. I will also ensure Community Remedy use is monitored and outcomes are publicised. In particular, the views of victims and communities will be sought to ensure they are satisfied.

Ben Adams
Police, Fire & Rescue and Crime
Commissioner

The public has played a part in shaping what Community Remedies look like

Over 3,500 people from across Staffordshire and Stoke-on-Trent helped shape a list of non-criminal remedies the Police can use to deal with people who engage in low-level crime or ASB, without driving them into the criminal justice system.

These actions are listed in this document on page 4. The overarching process in which Community Remedies are used is called Community Resolution. Using the Community Resolution process can provide swifter justice for low-level offences and save time and money in criminal proceedings, meaning offenders can put things right for victims. The process gives victims more say as to the punishment offenders receive for low-level wrongdoing.



Putting victims first

The Community Remedy is intended to give victims more say in the punishment of offenders out of court. However, the victim's involvement is voluntary and the victim must not be made to feel they should take part in a process they are not comfortable with, that they think may put them at risk, or that they do not believe will be of benefit to them.

Police officers and PCSOs will apply Community Remedies on a case-by-case basis using their professional judgment and discretion within a framework. They will take into account:

- The type of offence / incident
- Any previous offences or convictions
- Circumstances of the offence
- Risk to the public

Community Remedies can only be applied if:

- It is clear that a crime or incident has occurred
- The offender accepts responsibility
- Every effort has been taken to consult with the victim

When a Community Remedy is to be used, the officer must make every effort to obtain the views of the victim, although it is ultimately the officer's responsibility to ensure that the Community Remedy is appropriate and proportionate to the offence.

If there are multiple victims of the offence, the officer must make reasonable efforts to take the views of all the victims into account. If the victims have different views, then the officer should consider these but will make the final decision as to which action is appropriate for the offender to undertake.

Community Remedies, which are part of the Community Resolution process, are entirely voluntary. The officer should ensure the victim understands the purpose of Community Remedy and know they can choose not to be involved, however the final decision rests with the officer. Similarly, an offender may decide not to accept the proposed resolution and face an alternative course of action.

Anyone involved who is under 18 will be referred to and managed through the Local Authority Youth Offending Services procedures. Anyone under 18 or vulnerable will need a family member, carer or responsible adult to assist them in understanding the purpose of Community Resolutions.

If the victim is not contactable, or it cannot be ascertained who the victim is, for example, if the offence is graffiti in a public place, the officer will decide an appropriate action for the offender to undertake.

In all cases where victims are contactable, their views should be sought and, albeit the final decision rests with the officer, every effort should be made to gain the satisfaction of victims involved. An apology should be the bare minimum and replacement of any material loss to the victim would usually be a matter of course.

Community Remedy should recognise the emotional and psychological impact on the victim.

In all cases, the offender should admit and take responsibility for the incident or offence, apologise to the victim(s) and show remorse. While reparation should be the normal minimum, additional sanctions could be included in the Community Remedy in order to reassure the victim that the action will have lasting impact and prevent reoffending.

Option A The offender should repair any damage they have caused to the victim or community. This may include paying for repairs or replacements if they can afford to, undertaking unpaid work to compensate the victim or community, and / or taking action to help relieve any distress caused.

Option B The offender should sign an Acceptable Behaviour Contract and agree not to behave anti-socially in the future. If they do, they will face more formal consequences.

Option C The offender should meet with people from the local community so they understand the consequences of their behaviour. In addition, the offender may talk directly to the victim in a mediated environment, for example to solve a neighbour dispute. To ensure a fair and transparent process, the Police will publish a list of all cases where Community Remedies have been applied in the community for the public to read and scrutinise.

Community Remedy Menu for ASB and Low-Level Crime:

Children under 10 years – Acceptable Behaviour Contracts / Agreements, Parenting Contracts

Under 18s – Community Resolutions, Restorative Justice, Apologies, Reparation, Consequence Work, Diversionary Activities, Acceptable Behaviour Contracts / Agreements, Participation in structured activities that are educational or rehabilitative

Adults – Community Resolutions, Conditional Caution, Apologies, Reparation, Restorative Justice, Community Protection Warning, Community Protection Notice, Mediation, Participation in activities that are educational or rehabilitative

The process of applying Community Remedy

Low-level crime or anti-social behaviour takes place

- The offence is reported
- After investigation, the officer has sufficient evidence to identify the offender and take action
- The offender admits to the offence
- Victim(s) consulted where possible and Community Remedy process begins based on officers professional judgment and discretion

Start of Community Remedy process

Offender agrees to the process

Yes

Continue with Community Remedy

Officer's seeks the views of the victim and selects an appropriate Community Remedy

Offender agrees with the process and completes the Community Remedy to make amends for their actions

Publication of outcome

No

Offender will face formal consequences such as being cautioned or entering the criminal justice process

