



Sussex
Police & Crime
Commissioner



Safer in Sussex

Sussex Community Remedy Document





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This document sets out the actions, processes and practical application of the Community Remedy options that are available in Sussex following the introduction of the Anti-social Behaviour, Crime and Policing Act 2014.

The aim of Community Remedy is to improve local involvement in the accountability of those who commit low-level crime and anti-social behaviour. Community Remedy gives communities the option to have a say in how offenders should face up to their actions and make amends. It provides victims of low-level crimes and anti-social behaviour with a route for swifter justice, and ensures offenders have to face immediate consequences for their actions, which could make them less likely to reoffend in the future.

I ran a public consultation for two months across August and September 2014 which attracted responses from almost 2,500 residents. This positive response highlighted to me that local people wanted a say in how people who commit low-level crime and anti-social behaviour should be dealt with.

The Chief Constable and I have now analysed the results and developed five options that will be available in Sussex. This document and the agreed options for Sussex will remain under constant review.

Katy Bourne
Sussex Police & Crime Commissioner





Sussex Police is putting victims first, giving them a much greater say in how their case is resolved and how offenders seek to remedy their actions.

The remedy enhances successful Community Resolution or Conditional Caution routes - often referred to as "out-of-court disposals" - and reduces the burden and expense placed on the criminal justice system.

Following a public consultation the Police & Crime Commissioner and I have developed a set of options so victims will be able to decide what appropriate activity they wish for the offender in cases of low-level crime and anti-social behaviour.

This is another way we are changing our service to ensure that victims' wishes are at the heart of our decision making.



Giles York
Chief Constable, Sussex Police





Community Remedy

The Community Remedy gives victims a say in the out-of-court punishment of offenders for low-level crime and anti-social behaviour.

The Community Remedy gives communities the option to have a say in how offenders should face up to their actions and make amends. It provides victims of anti-social behaviour and low-level crimes with a route for swifter justice, and ensures offenders have to face immediate consequences for their actions, which could make them less likely to reoffend in the future.

The Community Remedy provides a locally developed framework which will enhance existing Community Resolution or Conditional Caution routes - often referred to as "out-of-court disposals" - and reduce the burden and expense placed on the criminal justice system.

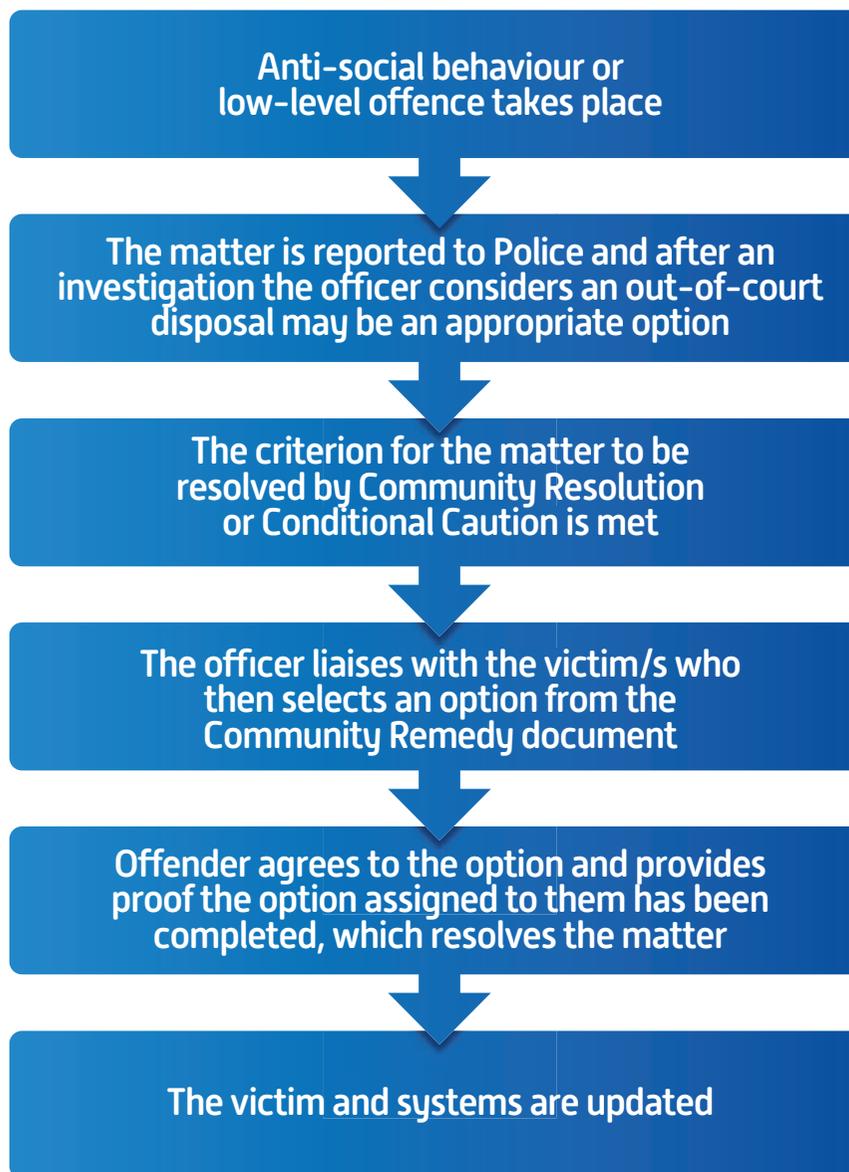
Victims will be able to indicate from the framework their preferred option which can include a range of things for the offender to complete.

The Community Remedy will assist the Commissioner in making the approach towards low-level crime and anti-social behaviour more responsive and accountable to the victims and public in Sussex.





The flow-diagram illustrates the Community Remedy process from start to finish





Public Consultation

The Commissioner had a statutory obligation to consult with members of the public regarding the possible out-of-court sanctions as part of either a Community Resolution or Conditional Caution which they would like to see included in the Community Remedy document for Sussex.

A consultation was launched on 28 July 2014 and ran until 30 September 2014.

2,419 individuals responded to the consultation. Respondents were asked to select up to three options which they wanted to see made available in Sussex.

The results of the consultation are detailed below and formed the basis of the discussions between the Police & Crime Commissioner and the Chief Constable ahead of determining the options to be included in this document:

Option	No. of Responses	% Total Response
Repairing damage	1445	21%
Community reparation	1250	18%
Paying for damage	1242	18%
Rehabilitation	735	11%
Parental contract	342	5%
Restorative justice	333	5%
Acceptable behaviour contract	328	5%
Oral apology	295	4%
Counselling	278	4%
Written apology	269	4%
Diversions activity	229	3%
Shuttle conference	168	2%
Educational assignment	30	0%





Sussex Community Remedy Options

The Commissioner and Chief Constable have defined and agreed the following five options which will be available in Sussex through the Community Remedy:

1. Personal/Community Reparation;

Repairing damage, community reparation and paying for damage

2. Restorative Justice;

Restorative justice and shuttle conference

3. Receiving a written or oral apology;

Written and oral apology

4. A local rehabilitative or diversionary activity;

Rehabilitation, acceptable behaviour contract, diversionary activity and educational assignment

5. Another agreed and proportionate activity specified by the victim.





Practical Application of the Community Remedy Options

The Community Remedy options may be revised at any time, to include the addition of any new options. It is proposed that these five options are reviewed again after a period of 12 months.

If there are multiple victims of an offence, the officer should 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 and will make the final decision as to which option is appropriate for the offender to undertake.

The officer should consider the most appropriate way to involve the victim. If the victim is under 18 or vulnerable, they may require a family member or carer to assist them in understanding the purpose of Community Remedy and in choosing an option.

If a victim is not contactable, or it cannot be ascertained who the victim is, the officer will choose a suitable option for the offender to undertake.

The officer should ensure that the victim understands the purpose of Community Resolution and the list of Community Remedy options. The officer should also manage the expectations of the victim in terms of what can be achieved and make the victim aware that they can choose not to be involved.

It is not necessary for the victim to meet the offender in order to choose the option. The officer may consider undertaking a risk assessment, particularly if the victim is known to the offender, or if the resolution involves the victim meeting them, as part of a restorative justice conference.





Conditional Caution and Youth Conditional Caution

Conditional Cautions and Youth Conditional Cautions are available for all offences, except domestic abuse and hate crime, which are excluded from the conditional caution scheme.

When a Conditional Caution or a Youth Conditional Caution are to be used, the police officer or investigating officer must make reasonable efforts to obtain the views of the victim as to whether the offender should carry out any of the options in the Community Remedy document.

If the officer issuing the Conditional Caution considers the option chosen by the victim is appropriate, the option can form part of the conditions of the caution.

The police officer will have ultimate responsibility for ensuring the sanction offered to the offender is appropriate and proportionate to the offence.





Q *When can Community Remedy be used?*

A Community Remedy enhances two existing out-of-court disposal options, Community Resolution and Conditional Caution. These options can be used by the police in cases of low-level crime and anti-social behaviour.

Q *Who can use a Community Resolution?*

A Community Resolution can be used by a police officer or an investigating officer. A focussed investigation takes place and all aspects of the case are considered, often in partnership with other agencies, to ensure the right decision is made in line with the victim's wishes.

Q *How is the Community Remedy document used?*

A When dealing with low-level crimes or anti-social behaviour through Community Resolution the officer must make reasonable efforts to obtain the views of the victim(s) using the Community Remedy document to give them a say in what should happen with the offender.

Before deciding on a Community Resolution the officer must:

- have evidence that the person has committed a crime or engaged in anti-social behaviour;
- have an admission of guilt from the person engaged in the behaviour;
- believe that the evidence is sufficient for taking proceedings for an injunction to prevent nuisance and annoyance, or other court proceedings, caution, or fixed penalty notice, but considers that a Community Resolution would be more appropriate.

Q *How will the views of multiple victims be taken into account?*

A If there are multiple victims of an offence, the officer should 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 option is appropriate for the offender to undertake.





Q *Does a victim have to agree to a Community Resolution?*

A A victim's involvement in a Community Resolution is entirely voluntary. The officer should ensure that the victim understands the purpose of Community Resolution and knows that they can choose not to be involved. 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.

The use of Community Resolution is governed by the Association of Chief Police Officers (ACPO) policy and guidance.

Q *Does the victim have to meet with the perpetrator to choose the option from the Community Remedy document?*

A A police officer manages the whole process and it is not necessary for the victim to meet the offender in order to choose the option. The police officer may consider undertaking a risk assessment, particularly if the victim is known to the offender, or if the resolution involves the victim meeting them. When the victim chooses to engage directly face-to-face with the offender, this Restorative Justice process is managed by a qualified facilitator.

Q *Can a Community Resolution be used if a victim is under the age of 18?*

A If the victim is under 18 or vulnerable, they may require a family member or carer to assist them in understanding the purpose of Community Resolution and in choosing an option from the Community Remedy document.

Q *What if the victim is not contactable?*

A 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 choose a suitable option for the offender to undertake.





Q *How can you be sure the offender carries out their punishment?*

A The offender must provide proof to the officer that they have completed the option assigned to them from the Community Remedy document. The police engage with all parties and a crime will not be finalised until the Community Remedy option has been achieved to the victim's satisfaction.

Q *What are Conditional Cautions and Youth Conditional Cautions?*

A Conditional Cautions are available for all offences except domestic abuse and hate crime, which are excluded from the Conditional Caution Scheme. For full details of the considerations to apply when deciding whether to use a Conditional Caution, see the Director's Guidance on Adult Conditional Cautions.

www.cps.gov.uk/publications/directors_guidance/adult_conditional_cautions.html

A Youth Conditional Caution is available for any offence, except for domestic abuse or hate crime, which scores four on the ACPO Gravity Matrix. Full details can be found in the Director's Guidance on Youth Conditional Cautions.

www.cps.gov.uk/publications/directors_guidance/youth_conditional_cautions.html

Q *How is the Community Remedy document used for Conditional Cautions or Youth Conditional Cautions?*

A When a Conditional Caution or a Youth Conditional Caution is to be used, the officer must make reasonable efforts to obtain the views of the victim as to whether the offender should carry out any of the options in the Community Remedy document.

If the officer issuing the Conditional Caution considers the option chosen by the victim is appropriate, the option can form part of the conditions of the caution. The officer will have ultimate responsibility for ensuring that the sanction offered to the offender is appropriate and proportionate to the offence.





**Sussex
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Have Your Say

By sharing your views, you can help make sure that I stay connected with the people and communities I serve and that I understand your priorities.

Please visit my website and sign up to my email newsletter: www.sussex-pcc.gov.uk

Or you can contact the office on:

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