



Home Office

Community Remedy Consultation Response

April 2013

Executive Summary

The consultation for the Community Remedy ran from 13 December 2012 to 7 March 2013 and we received over 600 responses. A large majority of respondents supported the proposal. Most respondents thought that local communities should have a say in the out of court sanctions available for low-level crime and anti-social behaviour. The majority of respondents also agreed that victims should be more involved in determining the sanction for such offences. Given the positive response to our proposals, we plan to proceed with the Community Remedy provisions as set out in the draft Anti-social Behaviour Bill. A number of valid practical issues were raised in the consultation, for example about bureaucracy and police officer discretion, and we will look to address these concerns in training and accompanying guidance to the Bill.

Introduction

Anti-social behaviour and low-level crime affects people's lives on a daily basis; from vandalism and drunkenness on the streets to intimidation and harassment. Anti-social behaviour matters to the public. They want the issues to be dealt with swiftly and for the anti-social behaviour to stop. Tackling anti-social behaviour is a key concern for newly elected Police and Crime Commissioners and was at the heart of many of their election campaigns.

The Government takes anti-social behaviour and low-level crime very seriously and we have committed to significant reform of how we deal with such behaviour through our draft Anti-social Behaviour Bill, which was published on 13 December 2012. One of the key measures in the draft Bill is the Community Remedy, which is designed to give victims of low-level crime and anti-social behaviour a say in the punishment of the offender. The Community Remedy has three key elements:

1. Police and Crime Commissioners will be required to consult the public on a range of sanctions that can be used to deal with low-level crime and anti-social behaviour outside of the court system in their police force area, with the Police and Crime Commissioner and Chief Constable ensuring the final menu is proportionate.
2. Police officers will work from the resulting menu of sanctions when using two types of out of court disposal – informal community resolutions and conditional cautions.
3. The victim must be consulted on the sanction to be offered to the offender and given the option to choose an appropriate sanction from the menu. The police officer in question (or prosecutor in some cases) will have ultimate responsibility for ensuring that the sanction offered to the offender is proportionate to the offence.

The options on the menu will depend on the views of the community in each police force area but could include, for example:

- Mediation (for example, to solve a neighbour dispute);
- The offender signing an Acceptable Behaviour Contract - where they agree not to behave anti-socially in the future, or face more formal consequences;
- Participation in structured activities funded by the Police and Crime Commissioner as part of their efforts to reduce crime; or
- Reparation to the community (for example, by doing local unpaid work for up to 10 hours).

Draft legislation for the Community Remedy was published as part of the draft Anti-social Behaviour Bill and underwent pre-legislative scrutiny by the Home Affairs Select Committee in January 2013. Alongside this process, we ran a public consultation from 13 December 2012 to 7 March 2013.

Method of consultation

The consultation was made available on the Home Office website. Responses to the consultation could be completed anonymously online, submitted via email or posted to the Home Office. The consultation sought views on proposals to introduce legislation to allow Police and Crime Commissioners to give victims of low-level crime and anti-social behaviour a say in the punishment of the offender. The questions were designed to help us to understand the potential impact of the proposal on all affected parties, including policing and criminal justice stakeholders and the public.

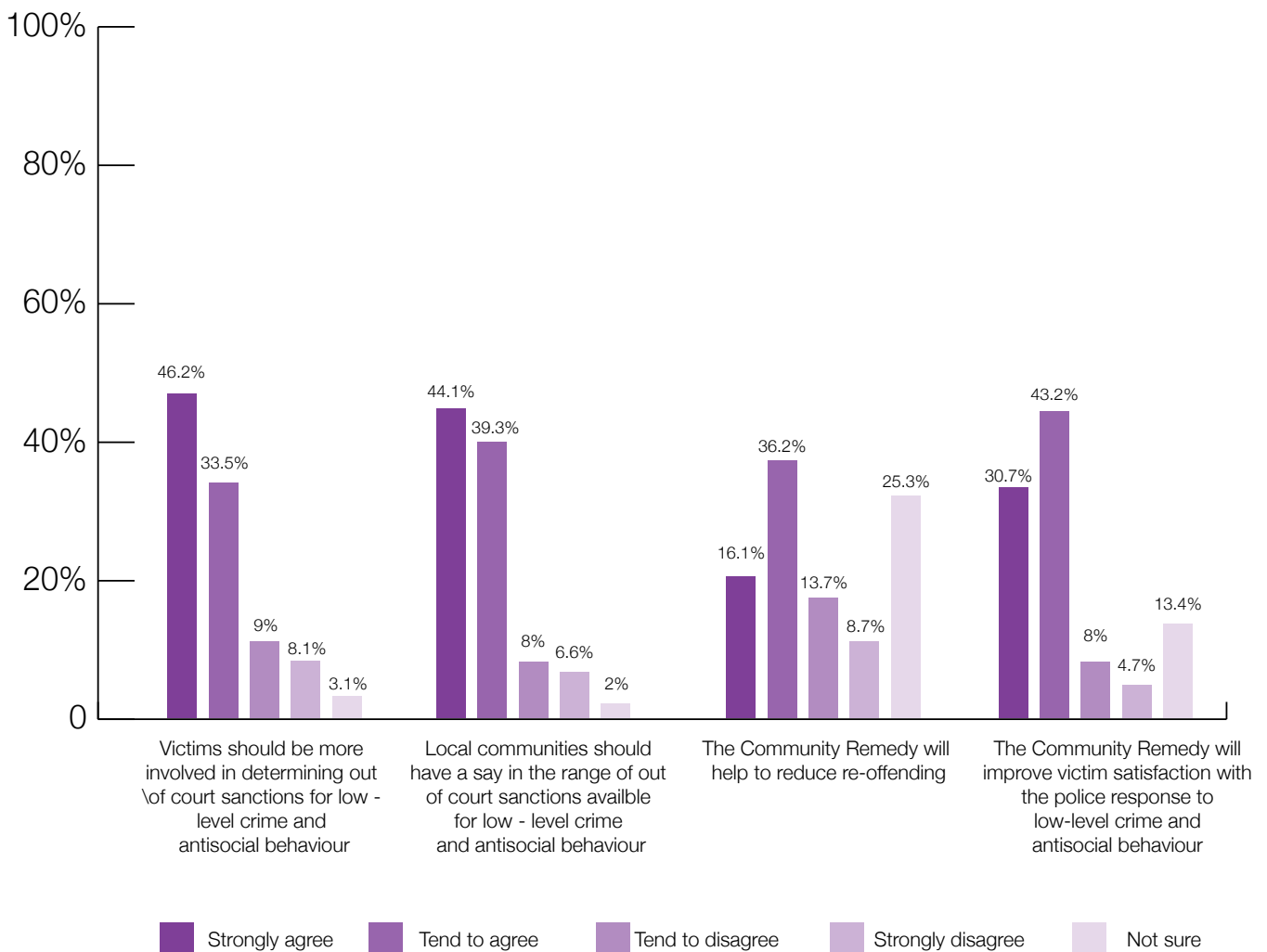
Summary of responses

We received a total of 660 responses (641 online and 19 by post or email). 37 organisations responded to the consultation and 623 members of the public. A list of key organisations that responded is included at the end of this document.

The consultation consisted of a range of questions about respondents' background such as age group and gender, as well as open questions which were designed to elicit views on various aspects of the proposal. In this document we have mainly focused on the open questions, which were most relevant in assessing the impact and effectiveness of the Community Remedy.

A significant number of respondents had experienced anti-social behaviour themselves, or knew a close friend or relative who had been a victim. Nearly 80 percent of respondents agreed that victims should be more involved in determining out of court sanctions for low-level crime and anti-social behaviour. Similarly, over 80 percent of respondents thought that local communities should have a say in the range of out of court sanctions available for such offending. Over 50 percent of respondents thought that the remedy would help reduce re-offending and over 70 percent of respondents agreed that the Community Remedy would improve victim satisfaction with the police response to low-level crime and anti-social behaviour.

To what extent do you agree or disagree with the following statements about the Community Remedy?



Substantive responses from the public

We received a significant number of substantive replies to the open questions about the Community Remedy. Those who responded were generally positive and a key theme from the consultation was the view that the remedy would give victims a direct say in the process:

“Victim involved – having a say in what happens next”

“Greater transparency for victims with regard to punishment for offenders...”

“The victim often feels completely left out of the process at present; the community remedy would address this and may also show perpetrators the trauma they cause to victims”

“The benefits allow a victim closure and gives them the opportunity to explain to the perpetrator and effect their behaviour has had on them. It also allows for reparation to be made”

“The community will be able to see justice being done when an offence has been committed”

A number of respondents also thought that the Community Remedy would give offenders the opportunity to reassess their lives and turn their back on crime, thus reducing re-offending:

“In many cases there will also be a benefit to the wider community and ultimately a positive outcome for the offender. In fitting the punishment to the crime it should make the offender more aware of the consequences of his or her actions; a vital factor in re-offending.”

A large number of respondents thought that in the short-term, the Community Remedy could help save money for the judiciary and police by keeping cases out of court and reducing police time spent on bureaucratic processes. In the long-term, respondents thought there could be wider community benefits through reduced crime rates – achieved by addressing low level crime and anti-social behaviour before it escalates.

“Involving the local community sounds like a good way to engage people, keeping cases out of court would save time and money”

Some respondents were concerned that only active members of the community would have a say in the options on the Community Remedy menu and wanted to highlight the importance of consulting widely including marginalised and minority groups.

A number of respondents thought it was important for police officers to manage victims' expectations when using the Community Remedy. In particular, respondents thought the police officer should explain to the victim that the sanction must be proportionate to the offence committed and why a more serious sanction is not appropriate. Respondents also thought that victims should be aware that the offender could choose to reject the sanction which is offered to them, which could lead to more formal action being taken.

“Victims being disappointed with the (consulted and agreed) list of sanctions presented to them: so management of their expectations is important.”

Substantive responses from organisations

We had responses from a wide variety of organisations including the Association of Chief Police Officers (ACPO), Police and Crime Commissioners, local authorities and magistrates.

ACPO and police forces

ACPO and individual police forces who responded to the consultation were broadly supportive of the remedy, highlighting the positive nature of restorative justice for anti-social behaviour and low level crime:

“Involving the community is regarded as a positive step and will support empowerment. Whilst a menu of sanctions will provide some consistency in a police approach, there is a risk that we lose the ability to provide a tailored response for both victim and offender.”

Cambridgeshire Constabulary

“The use of restorative approaches and informal tools is welcomed by ACPO and can play a significant part when dealing with anti-social behaviour, putting the victim at the heart of any decisions that are made, thus helping to heal situations, some of which have been ongoing for some considerable time.” ACPO

“There could be a clear and helpful role for the Police and Crime Commissioners in the development of this policy particularly around the commissioning of partnership services for use in the list of options available to officers.” ACPO

“The appropriate use of restorative approaches and informal tools within anti-social behaviour is welcomed and they will have an important part to play in further engaging victims in problem solving in cases where resolution can be achieved without the need for traditional enforcement.” Leicestershire Police and Crime Commissioner and Leicestershire Police

ACPO did express some concerns about the proposal, notably the need to ensure that the process does not become overly bureaucratic and also the importance of ensuring police officers retain sufficient discretion.

Police and Crime Commissioners

There were mixed responses from Police and Crime Commissioners with some fearing inconsistencies when the Community Remedy was used:

“These proposals could result in wide spread inconsistencies of practice in dealing with low level crime and anti-social behaviour.” Lancashire Police and Crime Commissioner

A number of other Police and Crime Commissioners were supportive of the proposal:

“It is an excellent opportunity to enable the victim to actively engage in the justice process. It should ensure that justice for low level crime and anti-social behaviour is addressed swiftly and satisfactorily.” Hampshire Police and Crime Commissioner

Councils and Community Safety Partnerships

The few local authorities and community safety partnerships that replied showed support for the Remedy:

“The Community Remedy is a welcome addition to the anti-social behaviour toolbox as it would allow for a community issue to be resolved proportionately and without legal sanction, whilst giving the alleged perpetrator opportunities to get help and/or to put something back into the community.” Wolverhampton City Council

Judiciary

The magistrates who responded replied were not in favour of out of court disposals in general, including as part of the Community Remedy, and considered anti-social behaviour and low-level crime should be dealt with by the courts:

“It is the view of the Magistrates’ Association that the removal of judicial supervision combined with the informality of the application of an ever-widening scope of the use of out of court disposals will lead to more, not less offending.” Magistrates’ Association

Other organisations

A number of other organisations responded to the consultation, the majority of whom supported the proposal:

“The Community Remedy is a real opportunity to provide more systemised, high quality and consistent use of restorative justice by police forces. The proposals provide a means through which the use of restorative justice could be tailored to local needs, and an opportunity to engage local communities with restorative justice provision.” Restorative Justice Council

“Victim Support welcomes the Community Remedy as long as safeguards are in place to ensure victims’ safety and genuine choice about participation.” Victim Support

Conclusion

The Government would like to thank all the individuals and organisations who took the time to respond to this consultation.

The Government welcomes the strong support the Community Remedy has received from respondents to the consultation. We are also pleased by the supportive comments made by the Home Affairs Select Committee in their pre-legislative scrutiny report. Given the level of public support for the proposal and positive feedback from key partners, the Government has decided to proceed with the Community Remedy provisions as set out in the draft Anti-social Behaviour Bill.

We do, however, recognise that a number of valid practical concerns have been raised as part of the consultation.

We will continue to work closely with ACPO to minimise unnecessary bureaucracy. We agree that the sanctions on the Community Remedy menu must be proportionate, which is why Police and Crime Commissioners will be responsible for agreeing a proportionate menu with the Chief Constable in their area.

We also agree that police officers must retain the right level of discretion in dealing with anti-social behaviour and low-level crime. Under our proposals, the individual police officer will decide which out of court disposal is appropriate. The draft legislation ensures that the police officer must take ultimate responsibility for the sanction offered to the offender. If the options on the Community Remedy menu are not appropriate, the police officer has the discretion to agree an alternative approach with the victim.

The Government considers that the majority of other concerns could be properly dealt with through a combination of training and accompanying guidance to the Bill. For example, police officer training will help to ensure that victims are fully aware of the process before making their decision.

In summary, we believe that the Community Remedy will enable Police and Crime Commissioners to make the approach to low-level crime and anti-social behaviour in their area more responsive and accountable to victims and the public. Dealing with low-level crime and anti-social behaviour out of court will mean that victims get justice swiftly, and the offender has to face immediate consequences for their actions, which could make them less likely to re-offend in the future.

List of key organisations who replied

Policing bodies & forces:

Association of Chief Police Officers
West Midlands Police and Crime Commissioner
Hampshire Police and Crime Commissioner
Lancashire Police and Crime Commissioner
Joint response from Norfolk and Suffolk Police and Crime Commissioners
Joint response from Leicestershire Police and Crime Commissioner and Leicestershire Police
Mayors Office for Policing and Crime (London)
Derbyshire Constabulary
Cambridgeshire Constabulary
North Wales Police
Staffordshire Police

Criminal justice:

Magistrates' Association
Criminal Justice Alliance
Restorative Justice Council
Social Housing Law Association
Hartlepool Magistrates Bench
Teesside Magistrates Bench
Devonshires Solicitors

Local government, Councils and Community Safety Partnerships:

Braintree District Council
Darlington Community Safety Partnership
Hampshire County Council
Haringey Youth Offending Service
Huntingdon District Council
Manchester City Council
Milton Keynes Community Mediation Service
Nuneaton and Bedworth Borough Council
Safe Durham Partnership
Safer Future Communities
Safe Newcastle
Wolverhampton City Council

Others:

Association of Convenience Stores
Association of Pet Behaviour Counsellors
Blue Cross
Naturist Action Group
Royal Society for the Prevention of Cruelty to Animals
The Kennel Club
Victim Support

