



OFFICE OF THE POLICE & CRIME COMMISSIONER FOR NORFOLK

ORIGINATOR: Chief Executive

DECISION NO. 2014/42

REASON FOR SUBMISSION: For Decision

SUBMITTED TO: Police and Crime Commissioner

SUBJECT:

Adoption of a Community Remedy for Norfolk

SUMMARY:

The Anti-Social Behaviour, Crime and Policing Act places a statutory duty on all Police and Crime Commissioners (PCC) to develop a Community Remedy – a list of punishment options for low-level crime.

Consultation could be undertaken in whatever format the PCC considered appropriate.

Following initial discussions with and feedback from Norfolk's Anti-Social Behaviour Steering Group a draft consultation plan and draft Community Remedy options were developed. These were taken to the Norfolk Community Safety Partnership before public consultation began on August 1. The consultation lasted for a month and closed on August 31.

RECOMMENDATION:

The Community Remedy for Norfolk is adopted as outlined in 2.4.

The preference for victims to be able to choose more than one option i.e. an apology plus a reparation measure should be taken into account by Norfolk Constabulary.

In line with the consultation responses any reparation under Community Remedy should, where possible and appropriate, be carried out in the community where offence took place.

The use and impact of the Community Remedy should be monitored by Norfolk Constabulary, the results made public and scrutinised by the PCC at the regular Police Accountability Forums.

Given the consultation responses Community Remedy options should normally only be used for offenders with no previous convictions. However, in certain appropriate instances, it could be used as an outcome where the offender has previous convictions.

The Community Remedy and the final report containing all the responses received should be published on the OPCCN website.

OUTCOME/APPROVAL BY: PCC/CHIEF EXECUTIVE/CHIEF FINANCE OFFICER
(Delete as appropriate)

The recommendations as outlined above are approved.

Signature

A.W. Bell

Date

16/10/14.

DETAIL OF THE SUBMISSION

1. BACKGROUND:

- 1.1 The Anti-Social Behaviour, Crime and Policing Act places a statutory duty on all Police and Crime Commissioners (PCC) to develop a Community Remedy – a list of punishment options for low-level crime.
- 1.2 From autumn 2014 victims will be able to have a say in the punishment of a first-time offender from a list of options if the offender admits the offence and a police officer deems a community resolution is appropriate.
- 1.3 The Community Remedy may vary from one police area to another, based on what the PCC and Chief Constable agree are appropriate and proportionate.
- 1.4 The aim of Community Remedy is to deal with low-level crime and anti-social behaviour out of court, meaning 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.
- 1.5 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.
- 1.6 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.
- 1.7 The Community Remedy document must be published.
- 1.8 The Community Remedy document may be revised at any time and it may be desirable to do this if new options are to be added.

2.0 Approach to consultation

2.1 There was a duty on the PCC to consult with members of the public and community representatives on what actions they would consider appropriate to be included in the Community Remedy document.

2.2 Consultation could be undertaken in whatever format the PCC considered appropriate.

Following initial discussions with and feedback from the Anti-Social Behaviour Steering Group a draft consultation plan and draft Community Remedy options were developed. These were taken to the Norfolk Community Safety Partnership before consultation began on August 1.

2.3 The consultation lasted for a month and closed on August 31.

2.4 The Draft Community Remedy for Norfolk was:

The PCC proposes to include the following options in Norfolk's Community Remedy and invites you to comment:

- (1) Mediation (for example, to resolve a neighbour dispute);
- (2) A written or face-to-face apology;
- (3) The perpetrator signing an Acceptable Behaviour Contract – where they agree not to behave anti-socially in the future – or face more formal consequences;
- (4) Victim focussed Restorative Justice (RJ). This would involve face to face restorative justice approaches between the victim and the offender (based on initial consultation with the victim);
- (5) Repairing damage to property or cleaning graffiti;
- (6) Paying an appropriate amount for damage to be repaired or stolen property to be replaced;
- (7) Participation in structured activities that are either educational or rehabilitative;
- (8) Reparation to the community (for example, by doing local unpaid work for a short period, such as picking up litter in a park or on a beach).

People were also asked:

Do you have any comments about the options in the list? Do you have any ideas about the use of the options above which you would like the PCC to take into account?

Are there any other options you would like to be covered by the Community Remedy?

Please add any additional comments you wish to make.

2.5 The Office of the Police and Crime Commissioner consulted:

- Norfolk public
- Victims' Panel
- Norfolk Community Safety Partnership members
- Anti-social behaviour steering group members/partners
- Police officers and staff
- Police and Crime Panel members
- Partners
- Local councils

2.6 The OPCCN used the following channels:

- PCC and Norfolk Constabulary websites
- Norfolk Constabulary Intranet
- Police Direct
- PCCs weekly Round up
- Police weekly crime summary
- OPCCN e-mail signatures
- Coordinator contacts
- Hyper local list
- Volunteers (ICV network)
- Twitter
- Independent Advisory Group, Disability Forum, LGBT Group
- Media (Press Release, interviews)
- Norfolk Association of Local Councils
- Community newsletters
- Your Voice – 200+ emails

Our principles of consulting on-line:

- All about digital inclusion, not digital exclusion.
 - If you restrict to one response from one url you are excluding members of same family or a couple from using the same computer.
 - Asking for an e-mail address may also exclude some potential responders—some people are unwilling to leave one, especially if the consultation is relating to the police.
 - Also not good for people without direct access. We urge people to use a library computer for example which would not work if restricted to one response, one url.
 - There is also nothing to stop people filling in more than one hard copy form, or having more than one e-mail address.
 - Data analysis to spot any repeats/unusual patterns is we believe satisfactory.
- Overall we believe access issues out-weigh any potential fraud.

3.0 Results of the public consultation

3.1 The consultation results were as follows:

- 260 responses were received to the online survey although 10 were found to be the same response, despite having been entered at different times. With nine of those identical responses removed the final total is 251.
- 40 responses were received from the Commissioner's Victims' Panel, which comprises victims of crime and is administered by Victim Support.
- A further response was received in written form making a total of 292 people who responded.

3.2 General summary of consultation responses:

- Generally those responding were supportive of the principle of Community Remedy and of the list of options. People had their own individual views about which options they would personally choose and outlined the benefits of some over others.
- Those against were generally calling for more preventative action by police and more police visibility.
- There was a preference for victims to be able to choose more than one option i.e. an apology plus a reparation measure (people tended to split the options 1-4 and 5-8 with the first four being apology/restorative and the latter being reparation)
- Concerns were raised over ensuring the willingness of the victim to take part and ensuring the offender was genuinely regretful / remorseful.
- There was a desire for/concerns over proper enforcement by police and whether offenders will have the skills to do a proper job if required to carry out a repair or the finances to pay. A concern was also raised over whether having to pay would affect those on benefits or cause offenders to reoffend to get the money.
- There was a strong feeling Community Remedy options must be for first offenders only.
- There was a strong feeling that any reparation must be carried out in the community where offence took place.
- Concerns were raised over whether the police have the time or money to properly supervise Community Remedy and questions were asked over how police will monitor the impact.
- There seemed to be a wide assumption that offenders are young people.
- Questions were asked over how this affects police figures and whether offences will still be recorded as crimes.

2. FINANCIAL IMPLICATIONS:

There will be financial implications for Norfolk Constabulary depending on the options chosen. It is not possible to quantify the costs at this stage but these will need to be monitored.

3. OTHER IMPLICATIONS AND RISKS:

The Anti-Social Behaviour, Crime and Policing Act places a statutory duty on all Police and Crime Commissioners (PCC) to develop a Community Remedy.

The Community Remedy document must be published.

The Community Remedy document may be revised at any time and it may be desirable to do this if new options are to be added.

PUBLIC ACCESS TO INFORMATION: *Information contained within this submission is subject to the Freedom of Information Act 2000 and wherever possible will be made available on the OPCC website. Submissions should be labelled as 'Not Protectively Marked' unless any of the material is 'restricted' or 'confidential'. Where information contained within the submission is 'restricted' or 'confidential' it should be highlighted, along with the reason why.*

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	NO
Has the PCC's Chief Finance Officer been consulted?	NO
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	YES
Have human resource implications been considered?	YES
Is the recommendation consistent with the objectives in the Police and Crime Plan?	YES
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	YES
Has communications advice been sought on areas of likely media interest and how they might be managed?	YES
In relation to the above, have all relevant issues been highlighted in the 'other implications and risks' section of the submission?	YES

APPROVAL TO SUBMIT TO THE DECISION-MAKER (this approval is required only for submissions to PCC and DPCC).

Chief Executive

I am satisfied that relevant advice has been taken into account in the preparation of the report and that this is an appropriate request to be submitted to the PCC.

Signature:



Date 17-10-2014