

DECISION NO: PCCG-2014-074

OFFICE OF POLICE AND CRIME COMMISSIONER

TITLE: Community Remedy Consultations Findings and Recommendations

DATE: September 2014

TIMING: Pressing - Implementation date: 20th October

PURPOSE: For decision

1.	<p><u>RECOMMENDATION</u></p> <p>The Chief Constable and Police and Crime Commissioner are asked to consider and approve the following options for inclusion within the Community Remedy process from 20th October 2014:</p> <ul style="list-style-type: none">• Reparation to damage caused e.g. repairing damage to property, cleaning graffiti, returning stolen property etc.• Paying for the damage caused to be repaired or for the property stolen to be replaced.• A verbal or written apology.• Restorative Justice / Shuttle Conference
2.	<p><u>INTRODUCTION & BACKGROUND</u></p> <p>The introduction of the Anti-social Behaviour, Crime and Policing Act 2014 (Part 6) allows for community resolutions to deal with instances of Anti-social Behaviour (ASB) as well as low-level crime for youths or adults; and can also be used to form part of a youth or adult conditional caution.</p> <p>Community resolutions, currently used as part of the Bureau restorative justice programme in Gwent, are not enforceable unless they have been applied as part of a youth or adult conditional caution. Therefore a community resolution should only be applied if an officer (or police community support officer (CSO please see section 6 below)) is reasonably confident that the offender will comply and deliver the resolution.</p> <p>The Act also places a duty on PCC's to consult with members of the public and community representatives on the punitive, reparative or rehabilitative options they consider appropriate to be made available to the community as a set of Community Remedy options to be in place by 20th October 2014.</p> <p>To meet the Commissioners duty to consult on the local remedy options to be available, the Office of the Police and Crime Commissioner (OPCC) consulted on a list of possible actions that might make up the Community Remedy. The consultation was from relevant professionals working within and around the criminal justice system during the Gwent Anti-Social Behaviour Planning Day held on the 23rd June, 2014. The second comprised an online survey that was open to the public from 1st July to the 31st July 2014. The consultation was published as a press release and formed a Facebook and twitter campaign, together with Online Watch Link (OWL) and internal Guardian notifications. AMs/ MPs and Police and Crime Panels were also invited to comment. In total 980 responses were received from across Gwent. A full breakdown</p>

	<p>of the results are available upon request.</p> <p>Overall, the results showed which options were favoured the most and which respondents would most like to see used as the Community Remedy options and the options they favoured the least. An option appraisal of each resolution included within the consultation is outlined below. This provides information on support for each resolution and an assessment on its feasibility for introduction by October 2014.</p>
3.	<p><u>ISSUES FOR CONSIDERATION</u></p> <p>Options Appraisal</p> <p>The following options are listed in order of their 'support' from the public consultation:</p>
	<p>Restorative: Reparation to damage caused e.g. repairing damage to property, cleaning graffiti, returning stolen property etc.</p>
	<p>Ranking: This was the top ranked option for respondents.</p> <p>Ease of Implementation: Supervision of youths in repairing damage caused is operated by Youth Offending Teams. Options such as returning stolen property can be facilitated by neighbourhood policing teams.</p> <p>Considerations: This option could be applied as a resolution or a youth or adult conditional caution. Whilst arrangements are in place to facilitate and supervise the reparation of damage caused to property by youths, no such arrangements exist for adult offenders being dealt with out of court.</p> <p>Recommended inclusion: Yes – immediate for youths, and in circumstances that do not require supervision of adults. Future restorative justice (RJ) commissioning should consider the possibility of supporting supervised reparative work of adult offenders that are dealt with out of court.</p>
	<p>Restorative: Paying for the damage caused to be repaired or for the property stolen to be replaced.</p>
	<p>Ranking: This was ranked the 2nd most favoured option by respondents.</p> <p>Ease of Implementation: This option is currently available to youth offenders and can be facilitated by neighbourhood policing teams.</p> <p>Considerations: This option could be applied as a resolution or a youth or adult conditional caution. It should only be applied in circumstances where the officer is confident that the offender has the means available to make a reasonable payment to the victim. <i>'The Victim must be made aware that the conditions agreed may not be legally enforceable'</i> ACPO Guidelines on the Use of CR Incorporating RJ version 1.0 (2012) (Reviewed August 2014) Point 2.3.1</p> <p>Recommended inclusion: Yes – immediate.</p>
	<p>REHABILITATIVE: Substance Misuse / Alcohol Dependency Support Programme.</p>
	<p>Ranking: The three options shown here relating to 'targeted interventions' were ranked the 3rd most favoured option by respondents. The standalone option of 'Counselling', ranked 10th by respondents, could well have been misconstrued and as</p>

such is included within this option.

Ease of Implementation: This option is currently available to youth offenders through referrals made by Youth Offending Teams. Adult referrals to the Drug Interventions Programme are facilitated by custody staff.

Considerations: This option could be applied as a resolution or a youth or adult conditional caution. Demand will need to be considered as part of the re-commissioning substance misuse process.

Although desirable to 'sign-post' the offender to such support it is recognised to only be beneficial if the person wants the support to address their dependency; this would probably be a 'voluntary intervention' and as such a fuller assessment of its suitability would need to be undertaken prior to endorsing it as a suitable resolution.

Recommended inclusion: No – Requires further assessment relating to use and capacity / capability to provide.

Rehabilitative: Domestic Abuse Support Counselling.

Ranking: Forms part of option 3 as stated above.

Ease of Implementation: There are currently no processes in place to provide such services to adult offenders that are dealt with out of court.

Considerations: This option could be applied as a resolution or a youth or adult conditional caution. Future restorative justice commissioning should consider the provision of these services to adults that are dealt with out of court.

At present, ACPO guidelines for domestic abuse/ domestic violence does not support the use of RJ in determining outcomes. The nature of any intervention under the principals of RJ would need to be carefully considered (ACPO Guidelines & Minimum Standards Version 1.0 (2012) (reviewed August 2014).

Recommended inclusion: No - Requires further assessment relating to use and capacity / capability to provide.

Rehabilitative: Anger Management Counselling.

Ranking: Forms part of option 3 as stated above.

Ease of Implementation: This service is currently available to youths through Youth Offending Teams. There are currently no processes in place to provide such services to adults that are dealt with out of court.

Considerations: This option could be applied as a resolution or a youth or adult conditional caution. Future restorative justice commissioning should consider the provision of these services to adults that are dealt with out of court.

Recommended inclusion: No – Any provision of services will need to be considered as part of future planning decisions.

Rehabilitative: Tenancy /Environmental Health Enforcement

Ranking: This was ranked the 4th most favoured option by respondents.

Ease of Implementation: Social Landlords already have tenancy enforcement arrangements in place. Currently there are processes in place for police teams to access this option, where the activity relates to tenants. The process in place that is applicable to private / owners is accessible via Local Authority Environmental Health Departments.

Considerations: This option could be applied to tenants but does not facilitate actions applicable to private / owners other than by current powers available to Environmental Health Departments. Future restorative justice commissioning should consider the provision of these services to non-social landlord situations which can possibly be met via the use of Community Protection Notices (In action from October 2014).

Recommended inclusion: No – not as a policing option.

Punitive: A Parenting Contract.

Ranking: This was ranked the 5th most favoured option by respondents.

Ease of Implementation: This option is not currently offered through the Youth Offending Bureau. It could however be delivered by neighbourhood officers or through a referral to another lead agency that has the ability to establish a Parenting Contract such as a Local Authority.

Considerations: This option can only be applied to adults as its purpose is to outline the role of the parent in reducing their child's chance of further offending. A parenting contract is often used along-side an ABC. Its use is most effective when applied as a resolution rather than as part of a youth or adult conditional caution.

Currently the use of parenting contracts usually fall under the 'strike system level 3' with YOS support and will remain in action via the ASB strike process

Recommended inclusion: No.

Rehabilitative: Any other educational or diversionary course including work skills training.

Ranking: This was ranked the 6th most favoured option by respondents.

Ease of Implementation: Diversionary courses are available through Youth Offending Teams and can vary across Gwent. Positive Futures, also offer targeted interventions for youths through the delivery of workshops tailored to individual need and offending behaviour. Currently there are no processes in place to offer such courses / programmes for adults that are dealt with out of court.

Considerations: This option could be applied as a resolution or a youth or adult conditional caution. Future restorative justice planning should consider the provision of these services to adults.

Recommended inclusion: No – Provision of courses / programmes by other external

organisations to be considered as part of future commissioning work.

Punitive: Acceptable Behaviour Contract (ABC) applied to the offender.

Ranking: This was ranked the 7th most favoured option by respondents.

Ease of Implementation: This option is not currently offered through the Youth Offending Bureau. It could however be delivered through a referral to another lead agency that has the ability to establish an ABC such as landlords.

Considerations: ABC's can be applied to youths and adults. They are most effective when applied as part of a resolution rather than a youth or conditional caution as its purpose is to nip offending in the bud prior to it escalating.

Currently the use of ABC's usually fall under the 'strike system level 3' with YOS/ Local Authority and where applicable RSL support.

Recommended inclusion: No – not for a Remedy option but forms part of the ASB strike process.

Restorative: A verbal or written apology.

Ranking: This was ranked the 8th most favoured option by respondents and links to the other options of 'letter of apology' and 'written assignment' which were the least two favoured options by respondents.

Ease of Implementation: This option is currently offered by the Youth Offending Bureau, and can be facilitated by neighbourhood policing teams.

Considerations: It is more relevant for use as a resolution than as part of a youth or adult conditional caution.

Recommended inclusion: Yes – immediate.

Restorative: Mediation to resolve neighbour disputes, family conflicts, lifestyle differences – noise nuisance complaints.

Ranking: This was ranked the 9th most favoured option by respondents.

Ease of Implementation: Mediation can be delivered by police officers that have been trained in restorative justice methods, and by Youth Offending Teams. Alternatively, independent mediation services can be sought from and provided by Social Landlords and 3rd sector organisations.

Considerations: Mediation is most effective when used as a resolution rather than as part of a youth or adult conditional caution. On-going commissioning of independent mediation will need to consider the demand generated through the use of the Community Remedy, identify the Gwent wide provision and seek to address gaps before this can be widely provided as a remedy option. A feasibility study providing a cost benefit analysis would identify whether this option is financially viable.

Recommended inclusion: No – not for a Remedy option. Could be provided as an element of the wider process but further exploratory work will be required to establish capacity against requirement.

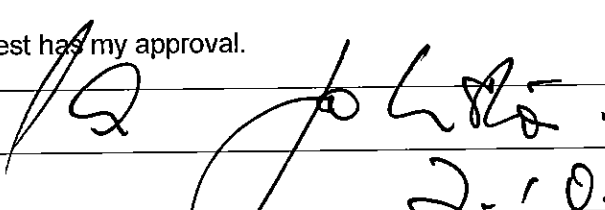
	<p>Punitive: Restorative Justice / Shuttle Conference – Allows victims and offenders to put their views to each other without meeting face to face.</p> <p>Ranking: This was ranked the 11th most favoured option by respondents</p> <p>Ease of Implementation: There is a process currently in place to facilitate this resolution.</p> <p>Considerations: This option forms a regular activity carried out by neighbourhood teams</p> <p>Recommended inclusion: Yes.</p> <p>In summary the types of resolutions that are recommended for immediate implementation as remedy options, as at October 2014 are (ranked in line with public support):</p> <ul style="list-style-type: none"> • Reparation to damage caused e.g. repairing damage to property, cleaning graffiti, returning stolen property etc. • Paying for the damage caused to be repaired or for the property stolen to be replaced. • A verbal or written apology. • Restorative Justice / Shuttle Conference
4.	<p><u>NEXT STEPS</u></p> <p>The Chief Constable is required to be consulted on and agree the list of community remedy resolutions to be made available to officers. This consultation has taken place with the Assistant Chief Constable, who has lead responsibility for this area on behalf of the Chief Constable. The Chief Constable is also required to establish a policy / guidance document for the application of community remedy resolutions within Gwent. To ensure that this is in-line with community feedback, it is recommended that the policy / guidance be actioned by the 19th October 2014 with progress being considered at the next available Strategy and Performance Board.</p>
5.	<p><u>FINANCIAL CONSIDERATIONS</u></p> <p>The recommended resolutions for immediate inclusion within the Community Remedy process will be delivered within current budgets. The financial implications of offering additional restorative justice (RJ) services will need to be scoped as part of the RJ commissioning process.</p>
6.	<p><u>PERSONNEL CONSIDERATIONS</u></p> <p>The recommended resolutions for immediate inclusion within the Community Remedy process will be delivered without the need to increase policing resources.</p> <p>ACPO Guidelines for the use of Community Resolutions incorporating Restorative Justice (Reviewed August 2014) and under the act, powers to deliver RJ have been given to warranted officers, special constables, Police Community Support Officers or other staff, e.g. suitably accredited partners provided with powers designated to them by a Chief Constable.</p> <p>When the Adult Community Resolution (RJD) process was introduced previously, the decision was taken to restrict the delivery to Police Officers only. With the changes to Ward Manager's roles across the Force it is suggested that if the CSO's were</p>

	<p>authorised to deliver (restricted to certain Offences/ incidents) it would provide an enhanced quality service and improve Victim/ community satisfaction.</p> <p>Youth Offending Teams are heavily involved in facilitating / supporting community resolutions. It is feasible that the demand for these services will increase through the introduction of the Community Remedy.</p>
7.	<p><u>LEGAL IMPLICATIONS</u></p> <p>The Chief Constable is responsible for developing the guidance / policy on the use of Community Resolutions and the associated remedy options. He is also responsible for ensuring they are operational from 20th October 2014.</p>
8.	<p><u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u></p> <p>This project/proposal has been considered against the general duty to promote equality, as stipulated under the Strategic Equality Plan and has been assessed not to discriminate against any particular group.</p> <p>Consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998 in preparing this report.</p>
9.	<p><u>RISK</u></p> <p>Inappropriate application of community remedies can lead to unfulfilled resolutions resulting in reduced confidence in policing.</p>
10.	<p><u>PUBLIC INTEREST</u></p> <p>This document is available to the public</p> <p>The application of a community resolution can be particularly effective in dealing with low-level youth offenders. It can provide them with the opportunity to answer for their offending behaviour without being unnecessarily criminalised.</p> <p>The OPCC has widely promoted the opportunity for the public to participate in the consultation. We will also ensure that the introduction of the Community Remedy Document is communicated to the public in the preceding and proceeding weeks around its introduction.</p>
11.	<p><u>CONTACT OFFICER</u></p> <p>Neil Taylor – Head of Performance, Planning and Partnerships.</p>
12.	<p><u>ANNEXES</u></p> <p>Nil</p>

For OPCC use only

Consultation:	Tick to confirm (if applicable)
Financial The Chief Finance Officer has been consulted on this proposal.	✓
OPCC (insert name) Neil Taylor - HPPPO has reviewed the request and is satisfied that it is correct and consistent with the PCC's plans and priorities.	✓
Legal The legal team have been consulted on this proposal.	✓
Equalities The Equalities Officer has been consulted on this proposal.	N/A

Chief Executive/ Deputy Chief Executive: I have been consulted about the proposal and can confirm that financial, legal, equalities etc... advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate report to be submitted to the Police and Crime Commissioner for Gwent.
Signature: S A Bessell
Date: 19/09/14

Police and Crime Commissioner for Gwent I confirm that I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. The above request has my approval.
Signature: 
Date: 2.10.14