



**HUMBERSIDE**  
POLICE & CRIME  
COMMISSIONER



# Community Remedy Document

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# FOREWORD FROM THE POLICE AND CRIME COMMISSIONER (PCC) JONATHAN EVISON

“Victims of crime should have a greater say in the punishment and rehabilitation of offenders. For a less serious crime, for example Anti-Social Behaviour or criminal damage, the police will work with the victim and can impose a Community Remedy as an alternative to the offender going to court. This is often a preferred option for victims as they know the offender has accepted responsibility and is seen to repay a debt to society or to the victim personally, which often provides closure for them.

“Community Remedy is aimed primarily at first time offenders, to make them more responsible for the consequences of their actions and think twice about the effect it will have on their future before committing further offences.

The alternative may be a police caution or having to go to court, which could give them a criminal record and affect their future chances of employment for years to come. If they choose to ignore the chance they have been given and go on to commit further crimes, they may be liable for a more formal sanction through the criminal justice system.

“Community Remedy is not a ‘soft option’, Court will always be the right place for serious and persistent offenders and those who do not improve their behaviour.”

Jonathan Evison



## BACKGROUND

Under the Anti-Social Behaviour, Crime & Policing Act 2014 a mandatory requirement was placed upon police forces to discuss the options for out-of-court disposals with victims of crime. This process is known as the Community Remedy. It is a statutory duty of the PCC for Humberside to produce a Community Remedy document for their area.

The Office of the Police and Crime Commissioner (OPCC) for Humberside sought the public's opinion in 2023 and asked them to consider a range of options for an out-of-court disposal. Their responses have helped formulate this Community Remedy document. This Community Remedy document lists the available actions that can be carried out by a person who has engaged in anti-social behaviour or committed an offence and admits to their involvement.

This individual can be dealt with for that behaviour or offence without court proceedings. This Community Remedy document gives victims a say in the out-of-court punishment of perpetrators for low-level crime and anti-social behaviour. The police should give the victim an opportunity to be consulted on which action from the Community Remedy document they think the perpetrator should carry out.

According to Home Office guidance, each of the actions contained within this Community Remedy document must contain at least one, or a combination, of the following:

- ▶ Punitive element - reflecting the effects on the victim and the wider community;
- ▶ Reparative element - achieving appropriate restitution/reparation to the victim;
- ▶ Rehabilitative element - helping to address the causes of the individual's behaviour.



## WHAT ARE THE BENEFITS OF COMMUNITY REMEDY?

The benefits of appropriately dealing with certain crimes out-of-court include the ability to seek quicker justice for victims and more immediate consequences for the individuals responsible.

Where police consider any out-of-court disposal it is a legal requirement to make reasonable effort to offer and discuss the Community Remedy with the victim under the Anti-Social Behaviour, Crime & Policing Act 2014. Furthermore, a community remedy can only be used for low-level offences. These can include criminal damage, low value theft, minor assaults (without injury) and anti-social behaviour. Serious crimes such as sexual violence and most cases of domestic abuse or violence with injury should always be handled in court.

Not all low-level offences must be dealt with using a Community Remedy, the final decision on the use of a Community Remedy lies with the police.

It is important to note that Community Remedy is not a soft option or an "easy way out" for individuals.

Everyone given a Community Remedy outcome is expected to make amends and change their ways through working within the community or taking positive action. Offering Community Remedy at the early stages of criminal behaviour allows them the opportunity to change, without affecting their prospects by giving them a criminal record. If, however, individuals fail to take advantage of this opportunity, then they may face more formal consequences when they come to police attention again.

There are two main routes down which the Community Remedy options may be applied as conditions. Which route is taken will determine what powers of enforcement and options are available:

- ▶ Conditional Caution
- ▶ Community Resolution

It is worth noting that this process is currently being reviewed nationally, and as such the routes the Community Remedy options can be applied to may be subject to change.



# WHAT ARE THE BENEFITS OF COMMUNITY REMEDY?

Table 1: A summary of out-of-court disposals

	Type of out-of-court disposal	
	Conditional Caution	Community Resolution
<b>Perpetrator MUST admit actions/responsibility</b>	Yes	Yes
<b>Victims Views taken into consideration</b>	Yes	Yes
<b>Police Powers</b>	This is statutory; therefore, the police have powers to enforce.	This is non statutory; therefore, the police will only be involved at an early stage, completion of the options are voluntary and non-enforceable
<b>Options/Conditions</b>	<ul style="list-style-type: none"> <li>▶ Restorative Justice</li> <li>▶ Reparative</li> <li>▶ Compensation</li> <li>▶ Rehabilitation Activities</li> </ul>	<ul style="list-style-type: none"> <li>▶ Restorative Justice</li> <li>▶ Reparative</li> <li>▶ Compensation (only voluntary)</li> <li>▶ Rehabilitation Activities</li> <li>▶ Words of advice</li> </ul>
<b>If the conditions/options are not completed (for adults)</b>	If not done - the perpetrator may be prosecuted for the original offence	This is a voluntary arrangement, and the police cannot intervene if it is not completed – but this will not be offered again
<b>The Youth Offending Service will manage under 18-year-olds</b>	Not applicable There is a youth conditional caution	Yes, the options will often be combined in a tailored approach to the support and rehabilitation of the young person
<b>May be disclosed as part of a DBS check</b>	While unspent, this will appear on a basic check. After the caution is spent (conditions completed in the required timescale) this would only appear in an enhanced DBS check for 6 years	This is not a criminal record but may be disclosed as part of an enhanced DBS check

# WHAT IS RESTORATIVE JUSTICE?

Restorative Justice provides an opportunity to bring those harmed and those responsible for that harm together in a safe and supported way. This allows mediation between the two parties, thus allowing those harmed the opportunity to express their experience in an informal yet impactful way, whilst providing the opportunity to understand why the individual may have committed the crime/anti-social behaviour. It also provides an individual with the opportunity to hear from those they have harmed and to understand the impact of their actions so they can find a positive way forward.

Restorative Justice can be facilitated on both a direct (face to face meeting between victim and the individual) or indirect (using a member of the Restorative Justice team as a liaison between victim and the individual) basis, thus allowing the benefits of Restorative Justice whilst acknowledging what is best for those involved.

Restorative Justice is one of the options of the Community Remedy and, where applied, will be delivered by Remedi (who are the Humberside OPCC commissioned service for Restorative Justice).

It is recommended that Restorative Justice is considered by all victims, as it has multiple benefits for all parties affected by criminal activities, and it can be carried out alongside other options. Restorative Justice is already an established practice used by Humberside Police.

For more information on how Restorative Justice works, [CLICK HERE](#)



# COMMUNITY REMEDY OPTIONS

The following list details the options that are available for victims under Community Remedy in the Humberside area.

These options have been agreed following consultation with the public, police, and other relevant organisations.

The police officer dealing with the case will discuss the following options with the victim:

## RESTORATIVE JUSTICE

- ▶ Facilitated contact between victim and the individual responsible for the incident, which could lead to a face-to-face meeting between the victim and the individual. Those affected have an opportunity to explain the impact upon them, get answers to questions they have, and/or obtain an explanation from the individual (for more information see section 4).
- ▶ This will be facilitated free of charge by Remedi, an organisation commissioned by the OPCC. It is recommended that this option is carried out, even if one or more of the other options has been chosen as well.

## WORDS OF ADVICE AND GUIDANCE

- ▶ The Investigating Officer gives firm 'words of advice' to the individual, aiming at helping them see the errors of their ways and the impact of their actions where a more formal resolution may not be appropriate.
- ▶ This can be used for both adults and youths in situations where firm guidance may be enough for them to rethink their actions.
- ▶ This resolution must include an education/rehabilitation aspect to the discussion.
- ▶ Only an option for Community Resolution.



## REPARATION

- ▶ The individual can be requested to carry out unpaid work. For adults this would be a personal agreement with the victim.
- ▶ This option is available for all versions of the out-of-court disposals (as per the information in table 1) this can only be enforceable with a Conditional Caution; the Community Resolution will be a voluntary arrangement between the perpetrator and the victim.

## REHABILITATIVE ACTIVITIES (EDUCATIONAL, EMPLOYMENT AND INTERVENTIONS)

- ▶ This option allows the perpetrator, having admitted responsibility for the offence, to receive guidance and education on the impact of their actions on others, in order to dissuade them from re-offending.
- ▶ Activities can include:
  - 1 Drug and alcohol services
  - 2 Liaison and diversion
  - 3 Sports and other club diversions
  - 4 Specialised programmes aimed at specific needs delivered via third sector charities
- ▶ Other programmes will be commissioned by the OPCC and used as Rehabilitative Activities in the future.

## COMPENSATION

- ▶ The individual can be requested to pay compensation for injury or pay for repairs to damaged property.
- ▶ There is also an opportunity for a donation to be made by the perpetrator to a charity of the victim's choice.
- ▶ This option is available for all versions of the out-of-court disposals (as per the information in table 1). This can only be enforceable with a Conditional Caution; the Community Resolution will be a voluntary arrangement between the perpetrator and the victim.

## A FORMAL COMMITMENT FROM THE YOUNG PERSON

- ▶ The young person agrees not to offend in the future (usually combined with other tailored interventions).
- ▶ Under 18-year-olds should be referred into Youth Justice Services. Victim Liaison Officers (VLOs) from this service will contact victims to offer advice, information, and support them to have their voice heard in the process, as well as offer Restorative Justice.
- ▶ A victim has a right to request a referral to a VLO from the Youth Justice Service if they haven't been offered this by the Police.

The Victims' Code of Practice lists a victim's rights. Please click [HERE](#) to access this Victims' Code or [HERE](#) for an easy read version.

Right 4 in the victims' code is to be referred to services that support victims and have that service tailored to the victim(s)' needs.

This can take the form of advice and support ranging from a request for information on the process and what to expect next, through to accessing support services to help recover from the impact of the crime.

Victim Support is commissioned by the OPCC and is free to access for victims of crime. This service can provide information, offer practical guidance on the criminal justice process and supply contacts into more specialised support services.

The Police should offer the victim(s) a referral into Victim Support.

Alternatively, the victim(s) can self-refer into Victim Support at any time, even if the incident happened in the past. It is not necessary to report to the police to receive the support the victim(s) wants.

Details of Victim Support are below <https://humbersouthyorks.victimsupport.org.uk/>



## Humberside

**Phone 0300 303 1976**

If you've been affected by crime, call your local victim care team in Humberside.

Lines are open 9am-8pm, Monday to Friday and 9am-1pm, Saturday.

**Supportline 08 08 16 89 111**

If you need support outside of your local team's opening hours, you can call our Supportline for free.

Or find other ways to get help.

### ARE OUT-OF-COURT DISPOSALS A SOFT OPTION?

Out-of-court disposals are not a soft option. Out-of-court disposals provide the police with greater powers to signpost offenders to support pathways. In all disposal options, the conditions must be aimed at one of three objectives: namely rehabilitation; reparation; and punitive.

### WHAT IF THERE ARE MANY VICTIMS? HOW CAN ALL VIEWS BE CONSIDERED?

Police should try to consider the views of all victims involved in the incident to ensure the most appropriate outcome is delivered.

### WHAT IF THE PERPETRATOR FAILS TO COMPLETE THE CONDITIONS SET BY THE POLICE AFTER CONSULTATION WITH A COMMUNITY REMEDY?

A Conditional Caution may result in prosecution for the original offence. However, a Community Resolution is not a statutory police disposal and as such the police cannot enforce the completion of the conditions attached to the Community Resolution. If a perpetrator does not engage with the Community Resolution, it should not be offered again.



### CAN A COMMUNITY RESOLUTION BE USED FOR SOMEONE UNDER 18?

Yes, a Community Resolution can be used with young people aged 17 and under, with a parent/carer's consent.

### HOW MUCH SAY DO I HAVE AS A VICTIM?

The victim of the offence will be asked their opinion as to which option they think may be the most appropriate, however the final decision remains with the Police Officer as to which option is used.

# FREQUENTLY ASKED QUESTIONS

## WHAT IS THE DIFFERENCE BETWEEN COMMUNITY REMEDY AND ASB CASE REVIEWS?

A Community Remedy is a list of options for the Police to consult a victim on, in order to deal with a known offender of low-level crime and Anti-Social Behaviour. On the other hand, if victims feel that agencies working in partnership have not dealt effectively with the antisocial behaviour they have reported, they can raise a ASB Case Review (formally known as Community Trigger).

For more information [CLICK HERE](#).

## IS THERE AN OPPORTUNITY FOR THE PERPETRATOR TO GAIN WORK EXPERIENCE OR SKILLS FROM A COMMUNITY REMEDY OPTION?

Perpetrators may be offered the opportunity to work on skills development and employability under the rehabilitative activities option, if it is deemed that this will have a positive impact on their future.

## IF COMPENSATION IS THE CHOSEN OPTION, WHAT HAPPENS IF THE PERPETRATOR IS FROM A LOW-INCOME BACKGROUND OR ON BENEFITS?

The Police Officer responsible will make sure that the Community Remedy option carried out is appropriate for the individual to complete.

## DO THE REPARATIONS UNDERTAKEN MATCH THE CRIME COMMITTED? E.G. IF SOMEONE CREATES GRAFFITI, DO THEY CLEAN UP GRAFFITI?

The Police Officer will ask your opinion on which Community Remedy option you feel is most appropriate for the crime committed.



# PARTNERS



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