

# Safer and Stronger Communities Overview and Scrutiny Committee

## Update on the Anti-Social Behaviour, Crime and Policing Act 2014

28 October 2014



Safe Durham Partnership

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### Report of Chief Superintendent Ivan Wood, Chair of the Anti-Social Behaviour Group

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#### Purpose of the Report

1. The purpose of this report is to update the Safer and Stronger Communities Overview and Scrutiny Committee with the detail and implications of the Anti-Social Behaviour (ASB), Crime and Policing Act 2014.

#### Background

2. In July 2010 the Home Secretary announced a review of the Anti-social Behaviour Toolkit, to ensure it offered better protection to victims and communities and a more effective deterrent to perpetrators. The Home Office carried out an analysis of the use of specific tools and the way that different practitioners used the current toolkit and put forward some proposals for radically simplifying and improving this to tackle anti-social behaviour. In February 2011 the Government sought views on the proposals and consultation was carried out. The Safe Durham Partnership (SDP) submitted a response to this consultation in April 2011.
3. In May 2012, the Government published its White Paper 'Putting Victims First – More Effective responses to Anti-social Behaviour', with a proposal to introduce a simpler toolkit with 19 complex existing powers reduced to just 6 simple new ones.
4. In December 2012, the Government published the Draft Anti-social Behaviour Bill. Consultation was carried out on this until March 2013. Partnership responses were collated and agreed by the Anti-social Behaviour Group and then submitted as a Safe Durham Partnership response to the Home Office.
5. The Bill has been progressing through legislation and was introduced in the Queen's Speech as the Anti-social Behaviour, Crime and Policing Bill which proposed a raft of measures not only to tackle anti-social behaviour, but also to make forced marriage illegal and improve professional standards of the Police.
6. This Bill became an Act of Parliament in March 2014. (See Appendix 2 for an overview of the Act.) Part 5 of the Act was implemented on the 13 May 2014, which extends the scope of the existing ASB grounds to cover nuisance to the landlord or their employees, and the new riot related discretionary possession ground also came into force on that date.

7. The range of new powers to tackle anti-social behaviour came into effect on 20<sup>th</sup> October 2014. (See Appendix 3 for an outline of the new ASB tools and powers).
8. There will be a delay to the introduction of Part 1 of the Act, the civil injunction. This will allow changes to be made to the civil legal aid system to ensure that applications for advocacy assistance can be assessed for those involved in civil injunction hearings. These changes should be completed by the end of January 2015 at the latest.
9. Changes to the Dangerous Dogs Act came into force on the 14 May 2014. Dog owners can face prosecution if their dog attacks a person in their home or on any private property, except if they attack a trespasser. This gives protection to those who provide services in the community – housing officers, postal workers, nurses, utility workers etc. The maximum sentences for allowing a dog to attack someone have been substantially increased from two years for a fatal dog attack to 14 years; from two years for injury up to five years, and up to three years if an assistance dog is attacked. There are now new preventative powers for the police and local authorities so they can act early to stop dog attacks before they occur. These measures include steps the dog owner can take to address their own or their dog's behaviour, e.g. attending dog training classes, repairing fencing to their property to prevent the dog escaping, requiring their dog to be muzzled in public. Further measures to help tackle irresponsible dog ownership will come into force in April 2016 when micro-chipping will be a legal requirement for all dogs in England.
10. On 16 June 2014, Part 10 of the Act came into force, making it a criminal offence in England and Wales to force people into marriage. Parents who force their children to marry can be punished by up to seven years in prison. Previously, courts have only been able to issue civil orders to prevent victims being forced into marriage. The new law applies also to UK nationals at risk of being forced into marriage abroad. The civil remedy of obtaining a Forced Marriage Protection Order through the family courts will continue to exist alongside the new criminal offence, so victims can choose how they wish to be assisted.

### **Current Position**

11. The Anti-social Behaviour thematic delivery group of the Safe Durham Partnership have been planning towards the implementation of these new powers. A Scoping Day was held in January 2014 with a range of partners to look at the challenges and opportunities of the ASB, Crime and Policing Act, following which six working groups were formed to implement a plan of actions in preparation for when the new ASB tools and powers come into force. These groups comprise a number of agencies, including social housing providers.
12. The College of Policing is developing training on the new ASB powers, with support from the Home Office. Different levels of training will be tailored according to the different needs of officers and staff and will support local delivery.
13. The Home Office published draft guidance for practitioners in October 2013 and this is currently being re-written due to the Lords amendment to Part 1 of the Act which raises the threshold for the civil injunction from 'nuisance and annoyance' to 'harassment, alarm and distress'.

## Implications for the agencies of the Safe Durham Partnership

14. Introduction of the legislation needs to be supported with a common understanding and appreciation of the roles and responsibilities of individual agencies. Implementation of the new ASB powers will prompt a significant training need for practitioners to become familiar with the new toolkit in order to use it effectively. The new powers would need to be effectively communicated to communities to promote public confidence in the ability of the Police, Council and other partners to tackle anti-social behaviour.
15. The following current SDP Policies and Procedures will need to be updated to include the new measures:
  - ASB Escalation Procedure
  - ASB Publicity Policy
  - Designated Public Place Order Procedure
  - Alleygates (Gating Orders)
  - Procedure for Seizing Alcohol
  - Honour Based Violence and Forced Marriage Procedure
16. Durham County Council's (DCC) Anti-social Behaviour Team have recently adopted a new case management IT system called Orcuma FIRsT to record confirmed incidents of ASB. This also generates documentation such as warning letters, and breach of Anti-social Behaviour Contracts. This system, and the Civica IT system, used by DCC Environmental Health, will have to be updated to reflect the new tools and powers.
17. There may be cost implications for the Local Authority when **Injunctions to Prevent Nuisance and Annoyance (IPNAs)** are implemented. The Government will allow a wide range of agencies to make applications on behalf of others, such as the Police (including the British Transport Police), Local Authorities, Registered Social Landlords, the Environment Agency and NHS Protect. Currently the Police bear the financial costs of the legal action to secure Anti-Social Behaviour Orders (ASBOs) and Criminal Anti-Social Behaviour Orders (CRASBOs). If the Council were to take the lead there will be financial and capacity issues to consider.
18. **Community Protection Notices (CPN)** can be used to tackle any behaviour that has a detrimental effect on the quality of life in a community and which is persistent and unreasonable. They will be more flexible than the orders they replace. The new powers can be used by local authorities, police, registered housing providers and can be used by non-specialists. Statutory powers will continue in their current form and will not be superseded by this legislation.
19. The Review of Response to Complaints, commonly referred to as the **Community Trigger** can be invoked if a victim/community/business feels that agencies have not taken adequate action regarding an ASB incident and the problem persists. One or more of the partners within the Community Safety Partnership (CSP) could be required to take steps to resolve the problem, and reply to the complainants within a set period, explaining what it proposed to do. The reply would be copied to the Police and Crime Commissioner who would have the power to call in the CSP if it was considered that the proposed response was inadequate. There are already powers in place through Community Call for Action for Overview and Scrutiny Committee to hold the CSP to account.

The establishment of the new process would need to be considered alongside the existing arrangements. The Government do not propose to spell out in legislation exactly how local areas should implement the trigger. Instead, relevant authorities will be required to decide and publish the thresholds, criteria, process (including a single point of contact) and reporting mechanisms they intend to use locally.

20. The Act includes a clause on the **Community Remedy** which aims to make the process for dealing with low level crime and anti-social behaviour out of court transparent to victims and the public, with fair and meaningful punishments. The Government proposal will 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. What is on the Community Remedy menu in a particular area will depend on the views of victims and the public. The list of remedies available needs to be drawn considering the availability of resources and funding to deliver.

## Progress

21. The Durham ASB Strategic Group has held regular monthly meetings since November 2013 to consider the implications of the Act and provide advice to, and monitor the work of, the six task and finish groups. These groups are made up of a wide range of partners:-

- Durham Constabulary
- Durham County Council (includes Children and Adult Services, Neighbourhood Services ASB Officers and Environmental Health Officers, Public Health, Youth Offending Service, Legal Services)
- Representatives from 11 registered housing providers
- Darlington Borough Council
- Durham Police and Crime Commissioner's Office

22. A project plan is in place to ensure that processes are being developed in preparation for the new range of ASB tools and powers coming into force in October 2014, and for the Community Remedy document to be in place by April 2015.

23. Training needs of all relevant partners is currently being identified and the next meeting of the strategic group will focus on the development of a training programme in order to equip practitioners with the appropriate level of knowledge and skills to use the new ASB toolkit effectively.

24. A series of briefings for frontline officers working in Durham and Darlington have been delivered throughout October.

25. Council and Police legal teams have discussed when either agency would take the lead on **Injunctions to Prevent Nuisance and Annoyance (IPNAs)** and any other relevant applications from the Act. It has been agreed that this situation should continue in the flexible manner as it does now for ASBOs. Generally if it is a case involving public areas/police concerns, with mainly Police evidence etc, then Durham Constabulary should take the lead. If it is a case concerning Council owned property/Council interests and again mainly Council evidence then Durham County Council would take the lead.

26. Initial consultation with housing providers indicates that individual housing agencies would take control of cases that relate to their houses/estates. There are other potential applicants such as British Transport Police, the Environment Agency and NHS Protect who could take the lead for cases relating to their own interests, but these are likely to be rare. Individual case arrangements would be discussed in relation to 'grey areas' to decide who would take the lead.
27. Agencies must consult the Youth Offending Service for applications for under 18s.
28. The **Public Spaces Protection Orders** amalgamate a number of different powers covered under different pieces of legislation which currently exist including Dog Control Orders, Designated Public Place Orders (DPPO) and Gating Orders. The new legislation is much broader in its coverage and can include many other restrictions dependent on local needs. The new legislation is designed with the victim in mind and is, in practice, supposed to be far less bureaucratic than former legislation. A draft Public Spaces Protection Order Procedure has been developed for County Durham which coordinates the existing procedures around DPPOs, Dog Control Orders and Gating Orders, streamlining the orders and making them much more operationally friendly. When the legislation is published in entirety, it will be clear whether the power to make an Order will be a Council or an Executive function. The Government is still to publish guidance in relation to transitional periods for existing orders which have been obtained prior to the implementation of the new legislation.
29. The Police are leading on the development of **Dispersal Powers** and are currently consulting with other forces to see how these are being taken forward in other areas.
30. To control the use of **Community Protection Notices** the strategic group propose that CPNs are only made available to frontline officers for certain pre-defined offences and that certain frontline supervisors are granted authority to authorise the use of CPNs for issues outside of the pre-defined offence list provided the individual circumstances meet the overarching criteria. A report will be prepared to amend the Council's constitution. It has been agreed that the rate for the Fixed Penalty Notice will be £100, reduced to £60 if paid within 10 days. DCC Neighbourhood Services are developing guidance for front-line officers on the use of CPN powers.
31. The **Community Trigger** has been piloted in a number of areas. Leeds Community Safety Partnership ran a 6 month pilot between July – Dec 2013. Members of the Durham ASB Strategic Group visited Leeds in December 2013 and met with their ASB Team to discuss the lessons learned. A community trigger process has now been developed for County Durham. This can be used by victims and communities when they have reported anti-social behaviour to the Council, Police or housing provider, but feel that no adequate action has been taken. A Memorandum of Understanding between partners is being produced and a draft is being examined by DCC Legal Services. A web page is being created which will be hosted by Durham Constabulary which will explain the process of how to activate a Community Trigger and this will link to other partner websites. A 'soft' launch of the community trigger will be included as part of an overall media campaign regarding the new legislation.

32. A **Community Remedy** document for County Durham and Darlington has been prepared. This contains a list of actions which may be chosen by the victim for the perpetrator of anti-social behaviour or low level crime to undertake, when a community resolution, conditional caution or youth conditional caution is the chosen disposal. Actions include a written or verbal apology, mediation, Acceptable Behaviour Contract, attending a Restorative Justice Panel, reparation, tenancy enforcement. The Police and Crime Commissioner has a duty to carry out public consultation and this ran between 7 July 2014 and will end on 22 August 2014. The list has now been finalised and agreed with the Chief Constable.

33. All partnership procedures have been agreed, though there are issues that require resolving before full transition to the new powers. For example, full details of the new regulations have not yet been received. However, this has prompted an extensive exercise involving a wide cross section of stakeholders. Each area of the bill has had an identified lead who has worked with others to develop the protocols/procedures. Issues requiring help have been escalated to the overarching implementation group. This has put County Durham in a strong position in terms of moving from the transition stage to the full implementation stage.

### **Recommendations and reasons**

34. The Overview and Scrutiny Committee is recommended to:

- (i) Note the contents of the report and the implications of the new ASB tools and powers.

### **Background Papers**

- Anti-social Behaviour, Crime and Policing Act 2014

<https://www.gov.uk/government/collections/anti-social-behaviour-crime-and-police-bill>

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## **Appendix 1: Implications**

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### **Finance**

Cost implications if the Council were to take the lead on implementing IPNAs

### **Staffing**

There will be a significant training need for practitioners to become familiar with the new ASB toolkit in order to use it effectively.

### **Risk**

No adverse implications.

### **Equality and Diversity/ Public Sector Equality Duty**

No adverse implications.

### **Accommodation**

No adverse implications.

### **Crime and disorder**

Main focus of the report.

### **Human rights**

No adverse implications.

### **Consultation**

The Police and Crime Commissioner is required to consult on the Community Remedy. There has been wide ranging consultation as the Act has progressed.

### **Procurement**

No adverse implications.

### **Disability Issues**

No direct adverse implications.

### **Legal Implications**

The Act amends legislation that impacts on Durham County Council.

## Appendix 2: Overview of the Anti-social Behaviour, Crime and Policing Act 2014

The Act contains a variety of measures to protect the public, including from anti-social behaviour, dangerous dogs, forced marriage, sexual harm and illegal firearms used by gangs and in organised crime. It also includes changes to improve the provision of services to victims and witnesses. In addition, the Act will take forward further police reform, to enhance the public's confidence in police integrity and continue modernising police pay and conditions, as well as improving the effectiveness of our extradition arrangements and the efficiency of the criminal justice system.

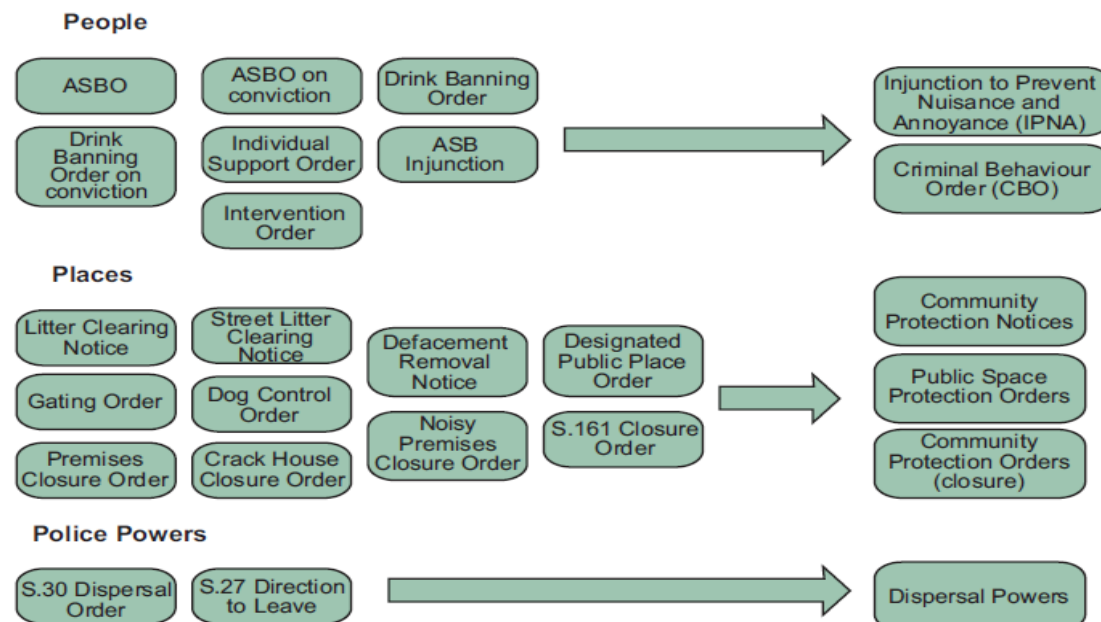
The key provisions in the Act are set out below.

### Parts 1 to 6: Anti-social behaviour

Parts 1 to 6 introduce simpler, more effective powers for tackling anti-social behaviour, which provide better protection for victims and communities, act as a real deterrent to perpetrators and give victims a say in the way their complaints are dealt with.

The provisions in Parts 1 to 4 replace the existing 19 powers to deal with anti-social behaviour with six faster, more effective ones.

### Rationalisation of ASB tools



Part 5 gives landlords powers to deal swiftly with the most serious anti-social behaviour committed by their tenants.

Part 6 gives victims the power to ensure that action is taken to deal with persistent anti-social behaviour through the new community trigger, and a greater say in what form of sanction an offender receives out of court through the new community remedy.

### Part 7: Dangerous dogs

Part 7 strengthens powers to tackle irresponsible dog ownership by extending to private places the offence of owning or being in charge of a dog that is dangerously out of control in a public place. It also provides that a dog attack on an assistance dog constitutes an aggravated offence. Part 7 also ensures that the courts can take account of the character of the owner of the dog, as well as of the dog, when assessing whether a dog should be destroyed on the grounds that it is a risk to the public.



### **Part 8: Firearms**

Part 8 increases to life imprisonment the maximum penalty for the illegal importation/exportation of firearms and creates a new offence of “possession for sale or transfer” of prohibited firearms. The commencement date for these provisions is 14 July 2014.

It also includes a clause to correct an anomaly in the arrangements for authorising armed British Transport Police officers, bringing them into line with officers in the territorial forces.

### **Part 9: Protection from sexual harm and violence**

Part 9 reforms the system of civil orders under the Sexual Offences Act 2003 used to protect children and vulnerable adults from sexual harm, making the powers available more flexible and effective.

It also extends the use of preventative Violent Offender Orders to offenders convicted of murder abroad.

### **Part 10: Forced marriage**

Part 10 tackles forced marriage by making forced marriage a criminal offence and criminalising the breach of a forced marriage protection order.

### **Part 11: Policing**

Part 11 makes a number of policing reforms. It:

- gives the College of Policing the powers it needs to set standards for the police in England and Wales;
- extends the powers and remit of the Independent Police Complaints Commission to help it to carry out its functions;
- replaces the Police Negotiating Board with a new Police Remuneration Review Body to consider and make recommendations on police officers' pay and conditions;
- confers on Police and Crime Commissioners (PCCs) responsibility for commissioning victims services;
- enables PCCs to appoint as chief constables candidates with relevant policing experience in forces overseas;
- rectifies anomalies in the framework of financial controls on chief officers;
- ensures that samples (such as blood and hair) may be retained while they may be required as evidence in legal proceedings;
- provides the police and Border Force officers with powers to seize invalid travel documents;
- ensures that the counter-terrorism border security powers contained in Schedules 7 and 8 to the Terrorism Act 2000 strike a better balance between the need to protect public safety and the protection of individual freedoms;
- provides for the independent inspection of the Serious Fraud Office by Her Majesty's Crown Prosecution Service Inspectorate;
- provides a transparent legislative basis for the Disclosure and Barring Service's fees to be set at a level that takes into account the cost of providing criminal record checks to volunteers for free; and
- enables chief constables to give police community support officers additional powers in respect of cyclists riding without lights.

### **Part 12: Extradition**

Part 12 makes provisions to strengthen public confidence in, and the operational effectiveness of, our extradition arrangements by amending the Extradition Act 2003, including by implementing recommendations from Sir Scott Baker's review and reforming the European Arrest Warrant.

### **Part 13: Criminal justice and court reform**

The measures in Part 13 improve the efficiency and effectiveness of the justice system, while enhancing the provision of services to victims and witnesses by:

- establishing in law a test of “clear innocence” for the purpose of determining eligibility for compensation for miscarriages of justice;
- improving the speed and efficiency of the criminal justice system’s response to low-level offending by enabling the police to prosecute uncontested minor offences of shop theft;
- extending the scope of the statutory witness protection scheme to cover other vulnerable individuals;
- ensuring that offenders sentenced to custody contribute to the costs of supporting victims by removing the power of magistrates’ courts to add additional days to a sentence of imprisonment in lieu of the Victims Surcharge; and
- enabling the Lord Chancellor to set certain court and tribunal fees above cost.

For more information on the Act, see the Government website:

<https://www.gov.uk/government/collections/anti-social-behaviour-crime-and-police-bill>

## Appendix 3: New Tools and Powers to tackle Anti-social Behaviour

Existing Orders	New Tools and Powers
ASBO, CRASBO, ASB Injunction, Drink Banning Order, DBO on conviction, Individual Support Order, Intervention Order	<b>IPNA (Injunction to Prevent Nuisance and Annoyance)</b> <b>CBO (Criminal Behaviour Order)</b>
Litter Clearing Notice, Street Litter Clearing Notice, Gating Order, Dog Control Order, Premises Closure Order, Crack House Closure Order, Defacement Removal Notice, Noisy Premises Closure Order, Designated Public Place Order, S161 Closure Order	<b>Community Protection Notices</b> <b>Public Spaces Protection Order</b> <b>Community Protection Orders (closure)</b>
S30 Dispersal Order S27 Direction to Leave	<b>Dispersal Powers</b>

### **Injunction to Prevent Nuisance and Annoyance (IPNA)**

This is a civil injunction, available in the County Court for adults and the youth court for 10 to 17 year olds. It will be used to protect people from behaviour causing 'nuisance or annoyance' and can be used by a wide range of agencies including police, council and social landlords. It can also include positive requirements such as requiring individuals to seek help for their drug use. Breach of the IPNA would not be a criminal offence. An interim injunction can be obtained against the perpetrator to provide quick respite for the victim. The injunction could include a power of arrest if the anti-social behaviour included the use, or threatened use, of violence or risk of harm.

### **Criminal Behaviour Order (CBO)**

This will be available following a conviction for any criminal offence and can address the underlying causes of the behaviour through new positive requirements. Breach will be a criminal offence with a maximum penalty of up to 5 years in prison for adults. It has a similar application process to the ASBO on conviction.

### **Community Protection Notice**

Litter Clearing Notice and Street Litter Clearing Notice are being repealed and replaced with the Community Protection Notice. Fixed Penalty Notices will remain available. The Community Protection Notice can be used to deal with persistent littering and accumulations of waste. One of the benefits of using the CPN is that on breach it allows the Council to undertake works in default on any land 'open to the air' (such as a garden) to clear the rubbish with or without the owner's consent. Councils will be able to charge the full cost of any works to remove graffiti. It is more flexible than the orders they will replace. The power can be used by Local authorities, police, registered housing providers and can be used by non-specialists (without an environmental health degree). Accumulations of litter and rubbish can also be dealt with as a statutory nuisance, where the behaviour is prejudicial to health or constitutes a nuisance. Council Environmental Health has a statutory duty to issue an abatement notice where this test is met.

### **Public Spaces Protection Order**

This will be used to limit the people who can access an area, such as by gating an alleyway at certain times. Where groups regularly congregate in a park to consume alcohol and their behaviour has a detrimental effect on the area, the council can make a PSPO prohibiting the consumption of alcohol, either at all times or during specific times when the problem is more likely to occur. Consideration should be given as to whether the problem will simply be displaced elsewhere. Who can use it – Local Authorities. The Council would have to consult with the police, the local community and the Police and Crime Commissioner. Existing orders will be allowed to run for a maximum of 3 years following the commencement of the new legislation. Local Authorities will have to implement new PSPO within that timeframe if they still want restrictions to remain in place.

### **Community Protection Order**

This Closure Power can be used to deal with premises where drug misuse is causing nuisance or disorder. The power allows the Police or Council to quickly close a premises for up to 48 hours. Where it is considered that the problem may recur or continue, a closure order can be applied for through the magistrates court to close the premises for up to 3 months initially with a further extension to a maximum period of 6 months.

### **Dispersal powers**

These will enable officers to require a person who has committed, or is likely to commit ASB to leave a specified area and not return for up to 48 hours. (The behaviour must be likely to cause harassment, alarm or distress to a member of the public). There is no requirement to pre-designate an area in advance before the power could be used. No longer the need to go through a process of gathering evidence of 'serious and persistent' anti-social behaviour and getting the agreement of the local authority, enabling police officers to quickly deal with emerging trouble spots.

### **New powers to speed up eviction for serious ASB**

Introducing a new absolute ground for possession to expedite the eviction of landlords' most serious anti-social tenants, (where evidence of serious ASB has already been established by a court). This should increase the chance that the case can be determined quickly in a single hearing. This new ground will be in addition to the existing discretionary ground for possession for ASB and landlords may choose to use this in preference to the existing discretionary ground where the tenant, member of their household, or visitor to the property has been convicted of a serious housing related offence, breach of an order or notice to abate noise, or breach of a CBO; or has been found by a court to have breached an injunction to prevent nuisance or annoyance; or the tenant's property has been closed for more than 48 hours under a closure order. Includes provisions to enable a landlord to apply for possession where the tenant or a person living in the tenant's property has been convicted of an offence committed during and at the scene of a riot which took place anywhere in the UK and for acts of ASB and criminality directed at the landlord's staff.

### **Community Trigger**

- If the victim/community/business feels that agencies have not taken adequate action re ASB incidents and problems persist they can request a review of the case and bring agencies together to take a joined up, problem solving approach to find a solution.
- Qualifying complaint – to prevent someone reporting historical incidents – the ASB was reported within one month of the alleged behaviour taking place, and the application to use the Community Trigger is made within 6 months of the report of ASB.
- Threshold – to be defined by the local agencies but not more than 3 complaints in the previous 6 month period. Also, take account of the harm or potential harm caused. If threshold is met, partner agencies undertake a case review. Agencies share information related to the case. Review what action has previously been taken and decide whether additional actions are possible. Victim is informed of outcome. Action plan and timescales discussed with victim.

- Relevant agencies – Council, Police, registered housing providers (To co-opt a social landlord – where there are a number of housing providers in an area, can be represented by one housing provider on behalf of the sector).
- The Police and Crime Commissioner (PCC) must be consulted on the Community Trigger procedure when it is set up and when it is reviewed. The PCC could be directly involved in providing a route for the victim to query decision on whether the threshold was met or the way the review was carried out, auditing case reviews, or monitoring use of community trigger to identify learning and best practice.

The Community Trigger is invoked if:-

- Victim reports 3 separate incidents relating to the same problem in the past 6 months to the Council, Police or landlord and no action has been taken.
- OR victim reports 1 incident or crime motivated by hate in the last 6 months and no action has been taken
- OR at least 5 people have made reports about the same problem in the past 6 months to the Council, Police or landlord and no action has been taken.

### **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 Act places a duty on the Police and Crime Commissioner (PCC) to consult members of the public and community representatives on what punitive, restorative or rehabilitative actions they would consider appropriate to be on the Community Remedy document. The public consultation may be undertaken in whatever format the PCC considers appropriate (eg on-line consultation, talking to community groups and local victims groups, via local newspapers or a combination of formats). The legislation does not specify what actions should be included in the Community Remedy document. This will vary from one police force to another depending on the views of the local people and the availability of actions or activities. The Consultation is being carried out by Durham Police and Crime Commissioner, commencing 7 July 2014 and ending on 22 August 2014.

Following consultation the PCC and the Chief Constable will agree the actions to be listed, which can be chosen by the victim for the perpetrator to undertake in consequence of their behaviour or offending. However, the victims' involvement is voluntary and 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 Community Remedy document for County Durham and Darlington will be used as part of the existing process for delivering community resolutions. It will also be used when a conditional caution or youth conditional caution is given, as a means of consulting the victim about the possible conditions to be attached to the caution. Typically, community resolutions are used when dealing with low level criminal damage, low value theft, minor assaults (without injury) and anti-social behaviour.

The following actions have been considered to be included in the Community Remedy document which will help improve public confidence in the use of out-of-court disposals and are compatible with the perpetrator's human rights.

- A written or verbal apology.
- Mediation-use of a third party to bring together both parties to reach a common agreement.
- Acceptable Behaviour Contract-written agreement specifying behaviour
- Attend a Restorative Justice panel.
- Shuttle conference- allows the victim and perpetrator to put their views to each other without meeting face to face.
- Repairing damage to property or cleaning graffiti.
- Paying an appropriate amount for damage to be repaired or stolen property to be replaced.

- Participation in structured diversionary activities, i.e courses, training.
- Targeted intervention i.e appropriate alcohol and drugs intervention, anger management courses.
- Reparation to the community e.g by doing local unpaid work for a short period such as picking up litter in a park.
- Parenting Contract- voluntary agreement signed by the perpetrator's parent/carer/guardian outlining expected behaviour.
- Counselling
- Tenancy enforcement-through social landlords (in appropriate cases)

These actions must be appropriate and proportionate to the types of offences for which community resolutions are used and seek to have a positive impact on the offender. Each of the actions must have:

- Punitive element: reflecting the effects on the victim and the wider community.
- Restorative element: achieving appropriate restitution/reparation to the victim.
- Rehabilitative element: helping to address the causes of the perpetrator's behaviour
- Or a combination of these.