

Community Remedy Document

Giving a Voice to Victims of Crime and Anti-Social Behaviour

What is Community Remedy?

Community Remedy was first introduced in 2014 as part of the Anti-Social Behaviour, Crime and Policing Act. It was designed to offer victims a greater voice in out-of-court punishment for those engaged in anti-social behaviour (ASB) or who have committed a low-level offence.

This document sets out how victims of low-level crime and ASB can have a say in the appropriate punishment for those offenders who receive an Out of Court Resolution.

How is Community Remedy used?

The Community Remedy applies to all Out of Court Resolutions (OOCRs). OOCRs are an alternative outcome which do not involve prosecution at court. OOCRs include Community Resolutions and Conditional Cautions. Community Resolutions are an informal agreement between victim and offender, and the agreed conditions are not enforceable by police. Conditional Cautions are a formal resolution where an offender's failure to comply can lead to prosecution for the original offence.

OOCRs can only be used when an offender admits their part in an incident or crime and agrees to this outcome being used. The investigating officer must also determine that both the offence and the perpetrator's offending history mean the matter is appropriate to be dealt with outside of court.

How are victims' wishes considered?

If you are a victim, you will be asked your opinion on which Community Remedy options you think would be most appropriate for the offender in your case. The investigating officer must take your thoughts into account but will also consider other factors such as proportionality and the offender's background. The officer dealing with your case will make the final decision and will keep you informed about what happens next.

Who decides what options are available?

Each Community Remedy option must aim to achieve at least one of the following:

- Rehabilitation of the offender.
- Reparation for the harm done.
- Punishment for the offender.

The available options were developed following public consultation in September 2023. Changes were introduced to reflect this input and agreed with Hertfordshire Constabulary.

Find out more at

www.hertscommissioner.org/victims-and-witnesses/community-remedy

Community Remedy Options

1. Restorative Justice

A trained facilitator will support you to communicate with the person who has caused you harm. This can be either face-to-face or through a range of indirect methods. This is an opportunity to share your experience, while also encouraging the offender to reflect on the consequences of their actions.

2. Local rehabilitative or diversionary activity

The offender attends an online or in person programme designed to address the underlying causes of their offending. Programmes available in Hertfordshire include:

- Victim Awareness
- Anger Management
- Thinking Skills
- Substance Misuse

3. Apology

The offender makes a verbal or written apology.

4. Reparation (non-financial)

The offender makes non-financial reparation, such as repairing the damage caused (e.g. repairing a fence).

5. Financial reparation

The offender makes financial reparation. This can be to an individual victim, business, or to a charity or community fund.

6. Localised Behaviour Agreement

The offender signs an agreement to stay away from certain places or not to take part in specific activities.

Case Studies

Theft from shop (Localised Behaviour Agreement)

A 41-year old man stole an electrical item from a shop. The manager was asked what outcome he wanted following the property being returned. He told police he wanted to ban the man from the shop for 12-months. The police issued a Community Resolution, requiring the man to sign an agreement not to return to the shop.

Assault (Rehabilitative activity)

A 16-year old boy assaulted his support worker following a disagreement. The support worker did not wish to go to court and agreed that rehabilitative intervention may help. The police issued a Youth Conditional Caution and the boy completed courses on conflict resolution, victim awareness, and the consequences of offending.