CLEVELAND COMMUNITY REMEDY

Giving victims a voice in the use of out of court resolutions



POLICE AND CRIME COMMISSIONER FOR CLEVELAND

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INTRODUCTION

This document sets out the actions, processes and practical application of the Community Remedy options available in Cleveland in line with the Anti-Social Behaviour, Crime and Policing Act 2014.

Community Remedy is a really important tool that gives people living in Cleveland the opportunity to have their say about how offenders make amends for their actions.

This document contains a list of five options – agreed by the Chief Constable and I – that will be available for use in the Cleveland Police force area.

These options were identified following engagement with our communities, to make sure the list made available met the expectations and needs of people living in our area.

The benefits of the Community Remedy process are two-fold. The process gives victims of certain agreed crime types and antisocial behaviour the chance to have their say in how a crime should be dealt with, providing swifter justice and better victim satisfaction.

It also means offenders will face immediate consequences for their actions – sending a clear message that their offending will not be tolerated.

This document will remain under review and I encourage you to contact my office if you have any additional ideas on how offenders can repair the harm they've caused.

Matt

Matt Storey
Police and Crime Commissioner for Cleveland



WHAT IS COMMUNITY REMEDY?

Community Remedy provides an opportunity for victims to have more say in the sanction offenders face out of court – for appropriate offences or antisocial behaviour.

This document can be used when a Community Resolution, Community Caution or Diversionary Caution are appropriate to be used by the police when dealing with certain agreed crime types and anti-social behavior, when the offender has admitted responsibility for their actions.

Victims will be able to review a list of 'options' on how the offender in their case could possibly be dealt with, rather than pursuing a criminal prosecution and subsequent court case. This document has been created on behalf of the Police and Crime Commissioner to explain these options.

The aim of Community Remedy is to give the victim a voice in how their crime is handled and to reduce the burden low-level prosecutions place on the criminal justice system.

As a victim of crime, your involvement is your choice. It's important that you feel safe and that you would benefit from taking part.

Actions must be appropriate, proportionate and seek to have a positive impact on the offender.

The final decision whether the intervention is appropriate to the offender and offence lies with the police officer/or PCSO in charge.



WHAT OPTIONS ARE AVAILABLE TO ME?

Following consultation with the public, the Police and Crime Commissioner and Chief Constable have agreed the following five options available to victims in Cleveland through the Community Remedy process:



1. Restorative Justice
   An opportunity to engage with the offender with the support of a trained and experienced facilitator. It is a chance to communicate with the offender about the impact the incident has had on you and for you to seek answers to any questions you might have. This could be via written communication such as a letter, or by meeting the offender face-to-face.



2. Immediate apology at the scene
   Facilitated by a Police Officer.



3. Acceptable Behaviour Contract
   The Acceptable Behaviour Contract is a voluntary and formal written agreement between the person who has committed anti-social behaviour and local agencies whose role it is to prevent this behaviour (for example, housing) and is countersigned by parents/ carers, if the offender is under 18. These contracts can stipulate terms of acceptable behaviour, including which people and places should be avoided.

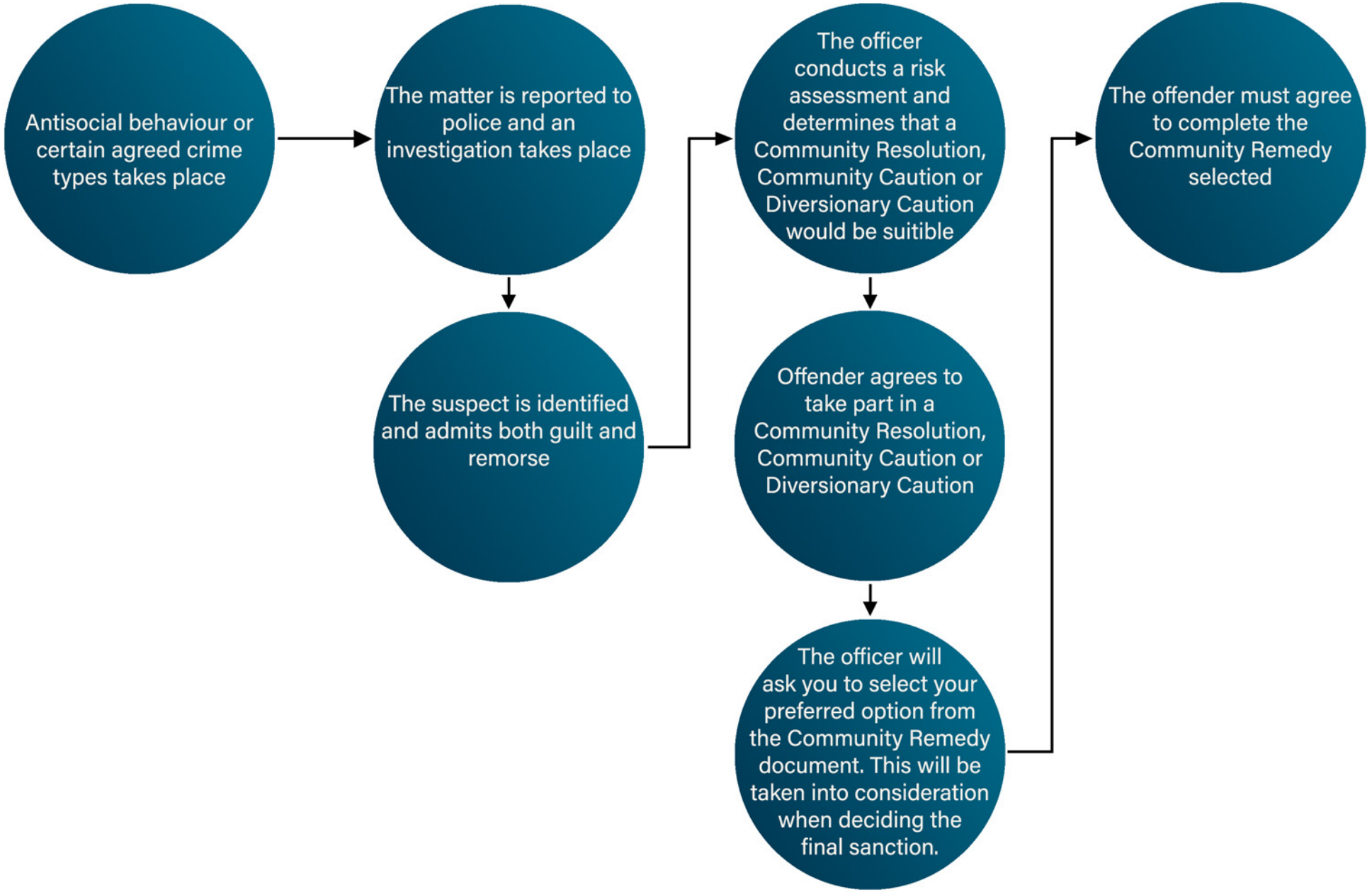


4. Referral to a local rehabilitative, educational or diversionary activity to support an improvement in behaviour
   The offender would get the opportunity to address the issues in their lives that have caused them to offend and cause harm to others. This may include referrals to services to assist with personal issues, such as mental illness, substance misuse or poverty that will reduce the likelihood of them reoffending. It might be more appropriate for educational or diversionary intervention, to help the offender understand how their behaviour harms others.



5. Personal/community reparation, i.e. repairing damage caused
   Appropriate work can be found for the offender to repair the harm caused by their behaviour. An example would be to repair a damaged fence or tidy up the garden of their victim. Alternatively – if the victim would prefer – work could be carried out in a suitable community location such as a local park.

THE PROCESS


Antisocial behaviour or certain agreed crime types takes place
The matter is reported to police and an investigation takes place
The suspect is identified and admits both guilt and remorse
The officer conducts a risk assessment and determines that a Community Resolution, Community Caution or Diversionary Caution would be suitible
Offender agrees to take part in a Community Resolution, Community Caution or Diversionary Caution
The officer will ask you to select your preferred option from the Community Remedy document. This will be taken into consideration when deciding the final sanction.
The offender must agree to complete the Community Remedy selected

FREQUENTLY ASKED QUESTIONS

When can Community Remedy be used?
Community Remedy can be used when an offender admits to their part in the incident or crime and is willing to be dealt with by either community resolution, community caution or diversionary caution.

The police officer investigating will consider all elements of the case, sometimes in partnership with other agencies. This will involve considering the offence type, the offender's previous history and the wishes of the victim.

How is the Community Remedy document used?
This document will be used by the investigating officer to obtain the views of the victim about the possible use of a Community Remedy when dealing with certain agreed crime types or antisocial behaviour.

Before deciding on a Community Remedy, the officer must:

- Have evidence that the person has committed a crime or engaged in antisocial behaviour;
- Have an admission of guilt, or acceptance of responsibility from the person engaged in the behaviour;
- Decide that a Community Remedy is the fair and proportionate outcome.

How will the views of multiple victims be taken into account?
The investigating officer should make reasonable efforts to take the views of all victims affected by the crime or incident into account. If there is a difference in opinion between victims, the officer should consider these, but ultimately will make the final decision as to which option will be appropriate for the offender to undertake.

Does a victim have to agree to a Community Remedy?
The involvement of the victim in a Community Remedy is voluntary.

It's important that the officer explains the purpose of Community Remedy and ensures that the victim knows that they can opt not to be involved. The victim does not have to take part if they feel uncomfortable with the process, if they believe it will put them at risk or if they believe it will not be of benefit to them.

If a victim is under 18 or has additional vulnerabilities, they may require a family member or carer to assist them in understanding the purpose of Community Remedy and in choosing an option from this document.

If a victim cannot be located – for example in the case of graffiti in a public space – the police officer will select the suitable option for the offender to undertake.

FREQUENTLY ASKED QUESTIONS

Does a victim have to meet the perpetrator to choose the option from the Community Remedy document?
The investigating Officer is responsible for managing the Community Remedy process and there is no need for the victim to meet with the offender in the process of selecting an option.

If the victim chooses to engage with the offender a qualified Restorative Justice practitioner will manage this process. The RJ Practitioner will support you in deciding if you would like to continue with a restorative process and through which method of communication you would prefer to engage with the offender.

The Practitioner will conduct a thorough assessment of risk and need with both parties, to ensure the restorative process is managed as safely and efficiently as possible, in turn facilitating the agreed intervention.

Communication methods may include a face-to-face meeting, sending/receiving written letters, sharing messages through the RJ Practitioner or via recorded messages.

How can you be sure that the offender carries out their punishment?
The offender will be required to provide proof to the police officer that they have completed the option assigned to them from the Community Remedy document.



CONTACT

Office of the Police and Crime Commissioner

Contact us:

Shared Services
c/o St Marks House
St Marks Court
Thornaby
Stockton-on-Tees
TS17 6QW

01642 301861
pcc.office@cleveland.police.uk

ClevelandPCC

Cleveland_PCC

clevelandopcc

www.cleveland.pcc.police.uk

Cleveland Police

To find your nearest police station head to:
www.cleveland.police.uk/contact/af/contact-us/

You can contact Cleveland Police on:

999 in an emergency

101 in a non-emergency

Report online: www.cleveland.police.uk or

Download the COPA App

Safer Communities: Restorative Cleveland

Contact us:

Safer Communities Limited Corvette House
Falcon Court
Preston Farm
Stockton on Tees
TS18 3TX

03302234312
restorativecleveland@safercommunities.org.uk

SaferCommunitiesOrg

Safercommunitie

www.restorativecleveland.co.uk