

# COMMUNITY REMEDY EVALUATION

8th June 2017

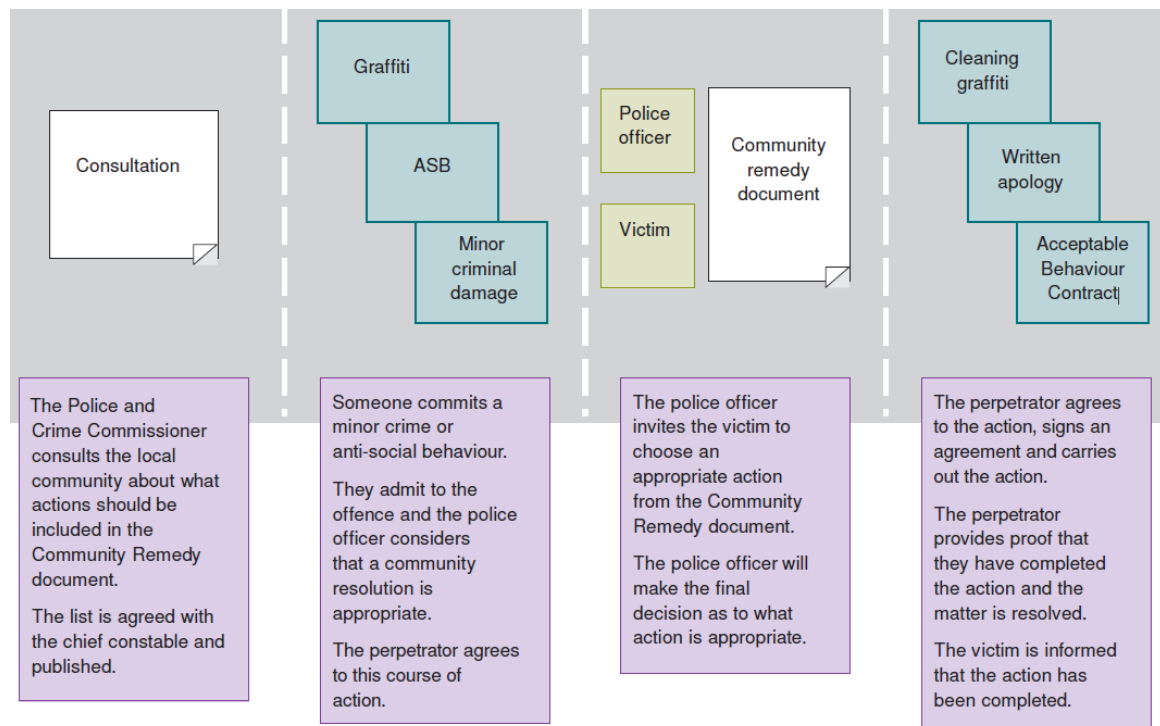
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## 1. PURPOSE OF THE REPORT

- 1.1 The Commissioner's Police and Crime Delivery Plan (2017-18) includes a strategic activity to undertake a review of the Commissioner's 'Community Remedy' document to ensure clear pathways with Youth Offending services. This report fulfils that requirement.

## 2. Summary of Key Points

### Statutory Guidance



- 2.1 Section 101 of the Anti-social Behaviour, Crime and Policing Act 2014, is designed to place the victim at the heart of decision making and requires the Commissioner and Nottinghamshire Police to consult with community members and Partners relating to the use of Community Remedy.
- 2.2 The Home Office statutory guidance for frontline professionals concerning the use of Antisocial behaviour powers and in particularly Community Remedy promotes the above process and in addition states that each of the actions (disposals) must have a:
- Punitive element, reflecting the effects on the victim and the wider community; or

- Reparative element, to provide appropriate restitution/reparation to the victim;  
or
- Rehabilitative element, to address the causes of the perpetrator's behaviour;  
or
- Combination of the above.

### Victim Preferences

2.3 During 2014, 569 people were consulted by the Commissioner concerning the use of out of court disposals (i.e. the way offenders might be dealt with without going to Court). The chart below illustrates the type of disposal suggested together with the % of respondents.

2.4 It can be seen that the top suggested disposals of 80% or over include:

1. Compensation
2. Treatment for offender
3. Reparation of damage by offender
4. Structured activity for offender
5. Parental contract
6. ABC (Acceptable Behaviour Contract)

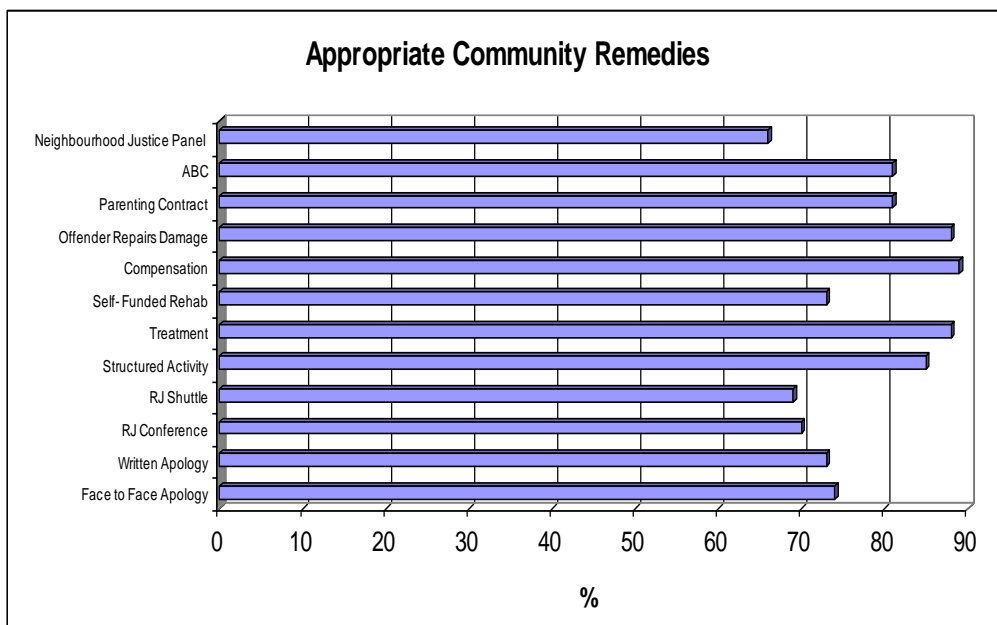
2.5 This correlates with the statutory guidelines.

2.6 The least suggested disposals less than 70% include:

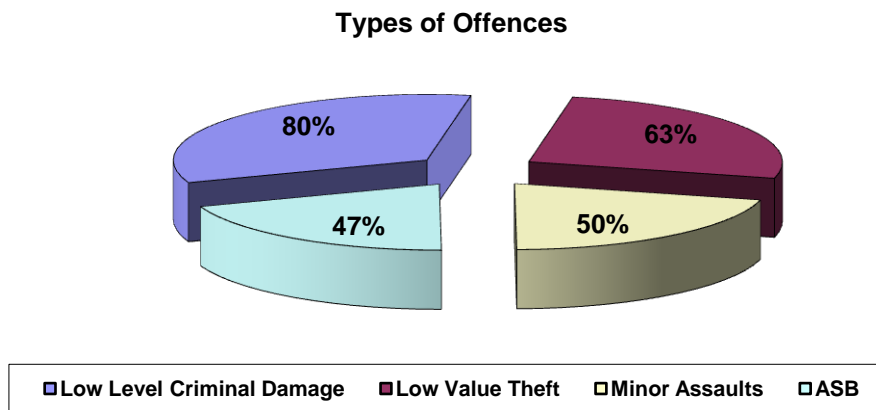
7. Neighbourhood Justice Panel
8. Restorative Justice Shuttle
9. Restorative Justice Conference

2.7 Those neither high nor low (70% 80%) include:

10. Self-funding rehab
11. Written apology
12. Face to face verbal apology



- 2.8 The survey revealed the type of crimes which respondents felt suitable for community resolution as depicted in the chart below.



- 2.9 The most suitable crime type is low level criminal damage (80%) then low level theft (63%) followed by minor assaults (50%) and finally antisocial behaviour (47%).
- 2.10 Following the consultation, the Commissioner's office worked closely with the Police lead for Community Remedy<sup>a</sup> and a policy document was prepared and implemented on 20<sup>th</sup> October 2014 and as such has been in operation for over 2 years. The document concludes:

*The new legislation requires the victim to be at the centre of decision making when using Community Remedy and that it should be considered when dealing with low level offences. Officers should ensure that in partnership with their victim the most appropriate reparation is assigned to the offender and in line with current guidelines on the use of out of court disposals.*

*Community Remedy will be continuously reviewed to ensure that those remedies that are being offered are consistent with the views of the victim and the wider communities of Nottinghamshire e.g. where an offender has victimised a number of people, community remedy may not be appropriate.*

*Ensuring the victim is part of the decision making process will increase their confidence and further enhance the victim satisfaction and resolution.*

- 2.11 The purpose of this evaluation is to determine the type of crimes in which Community Remedy has been used and consider whether this aligns with the initial consultation and statutory guidance.

### **Analysis of Community Remedy**

- 2.12 The Force is unable to undertake quantifiable analysis of crimes in which Community Remedy has been used. It was therefore necessary to consider an alternative method which might provide some insight. In this respect, the Force

<sup>a</sup> <http://www.nottinghamshire.pcc.police.uk/Our-Work/Supporting-Victims/Restorative-Justice-Community-Remedy.aspx>

reviewed and analysed a sample of 100 case files between June 2015 and August 2016 from 2,050 cases which were all randomised by the Force's Management Information Team, i.e. the first 100 (5%, 1 in every 20) cases out of this 2,050 were reviewed. Based on the sample size the findings of this evaluation are likely to be in the region of + or – 10% in terms of accuracy.

## Actual Disposals

- 2.13 The table below provides a breakdown of how the 100 cases reviewed were resolved under the Community Remedy process. This information helps to determine the extent to which actual disposals reflect victims top preferences seen at section 2.3 above e.g. by rank Compensation, Treatment for offender, Reparation of damage by offender, Structured activity for offender, Parental contract, ABC (Acceptable Behaviour Contract).
- 2.14 It can be seen that only one of these seven top Community Remedy disposals (i.e. compensation) has been used as an out of court outcome, albeit in 22% of cases. Some cases involved more than one outcome and as such there are more than 100 entries in the table below.

Community Resultion Outcome	Verbal Apology	Written Apology	Mediation	Compensation to the victim	Banning Notice	Other
Verbal Apology Only	32			10	10	
Written Apology Only		13			1	
Mediation Only			2			
Compensation to the Victim Only	10	1		10		
Banning Notice Only	10				8	
Compensation & Banning Notice	2					
Verbal Apology & Compensation & Banning Notice				2	2	
Keep Away + No contact with Victim	2		1			3
Police Advice/Warning/Reprimand						4
Dog to be muzzled in public						1
YOT Conditions/Interventions		1				1
<b>Grand Total (Some double counting due to multiple disposals)</b>	<b>56</b>	<b>15</b>	<b>3</b>	<b>22</b>	<b>21</b>	<b>9</b>

- 2.15 The table below shows a comparison of the survey ranking and the ranking by disposal actually used. Other than Compensation and Restorative Justice Shuttle

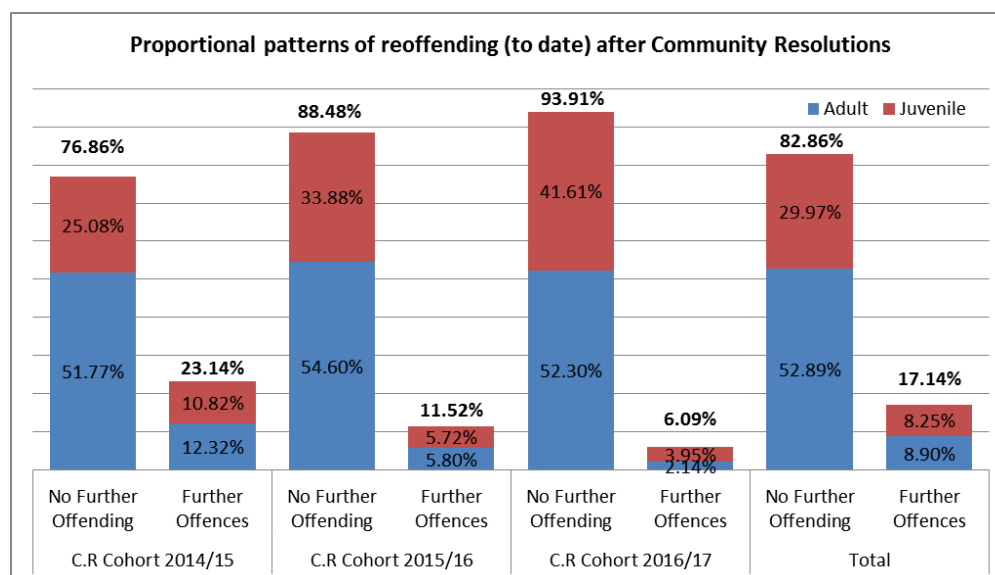
	Survey Rank	Actual Use Rank
Compensation	1	2
Treatment for offender	2	
Reparation of damage by offender	3	
Structured activity for offender	4	
Parental contract	5	
ABC (Acceptable Behaviour Contract)	6	
Neighbourhood Justice Panel	7	
Restorative Justice Shuttle (Mediation)	8	6
Restorative Justice Conference	9	
Self-funding rehab	10	
Written apology	11	4
Face to face verbal apology	12	1
Banning Notice	Not listed	3
Other	Not listed	5

(Mediation) there is a mismatch indicating that the current type of disposals do not align with the preferences made by the 569 survey respondents in 2014.

2.16 However, the community remedy process should be victim focused and if the procedure has been strictly adhered to then the findings may simply reflect the wishes of these 100

victims. That said, it is unknown whether victims were made aware of what options were available to them.

- 2.17 What is striking is the lack of preventative reoffending disposals, and begs the question as to how effective the process has been at preventing further reoffending? The chart below<sup>b</sup> reveals that the reoffending rate<sup>c</sup> in 2015/16 was 11.52% overall, or 1 in 10 offenders.



- 2.18 Further analysis undertaken in early 2016, reveals the average time period for reoffending was 5 months after the original offence. The reoffending bar chart for 2016-17 should be ignored as the figures do not include offenders who may have reoffended 12 months after the original offence hence the much lower figure (6.09%).<sup>d</sup>
- 2.19 With reference to the statutory guidance referred to in section 2.2 above, there is no rehabilitative element, to address the causes of the perpetrator's behaviour and other than Compensating the victim in 22% of cases there appears to be no actual reparation by the offender to the victim and as such does not entirely meet the statutory guidance or preferences of respondents surveyed.

## Written and Verbal Apology

- 2.20 The table below reveals that 71% of cases reviewed involved a verbal or written apology (15%) but mainly most were verbal (56%).

Row Labels	Count of Outcome	%
Verbal	56	56%
Written	15	15%
<b>Grand Total</b>	<b>71</b>	<b>71%</b>

<sup>b</sup> Extracted from other research undertaken in 2016

<sup>c</sup> Where a further offence was committed within 12 months after the original offence

<sup>d</sup> The research would have to be undertaken again in August 2017 to allow a 12 month period to check if there was any reoffending.

Row Labels	Count of Verbal Apology	%
Theft	23	23%
Common Assault	22	22%
Criminal Damage	7	7%
Harassment	2	2%
ABH	1	1%
S.5 Public Order	1	1%
<b>Grand Total</b>	<b>56</b>	<b>56%</b>

Row Labels	Count of Written Apology	%
Common Assault	7	7%
Theft	5	5%
Criminal Damage	3	3%
<b>Grand Total</b>	<b>15</b>	<b>15%</b>

- 2.21 Since this disposal was the most frequent, a breakdown of the type of offences is provided to check whether this would be an appropriate outcome. As can be seen in the above table, the type of offences in which a verbal apology was used relates mainly to Theft (23%) and Common Assault (22%). The most frequent disposal using a written apology also relates to Common Assault (7%) and such cases are mainly female offenders who are less than 24 years of age (i.e. 5 of the 7 cases).

### Compensation

- 2.22 After Verbal Apology, Compensation is the most frequent type of disposal (22% of cases) and the table below identifies that this is mostly used for Criminal Damage (11%) and Theft (9%). Paying for a damaged fence or stolen food seems likely but the statutory guidance suggests that there should be some actual reparation by the offender e.g. fixing the damage; that said the victim may prefer to have the compensation and do it themselves or have someone professional do the work.

Row Labels	Count of Compensation	%
Common Assault	2	2%
Criminal Damage	11	11%
Theft	9	9%
<b>Grand Total</b>	<b>22</b>	<b>22%</b>

### Banning Notices

- 2.23 As seen in the table at section 2.12, Banning Notices were used in 21% of cases, 11 in conjunction with a Written or Verbal Apology, 8 on its own and 2 with other disposals. 19 related to Theft offences and 2 for Common Assault. The main locations were NG1 (33%) and NG6 (19%) and usually the same store e.g. Primark. This disposal seems sensible since 19 (almost half) out of 40 of incidents of Theft, resulted in a banning notice.

## Mediation

- 2.24 The table below identifies 3 cases which involved mediation and all were for Common Assault, one of which involved a condition to stay away from the victim.

Category	Gender	Age
Common Assault	F	48
Common Assault	M	46
Common Assault	F	22

## Other Disposals

- 2.25 There were 9 other disposal types as listed below not mentioned by survey respondents of which 4 involved Police Advice, a Warning or Reprimand. A further 3 involved a condition to keep away or make contact with the victim. This outcome seems sensible as all of them related to Common Assault. There was only one outcome (1%) which involved YOT Conditions or YOT Interventions which is surprising.

Community Resolution Outcome	Verbal Apology	Written Apology	Mediation	Compensation to the victim	Banning Notice	Other
Keep Away + No contact with Victim	2		1			3
Police Advice/Warning/Reprimand						4
Dog to be muzzled in public						1
YOT Conditions/Interventions		1				1
<b>Grand Total</b> (Some double counting due to multiple disposals)	<b>56</b>	<b>15</b>	<b>3</b>	<b>22</b>	<b>21</b>	<b>9</b>

## Crime Type

- 2.26 The table below lists the crime types (by volume and % - column 1) in which Community Remedy was used as an Out of Court disposal. These crime types do appear to be in keeping with the spirit of Community Remedy document and a reflection of the public survey. Of course, there is an assumption that these particular cases were low level in terms of threat, harm in line with the policy.

Row Labels	Count of Category % and Volume	Survey Results - Types of low Level Crimes Suitable for CR %
Theft	40	63
Common Assault	39	50
Criminal Damage	15	80
Harassment	3	
ABH	1	
Burglary - non dwelling	1	
S.5 Public Order	1	
ASB		47
<b>Grand Total</b>	<b>100</b>	

- 2.27 The second column details what survey respondents felt should be the type of crime used in Community Remedy. As can be seen although 47% of respondents stated that low level ASB should be used for Community Remedy there are no cases reviewed. This may be due to the fact that unlike incidents denoted as crimes, incident outcomes of ASB are not recorded.
- 2.28 It is a surprise to see Community Remedy used for a crime of Burglary Non-Dwelling. Further analysis reveals the offender to be a 15 year old boy who was subject to the only YOT Conditions/Intervention seen in the cases reviewed.

### Location of Offence

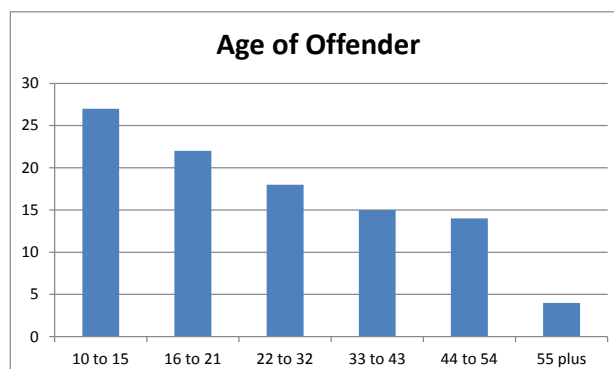
- 2.29 The table below ranks the top 10 locations by postcode and it can be seen that NG1 Nottingham City Centre is the top location being just short of 1/5<sup>th</sup> of all cases reviewed. Further analysis identifies that 14 of the 18 cases relate to Theft and 1/3<sup>rd</sup> are from the same postcode as a well-known retail store in which a verbal apology was given by mainly female offenders under 25 years.
- 2.30 The next highest ranking location is NG6 (Basford/Bestwood) area where 8 cases (8%) were reviewed in which most of crimes (50%) related to Common Assault in which most victims were given a Verbal or Written Apology by a mixture of young and old male and female offenders.

Row Labels	Count of Post Code	Area
NG1	18	Nottingham City Centre
NG6	8	Basford/Bestwood
NG17	7	Sutton-in-Ashfield/Kirkby-in-Ashfield
NG9	6	Beeston/Bramcote/Chilwell/Toton/Stapleford
NG18	6	Mansfield South
NG2	6	West Bridgford/ Gamston/Sneinton/Lenton
NG5	5	Arnold/Woodborough
NG7	5	QMC/Lenton/Hyson Green
NG3	4	St Anns/Gedling
DN22	4	Retford

### Gender and Age of Offenders

- 2.31 The tables below provide a breakdown of the gender and ages of offenders.

	Count
Male	58
Female	42
Total	100





- 2.32 It can be seen that the majority of offenders are male (58%) and over a quarter (27%) of all offenders are 10 to 15 years of age. Nearly half (49%) are between 10 and 21 years of age with most offences being Common Assault (35%) or Theft (41%) in which a Verbal or Written Apology was given. Interestingly, in 11 of these 49 cases, 11 (22%) Compensation was given mainly for Criminal Damage (50%).
- 2.33 In respect, of the cases relating to offenders 55 years plus, offences were either Criminal Damage or Common Assault in which all but one case resulted in a Verbal Apology and Compensation being made.

### **Findings**

- 2.34 The sample size of 100 cases reviewed may mean that the findings of this evaluation may only be 90% accurate. Even so, it is clear that the actual means of disposal currently used for Community Remedy do not entirely reflect the preferences of the 569 respondents initially surveyed in 2014.
- 2.35 Furthermore, with reference to the statutory guidance referred to in section 2.2 above, there is no rehabilitative element, to address the causes of the perpetrator's behaviour and other than compensating the victim in 22% of cases there appears to be no actual reparation by the offender to the victim and as such does not entirely meet the statutory guidance or preferences of respondents surveyed. This may explain why 1 in 10 offenders typically reoffend within 5 months of the process as explained in section 2.15 above.
- 2.36 A verbal apology is the most frequent means of disposal (56%) used and there are large gaps where respondents preferences have not been used once i.e. Treatment for Offender, Reparation of Damage by the Offender, Structured Activity for the Offender, Parental Contract, Acceptable Behaviour Contracts.
- 2.37 Community Remedy does not appear to have been used for antisocial behaviour in line with 47% respondents of the local survey or the Home Office statutory guidance.

### **Recommendations for Consideration**

1. The Commissioner's office and Force lead for Community Remedy to make proposals which will lead to greater reparation by the offender to the victim as detailed in section 2.2.
2. The Force leads for Community Remedy to ensure that Community Remedy is also used for resolving incidents of ASB and to establish monitoring arrangements.
3. NOPCC to support appropriate pathways which may assist in preventing reoffending by offenders subject to Community Remedy.

### **Assurance Meeting**

- 2.38 In response to the findings of this evaluation on 8<sup>th</sup> June 2017, the NOPCC CEO and Head of Strategy and Assurance met with the Force Superintendent lead for Out of Court disposals and discussed the report and agreed a way forward to increase activity in respect of Treatment and Reparation (for and by) offenders. The following actions were agreed:

## **Action in Response to Findings**

1. In order to obtain further assurance, the Head of Strategy and Assurance will be invited to sit on the Out of Court Scrutiny Group which meets quarterly to review a number of cases and provide feedback on the process.
2. The Force lead for Community Remedy will have a sample of ASB incidents reviewed to determine how such cases suitable for community remedy have been resolved and feedback the results.
3. The need to bolster the use of conditional cautions and limit the use of simple cautions has gained national support and if implemented locally would address some of the issues raised in this evaluation report. A Police officer from Hampshire Police is the national lead and once proposals have been signed off by the National Police Council the Force lead will take steps to implement the new arrangements ensuring that NICHE IT systems are suitably modified. This will hopefully be implemented before the end of the financial year 2017-18.
4. The Force community remedy lead will explore and implement as appropriate a Victims Awareness Course currently organised by Victims Support and funded by offenders in a similar way to the way minor speeding awareness course are run. West Midlands Police operates such a scheme to good effect. This would bolster the Treatment for Offenders category listed at section 2.15.
5. The Force community remedy lead will liaise with the City and County YOTs to explore whether they could provide support to individuals at risk of further offending e.g. a 14 year old boy who has committed low level assault on his mother.
6. The Force community remedy lead to liaise with the Commissioner's Commissioning Manager to consider whether the voluntary sector could be used to provide support to such offenders as part of the Commissioner's Community Safety Grants.
7. The Force lead for community remedy will consider how the Youth Commission might help alongside the out of court disposal process by requiring offenders to take part in a PEER pseudo Court trial.
8. The Commissioner to review Community Remedy process again in another 12 months.