



Office of the
Police and Crime
Commissioner
for Warwickshire

Community Remedy

Policy Owner/s	Head of Business Services and Assurance. Policy and Partnerships Officer for Criminal Justice
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Next Review Date Prior To	TBD

Security Classification	Official
Disclosable under Freedom of Information Act?	Yes
Risk Rating	Low
Equality Analysis	Low

The Office of the Police and Crime Commissioner welcomes comments and suggestions from the public and staff about the contents and implementation of this policy. Please e-mail: opcc@warwickshire.police.uk

1. Policy Outline

The Community Remedy document was introduced as per section 101 of the [Anti-Social Behaviour, Crime and Policing Act \(2014\)](#) to give victims of low level crime and anti-social behaviour a greater say in how offenders should be dealt with. This Act requires Police and Crime Commissioners (PCCs) to be responsible for the ownership, reviewal, and publication of the document, in partnership with their respective Chief Constable, the local authority, voluntary groups and other interested community representatives on what should be included in the remedy.

2. Purpose of Community Remedy

Community Remedy applies when Warwickshire Police decide to deal with the low-level offences outside of court and manage the offender(s) within the community in consultation with the victim. Out-of-court resolutions are a workable, sometimes more beneficial, alternative to court. It is about having a victim focus and rehabilitating offender behaviour through diversionary intervention and reflective learning. The public should be able to see the offender putting right what they have done wrong, or being asked to participate in an activity that deters them from re-offending which requires their agreement to engage.

a) Out-of-Court Resolutions

Out-of-court resolutions or OOCRs (formerly called out-of-court disposals) are for lower-level and first-time offences and are a proportionate method of dealing with crime without the need to appear at court (the exception being low-level drug offences which upon second submission would require an appropriate escalation of diversionary intervention). They are an important way of tackling the early stages of offending behaviour and trying to reduce reoffending. OOCRs can also give victims a voice, while dealing firmly but fairly with the offender and their crime.

[The Police, Crime, Sentencing and Courts Act \(2022\)](#) will be introducing a simplified, strengthened two-tier OOCR framework of two new cautions to apply to offenders aged 18 and over.

- **Diversionsary Caution:** the upper-tier disposal with conditions attached. A breach of conditions can result in prosecution for the original offence.
- **The Community Caution:** the lower-tier disposal with conditions attached. A breach of conditions can result in the imposition of a financial penalty. Non-compliance with conditions can also result in a court fine but cannot be prosecuted.

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All Police Services are working to the Ministry of Justice's timeline; it is therefore projected that not all components of this new framework will be fully operational until early 2025.

b) Community Resolutions

Community resolutions allow Warwickshire Police to deal with low level crime and manage the offenders within the community, in consultation with the victim. This enables them to deal with low level criminal damage, low value theft, minor assaults (without injury) and anti-social behaviour out-of-court. Victim wishes can be over ruled by an Inspectors Authority, however the authorising officer is required to document their rationale (see [part 6 of the Act](#)).

To use a community resolution, the offender must first give an admission or otherwise accept full responsibility for the offence. The officer can then decide, after consultation with the victim, that the matter would be better dealt within the community (note the Inspectors Authority, as above, which can overrule a victim's views). The community resolution is the process by which the community remedy is delivered.

The final decision on how to deal with the offender is made by Warwickshire Police; it must improve public confidence in the use of out-of-court resolution and must not breach human rights.

Non-compliance with a community resolution is not enforceable (e.g., no grounds for arrest or detention following non-compliance).

3. Community Remedy Options

Victims can choose from a list of Community Remedy options that are provided below:

- a) **An apology (in person or a written apology):** from the offender to the victim, which is genuine and acceptable. Victims do not need to meet the offender if they did not want to. This can be helpful for the offender to apologise to their victim because it makes them face up to the consequences of their actions.
- b) **A ban:** from named premises for a specified period.
- c) **An Acceptable Behaviour Contract (or an Acceptable Behaviour Agreement):** a written, voluntary agreement between a person who has been involved in anti-social behaviour and one or more local agencies whose role it is to prevent such behaviour. The contract would specify types of behaviour, people or places that should be avoided.

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- d) **A reparative activity (e.g., cleaning, repairing damage etc.):** where there is no “physical” victim (e.g., the damage is to a community facility), the victim and/or officer in charge may decide that the offender should carry out some repairs in the community by way of recompense.
- e) **Financial compensation:** a one-off payment for the damage caused to land or property, or the cost of replacing stolen goods, or a donation to a charity of the victim’s choice. This option would be overseen by Warwickshire Police. In the case of under 18’s, parents can pay the compensation. Compensation may not be appropriate, for example where the victim is covered by insurance, it may however be appropriate that the “compulsory or voluntary excess” insurance payment could be covered by the offender.
- f) **Any other appropriate action:** which the police officer has agreed with the victim and subsequently with the officer’s line manager. The officer in charge will be able to use their professional judgement and, in consultation with the victim, come up with a range of options that may be appropriate for the offender to participate in. There may be time-sensitive diversionary schemes available in the local area e.g., an alcohol diversionary scheme. This allows for flexibility and innovation when coming to a decision on how the community remedy could be used on a case-by-case basis.

In Warwickshire, there are a number of Diversionary Intervention suppliers who provide a variety of courses or programmes spanning an array of different offences aimed at educating offenders and discouraging further offending. A number of these interventions can be delivered online.

4. Consultation

Public consultation on the draft Code of Practice for the new Cautioning Framework for Diversionary and Community Cautions was opened on 2 August 2023 and closed on 13 October 2023. The outcomes of this consultation are currently being considered by Warwickshire Police in preparation for the intended full roll out of the new arrangements.

5. Assessment and Analysis

Necessary assessments will be undertaken by Warwickshire Police officers and their superiors and ultimately overseen by the respective agencies Criminal Justice department.

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Out-of-court resolutions are monitored by the Local Criminal Justice Board (LCJB) and related subgroups. Victims of crime who have used the community resolution process and chosen options from the community remedy will be asked about their experiences to inform improvements in the process.

6. Revision Record

Date of change	Nature of revision
18 January 2024	Changes made due to national and local redesign of out-of-court disposals (now resolutions).