



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 6

#### LOCAL INVOLVEMENT AND ACCOUNTABILITY

##### *Community remedies*

#### **101 The community remedy document**

- (1) Each local policing body must prepare a community remedy document for its area, and may revise it at any time.
- (2) A community remedy document is a list of actions any of which might, in the opinion of the local policing body, be appropriate in a particular case to be carried out by a person who—
  - (a) has engaged in anti-social behaviour or has committed an offence, and
  - (b) is to be dealt with for that behaviour or offence without court proceedings.
- (3) For the purposes of subsection (2), an action is appropriate to be carried out by a person only if it has one or more of the following objects—
  - (a) assisting in the person's rehabilitation;
  - (b) ensuring that the person makes reparation for the behaviour or offence in question;
  - (c) punishing the person.
- (4) In preparing or revising the community remedy document for its area a local policing body must—
  - (a) have regard to the need to promote public confidence in the out-of-court disposal process;
  - (b) have regard to any guidance issued by the Secretary of State about how local policing bodies are to discharge their functions under this section;

- (c) carry out the necessary consultation and take account of all views expressed by those consulted.
- (5) In subsection (4)(c) “the necessary consultation” means—
- (a) consultation with the chief officer of police for the area,
  - (b) consultation with the local authority for any part of the area,
  - (c) consultation with whatever community representatives the local policing body thinks it appropriate to consult, and
  - (d) whatever other public consultation the local policing body thinks appropriate.
- (6) A local policing body must agree the community remedy document for its area, and any revised document, with the chief officer of police for the area.
- (7) Once the community remedy document, or a revised document, has been agreed with the chief officer of police, the local policing body must publish it in whatever way it thinks appropriate.
- (8) The Secretary of State must publish any guidance issued under subsection (4)(b).
- (9) In this section—
- “anti-social behaviour” has the meaning given by section 2 (ignoring subsection (2) of that section);
  - “community representative”, in relation to a police area, means any individual or body appearing to the local policing body to represent the views of people who live in, work in or visit the area;
  - “local authority” means—
    - (a) in relation to England, a district council, a county council for an area for which there is no district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
    - (b) in relation to Wales, a county council or a county borough council;
  - “out-of-court disposal process” means the process by which a person is dealt with under section 102 or by means of a conditional caution or youth conditional caution.

## **102 Anti-social behaviour etc: out-of-court disposals**

- (1) This section applies where—
- (a) a person (P) within subsection (2) has evidence that an individual (A) has engaged in anti-social behaviour or committed an offence,
  - (b) A admits to P that he or she has done so,
  - (c) P thinks that the evidence is enough for taking proceedings against A for an injunction under section 1, or taking other court proceedings, but decides that it would be appropriate for A to carry out action of some sort instead, and
  - (d) if the evidence is that A has committed an offence, P does not think that it would be more appropriate for A to be given a caution or a fixed penalty notice.
- (2) The persons within this subsection are—
- (a) a constable;
  - (b) an investigating officer;

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- (c) a person authorised by a relevant prosecutor for the purposes of section 22 of the Criminal Justice Act 2003 (conditional cautions) or section 66A of the Crime and Disorder Act 1998 (youth conditional cautions).
- (3) Before deciding what action to invite A to carry out, P must make reasonable efforts to obtain the views of the victim (if any) of the anti-social behaviour or the offence, and in particular the victim's views as to whether A should carry out any of the actions listed in the community remedy document.
- (4) If the victim expresses the view that A should carry out a particular action listed in the community remedy document, P must invite A to carry out that action unless it seems to P that it would be inappropriate to do so.
- (5) Where—
- (a) there is more than one victim and they express different views, or
  - (b) for any other reason subsection (4) does not apply,
- P must nevertheless take account of any views expressed by the victim (or victims) in deciding what action to invite A to carry out.
- (6) In this section—
- “action” includes the making of a payment to the victim (but does not include the payment of a fixed penalty);
  - “anti-social behaviour” has the meaning given by section 2 (ignoring subsection (2) of that section);
  - “community remedy document” means the community remedy document (as revised from time to time) published under section 101 for the police area in which A's anti-social behaviour or offence took place;
  - “caution”—
    - (a) in the case of a person aged 18 or over, includes a conditional caution within the meaning of Part 3 of the Criminal Justice Act 2003;
    - (b) in the case of a person under that age, means a youth caution or youth conditional caution within the meaning of Chapter 1 of Part 4 of the Crime and Disorder Act 1998;
  - “investigating officer” and “relevant prosecutor” have the same meaning as in Part 3 of the Criminal Justice Act 2003 (see section 27 of that Act);
  - “victim” means the particular person who seems to P to have been affected, or principally affected, by A's anti-social behaviour or offence.

### **103 Criminal behaviour: conditional cautions**

- (1) In Part 3 of the Criminal Justice Act 2003 (conditional cautions), after section 23 there is inserted—

#### **“23ZA Duty to consult victims**

- (1) Before deciding what conditions to attach to a conditional caution, a relevant prosecutor or the authorised person must make reasonable efforts to obtain the views of the victim (if any) of the offence, and in particular the victim's views as to whether the offender should carry out any of the actions listed in the community remedy document.

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*Status: This is the original version (as it was originally enacted).*

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(2) If the victim expresses the view that the offender should carry out a particular action listed in the community remedy document, the prosecutor or authorised person must attach that as a condition unless it seems to the prosecutor or authorised person that it would be inappropriate to do so.

(3) Where—

- (a) there is more than one victim and they express different views, or
- (b) for any other reason subsection (2) does not apply,

the prosecutor or authorised person must nevertheless take account of any views expressed by the victim (or victims) in deciding what conditions to attach to the conditional caution.

(4) In this section—

“community remedy document” means the community remedy document (as revised from time to time) published under section 101 of the Anti-social Behaviour, Crime and Policing Act 2014 for the police area in which the offence was committed;

“victim” means the particular person who seems to the relevant prosecutor or authorised person to have been affected, or principally affected, by the offence.”

(2) After section 66B of the Crime and Disorder Act 1998 (requirements for youth conditional cautions) there is inserted—

**“66BA Duty to consult victims**

(1) Before deciding what conditions to attach to a youth conditional caution, a relevant prosecutor or the authorised person must make reasonable efforts to obtain the views of the victim (if any) of the offence, and in particular the victim’s views as to whether the offender should carry out any of the actions listed in the community remedy document.

(2) If the victim expresses the view that the offender should carry out a particular action listed in the community remedy document, the prosecutor or authorised person must attach that as a condition unless it seems to the prosecutor or authorised person that it would be inappropriate to do so.

(3) Where—

- (a) there is more than one victim and they express different views, or
- (b) for any other reason subsection (2) does not apply,

the prosecutor or authorised person must nevertheless take account of any views expressed by the victim (or victims) in deciding what conditions to attach to the conditional caution.

(4) In this section—

“community remedy document” means the community remedy document (as revised from time to time) published under section 101 of the Anti-social Behaviour, Crime and Policing Act 2014 for the police area in which the offence was committed;

“victim” means the particular person who seems to the relevant prosecutor or authorised person to have been affected, or principally affected, by the offence.”