

## WEST YORKSHIRE OUT OF COURT DISPOSAL SCRUTINY GROUP – SUMMARY OF MEETING 7<sup>th</sup> July 2016

An out of court disposal (OCD) is a method of resolving an investigation when the offender is known and when that offender admits the offence. An OCD can only be used in limited circumstances and it should reduce re-offending by enabling restorative and reparative justice. Nationally, there are a number of methods for dealing with offenders in this way. These are universal and include community resolutions, conditional cautioning, simple cautions, cannabis warnings and Penalty Notices for Disorder.

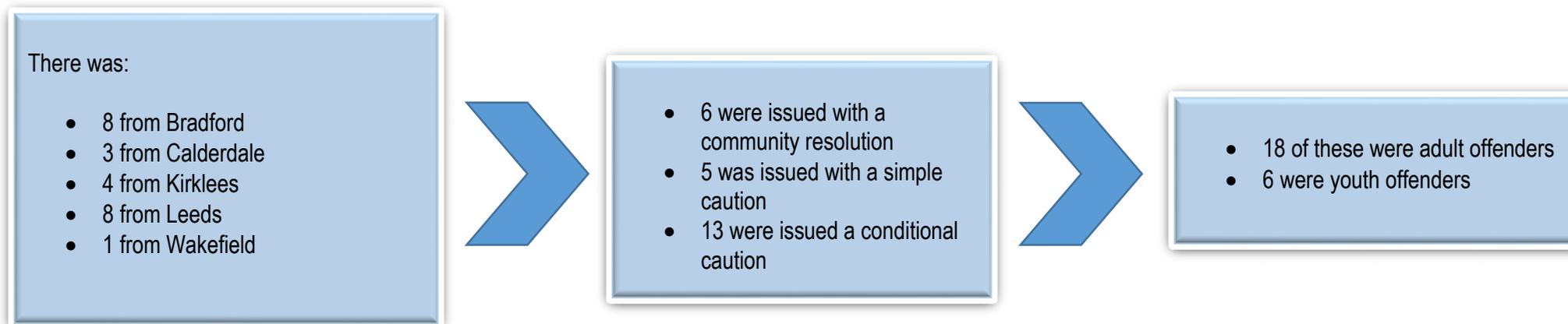
On 24 November 2014 West Yorkshire Police partially commenced implementation of a new simplified, two-tier model; the pilot only permits the use of conditional cautions and community resolutions.

The intention of the scrutiny panel is to provide transparency and accountability and an increase in public understanding, confidence and trust in how West Yorkshire Police use out of court disposals with

particular focus on the delivery of appropriate and proportionate justice and ensuring redress for victims of crime as well as addressing the root causes of offending behaviour.

The scrutiny panel has no referral or appeals capability and is not intended to re-judge cases. It will assess the relevant processes, interactions and decisions to identify any continuous organisational learning.

### How many offenders were considered?



### What was the overall assessment of the disposals for offenders?

7 were deemed appropriate and consistent with relevant organisational policy and procedures

7 were deemed appropriate with observations

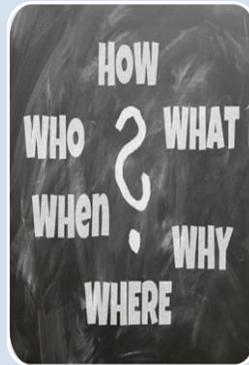
8 were deemed inappropriate and/or inconsistent with policy and procedures

There was 2 offenders where the panel failed to reach a conclusion, and further relevant information is requested.

### Contact us

If you have questions about out of court disposals, how the scrutiny panel works or any feedback on the content and format of this document please contact the West Yorkshire Police and Crime Commissioner's Office on [contact@westyorkshire.pcc.pnn.gov.uk](mailto:contact@westyorkshire.pcc.pnn.gov.uk)

## What were the key themes from the meeting?



The quality of **decision making** around ways of dealing with offenders out of court is improving. The panel has seen noticeable improvements in the appropriateness of the decisions made and the rationale recorded to explain why those decisions were made.

**Interview evidence** is often missing from the crime log, including no record of any interview, transcript of interview or audio recording. PACE Code E is potentially being breached frequently. PACE Code E states that an audio recorded interview must take place for triable offences unless the offender has made an unsolicited admission or a Sgt or above has authorised that an audio recorded interview is not required. There is often no record/evidence on crime logs if the admission was made or authorisation from a Sgt. Yet there is also no audio recorded

**A lack of or no rationale** written on the case log giving reasons for a particular disposal or to indicate if restorative justice has been considered. This rationale is required, to provide an audit trail for an outcome and a detailed explanation leading to the final decision. The panel found that where a detailed rationale was given, they could follow the decision making process.

In Domestic abuse cases **Consent** has to be given explicitly by the victim to allow the Police to pass their contact details to support agencies. In this audit where the defendant and suspect were current or ex-partners, this consent was waived. In inter-familial cases the offer of support was taken up.

**Services for offenders** to get help for offending behaviour - which can form conditions that can be attached to community resolutions or conditional cautions - are not always available for the police to make referrals to for offences such as shoplifting and drug offences for adult offenders. However there are good options available for youth offenders, and these are being well utilised.

**Doing the right thing** - is it actually the right thing? Domestic abuse cases have multiple sub layers, it is not simply a case of crime/offence/admission that is set out clearly in front of the officer. The panel found that the policy can be applied correctly but this did not fit with morally correct in all circumstances.

Consistency is needed across organisations involved in **domestic abuse** cases when assessing the level of risk to the victim and wider family, although some variation will be inevitable.