

OUT OF COURT DISPOSAL SCRUTINY GROUP

What is the West Yorkshire Out of Court Disposal Scrutiny Panel?

The scrutiny panel is a group of representatives from across the criminal justice sector who come together quarterly to look at a sample of cases where an out of court disposal has been issued.

Who sits on the panel?

The following representatives attend each meeting:

- Independent Chair from the Office of the Police and Crime Commissioner (OPCC)
- West Yorkshire Police Chief Inspector with responsibility for criminal justice
- Police representative with expertise in out of court disposals
- Police representative(s) with expertise in the themed case(s) as required for sexual, domestic or hate crimes at the request of the Chair
- Two adult and two youth Magistrates
- HM Courts & Tribunal Services (HMCTS), Legal Advisor
- Crown Prosecution Service (also currently serving as deputy chair)
- Youth Offending Team
- National Probation Service
- West Yorkshire Probation Community Rehabilitation Company
- Victim Support

In addition, other representatives may be invited as and when appropriate depending on the focus of the meeting.

What does the panel do?

The intention of the panel is to provide transparency and accountability and increase public understanding, confidence and trust in how West Yorkshire Police use out of court disposals. There is a particular focus on the delivery of appropriate and proportionate justice, ensuring redress for victims of crime as well as addressing the root causes of offending behaviour.

It provides constructive scrutiny at an organisational and individual level to promote best practices, identify potential policy or staff development needs and more effective working practices between agencies.

It also works to ensure the voice of victims is heard through the out of court disposal process and provide challenge where it appears not to have been considered.

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 does it work?

The Chair randomly selects a minimum of 40 cases that have received an out of court disposal, which includes both adult and young cases. These cases are selected to ensure that there is a split at geographic district level of out of court disposals. Meetings are held at least quarterly to consider summaries of the cases selected.

The Chair asks each panel member to consider the following criteria:

- If available, the views of the victim and offender
- Compliance with relevant National Police Chief's Council, Ministry of Justice, Youth Justice Board and organisational policy and procedures.
- Compliance with Director of Public Prosecution guidance on adult and youth conditional cautions
- Rationale for decision, outcome and potential alternative options that may have been available

The panel reviews each case and makes a judgement that the out of court disposal was:

1. Appropriate and consistent with relevant organisational policy and procedures; or
2. Appropriate with observations; or
3. Inappropriate and/or inconsistent with policy and procedures.

The panel can also fail to reach a conclusion, which can occur due to lack of information available at the time the case was considered by the panel or due to a difference of opinion amongst panel members.

What happens to the cases after the panel review them?

The panel records the rationale for why it has made the assessments it has, including observations for individuals and organisations. Learning from each case is fed back to relevant organisations and to individual police officers involved in those cases after the meeting. Themes and actions are also circulated to panel members.

In the event that the panel identifies that a case should not have received an out of court disposal where, for instance, there has been no clear acceptance of guilt or responsibility by the offender, West Yorkshire Police will ensure that appropriate action is taken in respect of panel findings. This includes:

- Notification to the individual offender and removal of the relevant disposal from local and national police systems.
- Consideration for commencement of a new investigation into any further offences which have come to light but not previously been dealt with as part of the original investigation and out of court disposal.
- Action by West Yorkshire Police to address breaches of the Police Code of Ethics in respect of inappropriate or unethical police behaviour which has been identified by the panel.

How do I find out what the panel has discussed?

A public summary report highlighting key themes will be agreed and circulated to all partners to publish on their websites. This is also housed on the West Yorkshire Police and Crime Commissioner website www.westyorkshire-pcc.gov.uk

Who do I contact if I have any questions about out of court disposals and how the scrutiny panel works?

If you have any questions regarding the scrutiny panel, how it works or its findings, please contact the Office of the Police and Crime Commissioner in the first instance at contact@westyorkshire.pcc.pnn.gov.uk