

WEST YORKSHIRE OUT OF COURT DISPOSAL SCRUTINY GROUP – SUMMARY OF MEETING 7 OCTOBER 2015

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.

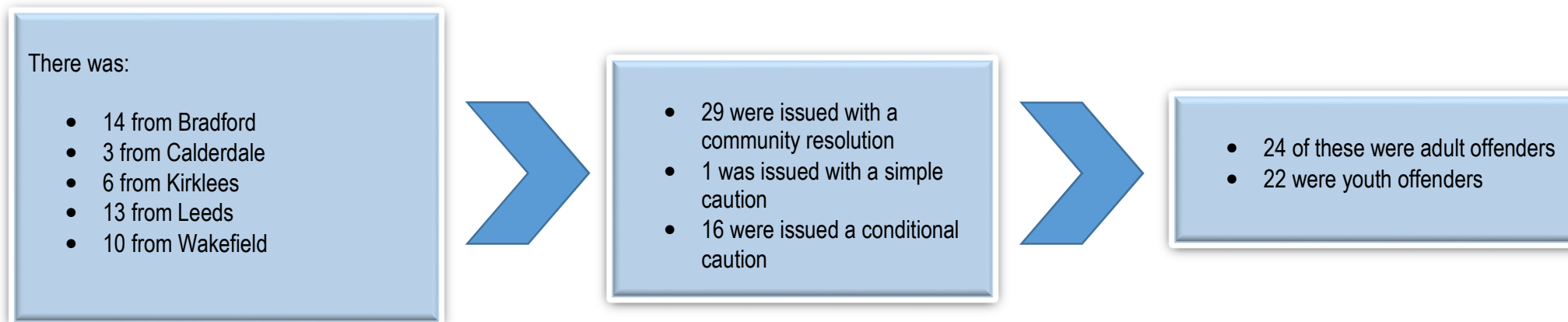
On 24 November 2014 West Yorkshire Police partially commenced implementation of a new simplified, two-tier model; the pilot only permits the use of conditional cautions and community resolutions.

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?

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

17 were deemed appropriate with observations

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

There were 6 offenders where the panel failed to reach a conclusion, 5 due to further questions needing to be answered, and one where the panel could not agree on the appropriateness of the disposal

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

What were the key themes from the meeting?



Some out of court disposals are being issued for the **wrong offence**. In most of these cases the actual disposal made is appropriate to the circumstances of the actual offence however the evidence suggests that it should have been issued for a different crime type.



Some offences are carried out by multiple offenders. However offenders are sometimes being **dealt with in the same way** regardless of their involvement in the incident, their circumstances or their previous offending history.



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.



Consultation with and consideration of the **victims wishes** - or parents where the victim is aged under 18 - was missing from some of the case files, meaning for those cases it was impossible to tell whether victims were happy with and supportive of the disposals.



Most **domestic abuse** cases were identified and dealt with appropriately however some lacked the necessary risk assessments. This was particularly around cases that tend to involve wider family members, not in an intimate relationship. However one case highlighted a wider issue around the meaning of 'intimate partners' in identifying whether a case is domestic or not.



On occasions not enough research into the **offender's background** is being undertaken. This can affect the disposal granted, with inappropriate conditions being set or the sanction not being severe enough.



Referrals to or conversations with **youth offending teams** are not always being recorded on case files, meaning it is difficult to evidence involvement of these professionals in the decision making process.

Two offenders where the out of court disposal was deemed inappropriate were referred back to the police to see if they could be dealt with differently.