

WEST YORKSHIRE OUT OF COURT DISPOSAL SCRUTINY GROUP – SUMMARY OF MEETING 10th April 2019

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?

There were:

- 10 from Bradford
- 3 from Calderdale
- 7 from Kirklees
- 21 from Leeds
- 5 from Wakefield



- 35 were issued with a community resolution
- 1 was issued with a simple caution
- 10 were issued a conditional caution



- 18 of these were adult offenders
- 28 were youth offenders

What was the overall assessment of the disposals for offenders?

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

14 were deemed appropriate with observations

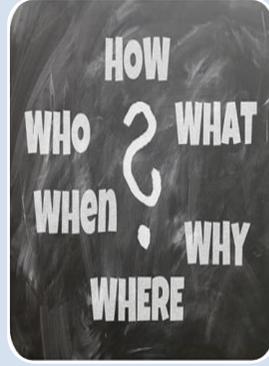
13 were deemed inappropriate and/or inconsistent with policy and procedures

8 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

What were the key themes from the meeting?



CORRECT LEVEL OF DISPOSAL

A number of disposals were determined to be incorrect. 4 Community Resolutions and 1 conditional Caution were considered by the Scrutiny Panel to be suitable for a charge.

DASH RISK ASSESSMENT

Out Of Court Disposals are allowed for Domestic Abuse where the DASH risk assessment determines that risk to be standard. A medium or high risk determination should be referred to the Crown Prosecution Service for a charging decision. 3 cases were noted by the Scrutiny Panel

DPP GUIDANCE

The Director of Public Prosecutions (DPP) determines which offences are suitable for disposal by Out of Court Disposals. The panel noted six cases (including those of a medium or high risk DASH)

RESTORATIVE JUSTICE

Not all suitable cases that were considered by the panel to be suitable for Restorative Justice had the option considered at point of disposal.

IDENTIFICATION

All offenders should be checked through PNC to enable determination of identity and previous convictions. The Panel noted that all cases dealt with through custody had these checks completed. However of those attending by VA, 22% had pNC checks and only 16% of street disposals had these checks carried out.

APPROPRIATE ADULTS

Not all Youths receiving an Out of Court Disposal had an appropriate adult countersign their disposal form.

DISPOSAL CONDITIONS

The panel felt that the range and appropriateness of the conditions given were improving. However, on a number of occasions the issue of compensation was overlooked. In one case the offender offered to pay and this could have been enforced through a condition.