

## WEST YORKSHIRE OUT OF COURT DISPOSAL SCRUTINY GROUP – SUMMARY OF MEETING 5<sup>th</sup> July 2017

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.

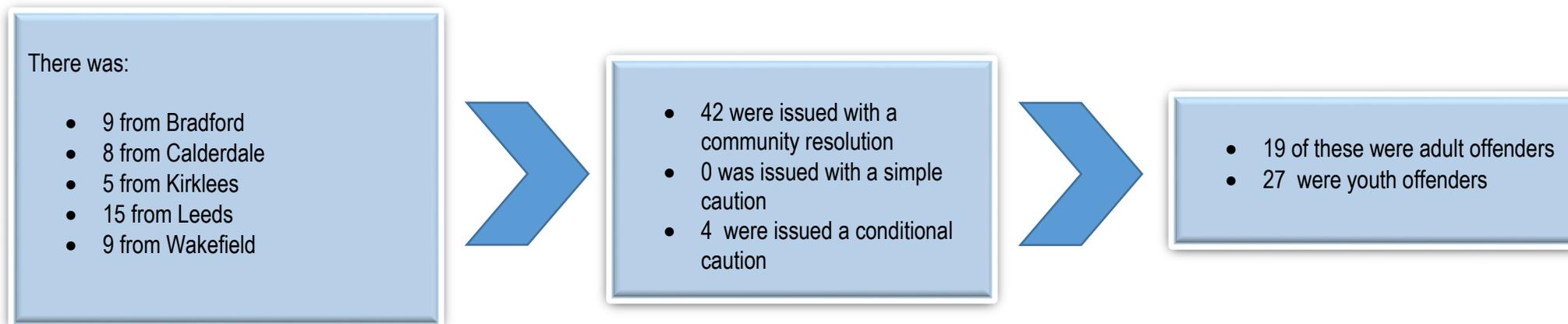
On 24 November 2014 West Yorkshire Police partially commenced implementation of a new simplified, two-tier model; the pilot only permits the use of conditional cautions and community resolutions.

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?

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

3 were deemed appropriate with observations

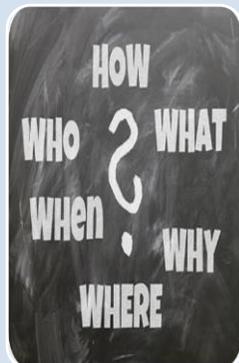
22 were deemed inappropriate and/or inconsistent with policy and procedures

There were 4 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?



### Restorative Justice.

In most cases there is no referral to restorative justice which may provide improved outcomes for victims and aid a potential reduction in reoffending. The panel now review the suitability of each case for a referral to Restorative Justice.

### Completion dates

It is crucial that dates are added to the disposals to determine the date by which the compliance must be completed. Without this, the disposal cannot be complete or brought to court to ensure compliance. It is further noted that there is a growing time period between offence to disposal causing some cases to become statute barred in the event of non compliance with the disposal.

### NFA

The two tier system is leading to instances where a community resolution is being issued when it is not considered by the panel as appropriate. In some cases the use of NFA would be more appropriate.

### Decision Rationale

Good rationale and background information to explain why decisions are made is crucial to enable a fair scrutiny of cases and understand comparisons with other similar cases.

### Previous offending history.

It is noted that knowledge of an offenders previous offending history may well have brought about a different outcome.

### Under 10's

There should be no age barrier set for the issuing of community resolutions. Each case should be determined under its own merit.

Better use of the local ASBO teams needs to be considered prior to entering the criminal justice system.

Poor parenting is sometimes the main issue behind the reoffending of very young people. Use of Parenting orders through the court is an alternative to criminalising the young.

### Conditions

Out of court disposals for low level shop theft that have a store ban or civil recovery as the conditions is not considered appropriate by the panel.

Inventive use of conditions is encouraged. Such as community hours with the local Parks department where the offence took place