

WEST YORKSHIRE OUT OF COURT DISPOSAL SCRUTINY GROUP – SUMMARY OF MEETING 9th October 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.

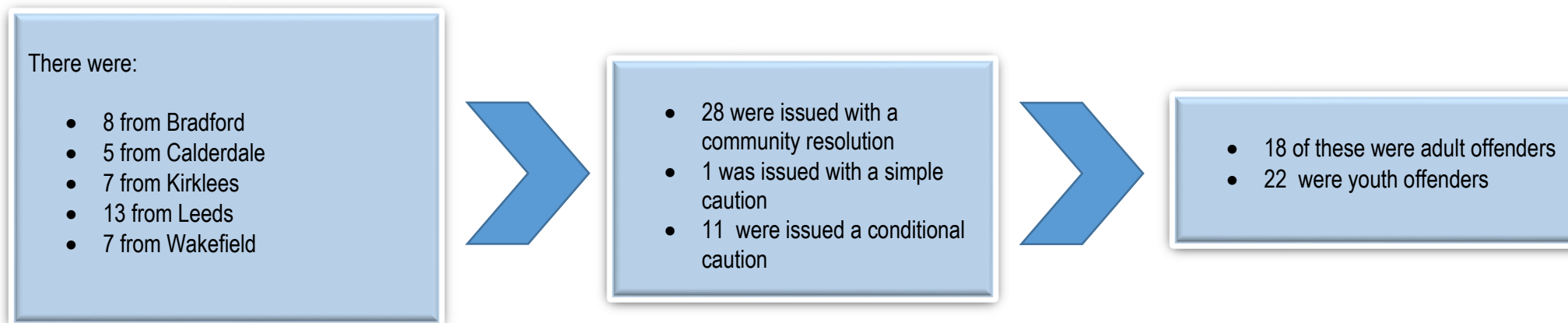
On 24 November 2014 West Yorkshire Police partially commenced implementation of a new simplified, two-tier model; the pilot only permits the use of conditional cautions and community resolutions.

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?



What was the overall assessment of the disposals for offenders?

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

5 were deemed appropriate with observations

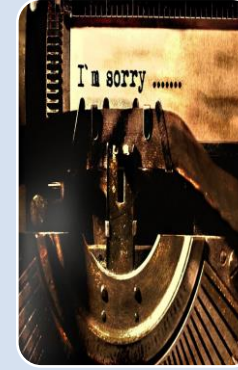
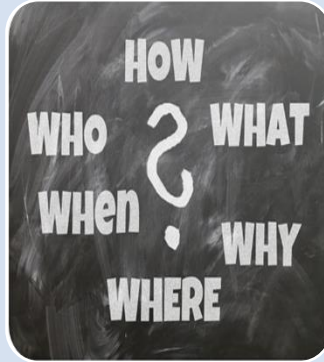
13 were deemed inappropriate and/or inconsistent with policy and procedures

1 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?



COMPENSATION CONDITIONS

Compensation levels on 3 cases were considered inappropriate and unjust to victims. One case with £350+VAT damage attracted only £50 compensation.

Another for the theft of a number of phones totalling £1220 saw only £50 compensation.

A third case of Dangerous dog in a public place is an indictable offence and not considered suitable for a CR.

A conditional caution should have been given as a minimum with a condition to repay all vets fees.

DOMESTIC ABUSE

The Director of Public Prosecutions (DPP) determines which offences are suitable for disposal by Out of Court Disposals. The panel again noted a case where the DASH recorded medium and therefore unsuitable for OoCD.

CHARGING DECISIONS

Two cases reviewed involved a serious offence, one the use of a corrosive substance and another the possession of a weapon.

Both cases were finalised with a community resolution. Both should have had a CPS charging decision. Had CPS decided to issue an out of court disposal, it could have been a conditional caution which would have allowed YOT intervention to work with the youth offenders.

OFFENDING HISTORY

Out of Court Disposals are an alternative to the criminal justice process and act as a ladder in that further offending will lead to offences being sent to court.

A number of cases reviewed had an offending history that should have led to increased severity with one case considered suitable for an uplift to conditional caution and another for charging to court.

DISPOSAL CONDITIONS

A number of Out of Court Disposals were finalised with what the Panel considers inappropriate conditions.

For cannabis offences the disposal of the substance is a requirement, not a condition.

In another case an adult offender receiving a CR for drunk and disorderly received a condition not to be drunk in a public place for two weeks.