

WEST YORKSHIRE OUT OF COURT DISPOSAL SCRUTINY GROUP – SUMMARY OF MEETING 1 JULY 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.

What cases were considered?

There was:

- 6 from Bradford
- 3 from Calderdale
- 4 from Kirklees
- 13 from Leeds
- 4 from Wakefield



- 17 were issued with a community resolution
- 4 were issued with simple cautions
- 9 were issued a conditional caution



- 15 of these were adult cases
- 15 were youth cases

What was the overall assessment of these cases?

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

11 were deemed appropriate with observations

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

There were 4 cases where the panel failed to reach a conclusion

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?



Many cases reviewed did not include **restorative justice** even if the case appeared to be suitable for consideration of its use. There needs to be rationale for why restorative justice was not offered or to show that it was considered but was either not appropriate or available.

Interview evidence is often missing from the crime log, including no record of any interview, transcript of interview or audio recording. PACE Code E is potentially being breached frequently. PACE Code E states that an audio recorded interview must take place for triable either way and indictable offences unless the offender has made an unsolicited admission or a Sgt or above has authorised that an audio recorded interview is not required. There is often no record/evidence on crime logs if the admission was made or authorisation from a Sgt. Yet there is also no audio recorded interview.

Referrals for **victim support** are often not being made by the police, meaning that victims who potentially need support but do not know who to contact or have not considered it are not getting the chance to be referred for support.

Disposals are sometimes **not being appropriately made**. Issues the panel came across include:
Disposals being issued that aren't part of the pilot, such as adult cautions that do not have conditions attached.
Forms not being completed properly.
Community resolutions being issued without conditions being set.

Timescales are sometimes missing from the conditions set for both community resolutions and conditional cautions, meaning the offender and the police do not know when the conditions are expected to be completed.

Appropriate conversations with youth offending specialists are not always taking place when needed. All cases where a young offender is involved must be referred to the youth offender team. In cases where the offence is deemed priority crime or a young offender has previous offending then before a decision is made to take no further action, charge, report for summons or issue an out of court disposal the case must be discussed with the Youth Offender team. Where the case is deemed less serious and the young offender has not previously offended then the police can make the decision to take no further action, charge, report for summons or issue an out of court disposal. They must still however notify the youth offender team of the action taken.

Following the scrutiny panel two cases where the out of court disposal was deemed inappropriate were referred back to the police to see if they could be dealt with differently.