

WEST YORKSHIRE OUT OF COURT DISPOSAL SCRUTINY GROUP – SUMMARY OF MEETING 17th July 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.

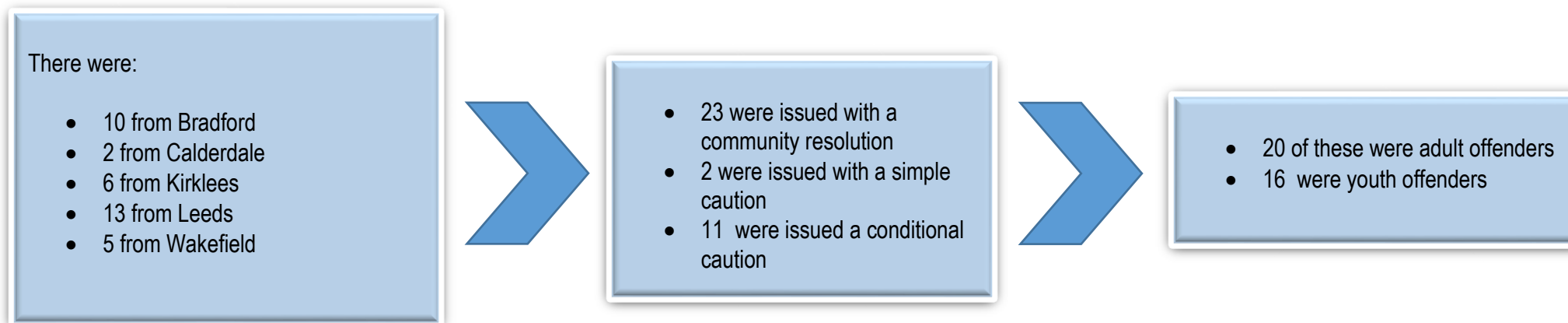
On 24 November 2014 West Yorkshire Police partially commenced implementation of a new simplified, two-tier model; the pilot only permits the use of conditional cautions and community resolutions.

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?



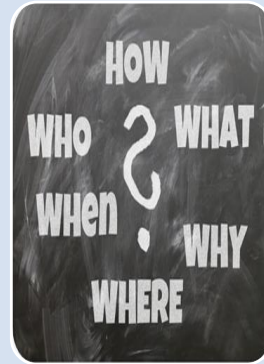
What was the overall assessment of the disposals for offenders?

15 were deemed appropriate and consistent with relevant organisational policy and procedures
10 were deemed appropriate with observations
9 were deemed inappropriate and/or inconsistent with policy and procedures
2 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?



YOUTH WEAPONS OFFENCES

The panel looked at Youth cases where the offence related specifically to a weapons offences. It did not consider other offences where a weapon was used, i.e. robbery.

A number of issues were noted with 14 of the 16 cases reviewed having issues noted. Only 2 were considered appropriate.

Possess a weapon on school premises should be referred to the CPS for a charging decision. 2 such cases were given a community resolution thereby negating any ongoing support. A further 6 cases should have been referred for a CPS charging decision.

On reviewing a number of cases that should have been escalated for a charging decision, which is against policy and procedures, the panel felt the right outcome was reached.

DOMESTIC ABUSE

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

TIMELINESS

Some cases are being finalised over long periods. One Youth case was five months from offence to finalisation. OoCD's are designed to be timely and swift to conclusion. Lengthy periods to finalisation leads to uncertainty and increases the possibility of reoffending without targeted support or conditions in place.

CO-ACCUSED

Where a Youth is co-accused with adults it is not appropriate for the youth to be given an adult disposal.

DISPOSAL CONDITIONS

A number of disposal conditions were considered inappropriate by the Panel. Store Bans with no end date and returning items to the store are not encouraged as conditions. One case was referred to an obsolete course with another defendant required to pay for a course which is against West Yorkshire policy.