

## WEST YORKSHIRE OUT OF COURT DISPOSAL SCRUTINY GROUP – SUMMARY OF MEETING 16<sup>th</sup> January 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:

- 9 from Bradford
- 3 from Calderdale
- 8 from Kirklees
- 13 from Leeds
- 5 from Wakefield



- 25 were issued with a community resolution
- 1 was issued with a simple caution
- 12 were issued a conditional caution



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

### What was the overall assessment of the disposals for offenders?

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

4 were deemed appropriate with observations

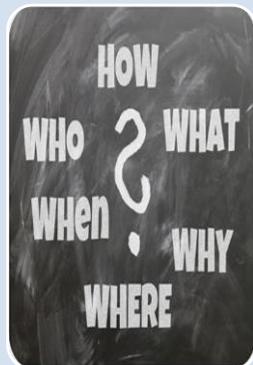
6 were deemed inappropriate and/or inconsistent with policy and procedures

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](mailto:contact@westyorkshire.pcc.pnn.gov.uk)

## What were the key themes from the meeting?



### DASH Assessments

There is a concern around the downgrading of domestic abuse DASH assessments. This is directing cases towards Out of Court Disposals as opposed to the criminal justice route. Both of the cases reviewed raised concerns.

### Restorative Justice

It was noted that there is a lack of referrals to Restorative Justice despite the recent publicising of the new service.

### Youth traffic offences

The panel raised concerns around youth offenders who are committing serious road traffic offences and receiving an out of court disposal where an adult would receive a points sanction on their license. The issue is to be raised to the LCJB for further discussion and direction.

### Decision Rationale

A number of cases reviewed had poor rationale as to how the final decision was reached. There is poor rationale for on street CR disposals.

### Victims Views

The views of the victim are crucial in delivering the correct outcome disposal. The victims views should be recorded upon all out of court disposals.

### Serious Youth offences

The panel reviewed a number of cases of violence with injury in the youth section. Of these 60% were considered correct and 2 required further information. Whilst the number of these case types is rising, the panel felt that most appeared to be dealt with at an appropriate level.

### 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.