

WEST YORKSHIRE OUT OF COURT DISPOSAL SCRUTINY GROUP – SUMMARY OF MEETING 23 APRIL 2015

An out of court disposal (OCD) is a method of resolving an investigation when the suspect is known and when that suspect 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 suspects 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:

- 2 from Bradford
- 2 from Calderdale
- 3 from Kirklees
- 6 from Leeds
- 1 from Wakefield



- 7 were issued with a community resolution
- 3 were issued with simple cautions
- 4 were issued a conditional caution



- 4 of these were adult cases
- 10 were youth cases

What was the overall assessment of these cases?

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

7 were deemed appropriate with observations

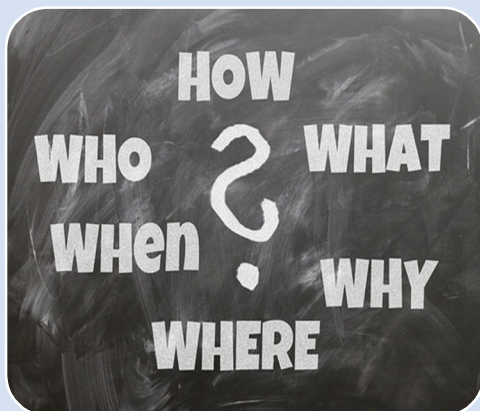
4 were deemed inappropriate and/or inconsistent with policy and procedures

The panel failed to reach a conclusion in none of the cases

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?



A lack of or no rationale written on the case log giving reasons for a particular disposal. This rationale is required, to provide an audit trail for an outcome and a detailed explanation leading to the final decision. The panel found that where a detailed rationale was given, they could follow the decision making process. In a few cases there was no evidence of challenge or authorisation from supervisors, where this was needed. Again this needs to be included in the rationale.

Some Panel members felt a 'show your working out' philosophy should be applied to decision making rationale attached to crime logs.

Concern expressed that officers/staff may have a lack of knowledge around computer system requirements before an out of court disposals is signed off.

Consultation with and consideration of the **victims wishes** was missing from some of the case files, meaning for those cases it was impossible to tell whether victims were happy with and supportive of the disposals. In other cases the detail on victims was partial and could be improved.

In a couple of instances the **wrong forms** were used for the disposal. This can be an issue where a simple caution form is used when a conditional caution form should have been. If a conditional caution is given and the subject does not comply, further action can be taken. However if the wrong form is used, this can make prosecution difficult to achieve.

Conditions attached to cautions need to be **bespoke and meaningful** to the offender e.g. is it appropriate to mandate participation in community based reparative activity where the community was not harmed or for no unsupervised contact with the victim where it is not realistic for family life.

One case that was reviewed involved a looked after child and it would appear that the relevant 10 point plan was not considered.

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