



## **WEST YORKSHIRE POLICE AND CRIME PANEL**

**9 March 2018**

### **OUT OF COURT DISPOSALS: UPDATE REPORT**

#### **1.0 Purpose**

- 1.1 To provide members of the Police and Crime Panel with an update on the use and scrutiny of Out of Court Disposals.

#### **2.0 Introduction**

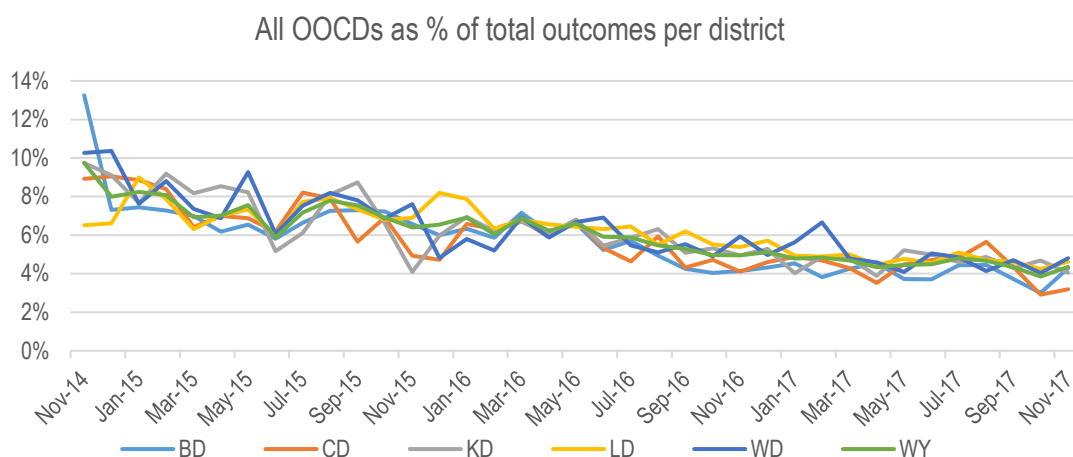
- 2.1 At the meeting of the Police and Crime on 10 March 2017 members received a report on Out of Court Disposals which provided a background to the two tier pilot within West Yorkshire and the decision to carry on post pilot at the end of 2015; detail of what is meant by a conditional caution and community resolution and statistical information of the numbers issued and trends emerging. The Panel also received a report on the work of the Out of Court Disposal Scrutiny Group.
- 2.2 Members of the Police and Crime Panel requested that the Police and Crime Commissioner bring a further report back in twelve months' time on Out of Court Disposals and to include any organisational learning gained.

#### **3.0 Out of Court Disposals (OoCD) in West Yorkshire**

- 3.1 Out of Court Disposals (OoCDs) are sanctions that are used by the police, with reference to the Crown Prosecution Service (CPS), to address offences without recourse to the courts. Out of court disposals have an important role to play in the criminal justice system. They allow the police to deal quickly and proportionately with low-level, often first-time offending which does not merit prosecution at court, freeing them up to spend more time on frontline duties and tackling serious crime. OoCDs can also provide reparation and a prompt resolution for victims.
- 3.2 During the 3 month period (September 2017 to November 2017) there were 70,147 outcomes in West Yorkshire. These are split by District: Leeds 25,640, Kirklees 11,283, Wakefield 9,630, Calderdale 5,481, and Bradford 18,113. Where two offenders have been dealt with for one offence, the disposals for both offenders have been counted.
- 3.3 From these outcomes, the total number of OoCDs issued in West Yorkshire was 2928 (4.2%). These are split by District: Leeds 1150 (4.5%), Kirklees 489 (4.3%), Wakefield 434 (4.5%), Calderdale 189 (3.4%) and Bradford 8666 (3.7%).
- 3.4 Nationally the use of Out of Court Disposals (OoCDs) decreased by 47,500 (15%) in the year ending June 2017, with 263,200 individuals issued an OoCD. This decreasing trend

can be seen across all OoCD types and continues the steady decline in the use of OoCDs over the last ten years. The decrease in the number of OoCDs followed a number of policy changes relating to police practice and OoCD availability.<sup>1</sup> Government statistics do not provide a reason for the decline in use but locally it is possible that the explanation is related to fewer first time entrants and the limit on the number of Community Resolutions and Conditional Cautions an individual can have.

3.5 In the chart below it can be seen that the national decreasing trend in the use of OoCDs is mirrored in West Yorkshire where a steady decrease is also apparent.



### 3.6 OoCD DISPOSAL TYPE BY % OF ALL ADULT OR YOUTH OoCDs

|                                   | BD         | CD         | KD         | LD         | WD         | WY          |
|-----------------------------------|------------|------------|------------|------------|------------|-------------|
| ADULT COMMUNITY RESOLUTION        | 64.0       | 52.6       | 67.7       | 64.1       | 47.3       | <b>61.3</b> |
| ADULT CONDITIONAL CAUTION         | 31.2       | 45.1       | 31.1       | 33.5       | 51.1       | <b>36.2</b> |
| ADULT SIMPLE CAUTION              | 3.6        | 2.3        | 1.2        | 2.2        | 1.3        | <b>2.2</b>  |
| ADULT PENALTY NOTICE FOR DISORDER | 1.2        | 0.0        | 0.0        | 0.0        | 0.0        | <b>0.2</b>  |
| ADULT CANNABIS WARNING            | 0.0        | 0.0        | 0.0        | 0.2        | 0.3        | <b>0.1</b>  |
| <b>Volume of adult OoCDs</b>      | <b>414</b> | <b>133</b> | <b>325</b> | <b>821</b> | <b>315</b> | <b>2008</b> |
| YOUTH COMMUNITY RESOLUTION        | 58.2       | 69.8       | 80.7       | 82.5       | 87.9       | <b>75.6</b> |
| YOUTH CONDITIONAL CAUTION         | 23.0       | 20.8       | 13.7       | 12.1       | 10.3       | <b>15.6</b> |
| YOUTH SIMPLE CAUTION              | 18.8       | 9.4        | 5.6        | 5.4        | 1.7        | <b>8.8</b>  |
| YOUTH PENALTY NOTICE FOR DISORDER | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | <b>0.0</b>  |
| YOUTH CANNABIS WARNING            | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | <b>0.0</b>  |
| <b>Volume of youth OoCDs</b>      | <b>239</b> | <b>53</b>  | <b>161</b> | <b>315</b> | <b>116</b> | <b>884</b>  |

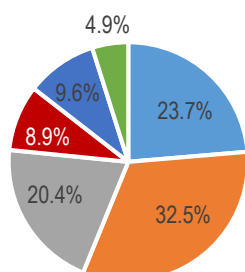
Note: the table shows each OoCD type in each district as a proportion of OoCDs issued in that district

Note: HMIC has previously identified that it is good practice for community resolutions to be issued for drugs offences rather than a cannabis warning

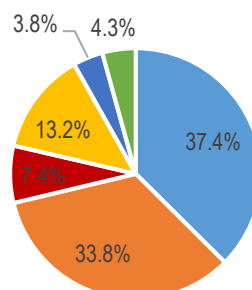
<sup>1</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/660234/criminal-justice-system-statistics-quarterly-june-2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/660234/criminal-justice-system-statistics-quarterly-june-2017.pdf)

### 3.7 OoCD use for different offence types

% of Adult OoCDs by offence type



% of Youth OoCDs by offence type



■ Other Theft    ■ Violent Crime    ■ Drugs Offences    ■ Other Theft    ■ Violent Crime    ■ Drugs Offences  
■ Criminal Damage    ■ Non-crime    ■ Other    ■ Criminal Damage    ■ Non-crime    ■ Other

Note: 'Other' includes Other Crime (2.4%), Fraud and Forgery (0.8%), Sexual Offences (0.5%), Burglary Elsewhere (0.2%), Theft of a Motor Vehicle (0.3%), Burglary Dwelling (0.3%), Handling (0.0%) Theft from Motor Vehicle (0.2%) and Robbery (0.1%)

Note: 'Non crime' includes offences such as drunk and disorderly, obstruct/resist a constable, cause wasteful employment of police, public electronic communication network offences, vagrancy in enclosed premises, dog control offences, poaching.

## 4.0 West Yorkshire Out of Court Disposal Scrutiny Group

4.1 A quarterly scrutiny panel of criminal justice partners has been set up to review a sample of these disposals. The intention of the panel is to provide transparency and accountability and increase public understanding, confidence and trust in how West Yorkshire Police use out of court disposals. There is a particular focus on the delivery of appropriate and proportionate justice, ensuring redress for victims of crime as well as addressing the root causes of offending behaviour.

4.2 The following sit on the Panel:

- Chair from the Office of the Police and Crime Commissioner (OPCC)
- West Yorkshire Police Chief Inspector with responsibility for criminal justice
- Police representative with expertise in out of court disposals
- Police representative(s) with expertise in the themed case(s) as required for sexual, domestic or hate crimes at the request of the Chair
- Two adult and two youth Magistrates
- HM Courts & Tribunal Services (HMCTS), Legal Advisor
- Crown Prosecution Service (also currently serving as deputy chair)
- Youth Offending Team
- National Probation Service
- West Yorkshire Probation Community Rehabilitation Company

- Victim Support

## 5.0 Scrutiny Panel's activity and outcomes.

- 5.1 In the last year two specific sessions were held where the cases for scrutiny were selected specifically, these being **Domestic Abuse** and **Young People**.
- 5.2 Each panel reviews 32 cases, 16 each of adult and youth. The quarterly data is received anonymised from police systems and the selections are taken randomly using a proportion of each outcome and volume in each district. A case may have only one offender or has on a number of occasions have up to four. If there are more than one offender a review is undertaken and a panel outcome given for each.
- 5.3 At the last four panels (January, April, July and October 2017) a total of 128 separate cases have been reviewed concerning 175 individuals. There is little change in the number of individuals involved, the last report notes 176. 124 received a community resolution, 44 received a conditional caution and 7 a simple caution. Community resolutions remain consistent from 126. The main change here is the move from simple cautions (25 in the last report) to conditional cautions. There were 99 youths and 76 adults, previous results were 99 and 77 respectively.

67 (70) were from Leeds, 38 (38) from Bradford, 29 (31) from Wakefield, 22 (21) from Kirklees and 18 (16) from Calderdale. The previous reports figures are in brackets.

- On 73 (74) occasions, 41.7% (42%) the panel deemed the disposal **appropriate and consistent with relevant organisational policy and procedures**. In these cases, no further action is required.
- On 45 (46) occasions, 25.7% (26.1%) the panel deemed the disposal **appropriate with observations**. These cases are referred back to the officer and their supervisor with the observations for improvement.
- On 48 (46) occasions, 27.4% (26.1%) the panel deemed the disposal **inappropriate and/or inconsistent with policy and procedures**. The panel are not able to overturn any previous decision and in these circumstances will provide feedback to officers and their supervisors to prevent the issue reoccurring.
- On 9 occasions, 5.1% (5.7%) **the panel failed to reach a conclusion, and further relevant information was requested**. These cases then came back to the next panel meeting with the further information to reach a conclusion.

## 5.4 Focus on Young People

- 5.5 The last meeting held in July concentrated on reviewing cases of the youngest of young people receiving an OoCD.
- 5.6 It was the view of the panel that there should be no age barrier to receipt of an OoCD and that each case should be judged on its own merit. It determined that there could be better use of local ASBO teams and this should be considered prior to young people entering the criminal justice system wherever possible.

## 6.0 Panel Observations

- 6.1 There is sometimes a significant time lag between the initial offence and the disposal. This can lead to some youth defendants becoming adults in the intervening period and then receiving an adult disposal which the panel consider to be unjust. This issue has been taken up with the Director of Public prosecutions and would require changes at the national level.
- 6.2 The rationale from police officers as to how the reason for the disposal was reached is sometimes lacking in clarity and detail. In these cases advice is given to the officer and their supervisor. Correspondingly when the rationale is very good, these comments are passed on also.
- 6.3 There is an issue across West Yorkshire in the availability of options for referral routes for access to some services. Some districts have access to more than others creating a postcode lottery. Central commissioning of services could reduce this, although funding of such services needs to be determined.
- 6.4 There are also a number of repeating conditions that are considered by the board to be inappropriate; such as store bans and 'don't commit x offence for x days. Again advice is offered when these are used.
- 6.5 The Panel has noted on a number of occasions that in adhering to the two-tier process a number of disposals are given when the matter would have been better served by no further action (NFA).

## **7.0 Focus on Victims**

- 7.1 The panel considers the victims views in all appropriate cases. It ensures that the correct level of support has been given to the victim and advises further referral if considered appropriate.
- 7.2 Each case is also reviewed as to its suitability for restorative justice. As the West Yorkshire wide service commences in the near future, the panel will be able to ensure those suitable have access to the service.
- 7.3 Where the panel considers that additional support could have been offered to the victim the appropriate agency is given feedback.

## **8.0 Organisational Learning Summary**

- 8.1 Each case reviewed by the panel will receive feedback both positive and negative. This will be feedback to the officer in the case and their supervision to enhance learning. If there are any significant concerns these will have been picked up prior to the panel sitting, and the senior leadership Team will have been made aware so they can address them
- 8.2 Key themes picked out by the panel will be circulated to each district and put on the police intranet system news