

Scrutiny findings



In certain circumstances the police can make a decision to resolve a matter without going to court. This tends to be for less harmful offences. They may include issuing of a caution, a letter of apology, or agreement to restorative justice. Nationally these types of resolutions are known as out of court disposals. One of this panel's roles is to provide an assurance to the Police and Crime Commissioner that these matters are dealt with legally and appropriately.

Out of Court Disposals Scrutiny Panel – November 2019

What are Out of Court Disposals?

An Out of Court Disposal (OoCD) is a way of dealing with a crime without it having to go to court. OoCD's are often used in cases where an offence (the crime) is considered to be less harmful. These crimes can still be very upsetting for victims, but they are crimes that are considered less harmful when compared to others. For an OoCD to be considered, an offender has to admit to what they have done (i.e. they admit they are guilty). The victim of the crime should also always be asked for their views about an OoCD but they don't have to take part in the process if they don't want to.

OoCDs should not normally be used for offences of violence which have led to serious injuries or sexual offence; and current persistent offenders (those that had have been convicted or cautioned 3 or more times in the last 12 months).

There are different types of OoCD for example Community Resolution, Simple Caution and Conditional Caution. In real terms an example of an OoCD might be an offender having to send a written apology to the person they've harmed.

Why the Police and Crime Commissioner scrutinises OoCDs

It is important that the Police and Crime Commissioner (PCC) and the Chief Constable of the police help the public and other stakeholders to understand:

- what the police do and the difference they make
- the totality of policing (i.e. the parts of policing that the public may not usually see or come into contact with)
- how the police work with others
- the demands on the police
- how their police force is performing
- how public money is spent

By giving the public this information openly as part of good governance, they can form their own informed views about whether or not they have confidence in their PCC, their Chief Constable and their police force.

It's the PCC's legal responsibility to hold the Chief Constable to account on behalf of the residents of Devon, Cornwall and the Isles of Scilly for delivering a police force that works well and meets the needs of its communities. To do this the PCC 'scrutinises' certain issues and activities including the use of OoCD's. The scrutiny of OoCD's is about reviewing cases and working practices, to recognise and promote good practice, identify any areas for development and support the police as an organisation to learn and improve.

How the PCC scrutinises the use of OoCDs

The PCC has a scrutiny panel which is made up of specialists from a range of organisations including the courts, youth offending teams, the police and the crown prosecution service. The panel 'dip-samples' youth and adult cases that have been resolved by Devon and Cornwall Police through the use of OoCDs. The panel scrutinises 15 cases which are selected at random.

The panel does not audit the police's use of OoCDs but dip-samples 60 randomly selected cases over a 12 month period which provides an exploratory 'snapshot' of how the police are doing. The panel reviews the decision making for each individual case and will talk about the OoCD that was given. The panel consider the written information available for each case and, using the expertise of members who are from agencies other than the police, explore in their view whether or not the OoCD that was issued at the time was the right decision. Based on the information that the panel members have available to them, they will then place each case into one of four categories:

1.	Appropriate and consistent with policies and the Crown Prosecution Service Code for Crown Prosecutors
2.	Appropriate (but with observations added from the panel)
3.	Inappropriate and/or inconsistent with policies
4.	Panel fails to reach a conclusion

The findings from the panel's meeting

The panel met on 8 November 2019 and scrutinised 15 cases relating to acquisitive crime. Acquisitive crimes are usually those where someone takes something from someone else, so this could include crimes like theft, burglary and shoplifting.

The panel identified 3 cases which included good practice such as:

- Good multi-agency approaches (i.e. different organisations working together well).
- Lots of detail and information provided which explained why the police took the decisions they did.

The panel was assured that in 10 cases Devon and Cornwall Police had issued each disposal legally and in accordance with relevant policies (in 5 of those cases the panel made some observations which included issues such as insufficient decision making rationale recorded within the case file information available to the panel).

The panel was of the view that 5 cases had been issued inappropriately or inconsistently with policies and their reasons for making this decision were:

- In one case the history of offending suggested that the case was not suitable for an out of court disposal.
- In one case no gravity matrix or decision maker's rationale was included (a gravity matrix is a tool used to help inform the police's decision making).
- In one case the offender was not eligible for a simple caution due to being in breach of a conditional discharge.
- In one case the disposal was inappropriate for a simple caution due to the premeditated nature of the crime, the breach of trust and the high value of the theft.
- In one case there was a lack of rationale to justify the disposal and evidence of premeditation, along with previous criminal history.

Using the panel's findings to make a difference

The panel will report their findings directly to the PCC. The PCC will then provide their views formally to the Chief Constable.

Devon and Cornwall Police may choose to raise the panel's findings with individual police officers, and may also cascade learning from the panel throughout the entire organisation.

Find out more about our scrutiny at www.devonandcornwall-pcc.gov.uk/about-us/scrutiny.

If you need this information in a different language or format please contact the Office of the Police and Crime Commissioner by email opcc@devonandcornwall.pnn.police.uk or telephone 01392 225555.