



# MULTI-AGENCY OUT OF COURT DISPOSAL SCRUTINY PANEL

[NOT PROTECTIVELY MARKED]

#### SCRUTINY PANEL - OUT OF COURT DISPOSALS

#### 1 INTRODUCTION

- 1.1 The Scrutiny Panel will conduct reviews of criminal cases concluded by way of an 'out of court disposal' (see Appendix A for the College of Policing – Authorised Professional Practice – Prosecution & Case Management - Justice Outcomes – Out of Court Disposals Framework). The intention is to enhance consistency, transparency and public confidence in out of court case disposal.
- 1.2 The Scrutiny Panel has no referral or appeals capability. The purpose of the Panel is not to re-judge these cases but to assess the process and identify any appropriate learning to assist with continuous improvement.

#### 2 PURPOSE

- 2.1 The purpose of the Scrutiny Panel is to independently review a selection of cases that have been resolved by use of an out of court disposal within the Alliance. Its aim is to determine whether the method of disposal is considered appropriate, based on a review of the information/evidence available to the decision maker at the time.
- 2.2 The Panel may consider cases where the disposal method was determined by either, West Mercia / Warwickshire Police or the Crown Prosecution Service. In reviewing a case, the Panel will discuss and agree a categorisation against five options:

Use of OOCD based on the information available to the Panel is considered to be:

- 1. Appropriate and consistent with Alliance policies / the CPS Code for Crown Prosecutors.
- 2. Appropriate with observations.
- 3. Inappropriate and inconsistent with policy.
- 4. Inappropriate but consistent with policy.
- 5. Panel fails to reach a conclusion.
- 2.3 The Panel cannot change the outcome of the case, but where it is appropriate to do so, can give feedback at an organisational level or, where fitting to be conveyed to individuals of each agency involved in a particular case. The aim of providing feedback is to promote best practice and identify potential policy development or training needs for consideration by the force or other agencies.
- 2.4 Meetings will be held quarterly. Dates and times will be circulated in advance. Cases discussed will remain confidential and not open to the public. Panel members will not disclose details of cases reviewed to their own organisation or individuals outside the meetings. However, a summary of the

outcomes from Panel discussion can be shared with colleagues at Bench meetings.

#### **3** PANEL MEMBERSHIP

- Independent Chairperson (non Police) with a maximum term of office of 3 years from 1<sup>st</sup> January.
- Magistrates' representation (to cover adult / youth benches and Policing areas) to serve for a maximum of 3 years.
- Justice's Clerk or their representative.
- Alliance Crime Registrar.
- Crown Prosecution Service.
- Crime Bureau Detective Chief Inspector/Manager.
- Youth Offending team.
- National Probation Service.
- CRC (Community Rehabilitation Companies).
- Criminal Justice representative.
- OPCC representative (observer).
- Note Taker.

The Alliance Crime Bureau Sergeant / Manager will be invited to attend in an advisory capacity to assist with information recovery and investigative review.

At the discretion of the chair other Panel members may be invited as deemed appropriate by the Panel.

3.2 A suitable delegated representative should attend in the absence of a Panel member.

#### 4 CHAIRPERSON

4.1 The role of the Panel Chairperson is to ensure each Panel member has the opportunity and time to provide feedback and views. It is the role of the Panel members to give personal views, not the Chairperson. The Chairperson after hearing all the Panel members' views will facilitate agreement on the appropriate category of a particular case. In the case of a disagreement, the chair will aim to achieve a majority agreement. If this is not achievable a recording of a category 5 will be made and no feedback given.

#### 5 VACANCIES

5.1 Where a vacancy on the Panel arises, it will be the responsibility of the magistrates' bench / agency that has the vacancy to identify and provide a suitable replacement within 3 months.

#### 6 FINDINGS and FEEDBACK

- 6.1 When feedback is identified, the Panel member for that agency will be responsible for bringing this to the attention of the relevant personnel. Where the feedback is for police officers or staff, this will be taken forward by the Alliance Crime Bureau Manager. Feedback can be written or verbal depending on the circumstances and whatever is appropriate for that particular case. Outcomes from feedback will be brought back to a subsequent meeting.
- 6.2 If the Panel identifies an action or decision taken in a case that they consider to be so poor that an individual's actions may constitute an act of misconduct, then the Panel Chairperson will refer the case to the relevant agencies' Professional Standards Department for consideration as to further action if necessary.

#### 7 SELECTION of SAMPLE CASES

- 7.1 The Alliance Strategic Service Improvement unit will randomly generate a list of 150 cases each Quarter from a theme chosen by the Panel at the previous meeting, where out of court disposal was used. From this list 15 cases will be selected by the Chairperson or their representative for Panel scrutiny. The selection can be made on the type of disposal i.e. caution, reprimand, conditional caution or the type of case.
- 7.2 The selection of the cases should be made at least 4 weeks before the Panel meets. The selection of the cases will be made independently of the police. Once selected, the Alliance Criminal Justice Department will arrange for the relevant files to be obtained.
- 7.3 At the meeting the Panel will be provided with data from the Alliance intranet Performance Dashboard. The data will show both the actual number and percentage of each type of disposal method used, including cases where a charge was preferred. (See Appendix C) This data will provide some contextual detail and enable the Panel to monitor the use of out of court disposals over the course of time.

#### 8 THE PANEL MEETING

8.1 Prior to the meeting all Panel members will have the opportunity to review the summary packs provided. There will be the opportunity to ask clarifying questions prior to and during the meeting.

(See Appendix D for proposed Case Summary Template.)

- 8.2 In assigning a category Panel members will consider:
  - 1. If available, the views of the victim and offender.
  - 2. Compliance with force / CPS policy and procedure.
  - 3. Rationale for decision and outcome.
  - 4. Potential community impact.
  - 5. Circumstances and seriousness of the offence.
  - 6. Potential alternative options that may have been available.
- 8.3 In determining the final outcome, the Chair will attempt to arrive at a consensus. Where this is not possible, the Chair should aim to achieve a majority agreement. Where this is not achievable a finding of Category 5 should be used.
- 8.4 At the conclusion of the Panel meeting, the Panel's decisions will be recorded in the Minutes. It will be the responsibility of each Panel member to feedback to their own organisation or agency.
- 8.5 The final standing Agenda item to be discussed at each meeting will be to identify the required "theme" for the next scrutiny process.

#### 9 SHARING THE PANEL FINDINGS

- 9.1 Following the Panel meeting, Minutes of the meeting will be recorded and approved by the Chair. A summary of the Panel outcomes will be recorded.
- 9.2 On an annual basis a summary report will be compiled, the report will contain brief details of the purpose of the Panel and the process undertaken. It will contain details of:
  - The number of cases disposed of in that year.
  - The percentage and number disposed of by way of in charge/TIC.
  - The percentage and number disposed of by way of Out of Court disposal.
  - A summary of the Panel's findings in respect of the cases considered.
  - Feedback provided to the Panel in relation to findings in categories 2, 3, 4 and 5 (summarised overview).

#### 9.3 Internal Communications

- Circulation within participating agencies (to include the LCJB).
- Publication on Criminal Justice website.
- 9.4 External Communications
  - Police and Crime Commissioner's Office.

- Magistrates Bench AGM.
- Strategic IAG.
- Police and Crime Panel.
- Strategic Criminal Justice Board for both force areas.

# **Appendices Index**

#### Appendix A

College of Policing – Authorised Professional Practice – Prosecution & Case Management - Justice Outcomes – Out of Court Disposals Framework

#### Appendix B

Relevant police guidance

#### Appendix C

Sample Performance Report – Intranet screenshot of Performance Outcomes Report (Rolling 12 months)

#### Appendix D

Case Summary Template

# Appendix A – College of Policing – Authorised Professional Practice – Prosecution & Case Management - Justice Outcomes – Out of Court Disposals Framework

Disposal option	Offence type	Evidential standard	Admission of guilt required?	Agreement with agencies required?	Offender's explicit consent required?	Victim consent required?	Reparation/ restorative justice available?	Forms part of a criminal record?
Community resolution	may be lower-level crime or incident	reasonable suspicion, may deal with non- criminal matters	acceptance of responsibility	×	\$	may proceed without but must have supervisor's agreement and record rationale	\$	× may be disclosed on enhanced CRB check
Cannabis warning	first offence of cannabis possession for personal use	reasonable suspicion	\$	×	compliant with procedure	×	×	× may be disclosed on enhanced CRB check
PND	29 penalty offences	reasonable suspicion	×	×	compliant, must receive notice	for theft or damage if value exceeds threshold	×	× may be disclosed on enhanced CRB check
Adult or youth caution	any offence (refer to gravity matrix)	realistic prospect of conviction	~	CPS if indictable only inform YOT Summary and triable either way	~	×	×	*
Youth conditional caution	any offence (refer to gravity matrix)	realistic prospect of conviction	\$	✓ YOT for assessment and agree conditions ✓ CPS if indictable only	~	×	*	*
Adult conditional caution	selected offences in DPP guidance	realistic prospect of conviction	*	CPS	~	×	*	1

### Appendix B – Relevant police guidance

Panel members should be conversant with guidance given within the College of Policing – Authorised Professional Practice – Prosecution & Case Management - Justice Outcomes, with specific reference to:

- Community resolution
- Cannabis warning
- Penalty notices for disorder (PND)
- Adult or youth caution
- Youth conditional caution
- Adult conditional caution

http://www.app.college.police.uk/app-content/prosecution-and-casemanagement/justice-outcomes/

# **Appendix C – Sample Performance Report**

#### Screen shots from alliance Intranet Performance Dashboard:

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R Nickense Analyst the Person				ou,	
as a percentage of total offences recorded within the same 12 months.					
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🗉 📄 Burglary	(Filter above for Policing Area/Crime Type)				
🗄 🛅 Theft	(				
🗄 💼 Criminal Damage					
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E PVP					
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Rolling 12 Month Outcomes 2016/17 - Hate	0.01	oution - youtio	50	0.070	
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E Time to Outcome (YTM)	005	oddion - dddits	552	0.170	
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E RTC	004	Taken into consideration	155	0.470	
Eincident Data	OC5	The Offender has Died (all offences)	0		
Incident Data     No Crime Reports	005	The Onender has bled (all onences)	U		
Crime Bureau Reports	0.00	Benefits Matter for Blander	470	0.5%	
E Force Calendar	OC6	Penalty Notice for Disorder	176	0.5%	
Local Policing Framework					
FCR Audit	0C7	Cannabis/Khat warning	195	0.6%	
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Rolling 3 Months		Jun 15 - May 16	Jun 15 - May 16	
E Des Rolling 12 Months				
Rolling 12 Month Outcomes 2016/17 (Rate) OC1 Charge	/summons	9481	13.0%	
Rolling 12 Month Outcomes 2016/17 - CSE		448		
Rolling 12 Month Outcomes 2016/17 - DA (I OC2 Caution	2 Caution - youths		0.6%	
Rolling 12 Month Outcomes 2016/17 - Hate				
Year-to-Month (YTM)     OC3 Caution     Caution	1 - adults	2106	2.9%	
E Satisfaction				
RTC OC4 Taken i	nto consideration	114	0.2%	
Stop Search Report				
	ender has Died (all offences)	0		
No Crime Reports		-		
Crime Bureau Reports OC6 Penalty	Notice for Disorder	293	0.4%	
Force Calendar			0.170	
Local Policing Framework OC7 Canna	bis/Khat warning	705	1.0%	
FCR Audit	bishting	100	1.070	
Protective Services Framework Commission OC8 Commis	unity Resolution	2304	3.2%	
End of real 2014/15	inty Resolution	2304	3.2 %	
End of Year 2015/16 Propose	ution not in the public interest (CPS) (all			
		0		
	PMG Presentations Pathfinder - Crime Allocation DRAFT Offences)			

## **Appendix D – Case Summary Template**

#### **Out of Court Disposal Scrutiny Panel**

#### ADULT AND JUVENILE DISPOSALS

Case Information:	Community Resolution			
Offence:	Panel Ref:			
Brief Outline of Circumstances: (if which offender is the subject of this p	multiple offenders involved, please indicate articular OOCD)			
Was an alternative charge considered OOCD was given?	d than that for which the Yes / No			
If yes, please indicate the reasons for	r deciding on the charge actually made			
Background to offender:				
Age: Previously offending history? If yes, give dates and disposals (attac	Yes / No ch if necessary)			
Evidence of engagement by offender	with the OOCD:			
Victim's Views:				
Did the victim co-operate with the pol Did the offender apologise to the victi				
Please indicate the advice and/or info to proceed with an OOCD and wheth	ormation given to the victim prior to the decision er the victim was content:			
<b>Decision Maker's Rationale:</b> Were conditions attached to the OOC If yes, what were the conditions?	CD? Yes / No			
Were non-police agencies consulted decision to proceed with an OOCD? If yes, please indicate which agency of	Yes / No			
Did the agency or agencies support a	an OOCD? Yes / No			
Scrutiny Panel Findings				
LEVEL				
Observations:				