

[NOT PROTECTIVELY MARKED]



# **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.

[NOT PROTECTIVELY MARKED]

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

[NOT PROTECTIVELY MARKED]

## **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?
<b>Community resolution</b>	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
<b>Cannabis warning</b>	first offence of cannabis possession for personal use	reasonable suspicion	✓	✗	✓ compliant with procedure	✗	✗	✗ may be disclosed on enhanced CRB check
<b>PND</b>	29 penalty offences	reasonable suspicion	✗	✗	✓ compliant, must receive notice	✓ for theft or damage if value exceeds threshold	✗	✗ may be disclosed on enhanced CRB check
<b>Adult or youth caution</b>	any offence (refer to gravity matrix)	realistic prospect of conviction	✓	✓ CPS if indictable only inform YOT ✗ summary and triable either way	✓	✗	✗	✓
<b>Youth conditional caution</b>	any offence (refer to gravity matrix)	realistic prospect of conviction	✓	✓ YOT for assessment and agree conditions ✓ CPS if indictable only	✓	✗	✓	✓
<b>Adult conditional caution</b>	selected offences in DPP guidance	realistic prospect of conviction	✓	✓ CPS	✓	✗	✓	✓

## **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-case-management/justice-outcomes/>

## Appendix C – Sample Performance Report

Screen shots from alliance Intranet Performance Dashboard:

This report shows the no. of offences recorded AND outcomed within a rolling 12 month period, as a percentage of total offences recorded within the same 12 months.  
(Filter above for Policing Area/Crime Type)

### Warwickshire

		No. Outcomed Jun 15 - May 16	Outcome Rate (%) Jun 15 - May 16
OC1	Charge/summons	3397	10.6%
OC2	Caution - youths	96	0.3%
OC3	Caution - adults	992	3.1%
OC4	Taken into consideration	133	0.4%
OC5	The Offender has Died (all offences)	0	
OC6	Penalty Notice for Disorder	176	0.5%
OC7	Cannabis/Khat warning	195	0.6%
OC8	Community Resolution	731	2.3%
OC9	Prosecution not in the public interest (CPS) (all offences)	0	

This report shows the no. of offences recorded AND outcomed within a rolling 12 month period, as a percentage of total offences recorded within the same 12 months.  
(Filter above for Policing Area/Crime Type)

### West Mercia

		No. Outcomed Jun 15 - May 16	Outcome Rate (%) Jun 15 - May 16
OC1	Charge/summons	9481	13.0%
OC2	Caution - youths	448	0.6%
OC3	Caution - adults	2106	2.9%
OC4	Taken into consideration	114	0.2%
OC5	The Offender has Died (all offences)	0	
OC6	Penalty Notice for Disorder	293	0.4%
OC7	Cannabis/Khat warning	705	1.0%
OC8	Community Resolution	2304	3.2%
OC9	Prosecution not in the public interest (CPS) (all offences)	0	

## Appendix D – Case Summary Template

### Out of Court Disposal Scrutiny Panel

#### ADULT AND JUVENILE DISPOSALS

#### Case Information:

#### Community Resolution

<b>Offence:</b>	<b>Panel Ref:</b>
<b>Brief Outline of Circumstances:</b> (if multiple offenders involved, please indicate which offender is the subject of this particular OOCd)	
Was an alternative charge considered than that for which the OOCd was given?	Yes / No
If yes, please indicate the reasons for deciding on the charge actually made	
<b>Background to offender:</b>	
Age:	
Previously offending history?	Yes / No
If yes, give dates and disposals (attach if necessary)	
Evidence of engagement by offender with the OOCd:	
<b>Victim's Views:</b>	
Did the victim co-operate with the police?	Yes / No
Did the offender apologise to the victim?	Yes / No
Please indicate the advice and/or information given to the victim prior to the decision to proceed with an OOCd and whether the victim was content:	
<b>Decision Maker's Rationale:</b>	
Were conditions attached to the OOCd?	Yes / No
If yes, what were the conditions?	
Were non-police agencies consulted or involved prior to the decision to proceed with an OOCd?	Yes / No
If yes, please indicate which agency or agencies:	
Did the agency or agencies support an OOCd?	Yes / No
<b>Scrutiny Panel Findings</b>	
<b>LEVEL</b>	
<b>Observations:</b>	