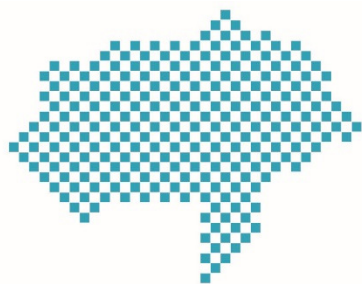


Police and Crime
Commissioner
North Yorkshire



Annual Report 2016

Out of Court Disposal Scrutiny Panel



North Yorkshire's Out of Court Disposal Scrutiny Panel

“The public can have confidence in the use of Out of Court Disposals by North Yorkshire Police. The panel has seen greater compliance in the last 12 months, with the views of victims more routinely taken into account and improvements in the way in which police officers record reasons for decision making.”



Jonathan Mortimer, Chair

“My thanks to Jonathan and the panel for their hard work, and for helping keep a check and balance on the use of Out of Court Disposals.

I welcome this Annual Report and am pleased to see North Yorkshire Police performing adequately, although I would like to see victims’ views being sought more often and recorded more formally.”



Julia Mulligan
Police and Crime Commissioner
For North Yorkshire

This is the panel's second Annual Report and its findings are again made public. It includes both facts and figures, as well as feedback from the Chairman.

Background – In 2014, Julia Mulligan set up the panel in response to public concerns about the use of disposals that take place outside the court room as a means of bringing offenders to justice.

What is an Out of Court Disposal (OCD)? - OCDs can provide simple, quick and proportionate sanctions to low-level offending by individuals. They can be administered more cost-effectively than the court process. Importantly, they can also ensure that the response focuses on the needs and wishes of the victim.

Purpose - The panel was set up to review a selection of cases that have been dealt with by use of an OCD. The panel’s aim is to determine whether the method of disposal is considered appropriate, proportionate and leads to the right outcome for victims and offenders in line with national guidance and local policy. The panel’s decisions are based upon a review of the information and evidence available to the police officer at the time.

The panel is chaired by an independent member of the public, Jonathan Mortimer, who is not connected with any agency that may be represented on the Panel. He is also a solicitor.

Key findings of the Panel

- 1 The panel has found a high level of satisfaction with the appropriate use of OCDs in accordance with the National Guidelines.
- 2 Decisions by police officers as to whether to use OCDs have on the whole been exercised appropriately, while at the same time recognising the wide discretion afforded to officers particularly when there may not be a clear right or wrong response to an incident.
- 3 In most cases, Police officers are taking into account the views of the victim when deciding whether to implement an OCD. There are however improvements that can be made in terms of how this is recorded and evidenced.
- 4 The panel believes that a high degree of professionalism has been shown by police officers in the manner in which they have investigated crimes and considered appropriate outcomes, although substantive improvement can be made in respect of careless driving offences.

Statistical summary of findings

Table 1

		Does the penalty fall within National Guidelines			Has the Officer otherwise exercised his discretion appropriately			Has the view of the victim been adequately taken into account			Do you feel that the correct penalty was imposed		
		Yes	No	Unsure n/a	Yes	No	Unsure n/a	Yes	No	Unsure n/a	Yes	No	Unsure n/a
Total Returns	330	310	2	18	260	18	52	189	12	129 *	254	20	56
Percentages		94%	0.6%	5%	79%	5%	16%	57%	4%	39%	77%	6%	17%

*Please note that the high number of 'unsure n/a' scores for 'has the view of the victim been adequately taken into account' is attributable to the panel on 22 September 2016 considering drugs, supplying drugs offences, importing and trafficking drugs. In the majority of the cases scrutinised there was no victim involvement.

Table 2

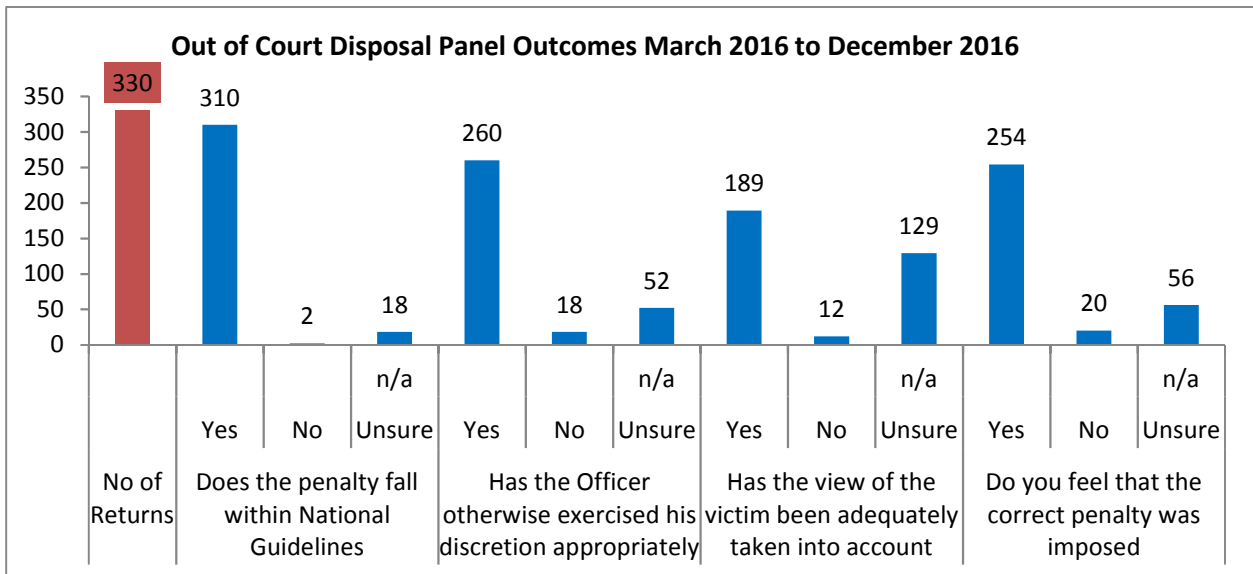


Table 1 and 2 show the following:

- 1 The opinions expressed by the panel on all cases (regardless of type of offending) reviewed by them between 17 March and 15 December 2016.
- 2 Across this period, the panel found that only 0.6% of cases conclusively showed that police officers had given an OCD contrary to the national guidelines.
- 3 Across this period, the panel found that only 5% of cases conclusively showed that police officers had exercised their discretion inappropriately.
- 4 Across this period, the panel found that only 4% of cases conclusively showed that the views of victims had not been adequately taken into account.
- 5 Across this period, the panel found that only 6% of cases conclusively showed that the penalty imposed was not appropriate.

In some instances, the panel has not been able to come to a firm conclusion against each case, as outlined in Table 2. In such circumstances panel members have returned an unsure decision. This is usually where there has been insufficient evidence in the case file to review the matter appropriately. Had more substantive information been available it is likely that panel members would have been able to express an opinion.

Table 3

4 Scrutiny Panel Meetings – In total the panel reviewed 51 randomly selected cases

Date of Meeting	Number of Cases Scrutinised	Type of Case Reviewed
17 th March 2016	9	Driver Awareness Courses
23 rd June 2016	15	Shoplifting
22 nd September 2016	13	Supplying Drugs, Importing and trafficking of drugs
15 th December 2016	14	Criminal Damage

The OCD panel meeting on the 17th March 2016 scrutinised 9 cases where the penalty imposed was attendance/completion of a driver awareness course. Because of the nature of these offences they could not be scored in the usual way and are not therefore included in the statistics above.

Additional comment on cases and offences reviewed

Careless Driving offences

On 17 March 2016, the panel met with a view to reviewing a number of careless driving offences. All the cases randomly selected had resulted in the offender being diverted to a Driver Alertness Course (DAC). The Panel were of the view that there was insufficient information within the police papers provided to exercise appropriate retrospective judgment as to whether the OCD's selected were appropriate. Further, it was clear that in many cases there was a lack of consistency in the way that the matters were resolved. Finally, and most importantly, the rationale for the outcome was frequently not adequately clear from the papers.

In the circumstances, the Panel resolved to abandon the sampling exercise as it was impossible to carry out an effective review. In doing so, the Panel expressed concern from what could be seen from the police papers as to the extent to which the views of the victims of the careless driving had been taken into account, and further whether there was too much reliance on DACs as a means of resolution.

Substantive feedback for improvement has been made to the department and officers concerned.

Shoplifting offences by teenagers and young adults

In general, the panel was content with the use of OCDs which had been used to resolve relatively low level offending for teenagers and young adults. This included, where appropriate, feedback to individual officers. For example, where it was not clear why individuals who had committed offences together had been dealt with differently.

Drug offences

The Panel was not expecting any serious drug offences to have been resolved by an OCD and the sampling exercise proved this to be the case. In general, the Panel was content with the use of OCDs to resolve relatively low levels of offending involving drugs. Where appropriate, feedback has been provided to individual officers. For example, in one case the rationale for the officer deciding to impose a relatively harsh OCD for the very minor offence committed was not clear. The Panel did question the benefit of greater use of referrals to drug support agencies for certain offenders. Indeed, the Panel expected to see more use of referrals in the cases considered.

Criminal Damage by offenders aged between 25 and 40 with previous convictions

The panel was particularly keen to sample cases in which OCDs are being provided to individuals who already have previous convictions. Ordinarily, it would be expected that such offenders would be dealt with more severely upon a further offence having been committed unless there was good reason to the contrary. In general, the Panel was content with the use of OCDs in these particular cases. Where appropriate, feedback was provided to individual officers. For example, where it was not clear if the views of a victim have been taken into account. The Panel was also on the whole impressed by the quality of the records made by the officers when investigating these offences and how clearly the rationale for the resolution proposed was recorded.

Importantly, where feedback was provided to officers or questions posed to them, the Panel have received on the whole prompt and constructive responses.

Some key statistics:

- The number of crimes reported to North Yorkshire Police in the calendar year 2016 was 36,823 (in 2015 the number was 34,984)
- OCDs have been used as an outcome in 35% of all Resolved Crime in 2016 (in 2015 the percentage was 38.5).

Note: Resolved Crime for these purposes means those cases in which an offender for the crime is identified and is then dealt with by either a form of out of court disposal OCD or by a referral to the courts/prosecution.

Typical OCDs include fixed penalty notices, cautions, conditional cautions and community resolutions.

Jonathan Mortimer, Chairman of the panel says:

“OCDs should not be used as an easy time-saving response to crime by the police. Their use must be proportionate and take into account the views of the victim. From what I and the panel have seen from our work over the last 12 months, I believe that the public can have confidence the system is being used appropriately by North Yorkshire Police. We have found some room for improvement, particularly as far as the victim is concerned and with careless driving offences, but it is clear that on the whole the system is being used correctly to deal with low-level offending here in North Yorkshire.”



Julia Mulligan, Police and Crime Commissioner for North Yorkshire says:

“I’d like to thank panel members for their work over the past year. Their help in scrutinising Out of Court Disposals is important in providing the public with reassurance. I am also very pleased we now have community members on the panel, as their opinions are invaluable in assessing whether or not the police’s decisions are in line with public expectations.

I remain concerned victims’ views aren’t sought on every occasion, nor are those views always recorded well on police systems. I will continue to keep a very close eye on this area of police business.”



In March 2015, the Home Affairs Select Committee published a report into the use of OCD’s by the police, which laid out a number of serious concerns. Here in North Yorkshire the panel is pleased to record findings that suggest much greater satisfaction rates.

What the panel can do?

The Panel's primary task is to review decisions of the police where an OCD is used.

For the avoidance of doubt, the Panel is not a form of appeals process nor has it any power to review cases and thereby impose different outcomes.

The Panel as part of its process frequently provides feedback to individual police officers and supervisors in the event that it feels that a particular outcome has been a cause for concern, or where procedures could be improved.

Members of the public

The Panel was under-represented by members of the public. A recruitment process was commenced in January 2016 and two members of the public were appointed to the Panel who are independent of the Criminal Justice System.

Procedure for review of cases

On each occasion that the panel has reviewed cases it has proceeded on the following basis:

- An area of offending has been selected
- Cases which received an OCD were randomly selected
- Each panel member received case papers for every police matter
- A Case Information Form was attached to the case papers for the panel members to complete
- Each Case Information Form asks the panel member to indicate (1) whether the penalty imposed was within national guidelines, (2) whether the officer had exercised his discretion appropriately, (3) whether the victim's views had been taken into account when the penalty was imposed and (4) whether the panel member thought that the penalty had been correctly imposed
- Each case is considered by the panel members and discussed in some detail if they feel that the penalty imposed may not be appropriate, or if other matters are worthy of consideration
- After consideration by the panel the Case Information Form for each matter is completed by each member
- In a limited number of cases it may not be possible for panel members to make a final decision based upon the number of documents or details available. In such cases an unsure option can be used so as not to unfairly distort the statistics
- The Case Management Forms are then collected and the information displayed in table form in order to record the overall outcome for each case considered

Panel membership (March - December 2016):

Jonathan Mortimer (Independent Chairman)
Tracey Bagley (Legal Team Manager, Leeds Magistrates Court)
Lisa Gregoire-Parker (Head of Youth Justice Service, North Yorkshire County Council)
Jan Devos (community member)
Hilary Putman (community member)
Inspector Richard Ogden (North Yorkshire Police)
Lesley Ingelson (Head of Youth Justice Service)
Gaynor Stopani (Local Criminal Justice Board Programme and Performance Officer for North Yorkshire Police)
Leanne McConnell (Head of Criminal Justice for North Yorkshire Police)
Anna Ramsden (Chair of the Youth Panel, Northallerton Magistrates)
Ron Stead (Magistrate)
Nigel Pepper (York Youth Offending Team)
Duncan Webster (Magistrate)
Mark Daley (Legal Team Manager, Leeds Magistrates Court)
Rebecca Alms (North Yorkshire Youth Justice Service)
Will Naylor (Deputy Police and Crime Commissioner for North Yorkshire)
Chris Tapster (Office of Police and Crime Commissioner- minute taker) **Trevor Latus** (Office of Police and Crime Commissioner - minute taker).

Panel Meeting 23rd June 2016 – Category of Shoplifting

Number Of Returns	Does the penalty fall within National Guidelines?			Has the Officer otherwise exercised his discretion appropriately?			Has the view of the victim been adequately taken into account?			Do you feel that the correct penalty was imposed?		
	Yes	No	Unsure n/a	Yes	No	Unsure n/a	Yes	No	Unsure n/a	Yes	No	Unsure n/a
8	8	0	0	8	0	0	8	0	0	8	0	0
8	7	0	1	7	0	1	3	1	4	7	0	1
8	8	0	0	8	0	0	8	0	0	8	0	0
8	8	0	0	8	0	0	8	0	0	8	0	0
8	8	0	0	8	0	0	8	0	0	8	0	0
8	6	1	1	4	1	3	2	2	4	1	3	4
8	7	0	1	5	1	2	6	2	0	4	1	3
8	7	0	1	6	1	1	2	2	4	5	2	1
8	8	0	0	8	0	0	7	1	0	8	0	0
8	8	0	0	8	0	0	8	0	0	8	0	0
8	8	0	0	8	0	0	8	0	0	8	0	0
8	8	0	0	8	0	0	0	2	6	8	0	0
8	8	0	0	7	0	1	5	2	1	6	1	1
8	8	0	0	3	2	3	8	0	0	6	1	1
8	8	0	0	8	0	0	8	0	0	8	0	0
120	115	1	4	104	5	11	89	12	19	101	8	11

Panel Meeting 22nd September 2016 – Category of Drugs, Supplying Drugs, Importing and Trafficking Drugs

Number Of Returns	Does the penalty fall within National Guidelines?			Has the Officer otherwise exercised his discretion appropriately?			Has the view of the victim been adequately taken into account?			Do you feel that the correct penalty was imposed?		
	Yes	No	Unsure n/a	Yes	No	Unsure n/a	Yes	No	Unsure n/a	Yes	No	Unsure n/a No Score
7	7	0	0	6	0	1	2	0	5	4	0	3
7	6	0	1	6	1	0	0	0	7	5	1	1
14	14	0	0	14	0	0	2	0	12	14	0	0
14	14	0	0	14	0	0	0	0	14	14	0	0
7	7	0	0	7	0	0	0	0	7	6	0	1
7	7	0	0	1	2	4	0	0	7	2	1	4
7	5	0	2	0	2	5	0	0	7	1	2	4
7	7	0	0	7	0	0	0	0	7	6	0	1
7	7	0	0	7	0	0	0	0	7	5	0	2
7	7	0	0	7	0	0	1	0	6	6	0	1
21	15	0	6	5	4	12	0	0	21	6	2	13
105	96	0	9	74	9	22	5	0	100	69	6	30

Panel Meeting 15th December 2016 – Category of Criminal Damage

Number Of Returns	Does the penalty fall within National Guidelines?			Has the Officer otherwise exercised his discretion appropriately?			Has the view of the victim been adequately taken into account?			Do you feel that the correct penalty was imposed?		
	Yes	No	Unsure n/a	Yes	No	Unsure n/a	Yes	No	Unsure n/a	Yes	No	Unsure n/a
8	8	0	0	8	0	0	8	0	0	7	0	1
7	6	0	1	2	0	5	6	0	1	2	2	3
8	7	1	0	8	0	0	8	0	0	7	0	1
8	8	0	0	8	0	0	8	0	0	8	0	0
7	7	0	0	7	0	0	3	0	4	7	0	0
6	5	0	1	4	0	2	5	0	1	4	0	2
8	8	0	0	8	0	0	8	0	0	8	0	0
8	8	0	0	8	0	0	8	0	0	8	0	0
7	7	0	0	7	0	0	6	0	1	6	0	1
7	7	0	0	7	0	0	7	0	0	7	0	0
8	8	0	0	7	0	1	8	0	0	8	0	0
7	5	0	2	2	1	4	4	0	3	3	2	2
8	8	0	0	4	0	4	8	0	0	5	0	3
8	7	0	1	2	3	3	8	0	0	4	2	2
105	99	1	5	82	4	19	95	0	10	84	6	15

Further information

Please contact the Chairman for more details:
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