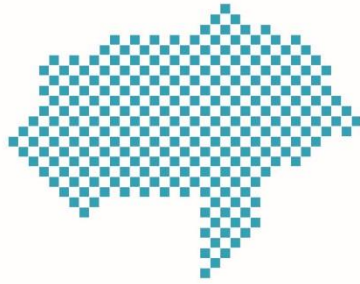


Police and Crime
Commissioner
North Yorkshire



Annual Report 2017/2018

Out of Court Disposal Scrutiny Panel



North Yorkshire's Out of Court Disposal Scrutiny Panel

"I am pleased once again to present the Panel's findings. We have made the review of out of court disposals concerning youths our priority during the course of the last 12 months. It is encouraging to see improving statistics both in the appropriate use of out of court disposals and also an improvement by police officers in taking into account the views of victims. We have also seen an improvement in the way police officers record their rationale for offending outcomes.

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, but it is clear that on the whole the system is being used correctly to deal with low-level offending here in North Yorkshire."



Jonathan Mortimer
Chair

Julia Mulligan
Police and Crime Commissioner



"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. It is encouraging to see an improvement across the board, but there is clearly a way to go, especially with ensuring the victims' views are taken into account.

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."

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

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.

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.

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.

Typical OCDs include:

- fixed penalty notices – normally a fine, commonly used for road traffic or parking offences, can include points on your driving licence
- cautions – a formal warning given to anyone aged 10 or over who has committed, and admitted they are guilty of, a minor crime
- conditional cautions – a caution, but with specific conditions set with which the person must comply
- community resolutions – an alternative way of dealing with less serious crimes

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.

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. There is an increase in cases being dealt with appropriately – 85% compared to 79% last year. 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. The Panel found that in only 8% of cases the officer had exercised their discretion inappropriately (the remainder being unclear on the information provided).
3. Police officers are becoming more effective in taking into account the views of the victim when deciding whether to implement an OCD – up 18% on last year to 75% of cases, although it is important to note that the types of crime reviewed can affect the statistics. In only 4% of cases was it clear to the Panel that the views of the victim had not been correctly taken into account (the remainder being unclear on the information provided).
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. The Panel was particularly pleased to note an appreciable improvement in which the police officers recorded each investigation, their thought process in deciding upon a response and the outcome.

Statistical summary of findings

Table 1

Meeting Date	Number of Returns	Does the penalty fall within National Guidelines			Has the Officer otherwise exercised their discretion appropriately			Have the views 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
22/03/2017	98	83	2	13	85	3	10	70	2	26		76	6	16
03/08/2017	144	122	15	7	99	33	12	71	16	21	36	87	31	19
13/12/2017	112	105	2	4	101	5	6	104	0	2	6	91	9	11
22/03/2018	136	130	0	6	132	0	4	123	0	12	0	132	0	3
Total	490	440	19	30	417	41	32	368	18	61	42	386	46	49
Percentage	100	90	4	6	85	8	7	75	4	12	9	80	10	10

Table 2

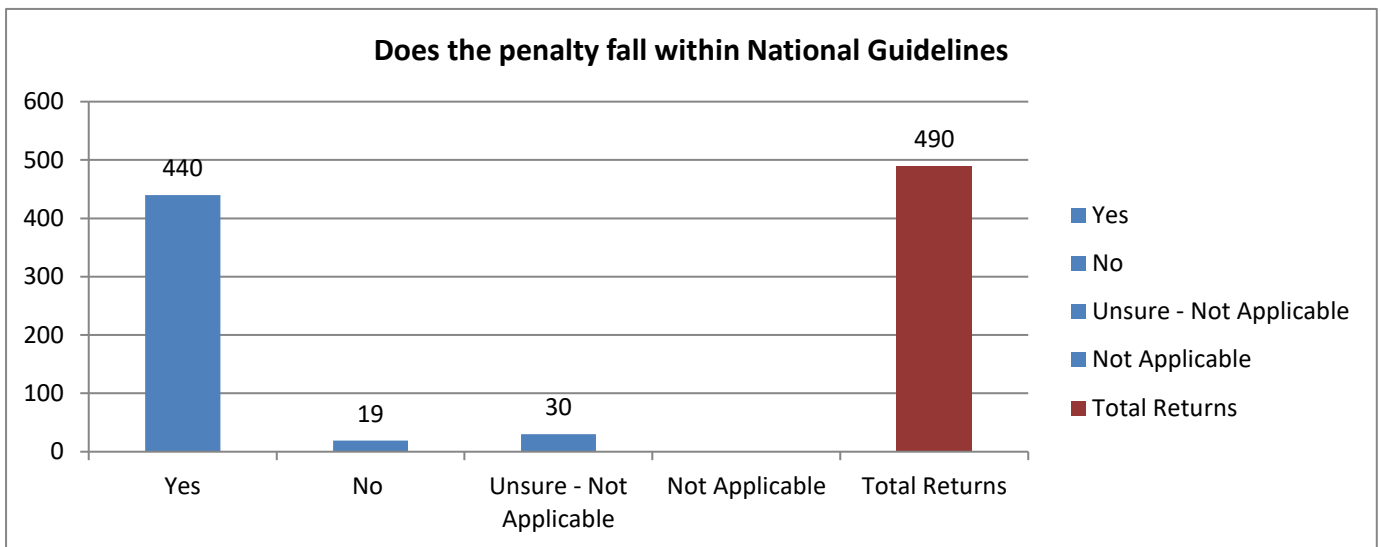


Table 3

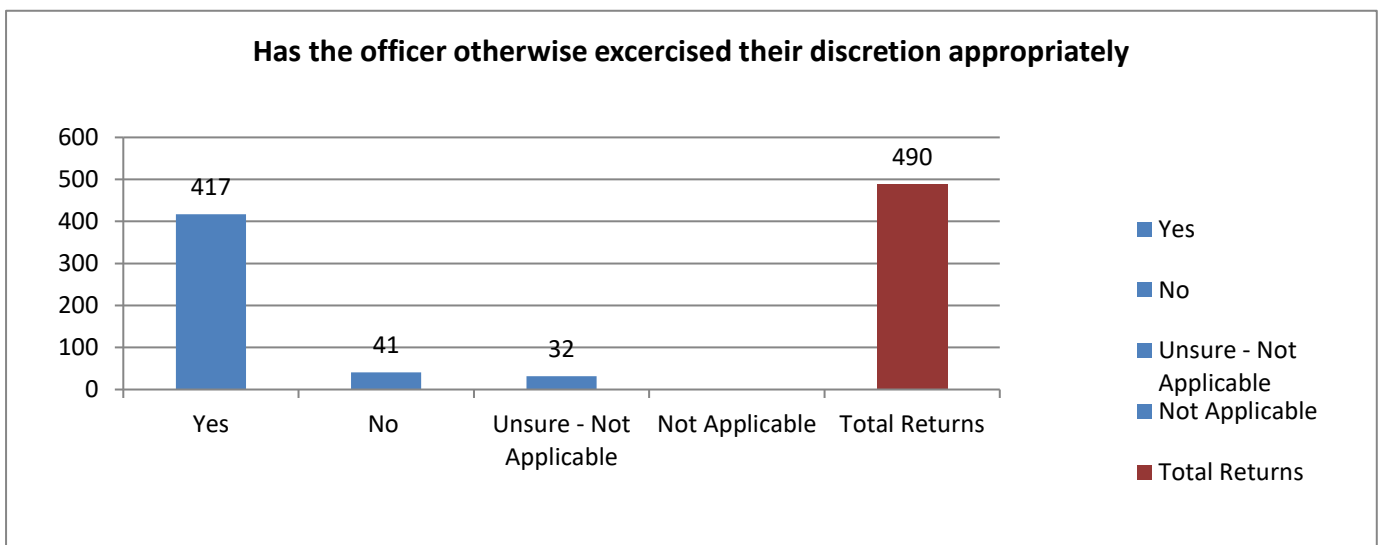


Table 4

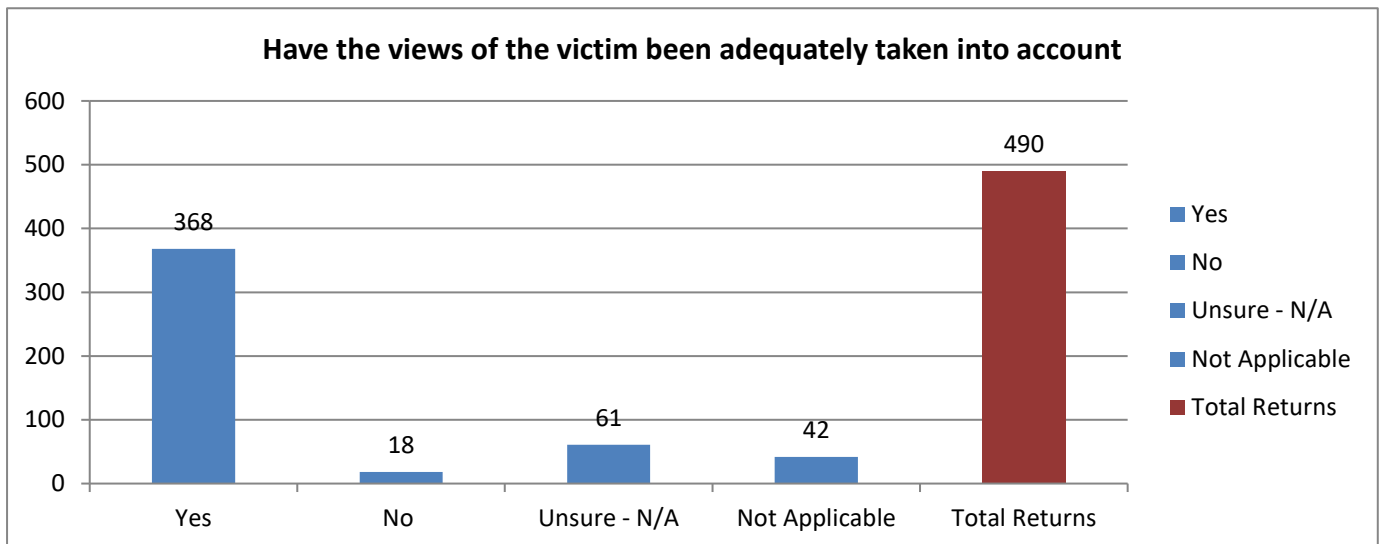
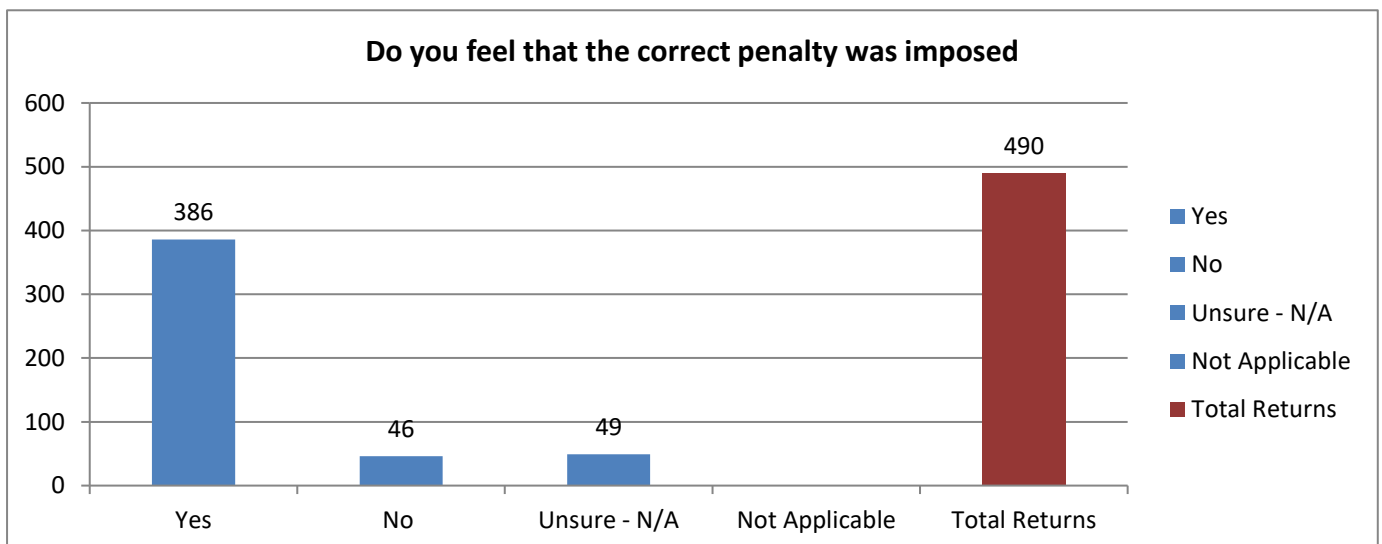


Table 5



Conclusions

- 1 The opinions expressed by the Panel are for all cases (regardless of type of offending) reviewed by them between 22 March 2017 and 22 March 2018. It is important to recognise that the cases reviewed are only a small fraction of the total number of cases. Further, results can vary substantially depending on the type of cases being reviewed.
- 2 Across this period, the panel found that 3.9% of cases conclusively showed that police officers had given an OCD contrary to the national guidelines.
- 3 Across this period, the panel found that 8.4% of cases conclusively showed that police officers had exercised their discretion inappropriately.
- 4 Across this period, the panel found that only 3.7% of cases conclusively showed that the views of victims had not been adequately taken into account.

- 5 Across this period, the Panel found that 9.4% of cases showed that the penalty imposed was probably not the correct penalty to be imposed.

In some instances, the Panel has not been able to come to a firm conclusion against each case, as outlined in Tables 2-5. 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 comprehensively. Had more substantive information been available it is likely that panel members would have been able to express an opinion. Frequently in such circumstances, feedback is given to the officer concerned so that improvements can be made to the recording procedure.

In March 2015, the Home Affairs Select Committee published a report into the use of OCDs 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.

Some key statistics:

- The number of crimes reported to North Yorkshire Police was 40,723 (in 2016 the number was 36,823).
- OCDs have been used as an outcome in 36.2% of all Resolved Crime in 2017 (in 2016 the percentage was 35.0%).

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 or by a referral to the courts/prosecution.

Panel Meetings

The Panel decided during the course of the last year to concentrate on reviewing outcomes concerning youth offending. As a result, three meetings were dedicated to the issue. Different areas of North Yorkshire were chosen to check whether there was any inconsistency in approach.

Table 6: Four Scrutiny Panel Meetings – In total the panel reviewed 63 randomly selected cases

Date of Meeting	Number of Cases Scrutinised	Type of Case Reviewed
22 March 2017	14	Youth offending (age 10 -17) in the York area
3 August 2017	16	Youth offending (age 10-17) in the Harrogate area
13 December 2017	16	Random selection of offending carried out between May and July 2017
21 March 2018	17	Youth offending (age 10-17) resulting in a CRD (Community Resolution Disposal)

For one other meeting, a more random approach was adopted. In particular, on 13 December 2017 the Panel reviewed a random selection of offending committed between May and July 2017.

Panel membership (January 2017 – March 2018):

Jonathan Mortimer (Independent Chairman)

Jan Devos (community member)

Hilary Putman (community member)

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)

Vicky O'Brien (Interserve Justice)

Pauline Wilkinson (Interserve Justice)

Andy Dukes (Youth Services North Yorkshire)

Sarah Orton (Head of Youth Offending Team, City of York Council)

Gordon Martin (Legal Team Manager, Leeds Magistrates Court)

Geoffrey Cole (Deputy Chairman of the North Yorkshire Youth Panel)

Nigel Pepper (York Youth Offending Team)

Duncan Webster (Magistrate and Chairman of the North Yorkshire Bench)

Eve Mortimer (Office of Police and Crime Commissioner - minute taker)

Tina James-McGrath (Office of Police and Crime Commissioner – co-ordinator and minute taker)

Members of the public

A fundamental principle of the panel is that it should contain members of the public. During the course of the year, there were two members of the public appointed to the Panel and in addition the Chairman who are all independent of the Criminal Justice System. All members of the public receive training and are subject to duties of confidentiality. The members of the public concerned are volunteers and are reimbursed for travel expenses only.

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 or category of offender 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 decisions from the forms are counted and recorded. This gives the overall outcome for each case considered.

What powers does the Panel have ?

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.

Breakdown of Outcomes From 2017/18 Panel Meetings

Panel Meeting 22nd March 2017 – Youth Out of Court Disposals - York

Case Number	Number Of Returns	Does the penalty fall within National Guidelines			Has the Officer otherwise exercised their discretion appropriately			Have the views 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
1812	7	6	0	1	7	0	0	5	0	2	7	0	0
6398	7	7	0	0	6	0	1	6	0	1	6	0	1
8530	7	3	0	4	4	0	3	3	0	4	1	0	6
9576	7	7	0	0	7	0	0	7	0	0	7	0	0
6028	7	7	0	0	7	0	0	7	0	0	7	0	0
7881	7	7	0	0	7	0	0	3	1	3	6	1	0
2135	7	6	0	1	6	1	0	3	0	4	5	1	1
3499	7	5	0	2	6	1	0	6	0	1	6	0	1
6886	7	6	0	1	6	0	1	4	0	3	6	1	0
1171	7	7	0	0	7	0	0	6	0	1	6	1	0
4384	7	7	0	0	7	0	0	7	0	0	7	0	0
8478	7	5	0	2	3	0	4	4	0	3	4	0	3
9236	7	3	2	2	5	1	1	5	1	1	4	2	1
9852	7	7	0	0	7	0	0	4	0	3	4	0	3
Total Returns	98	83	2	13	85	3	10	70	2	26	76	6	16

Panel Meeting 3rd August 2017 – Youth Out of Court Disposals - Harrogate

From the August 2017 meeting 'Not Applicable' was added to the outcomes for the 'Has the views of the victim adequately taken into account'. This is because in some cases there is no identifiable victim.

Case Number	Number Of Returns	Does the penalty fall within National Guidelines			Has the Officer otherwise exercised their discretion appropriately			Have the views 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
7524	9	8	0	1	9	0	0	9	0	0	0	9	0	0
3716	9	9	0	0	9	0	0	8	1	0	0	8	0	1
4520	9	5	3	1	0	8	1	0	4	5	0	0	8	1
5408	9	7	0	2	9	0	0	7	0	2	0	9	0	0
9387	9	8	1	0	7	1	1	0	0	0	9	6	1	2
7880	9	9	0	0	6	2	1	3	3	3	0	6	0	3
4751	9	9	0	0	9	0	0	8	1	0	0	9	0	0
5790	9	8	1	0	8	0	1	0	0	0	9	8	0	1
7607	9	9	0	0	8	0	1	7	2	0	0	6	1	2
8100	9	9	0	0	4	4	1	0	0	0	9	3	5	1
0470	9	0	9	0	0	8	1	1	2	6	0	0	9	0
2008	9	8	0	1	7	1	1	8	1	0	0	6	1	2
1031	9	9	0	0	9	0	0	6	0	3	0	6	0	0
6302	9	9	0	0	3	5	1	5	2	2	0	3	1	2
8261	9	6	1	2	6	2	1	9	0	0	0	3	1	4
0873	9	9	0	0	5	2	2	0	0	0	9	5	4	0
Total Returns	144	122	15	7	99	33	12	71	16	21	36	87	31	19

Panel Meeting 13th December 2017 – cases involving an Out of Court Disposal in May, June or July 2017

Case Number	Number Of Returns	Does the penalty fall within National Guidelines			Has the Officer otherwise exercised their discretion appropriately			Have the views 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
8849	7	7	0	0	7	0	0	7	0	0	0	7	0	0
1633	7	7	0	0	7	0	0	7	0	0	0	7	0	0
5688	7	7	0	0	7	0	0	7	0	0	0	7	0	0
2244	7	7	0	0	6	0	1	7	0	0	0	5	0	2
4725	7	7	0	0	7	0	0	7	0	0	0	7	0	0
8945	7	7	0	0	6	0	1	7	0	0	0	7	0	0
5522	7	6	0	1	7	0	0	1	0	0	6	5	0	2
3002	7	7	0	0	7	0	0	7	0	0	0	7	0	0
0873	7	7	0	0	7	0	0	7	0	0	0	7	0	0
1133	7	5	1	1	5	2	0	6	0	1	0	3	3	1
2443	7	7	0	0	7	0	0	7	0	0	0	6	0	1
1811	7	7	0	0	5	1	1	7	0	0	0	1	3	2
0905	7	6	0	1	7	0	0	7	0	0	0	6	0	1
0504	7	7	0	0	7	0	0	7	0	0	0	7	0	0
9527	7	7	0	0	7	0	0	7	0	0	0	7	0	0
9160	7	4	1	1	2	2	3	6	0	1	0	2	3	2
Total Returns	112	105	2	4	101	5	6	104	0	2	6	91	9	11

Panel Meeting 22nd March 2018 – Youth Offending resulting in a Community Resolution Disposal

Case Number	Number of Returns	Does the penalty fall within National Guidelines			Has the Officer otherwise exercised their discretion appropriately			Have the views 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
9749	8	8	0	0	8	0	0	7	0	1	0	8	0	0
0027	8	6	0	2	8	0	0	8	0	0	0	8	0	0
4236	8	8	0	0	8	0	0	6	0	2	0	8	0	0
4555	8	7	0	1	8	0	0	8	0	1	0	8	0	0
7733	8	8	0	0	8	0	0	8	0	0	0	8	0	0
1846	8	7	0	1	7	0	1	7	0	0	0	6	0	2
0323	8	8	0	0	8	0	0	8	0	0	0	7	0	0
9896	8	8	0	0	8	0	0	8	0	0	0	8	0	0
6451	8	8	0	0	8	0	0	8	0	0	0	8	0	0
2074	8	8	0	0	8	0	0	8	0	0	0	8	0	0
6838	8	8	0	0	8	0	0	2	0	5	0	8	0	0
9196	8	8	0	0	8	0	0	5	0	3	0	8	0	0
4281	8	7	0	1	8	0	0	8	0	0	0	8	0	0
4490	8	8	0	0	8	0	0	8	0	0	0	8	0	0
0850	8	8	0	0	5	0	3	8	0	0	0	7	0	1
2159	8	7	0	1	8	0	0	8	0	0	0	8	0	0
0994	8	8	0	0	8	0	0	8	0	0	0	8	0	0
Total Returns	136	130	0	6	132	0	4	123	0	12	0	132	0	3

Further information

For further information please contact:

Jonathan Mortimer, Chair
jonathan.mortimer@raworths.co.uk
01423 566 666

Office of the North Yorkshire Police and Crime Commissioner
info@northyorkshire-pcc.gov.uk
01423 569 562