



# Multi-Agency Out of Court Disposals Scrutiny Panel

# Annual Report 2015/16

Version 3

*The purpose of this report is to inform the Panel and Safer Cumbria of the progress and approach undertaken by the **Multi-agency Out of Court Disposal Panel** in the period 2015/16. The document only examines and reports on those cases selected for audit and is therefore constrained by the limitations and scope of the audit process. The report is **NOT** intended to represent 'All Out of Court Disposal' outcomes.*

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## 1 Introduction

Cumbria 'Out of Court Disposal Scrutiny Panel' was established in 2013 and is chaired by the Office of Police and Crime Commissioner. The intention of the panel is to provide transparency and accountability and to increase the public's understanding, confidence and trust in how the Constabulary uses OoCDs, with particular focus on the delivery of appropriate and proportionate justice. It should be recognised that the findings embedded within this report are not a **true representation** of 'All Out of Court Disposals' outcomes in Cumbria. The Panel has contentiously sought to focus on high risk areas of business. The intelligible position the force has taken dedicating its auditing function to high-risk areas of business can have the unintended consequence of pre-determining an inappropriate and/or inconsistent outcome. Therefore in 2015/16 the Panel proposed that a more equal selection of cases should be reviewed. The findings from this are evidenced in Section 2 of the report 'Key Findings'. It should also be noted that alongside areas illustrated as requiring development, some excellent decision making was observed and these cases were embedded in training as examples of 'Good Practice'.

The purpose of the Scrutiny Panel is to independently review a selection of anonymised cases that have been resolved by use of an out of court disposal. The scrutiny panel has no referral or appeals capability and is not intended to re-judge cases. It will assess the relevant processes, interactions and decisions to identify any areas for development and continuous organisational learning.

Out-of-Court Disposals allow the police to deal quickly and proportionately with low level, often first time, offending which can be appropriately resolved without a prosecution at court. Delivered ethically, effectively, to the right people and in the right circumstances they provide swift and meaningful justice for victims, hold offenders accountable for their actions and reduce re-offending. The aim of the panels 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. The panel will consider the offence category and severity of offence, evidence present at the time of disposal and rationale in officers' decision making process and whether decisions were victim focused.

The Panel first convened in November 2013 and since this date have assembled eight times. During 2014/15 the Panel reviewed **66** cases within their remit. Of those, **24** were found to be 'inappropriate' and/or 'inconsistent with policy', equating to **36.3%**. In 2015/16, the Panel audited **70** cases and of those, **23%** or 16 were deemed to be Inappropriate and/or inconsistent with policy and **62%** were deemed to be Appropriate and/or inconsistent with policy. Although it is not possible to compare like for like as the number of cases audited over a three year period varies. Therefore it is debatable that any logical conclusions can be drawn on performance given the small number of cases reviewed. However the increase in

cases audited has not shown a statistically significant increase in cases deemed by the panel as 'Inappropriate'.

### 1.1 3-year comparison:

Year	Number of cases reviewed	% cases consider inappropriate and/or inconsistent with policy
2013/14	77	32.4%
2014/15	66	36.3%
2015/16	70	23%

Currently cases are selected independently by a member of the Office of Police and Crime Commissioners and a representative from Magistrates Courts. This ensures transparency, maintains public confidence and allows the system to have credibility in Cumbria Constabulary's desire to be open and accountable.

As previously reported in the Annual Report for 2014-15, the majority of cases selected were from high-risk areas of business and was repeated in the subsequent 12 months. Case in 2015/16 also fell within the following three categories:

- **Category A:** Offences with a classification that a member of the public might consider to be outside the scope of the Out of Court Disposal Framework, such as Assault with Injury, Domestic Violence, Hate Crime and serious sexual offences.
- **Category B:** Offences featuring offenders with previous out of court disposals or criminal convictions.
- **Category C:** Any crime which has any Hate Crime or Domestic Violence Marker associated with it

Moving forward into 2016/17, the November 2016 meeting incorporated a more evenly proportioned number of cases from all categories including;

- **Category D:** A selection of Community Resolution disposal where Restorative Justice has not been utilised.
- **Category E:** A selection of any out of court disposal where it is indicated that Restorative Justice has been utilised.
- **Category F:** A selection of youth and adult cautions.

Early analysis indicates that of the 26 cases audited for all categories, 73% or 19 cases were deemed appropriate and consistent with policy compared to 27% found to be inappropriate and/or inconsistent with policy. As previously reported the quality and supervision of Out of Court Disposals is variable. Put broadly, where OoCDs relate to children or young people (i.e. Youth Cautions, Youth Conditional Cautions, Youth Restorative Justice) the compliance with policy, the effectiveness of decision-making

and the proportionality of the outcomes is very strong. A more comprehensive analysis will be provided in the next Annual Report for 2016/17.

### **1.2 Panel Members:**

The continued support and engagement from Cumbria Constabulary in the scrutiny process is a key component to the success of the Panel and allows lessons learned to be embedded in to Constabulary process. This year the Panel welcomed the inclusion of Steve Griffiths from the Independent Advisory Group. Mr Griffiths input and contribution to the cases will strengthen the understanding on public perception of crime and outcomes. . The Panel will continue to work to ensure Constabulary Senior Officers are fully engaged in the process; it should also be recognised that officers input and submission of case information is a fundamental part of the process and the procedure for dealing with cases where an ‘inappropriate and/or inconsistent’ disposal has been offered should be treated as a mechanism for good practice.

Recognition should also be given to the indispensable knowledge and advice offered by members of the Crown Prosecution Service and Magistrates Courts. It is now standard practice for a member of the Magistrates Courts to assist the Office of Police and Crime Commissioner in selecting cases for scrutiny; Magistrate Jenny Framer is currently fulfilling this role which has added to the transparency and fairness of the process. It should be noted by the Panel and others that under no circumstances are the details of officer’s in the case evident at the time of selection. The cases are selected at random based on offence type, offending history, markers (i.e. Hate Crime, Domestic Abuse), disposal type (Community Resolutions and Youth/Adult Cautions).

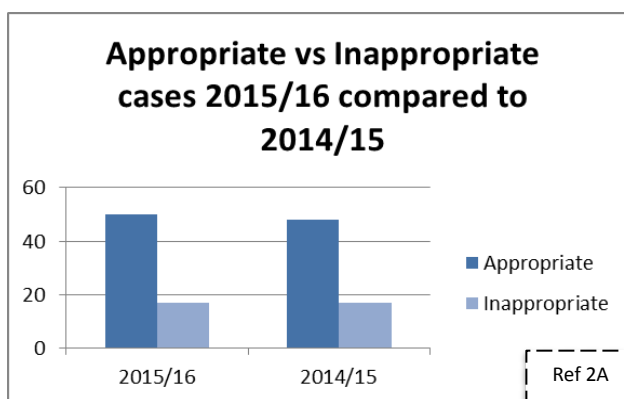
The Panel has received good support, engagement and attendance from key Criminal Justice partners and other partner agencies; it is hoped that in the coming year this will continue to be a factor and will allow the Panel to consider cases objectively and diligently.

## **2 Key Findings**

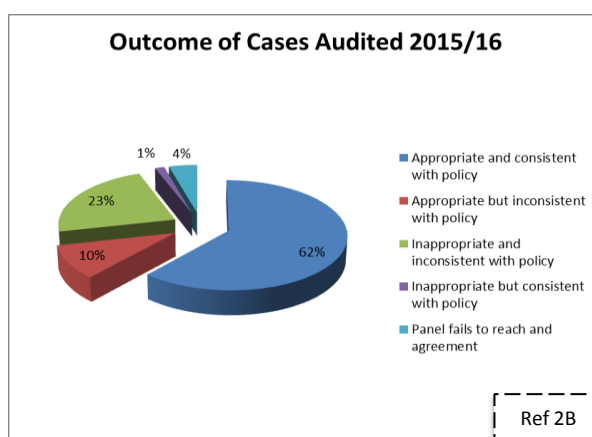
The Panel continues to recognise the implications of conducting dip samples on a small number of overall cases; however it must also be recognised that alongside cases identified as having been handled in line with policy, there are cases where inappropriate and inconsistent disposal options have been identified and these findings have led to improved knowledge and understanding of disposal options.

## 2.1 Statistical Summary of Findings:

It is acknowledged by the panel that it may be difficult to draw any logical conclusion on performance given the small number of cases audited per year and the variation in numbers audited in 2014/15 and 2015/16. However there is a clear indication from the chart [Ref 2A] and analysis conducted that there is no statistically significant increase in cases deemed as inappropriate, in comparison cases recorded as Appropriate and Consistent with Policy showed a **+4.8%** increase when compared to 2014/15.



When comparing all cases audited during 2015/16, **62%** of cases were deemed Appropriate and Consistent with Policy compared to **23%** of cases recorded as Inappropriate and Inconsistent with Policy. Overall **72%** of cases audited have been recorded as 'Appropriate' by the Panel compared to **24%** deemed 'Inappropriate'.



The majority of cases where the Panel deemed the disposal option to be inappropriate and inconsistent with policy, has not changed significantly from last year's findings.

### Factors contributing to an Inappropriate and Inconsistent with Policy record:

- Some cases had not been submitted to CPS for advice, one case related to an indictable only offence (Which must be referred to CPS).
- Unwillingness of the victim to support proceedings and these being used to justify an Out of Court Disposal Outcome. In one case it was noted by the Panel that the Victims Retraction Statement had heavily influenced the decision to offer a caution despite aggravating features.
- Inappropriate use of disposals on offenders with previous offending history.

- Lack of victim focus, in one case the victims injuries were not applied when considering disposal options.
- In some cases the severity of the offence and level of offending had not been taken into account at the point of disposal.

## 2.2 Key Theme identified during auditing cases

Officers involved in the reviewed cases receive feedback and support where required. In addition, Panel findings have been incorporated into internal training events;

- This has predominantly been based around Community Resolution refresher training.

During this year's audit a high proportion of cases identified that Officers knowledge and awareness of the Community Remedy was still a contentious issue, it was acknowledged by the Panel that even when an 'Appropriate' disposal had been given more options were available to the officer which would have reduced the possibility of re-offending and given the victim a more satisfactory resolution.

It was noted by the Panel that the issue around increasing the usage of Community Remedy and its appropriate use is part of a wider internal programme currently being introduced by the Constabulary that will incorporate an increase in effective training and access to information.

The aim of the Community Remedy is to ensure that victims and the public agree that punishments received by offenders are meaningful by giving them a say in the punishment of offenders of low-level crime and anti-social behaviour. Restorative Justice supports these aims by engaging the people most affected by the offence directly in deciding the outcome. Restorative Justice has been shown to increase victim's satisfaction, reduce re-offending and provide a cost-effective disposal available to the police.

A national study revealed that 85% of victims and 80% of offenders surveyed as part of a government funded seven year research programme were either 'very' or 'quite' satisfied with their restorative conference<sup>1</sup> and 27% fewer crimes were committed by offenders who had experienced restorative conferencing compared with those offenders who did not.

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<sup>1</sup> Shapland, J et al (2007) Restorative Justice: the views of victims. The third report from the evaluation of three schemes. Ministry of Justice Research Series 3/07. London: Ministry of Justice.

## 2.1 Adult Cautions

A simple caution is a non-statutory disposal for adult offenders designed for circumstances where it is in the public interest not to prosecute but, instead to issue a formal warning. They can only be issued to adult offenders i.e. 18 years of age and above.

In order for a simple caution to be issued there must be:

- A clear and reliable admission to all elements of the offence, which is recorded and compliant under Section 26 of the Ministry of Justice: Simple Cautions for Adult Offenders.
- Sufficient evidence to provide a realistic prospect of conviction in respect of the offence, if the offender were to be prosecuted (Sect.28)
- An agreement by the offender to accept the caution

A simple caution is not a criminal conviction. It is, however, an admission of guilt and forms part of an offender's criminal record. If a caution is administered it will be retained in line with relevant legislation.

Adult Cautions	Total	% representation of total number of cases audited for disposal type
Appropriate and Consistent with Policy	18	51.4%
Appropriate but Inconsistent with Policy	4	11.4%
Inappropriate and inconsistent with policy	10	28.5%
Inappropriate but Consistent with Policy	1	2.8%
Panel fails to reach a conclusion	2	5.7%
<b>Total Audited</b>	<b>35</b>	<b>50%<sup>2</sup></b>

## 2.2 Adult Conditional Caution

A Conditional Caution is a statutory disposal introduced by the Criminal Justice Act 2003. It provides an opportunity to achieve an early positive response to offending behaviour for those offenders willing to admit their offending and comply with certain conditions.

The aims of the conditional cautioning scheme are to:

- To offer a proportionate response to low level offending.
- For offenders to make swift reparation to victims and communities.
- For offenders to be diverted at an early opportunity into rehabilitative services thereby reducing the likelihood of re-offending; and

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<sup>2</sup> % relates to number of audited cases per category



- To punish an offender by means of a financial penalty.

Adult Conditional Cautions	Total	% representation of total number of cases audited for disposal type
Appropriate and Consistent with Policy	2	66.6%
Appropriate but Inconsistent with Policy	0	0%
Inappropriate and inconsistent with policy	1	33.3%
Inappropriate but Consistent with Policy	0	0%
Panel fails to reach a conclusion	0	0%
<b>Total Audited</b>	<b>3</b>	<b>4.2%<sup>3</sup></b>

## 2.3 Community Resolutions

A Community Resolution is a formal disposal that deals with low level offending. It empowers officers to apply their professional judgement in deciding whether a Community Resolution is the 'right thing to do' after considering the offence, victim and offender.

Any adult or youth can receive a Community Resolution but the following needs to be taken into consideration:

- Offence
- Victim
- Offender
- Other considerations

Cumbria Constabulary considers the most appropriate offences for Community Resolutions are likely to be:

- Low level criminal damage
- Low value theft
- Minor assaults without injury

This promotes a more victim-orientated approach, focused on providing a better service to the victim of crime and the potential for engaging them in the process.

Community Resolution	Total	% representation of total number of cases audited for disposal type
Appropriate and Consistent with Policy	12	70.5%
Appropriate but Inconsistent with Policy	1	5.8%
Inappropriate and inconsistent with policy	3	17.6%
Inappropriate but Consistent with Policy	0	0%
Panel fails to reach a conclusion	1	5.8%
<b>Total Audited</b>	<b>17</b>	<b>24.2%</b>

<sup>3</sup> % relates to number of audited cases per category

## 2.4 Community Resolution with Restorative Justice

Restorative Justice is a process that gives victims the chance to meet or communicate with their offender to explain the real impact of the crime. It is incorporated into the Community Remedy document. Restorative Justice is a voluntary process requiring the consent of all parties to participate and can be utilised alongside a Community Resolution disposal.

The process empowers victims by giving them a voice. It also holds offenders to account for what they have done and helps them to take responsibility and make amends. Government research demonstrates that restorative justice provides an 85% victim satisfaction rate and a 14% reduction in the frequency of reoffending<sup>4</sup>

Community Resolution with RJ	Total	% representation of total number of cases audited for disposal type
Appropriate and Consistent with Policy	2	50%
Appropriate but Inconsistent with Policy	1	25%
Inappropriate and inconsistent with policy	1	25%
Inappropriate but Consistent with Policy	0	0%
Panel fails to reach a conclusion	0	0%
<b>Total Audited</b>	<b>4</b>	<b>5.7%</b>

## 2.5 Youth Cautions

A Youth Caution is a non-statutory disposal for youth offenders; they are used where it is in the public interest not to prosecute. Youth Cautions can only be issued to offenders between 10 and 17 years of age.

Youth Cautions	Total	% representation of total number of cases audited for disposal type % representation
Appropriate and Consistent with Policy	5	83.3%
Appropriate but Inconsistent with Policy	0	0%
Inappropriate and inconsistent with policy	1	16.6%
Inappropriate but Consistent with Policy	0	0%
Panel fails to reach a conclusion	0	0%
<b>Total Audited</b>	<b>6</b>	<b>8.5%</b>

<sup>4</sup> <https://www.restorativejustice.org.uk/criminal-justice>

## 2.6 Youth Conditional Cautions:

A Youth Conditional Caution is a statutory disposal for youth offenders introduced by Legal Aid, Punishment and Sentencing of Offenders Act 2012. They are caution with conditions attached and can be used where it is in the public interest not to prosecute.

In order for a Youth Conditional Caution to be issued the following must be achieved:

- Offender has not denied the offence. Any previous offending and willingness to engage in process should also inform part of the decision making process.
- Sufficient evidence for a realistic prospect of conviction.
- The victim should be consulted and views sought, however the victim cannot insist on the manner in which the crime is disposed.
- It must be considered that the public interest is best served by the offender complying with suitable conditions rather than a formal prosecution.

Youth Conditional Cautions	Total	% representation of total number of cases audited for disposal type % representation
Appropriate and Consistent with Policy	3	75%
Appropriate but Inconsistent with Policy	1	25%
Inappropriate and inconsistent with policy	0	0%
Inappropriate but Consistent with Policy	0	0%
Panel fails to reach a conclusion	0	0%
<b>Total Audited</b>	<b>4</b>	<b>5.7%</b>

## 2.7 Penalty Notices for Disorder:

A Penalty Notice for Disorder (PND) is a statutory disposal introduced by the Criminal Justice and Police Act 2001. The scheme provides an alternative means by which officers can effectively deal with low level crime, without the offender needing to appear before Magistrates Court.

In order for a penalty notice to be issued there must be:

- A reason to believe that an offence has been committed and that it is an offence covered by the penalty notice scheme.

- Sufficient evidence to support a successful prosecution in accordance with the Code for Crown Prosecutions.
- No second or subsequent offence which overlaps with a penalty notice offence.

PNDs may only be issued for the following offences:

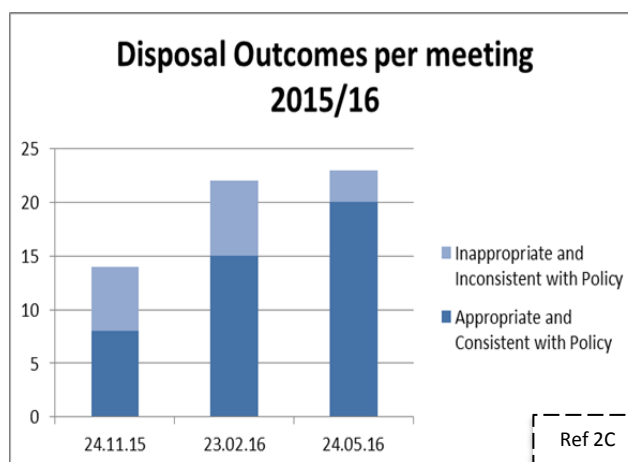
- Section 5 Public Order Act 1986
- Theft ( only issued for shoplifting up to the value of £100 and not suitable for Theft by Employee or Making off without payment offences)
- Damage not exceeding £300
- Licensing offences (i.e. selling alcohol to a persons under 18)
- Possession of Drugs (Cannabis)
- Wasting Police Time

Penalty Notice	Total	% representation of total number of cases audited for disposal type % representation
Appropriate and Consistent with Policy	1	100%
Appropriate but Inconsistent with Policy	0	0%
Inappropriate and inconsistent with policy	0	0%
Inappropriate but Consistent with Policy	0	0%
Panel fails to reach a conclusion	0	0%
<b>Total Audited</b>	<b>1</b>	<b>1%</b>

## 2.8 Out of Court Scrutiny Panel Outcomes per meeting 2015/16:

The panel recognises that in the majority of cases the use of out of court disposals is appropriate and consistent with policy, of those cases audited to date. 62% were considered to be appropriate in comparison with 23% deemed as inappropriate and/or inconsistent with policy<sup>5</sup>, It is not possible to comment on whether there has been an increase or decrease in inappropriate and/or inconsistent disposals due to the small number of cases reviewed per year.

The figures presented in within this report should be treated as a narrative as opposed to

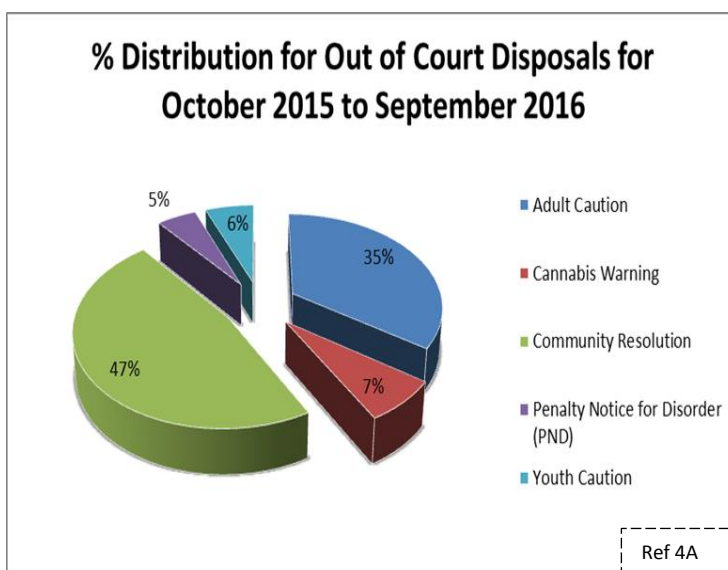


<sup>5</sup> Data Source Out of Court Disposal Panel Meetings for 2015

evidence of Constabulary performance, it is hoped that where inappropriate and/or inconsistent disposals are highlighted that initiatives are embedded in training and feedback to drive up standards.

#### 4. Data Analysis on All Police Disposals for October 2015 to September 2016

A review of Police disposal data for the period **October 2015 to September 2016** shows that there were **2403** Out of Court Disposals. Of the Out of Court Disposals issued; 35% related to Adult Cautions, 47% concerns the use of Community Resolutions, Cannabis Warnings accounted for 7% of the total, Youth Cautions equated to 6% and Penalty Notices equated to 5% of the total.<sup>6</sup>



Community Resolutions account for the highest proportion of Out of Court Disposal for the period of October 2015 to September 2016. The rise of restorative Justice is one of the strongest trends in youth justice.

Mediation between victim and offender has become particularly prominent; however there are variations in the extent of its integration and its extent of use by individual police forces. Reparation may variably take the form of individual victim compensation or indirect community work, and the extent to which either is stressed varies between police forces.

##### 4.1 Types of Offences subject to an Out of Court Disposal October 2015 to September 2016

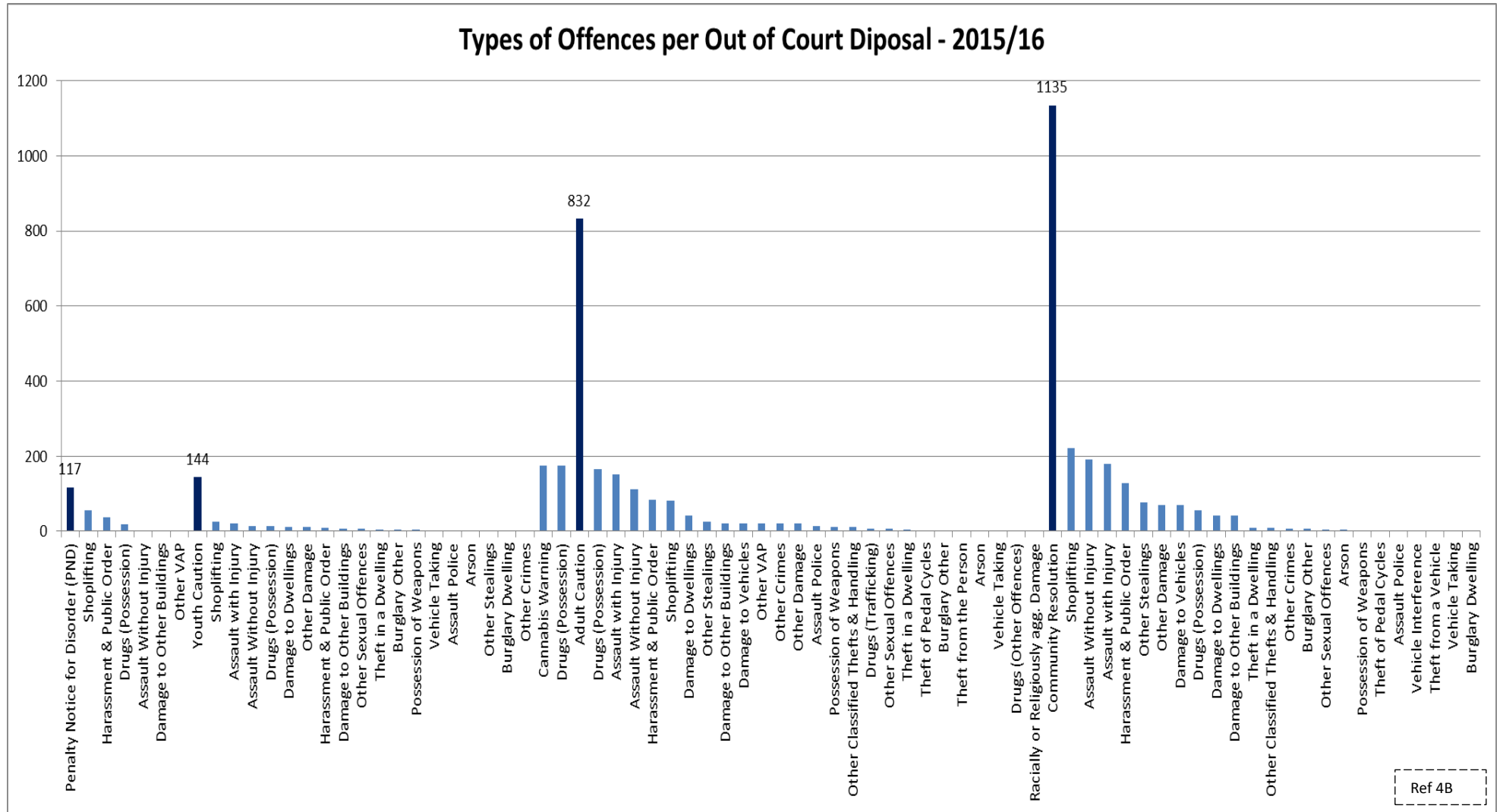
A breakdown of the types of offences where officers are using Out of Court Disposals as an option, indicates that overall drug offences [17.2%] and shoplifting [16.2%] are the highest categories where an out court disposal has been issued. In addition, violence with injury accounts for 15% of the total and violence without injury equates to 13.3% of the total offences where an Out of Court Disposal has been used.<sup>7</sup> When comparing all crimes in Cumbria, Assault with injury, Assault without injury, Shoplifting and Harassment & Public Order represents the highest proportion of crimes for the county.

<sup>6</sup> Out of Court Disposal Data (Quarters 1,2,3,4) October 2015 to September 2016

The below chart [Ref 4B] shows the types of offences per out court disposal, the highest proportion of crimes disposed of by way of **Community Resolutions** are shoplifting equating to 19.5% of the total 1135 Community Resolutions given to an offender during the period of October 15 to September 16, Assault without injury accounted for 16.9% and Assault with injury equated to 15.7% of the total. This evidences that were appropriate officers are utilising Community Resolutions for low level crimes, especially were a first offence has been committed or where the offender is under 18 years. When comparing age groups per disposal, 67% of Community Resolutions were issued to offenders aged between 10 to 17 years in Cumbria during the period of October 2015 to September 2016. Research conducted by the Prison Reform Trust suggests that '7 out of 10 children (69%) sent to prison are reconvicted within a year of release – This rises to 77% for those serving sentences of less than 12 months<sup>8</sup> Short prison sentences are less effective than community sentences at reducing reoffending. People serving sentences of less than 12 months had reoffending rate 7% points higher than similar offenders serving a community sentence – they also committed more crimes.

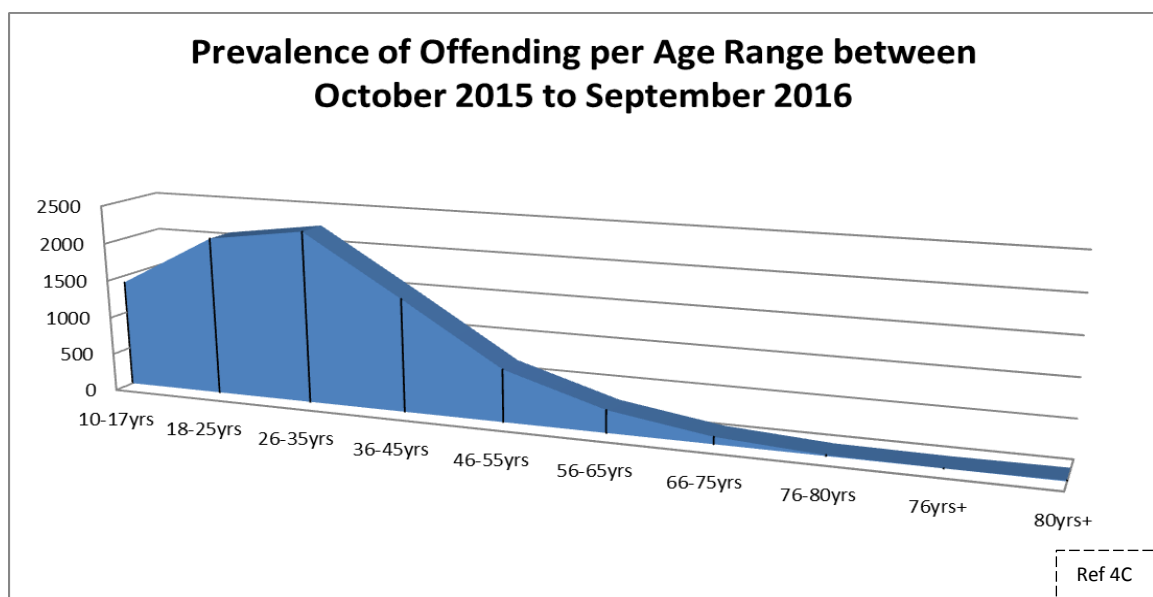
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<sup>8</sup> The Prison Reform Trust 'Bromley Briefings Prison Factfile – Autumn 2016'



Ref 4B

## 4.2 Analysis of Offender Prevalence and Disposal Options:



\*94 Offences relate to children under the age of 12 years.

The above chart [Ref 4C] indicates the level and prevalence of offending per age range, increased and decreased with age. Cumbria Police Outcomes data shows that 759 **Community Resolutions** were given to under 18yrs, equating to 67% of the total of Community Resolutions issued during the reporting period of October 2015 to September 2016. In comparison 51.4% or 585 were issued to those aged over 18 years old.

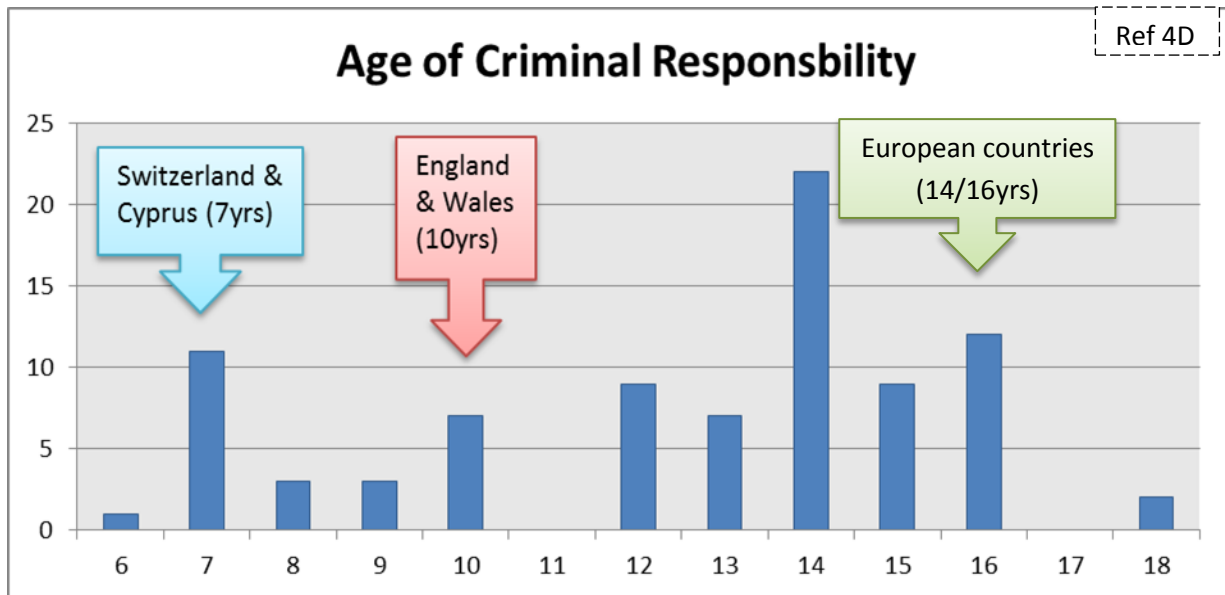
By Contrast, 474 or 8.5% Charges/Summons were issued to under 18 years compared to 5035 that were issued to those over 18 years, equating to 91.4%. This evidences that where appropriate officers are seeking not to criminalise young people in favour of alternative intervention and prevention mechanism.

### 4.2.1 Age of Criminal Responsibility

The age of criminal responsibility is the point at which a child can be prosecuted for a crime. It is the age at which the child is considered capable of understanding what they did wrong, and so dealt with through the criminal justice system. Worldwide there is vast variation in the age of criminal responsibility, the age of responsibility ranges from 6 years old to 18 years old. Within a quarter of countries the most common age of criminal responsibility was 14 years old, substantially higher than in England and Wales where the threshold is 10 years old.

<sup>9</sup> Data Source: Cumbria Constabulary Outcomes Data October 2015 to September 2016





Most European countries set their ages of criminal responsibility at between 14 and 16 years. The three major exceptions are Switzerland and Cyprus at 7 years and the UK at 10 years.

A bill to raise the age of criminal responsibility in England and Wales was 1<sup>st</sup> read in House of Lords on 9<sup>th</sup> June 2016, following this a 2<sup>nd</sup> reading will be announced at a later date. The bill will seek to increase the age of criminal responsibility from 10 to 12 years.

National research has suggested that those children subject to the criminal justice system are more likely to re-offend than those offered intervention. The Prison Reform Trust's 2016 Summer Report stated that there are 72% fewer recorded offences committed by children now than during peak levels in 2005-06 and the volume of children in custody is now two-thirds lower than in 2008. This is due to increased use of restorative justice as a solution rather than incarceration.<sup>10</sup>

A longitudinal study of 4,100 children found that the further enmeshed into the formal criminal justice system that children become, the more harm is done and the more likely they are to re-offend<sup>11</sup>. Therefore, going forward the need for early intervention programmes aimed at addressing behaviour will be paramount to future policing arrangements, with the reduction in resources available to police and the increase in demand, the need for forces to look at ways of reducing re-offending through early intervention and programmes aimed at changing perpetrator behaviour should be embedded in everyday practices.

<sup>10</sup> Prison Reform Trust 2016 Summer Briefing <http://www.prisonreformtrust.org.uk/Publications/Factfile>

<sup>11</sup> McAra & McVie, 2007- Youth Justice – The impact of system contact on patterns of desistance from offending – European Journal of Criminology, Vol 3 (3), 315-345

## 5. Conclusion:

This report has presented the findings from the 2015/16 audit of offences that had been given an Out of Court Disposal. The review found variations around practice and best practice which has enabled a series of recommendations to be made. These are set out below but are constrained by the scope and limitations of this review. It has been recognised that there are implications of conducting dip samples on a small number of overall cases.

Key Factors that contributed to an inappropriate and/or inconsistent disposal were:

- Previous offending history had not been factored into the decision making process.
- The disposal option was disproportionate to the level of offence; Gravity Factor Score would have placed the disposal outside the scope of an Out of Court Disposal.
- Cases were not referred to Crown Prosecution Service for advice.
- Unwillingness of the victim to support proceedings and these being used to justify an Out of Court Disposal.

Overall the percentage rate for Out of Court Disposals in comparison to Charge/Summons outcomes is not disproportionate to the volume of offence disposals in total. During the audit of Out of Court Disposals for 2015/16 there were several cases where the disposal option was disproportionate to the level of charge, given the severity of the offences and offending history not being factored into the decision making process; most of these cases related to Adult Cautions. It was noted by the panel that some cases had not been referred to CPS for charging advice prior to disposal. However, it should be acknowledged that there has been a significant improvement in this area, especially relating to domestic abuse cases. The involvement of operational Evidence Review Officers and Public Protection Officers in the Out of Court Disposal process has enabled frontline staff to gain an awareness and understanding of the panel process and supported the provision for peer feedback.

Strategic leadership is crucial in setting the tone and expectation for the police service. Visible, engaged and credible senior officers developing and communicating a clear vision and robust scrutiny arrangements has enabled staff to understand what is important, why and how they will be measured. The effect of this is that with very clear policies and top-level direction around OoCDs, front line practice is improving in line with the expectations of the force.

Youth Cautions were considered to be more compliant with policy, greater effectiveness of decision-making and appropriate to the level of offending. In almost all of the cases, the outcomes were appropriate and tailored to the offending identified and victim's needs. By contrast, when analysing cases dealt with by way of Community Resolution it was acknowledged that Officers understanding and awareness of Community Remedy was still a contentious issue, it should be recognised that there were cases where inclusion of Restorative Justice would have increased the effectiveness of the disposals, in some cases the Community Remedy document was not offered to the victim. In several cases greater use of the options available to officers would have reduced the possibility of re-offending and given the victim a more satisfactory resolution.

As with the previous year's audit, it should also be acknowledged that there is a clear disparity between the levels of Adult Cautions (38) audited compared to Youth Cautions (10) and Community

Resolutions (21). This is a result of the Panels continued focus on high risk cases such as domestic abuse and hate crimes; young persons involved in these types of offences are generally referred to Triage for support and interventions and therefore omitted from the audit process.

High risk cases can present complex investigations where prosecution may impact on victims and/or increase vulnerability, such as in child neglect and domestic abuse cases where intervention is a more appropriate method of disposal to prosecution of the offender which could result in a child/ren being taken into the care system due to break up of the family structure. National research<sup>12</sup> has suggested that 'children in care were 6 times more likely to be sanctioned for an offence than children in the general population', children placed in care were more likely to be at risk of child sexual exploitation and 4 times more likely than their peers to have a mental health difficulty. Therefore where interventions can minimise the possibility of low level domestic abuse incidents escalating to further high level abuse, it is more beneficial for victims to introduce early intervention and prevention work aimed at changing abusive behaviours and reducing recidivism. A number of cases present to the panel during the year would have benefited both perpetrator and victim from referral onto the perpetrator programme 'Turning the Spotlight on Domestic Abuse', the programme funded through a successful bid to the Home Office by Cumbria PCC works with offenders, victims and whole family through a holistic approach aimed at reducing offending and re-offending by changing behaviours. The 3 tiered programme working with adults over 18 years, adolescences in abusive relationships and child and parent conflicts; each programme of work provides a holistic approach to supporting victims of domestic abuse to cope and recover and encouraging perpetrators to acknowledge their abusive behaviour. A full independent evaluation of the project is due after March 2017; although referrals have been slow from police and partner agencies, early indications from qualitative evidence gathered by the lead researcher suggests that those who have attended and finished the programme have noted a change in perpetrator behaviours and the victim's confidence to cope and recover. Evidencing that programmes aimed at reducing offending and re-offending by changing behaviours of the perpetrator and/or supporting victims to cope and recover have a valid place alongside conventional policing and criminal justice practices.

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<sup>12</sup><https://www.nspcc.org.uk/preventing-abuse/child-protection-system/children-in-care/statistics/>

## **6. Recommendations:**

### **6.1 Increase in victim engagement:**

Too often decisions are made to dispose of offenders without any consultation with the victim or where efforts to engage them are hastily. By comparison, unwillingness of the victim to support proceedings is being used to justify an Out of Court Disposal Outcome. The Panel recommends that the Constabulary continues to promote a victim-focused service that is aligned with the Victims' Code of Practice ensuring that every officer is aware of the code and the entitlement of the victim. It is also imperative that the impact on the wider community is considered when disposing of offences.

### **6.2 Greater utilisation of Community Remedy:**

That the Constabulary continues to build on the knowledge, understanding and awareness of the options available to officers through Community Remedy, it has been recognised by the panel that even when an appropriate disposal has been made through Community Remedy further options could have been utilised that would have decreased the chances of the offender re-offending and provided the victim with a more satisfactory resolution.

### **6.3 Maximising referrals to perpetrator programmes:**

Moving forward Officers should be encouraged and provided with the necessary mechanisms to refer perpetrators onto early intervention programmes aimed at reducing the likelihood of re-offending and/or reducing an escalation in offending behaviour. Referral onto early intervention and perpetrator programmes should be embedded into normal policing procedures and recognised as best practice.