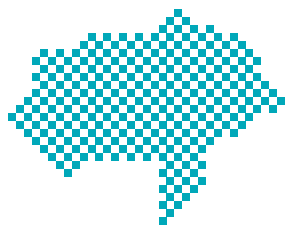


Police and Crime
Commissioner
North Yorkshire



Annual Report 2014 - 2015

North Yorkshire's Out of Court
Disposal Scrutiny Panel



North Yorkshire's Out of Court Disposal Scrutiny Panel

“Although the public should have confidence in the use of Out of Court Disposals, victims still need a greater say on how their offender is dealt with.”

Jonathan Mortimer, Chairman of the Out of Court Disposal Scrutiny Panel.



“The Panel is doing a worthy job, and I am reassured North Yorkshire Police are generally using Out of Court Disposals appropriately. There does however seem to be more that needs to be done to ensure the views of the victim of any incident are better take into account, and I want to see that feedback put into practice.”

Julia Mulligan, Police and Crime Commissioner for North Yorkshire

This is the Panel's first Annual Report and its findings are made public for the first time. It includes both facts and figures, as well as the feedback from the Chairman.

Background - The Panel was commissioned by the North Yorkshire Police and Crime Commissioner, Julia Mulligan, in 2014 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 outcomes to low-level offending by members of the public. 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 resolved by use of an OCD by North Yorkshire Police in order to determine whether the method of disposal is considered appropriate, proportionate and has the right outcome for victims and offenders in line with national guidance and local policy. The 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.

Jonathan Mortimer says:

“During the last twelve months we have reviewed 66 cases that have been resolved by use of an OCD within North Yorkshire. This has been with the aim to determine whether the method of disposal has been appropriate, proportionate and has the right outcome for both offenders and victims in line within national guidance and local policy.”

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 Police officers are, in the majority of cases, 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.

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	417	382	16	19	364	22	31	296	38	83	341	34	42
Percentages		91.61%	3.84%	4.56%	87.29%	5.28%	7.43%	70.98%	9.11%	19.90%	81.77%	8.15%	10.07%

Table 1 shows the following:

- 1 The opinions expressed by the Panel on all cases (regardless of type of offending) reviewed by them between 18 December 2014 and 3 December 2015.
- 2 On average in only 3.84% of cases did the Panel conclusively find that police officers had given an OCD contrary to the national guidelines.
- 3 On average in only 5.28% of cases did the Panel conclusively find that police officers had exercised their discretion inappropriately.
- 4 On average in 9.11% of cases the Panel conclusively found that the views of victims had not been adequately taken into account.
- 5 On average in 8.15% of cases the Panel conclusively found that the penalty imposed was not appropriate.

In some cases the Panel has not been able to come to a firm conclusion on the four questions posed. In such circumstances Panel members have returned an unsure decision. This is usually where there has been insufficient evidence on the case file to review the matter appropriately. Had more substantive information been available it is likely that the Panel members would have been able to express an opinion.

Table 2

Date of Meeting	Number of Cases Scrutinised	Type of Case Reviewed
18 th December 2014	10	Adult and Youth Caution - Cases of Assault with Injury
11 th March 2015	10	5 Cases of Burglary Dwelling 5 Cases involving Sexual Offences
10 th June 2015	20	Public Order Offences York and Scarborough
11 th September 2015	14	Cases that included a marker indicating a Hate Crime
3 rd December 2015	12	Fraud and Forgery Cases

Table 2 shows a summary of the type of cases reviewed by the Panel and when.

The findings of the Panel in respect of particular types of cases can be found in the Schedule below. The Panel does not believe that any conclusions can be drawn from the slight statistical variations between types of offences.

Some key statistics:

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

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.

Background to use of out of OCDs

OCDs can provide simple, quick and proportionate outcomes to low-level offending by members of the public. 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, 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 in the last 12 months, I believe that the public should have confidence that 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.”

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

“I am very pleased to see the Panel doing its job, and thank Jonathan for this hard work. OCDs have been raised with me as a concern over a number of years, but the Panel has found there is little to be worried about in North Yorkshire. There is however room for improvement, and I am sure the Chief Constable will take the Panel's feedback seriously. It is clear more can still be done to ensure the views of the victim are taken into account, which is another step on the road to putting victims at the heart of policing.”



The House of Commons Home Affairs Committee stated in a report on the use of OCDs dated 3 March 2015 that it was a serious concern that in up to 30% of cases OCDs may well have been used inappropriately. The Panel is pleased to record that its findings suggest a much greater satisfaction rate in North Yorkshire.

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 that procedures could be improved.

Members of the public

The Panel is presently under-represented by members of the public. The Chairman of the Panel is currently seeking to recruit more members of the public for the Panel who are independent of the Criminal Justice System.

Procedure for review of cases by the Panel

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 in that area of offending.
- 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 the 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.

Attendees have changed as individuals have left or changed roles, but attendees have included:

Jonathan Mortimer (Independent Chairman)

Tracey Bagley (Legal Team Manager, Leeds Magistrates Court)

Stephen Gallagher (Humberside, Lincolnshire and North Yorkshire Community Rehabilitation)

Inspector Richard Ogden (as temporary replacement for other panel member)

Lesley Ingelson (Head of Youth Justice Service)

Gaynor Stopani (LCJB Programme and Performance Officer)

Angela Crossland (Youth Offending Team Manager)

Leanne McConnell (Head of Criminal Justice for North Yorkshire Police)

Anna Ramsden (Representative for North Yorkshire Magistrate's Youth Panel)

John Seymour (Chairman of the Bench of the Northallerton Magistrates)

Ron Stead (Magistrate)

Will Naylor (occasional attendance on behalf of the Commissioner)

Mike Ryan (Director for York and North Yorkshire Probation Trust)

Chris Tapster (minutes)

Rachel Bloomfield (minutes)

Schedule

December 2014 - Adult and Youth Caution – Cases of Assault with Injury													
	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	Yes	No	Unsure	Yes	No	Unsure	Yes	No	Unsure
	4	4			4			1	1	2	3		1
	5	5			5			4		1	5		
	5	3		2	3		2	1	4		2	1	2
	5	5			5			5			5		
	5	5			5			4	1		4		1
	5	5			5			4		1	5		
	5	4	1		4		1	5			4		1
	5	4		1	5			5			4		1
	3	3			2		1	3			2		1
	5	5			5			5			5		
Total	47	43	1	3	43		4	37	6	4	39	1	7
Percentages		91.49%	2.13%	6.38%	91.49%		8.51%	78.72%	12.77%	8.51%	82.98%	2.13%	14.89%

March 2015 – 5 cases of Burglary Dwelling and 5 cases involving Sexual Offences													
	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	Yes	No	Unsure	Yes	No	Unsure	Yes	No	Unsure
	7	7			7			7			7		
	7	7			7			7			7		
	6	6			6			2		4	6		
	6	1	5		1	5			4	2	1	5	
	7	7			7			7			7		
	6	1	1	4	1		5	1		5			6
	7	7			7			7			7		
	7	7			7			7			7		
	7	7			7			7			7		
Total	60	50	6	4	50	5	5	45	4	11	49	5	6
Percentages		83.33%	10.00%	6.67%	83.33%	8.33%	8.33%	75.00%	6.67%	18.33%	81.67%	8.33%	10.00%

June 2015 – Public Order Offences York and Scarborough													
	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
	6	6			6			6			6		
	6	6			6			6			6		
	6	6			5		1	2		4	5		1
	6	6			2	3	1	3	2	1		6	
	6	6			6			4		2	6		
	6	6			6			6			6		
	6	6			6			4		2	6		
	5	5			5			2		3	4		1
	6	6			6			6			6		
	6	6			5		1	3	1	2	6		
	6	6			6			4		2	6		
	6	6			6			6			6		
	6	6			6			2		4	6		
	6	6			5		1	2		4	3		3
	6	6			6			6			6		
	6	6			6			4		2	6		
	6	6			6			6			6		
	6	6			6			2	1	3	6		
	6	6			5		1	4	1	1	1	2	3
	6	6			3	1	2	5		1	3	1	2
Total	119	119			108	4	7	83	5	31	100	9	10
Percentages		100.00%			90.76%	3.36%	5.88%	69.75%	4.20%	26.05%	84.03%	7.56%	8.40%

September 2015 – Cases that included a marker indicating a Hate Crime													
	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			8			8			8		
	8	8			8			8			8		
	8	8			8			8			8		
	8	7		1	5		3	1	2	5	6	1	1
	6	5		1	3		3	3	1	2	4	1	1
	8	8			8			8			8		
	8	8			8			7		1	8		
	6	1	3	2	1	3	2	1	3	2	0	3	3
	8	7		1	7		1	4	1	3	7	1	
	8	8			7		1	2	2	4	8		
	8	8			8			8			8		
	7	7			7			7			6		1
	8	8			8					8	7		1
	8	8			8			8			8		
Total	107	99	3	5	94	3	10	73	9	25	94	6	7
Percentages		92.52%	2.80%	4.67%	87.85%	2.80%	9.35%	68.22%	8.41%	23.36%	87.85%	5.61%	6.54%

December 2015 – Fraud and Forgery Cases													
	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
	7	7			7			7			7		
	7	7			7			7			6		1
	7	7			7			7			7		
	7	7			7			7			7		
	7	5	1	1	4	3		2	3	2	3	3	1
	7	6		1	5	2		2	2	3	4	1	2
	7	1	5	1	1	5	1		4	3		7	
	7	7			7			7			7		
	7	7			7			7			7		
	7	4		3	5		2	4	1	2	2	1	4
	7	6		1	5		2	5		2	2	1	4
	7	7			7			3	4		7		
Total	84	71	6	7	69	10	5	58	14	12	59	13	12
Percentages		84.52%	7.14%	8.33%	82.14%	11.90%	5.95%	69.05%	16.67%	14.28%	70.24%	15.48%	14.29%

Further information

Please contact the Chairman for more details:
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