



## Scrutiny findings

The Youth Justice System is a diversionary system that uses Out of Court Resolution (OoCR) outcomes where appropriate to resolve cases. The police can use both informal or formal justice system outcomes, these include Community Resolution (CR), Youth Caution and Youth Conditional Caution (YCC). However, these are supplemented with informal diversionary offence disposals, including Outcome-22 which allow the police to resolve a case with no further action providing educational or diversionary action has been applied. The scrutiny panel has a number of roles, which includes providing assurance to the Police and Crime Commissioner (PCC) and Chief Constable that these resolutions are applied consistently, in line with national guidance and local policy and are forums in which good practice and learning can be identified.

### Youth Out of Court Resolutions Scrutiny Panel 14<sup>th</sup> December 2023

#### What are Out of Court Resolutions?

Previously called 'Out of Court Disposals' (OoCD) these are now referred to as Out of Court Resolutions (OoCR). An OoCR is a way of dealing with a crime without it having to go to court and these are often used in cases where an offence is considered to be less harmful. These crimes can still be very upsetting for victims, but they are crimes that are considered less harmful when compared to others. The decision to use an OoCR is ultimately one for the Police, but the victim of the crime should also always be asked for their views about an OoCR, but they do not have to take part in the process if they don't want to.

OoCRs will not routinely used for offences where serious injury is caused and care is taken when considering using them in sexual offences; nor will they be used for current persistent offenders (those that have been convicted or cautioned 3 or more times in the last 12 months).

Restorative Justice (RJ) is not a justice system outcome, rather an informal process which can be considered at any stage of any investigation. RJ brings the offender and victim together in order that victims can move on from the harm they have experienced, and the offender can understand the harm that they have caused.

Currently there is no Deferred Prosecution Scheme (DPS) for children within DC Police, however the force is working toward implementing a Child First DPS including Deferred Caution and Deferred Charge outcomes in the future.

## Why the Local Criminal Justice Board (LCJB) oversees the scrutiny of OoCR's

It is important that the Police and Crime Commissioner (PCC) and the Chief Constable of the police help the public and other stakeholders to understand:

- What the police do and the difference they make
- The totality of policing (i.e. the parts of policing that the public may not usually see or come into contact with)
- How the police work with others
- The demands on the police
- How their police force is performing
- How public money is spent

Public Confidence is also about trust and having a police service that is open and transparent where policing at every level can be examined and scrutinised to help improve reassurance and the service to communities.

By giving the public this information openly as part of good governance, they can form their own informed views about whether or not they have confidence in their police force.

The LCJB work with partner agencies on behalf of the residents of Devon, Cornwall, and the Isles of Scilly in helping to deliver a police force and criminal justice system that works well and meets the needs of its communities. To do this the LCJB scrutinises' certain issues and activities including the use of OoCR's. The scrutiny of OoCR's is about reviewing cases working practices, to recognise and promote good practice, identify any areas for improvement and support the police as an organisation to learn and improve.

## How the LCJB scrutinises the use of OoCRs

The LCJB has a dedicated OoCR scrutiny panel to review child / youth cases which is made up of specialists from a range of organisations including the Police, the Crown Prosecution Service (CPS), the Youth Justice Service (YJS), and the Magistracy. Subject Matter Experts (SME)'s will also be invited where it is felt this would add value and provide useful context to the discussions.

The panel 'dip-samples' cases which have been selected at random and have been resolved by Devon and Cornwall Police through the use of a OoCR. The panel does not audit the police's use of OoCRs but dip-samples 30-40 randomly selected cases over a 12-month period which provides an exploratory 'snapshot' of how the police are doing. The panel reviews the decision making for each individual case and will talk about the OoCR that was given and where appropriate the engagement with the relevant YJS. The panel consider the written information available for each case and, using the expertise of members who are from agencies other than the police, explore in their view whether or not the OoCR that was issued at the time was the right decision. Based on the information that the panel members have available to them; they will then place each case into one of four categories:

1.	Consistent with Police Policy (and the Crown Prosecution Service Code for Crown Prosecutors)
2.	Consistent with Police Policy (but with observations added from the panel)
3.	Inconsistent with Police Policy
4.	Panel fails to reach a conclusion

The panel met on 14th December 2023 and scrutinised 10 cases relating to violent offences. A violent crime is those were the perpetrator intended to physically harm another regardless as to whether or not it resulted in a physical injury. This can include a range of offences from minor crimes such as common assault, to more serious offences such as actual bodily harm and grievous bodily harm. The majority of crime types reviewed by the panel were common assault crimes which is consistent with the use of OoCR for low level offences.

### The findings from the panel's meeting

The panel was of the view that **3 cases had been issued consistently with Police and CPS Policy** which included good practice such as:

- Good examples of the effective use of Out of Court Resolution as a means of reparation and intervention which included opportunities for the offender and family engagement through the intervention clinic which is established in Exeter, East and Mid Devon.
- Public Protection Notices (PPNs) were issued as a means of safeguarding. A PPN is an information sharing document that records safeguarding concerns and are shared with partner agencies.
- Prompt case investigation which was concluded swiftly for the victim, within the period of one month.

The panel was of the view that **3 cases had been issued consistently with Policy, but with a number of observations** such as:

- In one case whilst the perpetrator was excluded from school the panel felt some form of intervention would have been beneficial and should have been included. The panel noted the gravity matrix score was downgraded and could not find sufficient rationale for this to be the case.
- In one case the panel felt that the volatile nature of the circumstances and previous incidents would question the 'No Further Action' (NFA) - outcome 22 decision and a Community Resolution could have been considered.
- A further case found the gravity matrix score was incorrect as an aggravating factor of causing damage had not been considered.
- In one case the panel noted the Youth Justice Service was not consulted. This was a second disposal and therefore the requirement within policy is to do so, however despite this the panel felt that the correct disposal was given.

The panel was of the view that **3 cases were inconsistent with Policy** and their reasons for making this decision were:

- In one case the panel found that a Youth Caution had been used as a disposal, however no PACE compliant admission was recorded though an interview which is inconsistent with policy.
- In two cases the panel noted that no gravity matrix had been recorded and the previous offending history whereby a Youth Caution was the outcome hadn't been taken into account. The panel therefore determined that to give an outcome of a Community Resolution was inconsistent with policy.

The panel **failed to reach a decision** in **1 case** and their reasons were:

- The panel failed to reach a decision as the case involved the use of Outcome-22 as a purely diversionary activity when an investigative decision to take no further action had been made, and in which the evidential standard for a justice system OoCR had not been achieved.

### Observations from the panel:

- The panel were advised that the Police have introduced a new child Gravity Matrix which brings in a child-first approach to youth Justice to deliver outcomes in the best interest of children.
- 70% of youth cases result in an OoCR disposal.
- The panel heard how Devon and Cornwall Police are investing in training dedicated Evidential Review Officers (EROs) which will assist with providing improved quality and consistency resulting in better decision making and rationale.
- Whilst the panel noted that the Gravity Score was not included in a couple of cases, they recognised this as a significant improvement from previous panels and reflected the positive work that has been undertaken to raise awareness of this requirement. (A gravity matrix is a tool used to help inform the police's decision making).
- There appears to be some inconsistency between Force areas in the use of OoCRs, however the panel were assured the work that is being undertaken by the Youth Justice Inspector across the peninsula in consultation with the four YJS alongside the implementation of dedicated EROs would improve consistency.

## Using the panel's findings to make a difference

The panel will report their findings directly to the Police & Crime Commissioner as Chair of the Local Criminal Justice Board and the Chief Constable.

Devon and Cornwall Police may choose to raise the panel's findings with individual police officers and may also cascade learning from the panel throughout the entire organisation.

Find out more about our scrutiny at [www.devonandcornwall-pcc.gov.uk/about-us/scrutiny](http://www.devonandcornwall-pcc.gov.uk/about-us/scrutiny).

If you need this information in a different language or format please contact the Local Criminal Justice Board by email [lcjb@devonandcornwall.pnn.police.uk](mailto:lcjb@devonandcornwall.pnn.police.uk) or telephone 01392 225555.