



Scrutiny findings

In certain circumstances the police can make a decision to resolve a matter without going to court. This tends to be for less harmful offences. They may include issuing of a caution, a letter of apology, or agreement for restorative justice. Nationally these types of resolutions are known as out of court resolutions (OoCR's). One of this panel's roles is to provide assurance to the Police and Crime Commissioner and Chief Constable that these matters are dealt with legally and appropriately.

Adult Out of Court Resolutions Scrutiny Panel 16th July 2025

Theme: Domestic Abuse

What are Out of Court Resolutions?

Previously called Out of Court Disposals these are now referred to as an Out of Court Resolution (OoCR). 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. For an OoCR to be considered, an offender has to admit to what they have done (i.e. they admit they are guilty). The victim of the crime should also always be asked for their views, but they do not have to take part in the process if they don't want to.

OoCRs will not normally be used for offences of violence which have led to serious injuries or sexual offences; and current persistent offenders (those that have been convicted or cautioned 3 or more times in the last 12 months).

There are different types of OoCR's for example Community Resolution, Simple Caution and Conditional Caution. There may also be an option to consider a 'Deferred Caution' or a 'Deferred Charge'. Deferred Caution and Deferred Charge are decisions taken by the Police, when an eligibility criteria is met, to suspend the caution or charge, pending successful completion of interventions and activity that an offender must complete over a four-month period.

The conditions of the contract can include reparative, restorative, restrictive and rehabilitative conditions designed to access swift justice for victims for example

speedy access to compensation whilst tackling the underlying reasons for offending. Noncompliance means the caution stands or the offender is sent to court.

Restorative Justice can also be considered which is an informal process which can be used with an out of court disposal and brings the offender and victim together in order that victims can move on from the harm they have felt, and the offender can understand the harm that they have caused.

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 and 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 Adult cases which is made up of specialists from a range of organisations including the Police, the Crown Prosecution Service (CPS), 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 SME.

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 the 16th of July 2025 and scrutinised 10 cases relating to Domestic Abuse cases.

Domestic abuse involves any single incident or pattern of conduct where someone's behaviour towards another is abusive, and where the people involved are aged 16 or over and/are, or have been, personally connected to each other.

The abuse can involve, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional
- violent
- threatening
- controlling
- coercive

Personal connection means the individuals concerned:

- are due to be, are currently, or have been, married or civil partners to each other
- are, or have been, in an intimate personal relationship with each other
- are, or have been, parents (or had a parental relationship) to the same child
- are relatives (the Act gives further definitions of 'relatives')

Reference: [Sections 1 and 2 of the Domestic Abuse Act 2021](#)

Statistics

- The Crime Survey for England and Wales estimated that 2.3 million people aged 16 years and over (1.6 million women and 712,000 men) experienced domestic abuse in year ending (YE) March 2024.
- There was no statistically significant change in the prevalence of domestic abuse experienced in the last year, compared with the previous year.

- The police recorded 851,062 domestic abuse-related crimes in England and Wales in Year Ending March 2024; a decrease compared with the previous year (911,248), which, in part, reflects recent changes in police recording practices.
- There were 51,183 domestic abuse-related prosecutions in England and Wales in Year Ending March 2024, compared with 51,288 in March 2023.

[Office for National Statistics – Domestic abuse in England and Wales: Overview](#)

The findings from the panel's meeting

The panel was of the view that **1 case had been consistent with Policy** and their reasons for making this decision were:

- In this case the outcome of a Community Resolution was appropriate and in line with police policy. The behaviour involved siblings in which the subject acted aggressively and the panel noted that violence was not used.
- The offender had no previous offending history; however conditions were put in place with interventions to address behaviour with the requirement to attend an anger management course.
- The offence related to a non-intimate domestic case, in which the subject had shown remorse.
- The panel also discussed the option of a caution, and agreed this disposal would not allow any form of intervention and would only serve to criminalise the subject.

The panel was of the view that **1 case had been consistent with Policy but with observations**. Their reasons for making this decision were:

- In this case the officer had deviated from policy and issued a caution for an intimate domestic abuse incident. However the use of the National Decision Model (NDM) was implemented, which allows the police to make a decision not consistent with policy and in exceptional circumstances when a robust rationale is recorded.
- Whilst the rationale for using NDM was not as robust as the panel would have expected the rationale included clear reasoning for the deviation.
- Whilst some force was used against the victim it was not intentional but was reckless.
- The panel agreed this was the most appropriate outcome for the victim and the subject, given there were no previous convictions and the relationship had ended, posing low risk to any future offending when considering safeguarding the victim.

The panel were of the view that **8 cases were inconsistent with Policy** and their reasons for making this decision were:

- In one case the panel found the offence for which the subject received a Community Resolution was incorrect. It is essential that the recording of outcomes are accurate, as this could have an impact in any future Disclosure and Barring checks.

- In some cases no Superintendent authority was recorded or it was given retrospectively.
- In some cases a Community Resolution or caution was given in relation to intimate DA cases and these types of disposal is not compliant with police policy.
- In one case the perpetrator held a weapon and threatened to kill the victim, the outcome was a caution for criminal damage to an external door. The Evidence Review Officer, on first review, had recommended an OoCR would not be appropriate given the perpetrators previous offending history. This was also against policy as a caution should not be considered a disposal for intimate DA offences.
- In one case there was no clear admission from the perpetrator which is required for a caution and therefore not compliant with police policy.

Observations from the panel:

- The panel noted a high proportion of non-compliance due to OoCR's being used in cases of intimate domestic abuse cases. The police can use the National Decision Making (NDM) process to make a decision which falls outside of policy, however the panel found in the majority of cases NDM was either not considered or applied.
- The use of the National Decision Model was discussed by the panel and how the process can be used by police officers when considering an OoCR.
- The panel noted that the Gravity Score was not included in most cases. (A gravity matrix is a tool used to help inform the police's decision making).

Further Information:

- **Op Encompass** is the mechanism to share information with School Designated Safeguarding Leads to ensure the right support can be given to children exposed to domestic abuse and is only triggered when a risk assessment is completed relating to a domestic abuse incident.
- **Domestic Abuse Risk Assessment (DARA)** is a tool for frontline police responding to domestic abuse, it has been developed to ensure first responders are supported to make people feel safe by helping them recognise patterns of controlling and coercive behaviour easily and as early as possible.

The assessment is based on a set of 18 questions to be asked of victims of domestic abuse and evaluates the likelihood of future violence or abuse occurring.

- **Cautioning and Relationship Abuse (CARA)** is an intervention for domestic abuse offenders through the use of a Conditional Caution for first time, standard risk offenders of domestic abuse. It supports offenders in understanding what domestic abuse is, the harm their actions have caused, the impact this has had on their partners, children and relationships, and how to make different choices going forward.
- **National Decision Model (NDM)** is a tool to help officers make decisions

and to provide a framework in which decisions can be examined and challenged, the police service has adopted a single, National Decision Model (NDM).

NDM is suitable for all decisions and should be used by everyone in policing. It can be applied:

- to spontaneous incidents or planned operations
- by an individual or team of people
- to both operational and non-operational situations

Police officers and staff should consider the powers, policies and legislation that could apply in the particular situation. It may be reasonable to act outside of policy as long as there is clear and robust rationale for doing so.

- **Impact on Children** The NSPCC highlights the serious consequences of domestic abuse on children, including emotional, cognitive, behavioural, and social problems.

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 cascade learning from the panel throughout the organisation.

Support for Victims and Witnesses:

Criminal Justice and You is a new product which aims to transform the experience of victims and witnesses in the criminal justice system and is a multimedia resource developed by victims for victims, it brings all aspects of the criminal justice system into one place, helping to demystify every step of the process.



Find out more about our scrutiny at www.devonandcornwall-pcc.gov.uk/about-us/scrutiny.