



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 15th October 2025**

Theme: Stalking or Harassment

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 15th of October 2025 and scrutinised 10 cases relating to Stalking or Harassment cases.

Stalking and harassment is when someone repeatedly behaves in a way that makes you feel scared, distressed or threatened. If this unwanted behaviour happens two times or more, it may be a crime.

Stalking

Stalking is a pattern of fixated and obsessive behaviour which is repeated, persistent, intrusive and causes fear of violence of alarm and distress in the victim.

Stalking may include:

- following someone
- sending unwanted gifts
- making unwanted communications with someone
- damaging property
- going uninvited to their home
- hanging around somewhere they know the person often visits
- watching or spying on someone
- identity theft (signing-up to services, buying things in someone's name)

Stalking often has a huge emotional impact on those it affects. It can lead to feelings of depression, anxiety and even post-traumatic stress disorder. It can be a psychological as well as a physical crime.

Harassment

Harassment is behaviour linked to a specific issue and may include:

- sending abusive text messages or images
- posting abusive messages on social media
- neighbour disputes that involve abusive behaviour or damage to property
- repeated antisocial behaviour
- making unwanted or offensive phone calls

It is harassment if unwanted behaviour has happened two times or more and made you feel distressed or threatened.

Statistics

In the year ending March 2025, an estimated 1.5 million people experienced stalking and 4.2 million experienced harassment in England and Wales, based on the Crime Survey for England and Wales and police-recorded data. There can be a significant gap between the number of people who experience stalking and harassment and the number of offences recorded by the police.

- 678,746 stalking & harassment offences recorded by the police in the year ending September 2023
- 129,076 stalking offences recorded by the police in the year ending March 2024
- 1 in 7 people aged 16 years and over have been a victim of stalking
- 1 in 5 women and around 1 in 11 men has been a victim of stalking
- 1 in 10 people aged 16 years and over have experienced harassment
- 13% of women and 7% of men having experienced some form of harassment.

Since their introduction in 2019, Stalking Protection Orders have been used to allow early police intervention. From February 2021 to December 2021, 434 applications for Orders were made and 232 were issued, according to [the latest data from His Majesty's Courts and Tribunals Service](#).

[Office for National Statistics- Stalking](#)

[Office for National Statistics - Harassment](#)

The findings from the panel's meeting

The panel was of the view that **no cases were consistent with Policy**.

The panel was of the view that **2 cases were consistent with Policy but with observations**. Their reasons for making this decision were:

- In 1 case the panel noted that not all reported crimes were recorded, specifically to a second victim when malicious communication had been sent.
- In 1 case involving college students a Community Resolution was given for harassment with fear, and a verbal apology was provided as reparation. The panel felt a more meaningful intervention should have been considered, a verbal apology is an outcome the college could have facilitated. The officer did not consider Restorative Justice as a means of repairing harm amongst all parties involved.

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

- In two cases the panel found the offence reported was recorded incorrectly and should have been classified as stalking which would have increased the gravity

score. The panel therefore found the disposal and outcomes inconsistent with policy and that advice from the CPS should have been sought.

- In one case the panel determined that not all crimes reported were recorded. It is essential that the recording of crimes is accurate, as this could have an impact in any future Disclosure and Barring checks.
- In one case the behaviour and stalking had been going on for 3 years, which has had a profound impact on the victim who had to give up his job. The classification of the offence recorded was incorrect and should have been stalking rather than harassment. There were numerous red flags recorded on police systems, with over 70 occurrences linked, although the panel could not determine whether these were linked to stalking or harassment. The gravity of the offence was such, that the panel felt this case should have gone to CPS for advice and a caution was inconsistent with policy.
- In one case the panel noted that the views of the victim were not sought when considering a disposal.
- In some cases, no Superintendent authority was recorded.
- In one case a Community Resolution was issued for threats to a politician which should have been crimed under the Online Safety Act S.181. This case had aggravating factors with a threat to kill and can attract a custodial sentence. These offences are signed off through a regional CPS representative and have a high public interest. No remorse was shown by the perpetrator.
- In three cases 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 stalking, when the crime was incorrectly recorded as harassment with or without fear. The correct classification of the crime would have increased the gravity matrix score and therefore the outcome should have been to seek CPS advice.
- When dealing with cases whereby a caution, conditional caution or deferred caution is considered, there must be a full and frank admission, and in some cases, this was not provided on record.
- In one case the views of the victim was not considered before an outcome given.
- The panel discussed the use of Stalking Protection Orders in which prohibition requirements can be imposed on an offender. These Orders became available under the Stalking Protection Act 2019. Further information can be found by clicking on this link: [Home Office statutory guidance](#).
- The panel noted that the Gravity Score was not included in some cases. (A gravity matrix is a tool used to help inform the police's decision making). The panel were assured that tools and guidance relating to completing the gravity matrix have been prepared and roll out of these will be recommended at the next force Investigative Quality Assurance Board.
- The panel were provided with information on the new staking clinic introduced in the force in July 2025 and designed to help the police response to stalking cases by providing specialist investigative support to officers.

- A representative from His Majesty's Inspectorate of Constabulary and Fire Service attended the meeting as an observer and felt the panel was a positive process in scrutiny and partnership working and was impressed with the independence of the panel.

Further Information:

The impact of stalking and harassment

Unwanted, repeated attention can have a serious impact on the victims' physical or mental health, as well as day-to-day life. Some people who have been stalked or harassed have had to make changes to their daily lives; some have changed jobs or moved house.

It's important that victims get the support they need.

Support services for stalking and harassment

The National Stalking Helpline

The [National Stalking Helpline](#) provides confidential, free advice and support. You can:

- call the helpline on [0808 802 0300](tel:0808 802 0300)
- email the National Stalking Helpline team: advice@stalkinghelpline.org
- fill in a [contact form](#)

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.