



## Youth / child Out of Court Resolution (OoCR) Scrutiny Panel 30<sup>th</sup> September 2025

### Theme: Sexual Offences

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.

### 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 be 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 the 30<sup>th</sup> September 2025 and scrutinised 10 cases relating to sexual offences. There are a range of crimes that can be considered as sexual offences, including non-consensual crimes such as rape or sexual assault, and crimes that exploit others for a sexual purpose, whether in person or online.

### **Statistics:**

Devon and Cornwall Police provided the panel with the following statistics, and the data suggests:

- Over a period of 12 months the data consisted of 60 sexual offences/occurrences recorded with 51 child subjects linked as offenders.
- 20% were female
- 80% were male
- Highest % of outcomes were for 13-year-olds.
- 52% were repeat offenders
- 48% were first time offenders

This data should be considered directional rather than exact.

### **The findings from the panel's meeting**

The panel was of the view that 0 cases were **consistent with Policy**. This score is awarded to cases which can be highlighted as examples of good practice and in line with both force policy and the CPS Code for Crown Prosecutors.

The panel was of the view that 6 cases were **consistent with Policy but with observations**. Their reasons for making this decision were:

- The panel felt in one case the investigations was not victim focused.
- In one case the victim views were not discussed as to the potential outcome.
- In one case the time from offence to conclusion took Over 1 year.
- In four cases the Gravity Matrix score was not recorded.
- In one case the panel felt the investigation could have included phone downloads to ensure no other offences or victims would be identified.

The panel was of the view that 4 cases were **inconsistent** with Policy and their reasons for making this decision were:

- The panel felt that the recording of a crime issued at the outcome stage was questionable. The report to police concerned a sexual assault and a Community Resolution was issued for 'Sharing or threatening to share intimate photos and no Superintendent or Inspector authority was given which is required under police policy.
- In one case the offences were Indictable Only, meaning the seriousness of the offence could only be dealt with at Crown Court and the Gravity Matrix Score should have been higher. The panel was of the view that advice from CPS should have been sought and an O22 was not consistent with Policy.
- In one case the victim had received threats of blackmail, which was not considered when deciding the Gravity Matrix score. The victim had also suffered years of abuse, which was not given enough consideration as aggravating factors when deciding the outcome.
- In 1 case the perpetrator was not interviewed, and no Superintendent authority was given for a Community Resolution which is required under police policy.

### **Observations and learning from the panel:**

- In some cases, the panel were provided with an update in relation to the child subjects engagement with the interventions put in place, noting positive engagement with a number of support services, resulting in good progress.
- The panel noted an improvement with the recording of the gravity matrix score; however, some cases still failed to submit or record the document which aids the decision-making process when determining the proposed outcome.
- When considering a community resolution for crimes involving sexual offences, authorisation must be obtained by a senior police officer of Inspector rank.
- The panel noted that early CPS advice was not considered when seeking the most appropriate outcome for cases concerning sexual offences.

The police Inspector for Youth Justice provided the panel with the introduction of the Child First Justice Pathway which is a child first approach that avoids applying adult standards to children and sees children as children, prioritising their best interest. The Child First Justice Pathway is based upon the evidence of what works to reduce offending and prioritises diversion and intervention as the foundation of how the police respond to children who offend.

The panel was provided with an update on the Child Deferred Charge outcome which expands the Out of Court Resolution offer and enables more children to benefit from diversion. A Deferred Charge has the effect of pausing a decision to charge a child to enable them to undertake a period of intensive mandatory intervention with the Youth Justice Service to address their offending.

If the child fails to comply with the conditions or interventions, then they will be charged for the original offence. Successful completion will result in no further action.

The Chair advised the panel of the work ongoing with the Child First Approach LCJB subgroup. The focus of the group is to improve the timeliness and pathways for children whether as defendants, victims or witnesses whilst ensuring a 'Child First' and trauma informed approach is taken to see children as children.

### **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. Any learning identified in the scrutiny reports will be presented to the Investigative Quality Assurance Board (IQAB) to identify relevant leads for improvements and responses to the panel.

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@dc-pcc.gov.uk](mailto:lcjb@dc-pcc.gov.uk) or telephone 01392 225555.