



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 6th March 2024

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:

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| 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 6th March 2024 and scrutinised 10 cases relating to drug possession offences. All cases involved youths (those aged under 18) and ranged from offences involving possession of cannabis and possession of THC.

From January 2023 – December 2023, 115 youths received OoCRs for a total of 117 drug offences ranging from Outcome 22, Community Resolutions Youth Cautions and Conditional Cautions. 86.3% were male with the majority of youths aged 15 – 17.

The findings from the panel's meeting

The panel was of the view that **2 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 intervention and reflecting on the behaviour and harms of drug use.
- Understanding the implications for young people if a prosecution resulted in a criminal conviction and rationally applying decisions for a OoCR outcome with meaningful interventions put in place.
- Good evidence that the rationale for an OoCR was recorded concisely.
- Good safeguarding put in place when vulnerabilities of the subject was evidenced.
- Public Interest Test was considered in all cases and rationale was clear and concise as to why a prosecution was not proceeded with.

The panel was of the view that **6 cases had been issued consistently with Policy, but with observations** such as:

- In one case the panel felt that whilst the resolution was appropriate, however, there were concerns around vulnerability and possible exploitation and better support could have been part of the intervention.
- In one case the outcome for possession of cannabis and a bladed article was a community resolution. The panel felt that the possession of a knife was concerning, although they recognised that this was a multitool and the young person was not aware of the legislation in this regard.

- The panel felt the investigation was good and the outcome was appropriate, however as the Gravity Matrix was not completed it was consistent but with observations.
- In one case no Public Protection Notice was considered, and no Gravity Matrix recorded.
- A further case did not have robust rationale recorded around the decision making and did not have a Gravity Matrix completed.
- In one case the young person was under a 12-month referral order, the amount of cannabis was minimal and a 'trace amount' therefore the panel agreed it was consistent but with observations.

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

- In one case the young person was given a community resolution whilst a conditional caution had previously been given within the previous 1-month period of this offence taking place.

The panel **failed to reach a decision in relation to 1 case** relating to possession of cannabis in which the young person received a conditional caution with no previous offending history. The panel were unable to make a decision as not all information was available to confirm that there was an admission under PACE. An action was taken to refer the case to the force for further enquires and review to ensure outcome for the subject was proportionate.

Observations from the panel:

- The panel felt the majority of cases were 'child centered'.
- In some cases, the timescale to conclude the cases were hindered by the delay in forensic testing.
- The panel challenged whether young people are fully aware of the implications of a criminal conviction which could impact on travel (especially to the USA).
- The panel noted that the Gravity Matrix was not included in some cases. (A gravity matrix is a tool used to help inform the police's decision making).
- The panel noted the good work undertaken by the police Intervention Clinics which provides support and intervention for young people diverting them away from the criminal justice system. Exeter University have reviewed the Intervention Clinics and the findings can be accessed [HERE](#).

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.

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 or telephone 01392 225555.