



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 21st January 2026

Theme: Criminal Damage - ASB

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 an 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 21st of January 2026 and scrutinised 10 cases relating to Criminal Damage.

The [Criminal Damage Act 1971](#) defines someone who causes criminal damage as:

A person who, without lawful excuse, destroys or damages any property belonging to another, intending to destroy or damage any such property, or being reckless as to whether any such property would be destroyed or damaged.

Criminal Damage is a form of [anti-social behaviour \(ASB\)](#) because it causes nuisance, disorder, and distress, affecting community quality of life. Criminal offences can lead to formal charges or Out of Court Resolutions for low-level damage.

Statistics

Looking at the most recent force data for crime figures

Criminal Damage as a whole, for the most recent 12 months accounted for:

- 12,923 – 10% of all crime force wide
- Down 5.4% compared to the previous 12 months

For the most recent 12 months: Jan – Dec 2025

- 1009 occurrences of criminal damage
- 438 offenders were charged / summonsed to court
- 423 adult offenders received an OoCR:
 - 2 x Conditional cautions
 - 200 x Simple cautions
 - 193 x Community Resolutions
 - 28 x Outcome 22 (Deferred caution / charge)

Of those offenders who received OoCRs:

- 19% Female
- 81% Male
- 59% repeat offender
- 41% non-repeat offender

The findings from the panel's meeting

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

- In one case the panel felt the investigation was robust with all parties providing statements, with the officer fully understanding the circumstances and safeguarding was considered and addressed.
- In one case the perpetrator received a deferred caution which was the most appropriate outcome and the conditions of the caution allowed the perpetrator to have some meaningful interventions and support put in place.

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

- In one case the Gravity Score was incorrect, the panel felt this could have an impact on any decision made, however they felt the outcome was appropriate in this case.
- In one case a deferred caution could have been considered and a more appropriate outcome to address the needs of the perpetrator with meaningful interventions which could have provided a better outcome.

The panel was of the view that **6 cases were inconsistent with Policy** and their reasons for making this decision were:

- In some cases, not all offences were crimed, and linked with the criminal damage offence.
- In one specific case the panel felt that the officer should have considered harassment and exposure or public order offence. They also noted that an offence of harassment should not be considered for a Community Resolution outcome.
- In one case the offending history of the perpetrator did not comply with the issuing of a Community Resolution.
- In one case the offender was clearly in a distressed state and no safeguarding measures were identified, the panel also noted no Gravity Matrix was recorded.
- In one case there was no clear admission of offence by the offender which is required before considering a Community Resolution as a disposal.

Observations from the panel:

- Head of Crime and Criminal Justice provided the panel with details of how learning is captured through the Community Scrutiny Panel in relation to Body Worn Video, feedback is sent to individual officers who will identify any learning, and this is now replicated with all Out of Court Scrutiny Panels.
- Senior leaders will attend Adult Out of Court Resolution Scrutiny Panels in future, and the meetings will move to a geographical model.
- The panel noted in one case the payment of compensation agreed under a Community Resolution was not recorded as to whether this was complied with and could not be assured the victim received any payment.
- When dealing with cases whereby a Community Resolution is considered, there must be a full and frank admission, in one case, this was not provided on record.
- 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 throughout the Force.
- In most cases Restorative Justice (RJ) was not considered.
- The panel were provided with information about Civil Orders and found these could have been used as an effective tool in some of the cases.

Further Information

Civil Orders

Community Protection Warnings/Notices (CPN) can be issued by the police under the Anti-social Behaviour, Crime and Police Act 2014 to address unreasonable, persistent and ongoing anti-social behaviour that negatively impact on the quality of life in a local community. It can be issued to individuals over the age of 16, businesses, or organisations. CPNs can require the person responsible to stop causing the problem and take reasonable steps to prevent it from happening again.

Failure to comply with a CPN can lead to a court summons and on conviction can result in a fine of up to £2,500 for individuals, or £20,000 for businesses.

Using the panel's findings to make a difference 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.