



House of Commons
Home Affairs Committee

Out-of-Court Disposals

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15

Report, together with formal minutes

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Home Affairs Committee

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Key facts

- Number of out-of-court disposals issued in the year ending March 2008 (peak): 660,965.
- Number of out-of-court disposals issued in the year ending March 2014: 318,500.
- Out-of-court disposal cases dealt with inappropriately: estimated between 20% and 33%.
- Offences brought to justice by out-of-court disposals in West Yorkshire: 28%.
- Offences brought to justice by out-of-court disposal in London: 49%.

1 Introduction

1. Out-of-court disposals (OOCs) can provide the police with simple, swift and proportionate responses to low-risk offending, which they can administer locally without having to take the matter to court. As a quick and effective means of dealing with less serious offences, they enable police officers to spend more time on frontline duties and on tackling more serious crime. Additionally, OOCs can often represent an effective response to offending that can focus on the needs of the victim.

2. There are currently six ways in which offences can be addressed by the police without the matter proceeding to court (excluding no further action). These are:

- Cannabis Warnings: a formal warning from a police officer for simple possession of cannabis for personal use;
- Fixed Penalty Notices (FPNs);
- Penalty Notices for Disorder (PND): an offender is offered the chance by a police officer to pay a fixed penalty of £50 or £80 to discharge liability for an offence and avoid a court appearance;
- Simple Cautions: a formal warning from a police officer following an admission of guilt;
- Conditional Cautions: a caution with conditions attached. These are issued to tackle offending behaviour, provide reparation and enable compensation to be paid to victims, where appropriate. Failure to comply with the conditions will usually result in prosecution for the original offence; and
- Community Resolutions.

3. For police officers, there are clear time benefits for some OOCs. For example, a 2011 study found that issuing a PND on the street, as opposed to at a police station after arrest, saved nearly three hours of police time. Charging the offender would take almost five hours more, as well as the time taken to deal with the case in court.¹ Richard Monkhouse, Chairman of the Magistrates' Association, told us that OOCs "are absolutely right for low-level offending and for first-time offenders because otherwise if every case came into court the courts could not manage and would be seriously clogged up".²

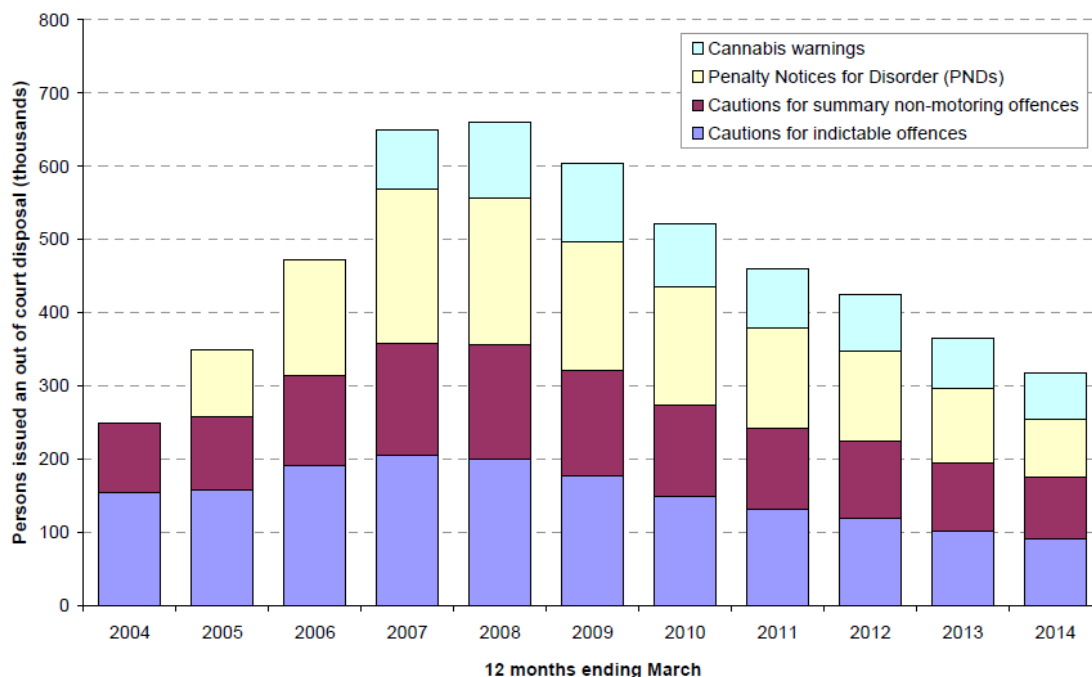
4. Until the introduction of Penalty Notices for Disorder (PNDs) in 2004 and cannabis warnings in 2005, the only OOC available to police was a caution. From March 2004, the use of OOCs increased rapidly and peaked in March 2008, before decreasing year on year, as shown in figure 1. The increase coincided with the introduction in 2001 of a target to increase offences "brought to justice", a descriptor which includes those dealt with out-of-court. The subsequent decrease coincided with the replacement of the target, in April

1 <https://www.justiceinspectors.gov.uk/hmic/media/exercising-discretion-the-gateway-to-justice-20110609.pdf>

2 Q18

2008, with one placing more emphasis on bringing *serious* crimes to justice. This new target was subsequently removed in May 2010.

Figure 1: Out-of-court disposals issued, by disposal, 12 months ending March 2014 to March 2014



Source: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/346639/criminal-justice-statistics-april-2013-to-march-2014.pdf

5. The use of OOCs has decreased in the last year by 15%.³ Each type of OOC showed a decrease when compared with the previous year, continuing the longer-term trend in the use of OOCs since March 2008, which has seen a 52% decrease in their use.⁴ Chief Constable Lynne Owens QPM, of Surrey Police, National Policing Lead on OOCs, told us that at the peak, about 10% of all solved cases were dealt with by out-of-court disposals, whereas in 2014 it was only 4.8%. She added that OOCs were “a really important tool for the victim, the offender and in the interests of bureaucracy and therefore cost” but that they had brought confusion, because the system had grown up organically over time and there had been a lack of understanding about what kind of disposal was most suitable in each case.⁵

3 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/376898/criminal-justice-statistics-update-to-june-2014.pdf

4 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/346639/criminal-justice-statistics-april-2013-to-march-2014.pdf

5 Q52

2 Criticism of out-of-court disposals

6. As the variety of OOCs and their use has increased, some of those working in the criminal justice system have raised concerns about how such disposals are being deployed, in particular in relation to:

- serious offences, including violent and sexual offences, which ought to have been prosecuted at court;
- reports that some persistent offenders were repeatedly receiving OOCs when their conduct demonstrated a pattern of behaviour requiring a more serious response; and
- the apparent significant variation between criminal justice areas in the number of OOCs administered each year.

Appropriateness of decisions

7. Nacro's written evidence to the Committee emphasised that in many cases OOCs are an appropriate means of disposing with first-time, less serious offences.⁶ However, Richard Monkhouse told us that the Magistrates' Association had been concerned at the number of OOCs that were being given to repeat offenders and for serious offences. He said that this had created a "perception that some serious offences were being dealt with not in court, where a court can deliver the kinds of sentences that are rehabilitative as well as punitive".⁷ He referred to OOC cases "where there are identifiable victims, violence involved and sexual behaviour involved",⁸ as well as indictment-only cases which, if they were brought to trial, would have to be tried in the crown court because magistrates' sentencing powers were not sufficient.⁹

8. In June 2011, a Criminal Justice Joint Inspection found that in one-third of the cases sampled, the disposal selected did not meet the standards set out in existing guidelines. This was particularly the case for repeat offenders. Richard Monkhouse confirmed that those figures tallied with the Magistrates' Association figures at the time, and that scrutiny panels were suggesting that between 20% and 30% of cases were inappropriately given OOCs.¹⁰

9. Chief Constable Lynne Owens sought to clarify the figures for serious offences, telling us that only 0.2% of robberies were dealt with out-of-court, and only 2% of sexual offences. In addition, she gave an example of a sexual offence that had resulted in a caution. The victim of an indecent assault did not want to go to court and did not want to support a prosecution. However, the police were concerned that the offender, known to the victim, who had no previous criminal history, had not properly understood boundaries and felt

6 [Nacro written evidence \(OCD0004\)](#)

7 Q1

8 Q3

9 Q2

10 Q12

that some action was necessary. The offence was therefore dealt with through an O OCD. Chief Constable Owens also gave an example of a 16-year-old boy in a sexual relationship with a 15-year-old girl, who was reported to the police, but where neither the victim, nor the offender, nor any of their parents, was willing to support a prosecution to court. She suggested that it might sometimes be in the best interests of the victim and the offender to get them to work with social services to try to prevent that offending. That offence is recorded as rape, because no consent can be given when the victim is under the age of consent, but in those circumstances it would be hard to argue that that case should have resulted in prosecution.¹¹

10. The issue of how crimes are disposed of is critical in challenging certain types of offending behaviour. For example, we were informed that magistrates are specially trained in domestic violence issues, and have special domestic violence courts where the offender's violent behaviour can be addressed. However, when an O OCD is given in a case of domestic violence, the treatment at the disposal of the magistrates cannot be given.¹² Richard Monkhouse suggested that this kind of inappropriate use could be due to a desire to deal with an incident quickly, rather than the police thinking about the best way of addressing the offender's behaviour in the longer term.¹³

11. Chief Constable Owens sought to clarify that crimes recorded as "domestic abuse" covered a range of relationships where offender and victim lived under the same roof. She gave an example of a mother who might call the police because her son, with a mental health difficulty, has assaulted her in the heat of an argument. She argued that in this case the mother wants help to deal with the son's mental health capacity issues, and may not want to see her son put through the criminal justice process, but the police have to record it as a crime. She concluded that, in a case such as this, if the police were confident that they could provide the mother with support from another sector, then an O OCD would be an appropriate disposal. In addition she said that if victims did not wish to take a case of domestic abuse to court, then sometimes it was better to give an O OCD than to do nothing, but she stressed, however, that these occasions should be rare.¹⁴

12. For the type of offence where behaviour has to be challenged—where effective punishment must include an element of reform as well as retribution—a conditional caution might be more appropriate. These are cautions that have an additional element attached such as a letter of apology or a form of unpaid work. However, we were told that in the last 12 months fewer than 1,000 conditional cautions were given, compared to almost 200,000 simple cautions. Richard Monkhouse thought that conditional cautions were perceived as too bureaucratic because they were less easy to set up and administer.¹⁵

13. Out-of-court disposals are not designed to deal with serious offences, nor with persistent offenders. It is alarming that they are used inappropriately in up to 30% of cases, although there might be certain circumstances where issuing an O OCD for a

11 Qq70-71

12 Q13

13 Q14

14 Q73

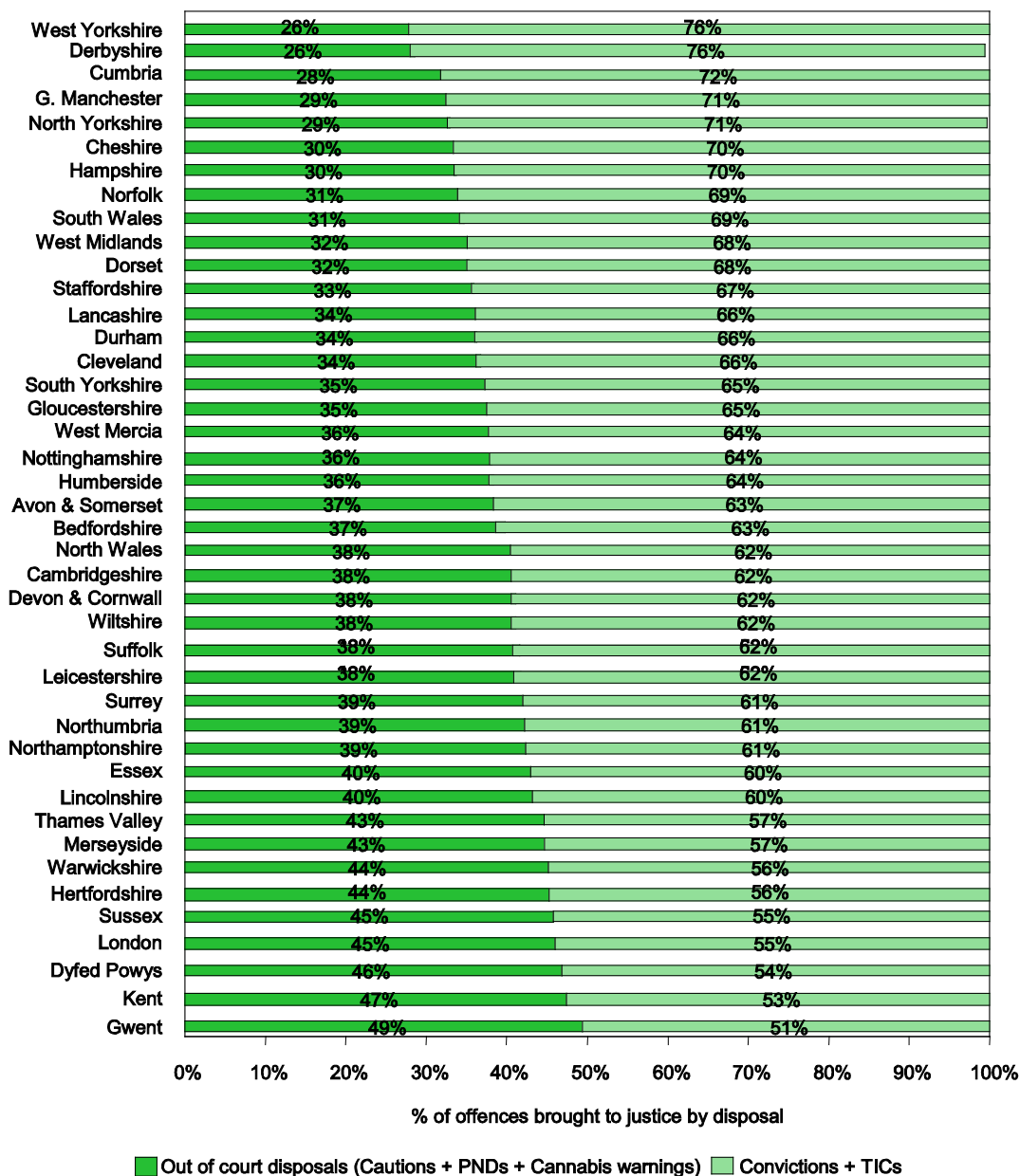
15 Qq19-20

serious or repeat offence could be justified. One of the attractions of OOCs is that they save the police time and administrative cost, allowing officers to spend more time on the frontline, policing the community, but they must not be used by police merely as a time-saving tool when the circumstances of the offence suggest that prosecution is the right course of action. This is especially the case when there is a pattern of behaviour that needs to be addressed by the type of sentence that only a court can administer.

Regional variations in use

14. In the Criminal Justice Joint Inspection report it was found that the use of OOCs varied considerably across the 43 police force areas in England and Wales, ranging from 26% to 49% of all offences brought to justice, as shown in Figure 2.

Figure 2: Variations in case disposals



Source: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/346639/criminal-justice-statistics-april-2013-to-march-2014.pdf

15. The authors of the report argued that some variation was to be expected, due to local crime and offending patterns, and the exercise of local discretion. Richard Monkhouse told us that this variability was down to the fact that out-of-court disposals were covered by guidance rather than statutory provisions and that there were 43 chief constables in the country who would all interpret the guidance in a slightly different way to suit their own areas.¹⁶ He added that, in Cumbria something like 70% of all cases went to court, whereas in Gloucestershire it was closer to 30%.¹⁷

16. Chief Constable Owens agreed that different forces used OOCs in different ways at different times, which she explained was due to the way the six OOCs had grown organically over time. She argued that this complicated framework needed to be simplified, which would bring more consistency in their use over time.¹⁸

17. The way in which OOCs have originated, and how local police forces have used them, has created a postcode lottery. It is wrong that an offence committed in Cumbria should go to court, while the same offence, if it was committed in Gloucestershire, might be dealt with by a caution.

Recording and enforcement

18. Concerns have also been raised about the accuracy and consistency of recording of OOCs. In particular, the Criminal Justice Joint Inspection report said that it was not always possible to see on the Police National Computer a record of all OOCs previously issued to an individual, which may have contributed to inappropriate decisions for repeat offenders.¹⁹

19. During our evidence session, we were informed that some OOCs were given out at the end of a process which began with the initial recording of a serious offence. Richard Monkhouse told us of

examples of rape ... that you think how on earth is that given an out-of-court disposal. When you look in greater detail at each particular offence, you can understand how that has been downgraded ... but nevertheless that is not what the public sees or the media portrays.²⁰

He explained that through Magistrates' Association research they had found that the OOC was recorded against the initial report, such as rape, even if the final sanction was not given for rape.²¹

20. The way in which OOCs are recorded by the police does not help to instil public confidence in the system. If the reporting of a serious crime, for example rape, has been dismissed, but an OOC has been used for a lesser crime, this is what should be

16 Q14

17 Q31

18 Q53

19 <https://www.justiceinspectorates.gov.uk/hmic/media/exercising-discretion-the-gateway-to-justice-20110609.pdf>

20 Q2

21 Q8

recorded, in a straightforward and clear manner. This will assuage fears that this tool is being inappropriately used for serious crime. Furthermore, if worries that OOCs are being used inappropriately to deal with repeat offenders are to be allayed, then the obvious and essential starting point is for all issued OOCs to be recorded on the Police National Computer.

3 Proposed reforms

Simple cautions

21. There is no statutory basis for simple cautions. The practice of cautioning juvenile offenders was developed by the police, supported by a series of Home Office police circulars published from 1978 onwards. The practice was later extended to adult offenders. Cautions are administered by the police using their own discretion, when the following conditions apply:

- the offender must admit guilt, and agree to the caution being administered;
- there must be sufficient evidence to provide a realistic prospect of prosecution; and
- it must be in the public interest to dispose of the offence by way of caution rather than to prosecute.

22. As with other OOCs, there has been concern that the police have used simple cautions to deal with apparently serious offending behaviour. In January 2013, the then chairman of the Magistrates' Association wrote to the Justice Secretary, Rt Hon Christopher Grayling MP, calling for an inquiry into the police use of cautions, saying that the practice had "got out of hand".²² This led to a review of simple cautions which reported on 19 November 2013, recommending that restrictions to simple cautions be introduced either through legislation or guidance, and that a wider review of OOCs be conducted.²³

23. Following those recommendations, the Government published revised guidance on simple cautions and a consultation document on the wider framework. In addition, the Criminal Justice and Courts Act 2015 seeks to place restrictions on the circumstances in which cautions may be used. The restrictions are greater the more serious the offence:

- For the most serious offences (indictable only), a police officer would not be able to give a caution except in exceptional circumstances relating to the person or the offence, and with the consent of the Director of Public Prosecutions (DPP).
- If the offence is an either-way offence specified by order, a police officer could only give a caution in exceptional circumstances relating to the person or the offence, but would not need the permission of the DPP.
- For repeat offenders, where a person has been convicted of, or cautioned for, an offence in the previous two years, restrictions will also apply if the offence is triable on summary procedure or either-way, but not specified in an order.

24. The latest Government statistics on OOCs show that in the 12 months ending June 2014, cautions for indictable offences (including either-way offences) decreased by 11%, to just over 86,000. In this period, there were just over 500 cautions for indictment-only

22 <http://www.telegraph.co.uk/news/uknews/law-and-order/9830254/Use-of-police-cautions-has-got-out-of-hand-magistrates-warn.html>

23 [HC Debate 19 Nov 2013: Column 50WS](#)

offences. It is explained that this is a result of the guidance issued to police forces, and that in the following seven-month period, just over 200 adult cautions for indictable only offences have been issued.²⁴ The Criminal Justice and Courts Act will put the guidance on a statutory footing.

25. The reforms that have been made to simple cautions will go some way to restore public confidence in this type of disposal. The introduction through guidance of a high bar for their use when dealing with serious or repeat offences should ensure that they cannot be used, except in exceptional circumstances, for more serious or repeat offenders. The new guidance has already gone some way to reducing the number of simple cautions for indictable offences, and we support the proposal that the guidance be put on a statutory footing.

Wider review of out-of-court disposals

26. The Impact Assessment to the 2013 review of OOCs set out the following rationale for reassessing the whole system:

The OOC landscape has developed organically and in response to a need to deal with first time and low-level offending effectively. As a result, the landscape is complex, making OOCs difficult for practitioners to administer and hard for the public to understand. There is a need for a shared understanding of OOCs, both in terms of their purpose and a process for administering them which reduces bureaucracy; facilitating police officers to spend more time on the front-line. There is concern that OOC are used to tackle serious and repeat offending and this has been heavily publicised in the media in recent times. The review will seek to address this, building on the findings of the recent simple cautions review.²⁵

27. On 3 November 2014, the Government published its consultation response. It stated the proposals would “simplify the adult disposal framework, putting victims at the heart of the system”.²⁶ The new framework will include two, new adult disposals:

- A suspended prosecution designed to tackle more serious offending, such as theft, violence or drug offences, where there is sufficient evidence to prosecute but the public interest is better served through the offender complying with appropriate conditions. Those who do not comply with these conditions may be prosecuted for the original offence.
- A new, statutory community resolution aimed at lower-level and/or first-time offending, such as minor incidents of criminal damage or low-value theft. This disposal would allow the police to apply a wide range of approaches to tackling

24 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/376898/criminal-justice-statistics-update-to-june-2014.pdf

25 https://consult.justice.gov.uk/digital-communications/out-of-court-disposals/supporting_documents/oocdiapactassessment.pdf

26 <https://www.gov.uk/government/consultations/consultation-on-out-of-court-disposals>

offending, ranging from an apology to the victim through to financial compensation or rehabilitative measures.²⁷

28. The Government has decided to pilot elements of the new structure with three police forces—West Yorkshire, Leicestershire and Staffordshire—for a 12-month period beginning in November 2014. During this period, the three forces are focusing on the two disposals that are most similar to the new framework: the community resolution and the conditional caution. The forces will therefore cease using simple cautions, cannabis warnings and khat warnings, and will restrict their use of PNDs. The pilot will test how practitioners respond to the proposed changes and, in particular, the impact on charging decisions made by the police and CPS, as well as assessing the impact on victims of crime.²⁸

29. At the time of the consultation response, Richard Monkhouse said: "We have pressed hard for a simplification of cautions, so this pilot is welcome especially in empowering victims".²⁹ He told the Committee "I think the aim is to see whether there is a better system than the six alternatives that exist at the moment"³⁰ but added that the simple caution was not an option in the pilots. He pointed out that the simple caution, which had gone from the new pilot, was the thing that was used most frequently and, for many cases, it was entirely appropriate. He thought it would be "very interesting to see whether after the pilot and the results of the pilot there is a desire to bring back the simple caution".³¹

30. At the time of the consultation response, Chief Constable Owens said the reforms should reduce bureaucracy and help increase public understanding.³² She told the Committee that a system that was simpler, less bureaucratic and easier to explain had to be in the public interest. In addition, clear guidance on the two disposals would help to resolve issues such as the variation of usage across the country and offenders understanding the implications of accepting an OOC. ³³ The new system was an escalatory process, and it was emphasised that offenders "should have one community resolution, one suspended prosecution/conditional caution and then [...] go to court".³⁴ The very early feedback on the pilots from officers, the CPS and victims has been good.³⁵

31. We agree that the current "organically developed" OOC system is too complex, which does not help police officers. The proposed new system benefits from being a straightforward, escalatory process. In addition, the new system emphasises disposals to which conditions and measures are attached, which can address patterns of offending behaviour and puts victims at the heart of the system. We believe the

27 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/370053/out-of-court-disposals-response-to-consultation.pdf

28 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/370053/out-of-court-disposals-response-to-consultation.pdf

29 <http://www.bbc.co.uk/news/uk-29859758>

30 Q28

31 Q50

32 <http://www.bbc.co.uk/news/uk-29859758>

33 Qq 60 and 62

34 Q75

35 Q63

introduction of a new system will mean that the police can start from a clean slate, and show that they can tackle low-level offending appropriately.

Scrutiny panels

32. In order to provide feedback on the use of OOCs, most police forces have established independent scrutiny panels to monitor their use. The Government's consultation described the panels as "a good means of increasing transparency, as well as ensuring greater consistency, through providing feedback and identifying training needs". However, the current arrangements for scrutiny panels vary considerably between forces in terms of scope, membership and frequency of meetings, with Police and Crime Commissioners performing the oversight role.

33. The Magistrates' Association argue that scrutiny panels are an effective way of overseeing the use of OOCs in a local area, and of holding the police to account.³⁶ Richard Monkhouse told us they were a new creation, with the longest-serving one having been set up two years ago in Cheshire. He explained that the panel can look at an indictable offence that has been given a caution, review whether the correct process has been followed, and decide whether the outcome was justified. The panel's findings can then be reported back through the Police and Crime Commissioner, local justice boards or other channels.³⁷ Chief Constable Owens said that they would enable the police to deal with consistency issues and, where OOCs have been issued inappropriately, these can be identified and learning or feedback can then be provided to the officers involved".³⁸

34. Because of the way that scrutiny panels have evolved, there is no agreement as to how they should be constituted. Richard Monkhouse told us that they are police-led groups, which might include a mix of magistrates, prosecution, defence, probation, and CPS representatives to enable cases to be assessed effectively. He did not know of any that included victims of crime, and said that that the victim needed to be involved in the choice of OOCs.³⁹ Chief Constable Owens said that all panels included the magistracy and police representatives. Some panels included lay people, and some included the police and crime commissioner or their representative. She thought that, in line with the Government's intention for more localism, it was almost inevitable that different Police and Crime Commissioners would have suggested different structures for their local panels. However, she agreed that it was good to have a victim's voice on the panel, "whether they be victims themselves or through Victim Support or other voluntary organisations".⁴⁰

35. Scrutiny panels must be established in all police force areas, so that decisions to use OOCs are reviewed for appropriateness and consistency across the country. In addition, the feedback the panels provide will assist in identifying any extra training that police officers require. Therefore, we recommend that the representative of the

36 Magistrates' Association, [Submission to Ministry of Justice out-of-court disposal consultation, 7 Jan 2014, pp 4-5](#)

37 Qq 37-38 and 42

38 Q64

39 Q40

40 Q64

police on the scrutiny panel be at least at the rank of Assistant Chief Constable, so that they have the authority to implement recommendations emanating from the panel.

36. It is important that the scrutiny panels have a range of experience in order to assess the appropriateness of OOCd decisions. This should include the experience of victims, whether that voice is provided through a voluntary organisations or through victims themselves. This input should help improve the feedback that the panels provide. In addition, if the public are aware that victims are involved in reviewing OOCd decisions, they may be more confident in the system as a useful mechanism to deal with low-level offences.

4 Guidance to police officers

37. The Criminal Justice Joint Inspection report found that “many police officers exhibited patchy knowledge of the range of disposals, and of the detailed guidance behind each separate type of disposal”.⁴¹ It indicated that the policies for the various disposals had been written separately, which worked against achieving a consistent approach to decision-making, and they argued that this in part led to the localised trends and preferences for OOCs we have examined in Chapter 2. In evidence to the Committee, Chief Constable Owens acknowledged that patchy knowledge of the range of disposals had been an issue. She explained that the College of Policing had been rewriting the guidance on OOCs, and if the pilots move forward the College would produce and issue the new guidance to all police forces.⁴²

38. The College of Policing’s website contains Authorised Professional Practice (APP) guidance on “possible justice outcomes following investigation”.⁴³ This describes the tools and processes available to the police, and sets out a range of disposals available to deal with offenders which are designed to provide an alternative outcome to the formal justice system. The guidance also provides the following table which summarises the various OOCs:

41 <https://www.justiceinspectors.gov.uk/hmic/media/exercising-discretion-the-gateway-to-justice-20110609.pdf>

42 Qq 61 and 68

43 <http://www.app.college.police.uk/app-content/prosecution-and-case-management/justice-outcomes/>

Disposal option	Offence type	Evidential standard	Admission of guilt required?	Agreement with agencies required?	Offender's explicit consent required?	Victim consent required?	Reparation/restorative justice available?	Forms part of a criminal record?
Community resolution	may be lower-level crime or incident	reasonable suspicion, may deal with non-criminal matters	✓ acceptance of responsibility	✗	✓	✓ may proceed without but must have supervisor's agreement and record rationale	✓	✗ may be disclosed on enhanced CRB check
Cannabis warning	first offence of cannabis possession for personal use	reasonable suspicion	✓	✗	✓ compliant with procedure	✗	✗	✗ may be disclosed on enhanced CRB check
PND	29 penalty offences	reasonable suspicion	✗	✗	✓ compliant, must receive notice	✓ for theft or damage if value exceeds threshold	✗	✗ may be disclosed on enhanced CRB check
Adult or youth caution	any offence (refer to gravity matrix)	realistic prospect of conviction	✓	✓ CPS if indictable only inform YOT ✗ summary and triable either way	✓	✗	✗	✓
Youth conditional caution	any offence (refer to gravity matrix)	realistic prospect of conviction	✓	✓ YOT for assessment and agree conditions ✓ CPS if indictable only	✓	✗	✓	✓
Adult conditional caution	selected offences in DPP guidance	realistic prospect of conviction	✓	✓ CPS	✓	✗	✓	✓

39. The College of Policing is the key police organisation for producing and disseminating guidance. The work that the College of Policing has done to provide Authorised Professional Practice guidance on the six OOCs should bring more consistency to the practices of police forces, if it is followed. If the new OOC system is fully rolled out, the College must be ready to provide the authoritative guidance from the outset, so that the problems of the current system do not reoccur. In addition, it must be involved in providing officers with training on how to use these tools appropriately.

Conclusions and recommendations

Criticism of out-of-court disposals

1. Out-of-court disposals are not designed to deal with serious offences, nor with persistent offenders. It is alarming that they are used inappropriately in up to 30% of cases, although there might be certain circumstances where issuing an OOCd for a serious or repeat offence could be justified. One of the attractions of OOCds is that they save the police time and administrative cost, allowing officers to spend more time on the frontline, policing the community, but they must not be used by police merely as a time-saving tool when the circumstances of the offence suggest that prosecution is the right course of action. This is especially the case when there is a pattern of behaviour that needs to be addressed by the type of sentence that only a court can administer. (Paragraph 13)
2. The way in which OOCds have originated, and how local police forces have used them, has created a postcode lottery. It is wrong that an offence committed in Cumbria should go to court, while the same offence, if it was committed in Gloucestershire, might be dealt with by a caution. (Paragraph 17)
3. The way in which OOCds are recorded by the police does not help to instil public confidence in the system. If the reporting of a serious crime, for example rape, has been dismissed, but an OOCd has been used for a lesser crime, this is what should be recorded, in a straightforward and clear manner. This will assuage fears that this tool is being inappropriately used for serious crime. Furthermore, if worries that OOCds are being used inappropriately to deal with repeat offenders are to be allayed, then the obvious and essential starting point is for all issued OOCds to be recorded on the Police National Computer. (Paragraph 20)

Proposed reforms

4. The reforms that have been made to simple cautions will go some way to restore public confidence in this type of disposal. The introduction through guidance of a high bar for their use when dealing with serious or repeat offences should ensure that they cannot be used, except in exceptional circumstances, for more serious or repeat offenders. The new guidance has already gone some way to reducing the number of simple cautions for indictable offences, and we support the proposal that the guidance be put on a statutory footing. (Paragraph 25)
5. We agree that the current “organically developed” OOCd system is too complex, which does not help police officers. The proposed new system benefits from being a straightforward, escalatory process. In addition, the new system emphasises disposals to which conditions and measures are attached, which can address patterns of offending behaviour and puts victims at the heart of the system. We believe the introduction of a new system will mean that the police can start from a clean slate, and show that they can tackle low-level offending appropriately. (Paragraph 31)

6. Scrutiny panels must be established in all police force areas, so that decisions to use OOCs are reviewed for appropriateness and consistency across the country. In addition, the feedback the panels provide will assist in identifying any extra training that police officers require. Therefore, we recommend that the representative of the police on the scrutiny panel be at least at the rank of Assistant Chief Constable, so that they have the authority to implement recommendations emanating from the panel. (Paragraph 35)
7. It is important that the scrutiny panels have a range of experience in order to assess the appropriateness of OOC decisions. This should include the experience of victims, whether that voice is provided through a voluntary organisations or through victims themselves. This input should help improve the feedback that the panels provide. In addition, if the public are aware that victims are involved in reviewing OOC decisions, they may be more confident in the system as a useful mechanism to deal with low-level offences. (Paragraph 36)

Guidance to police officers

8. The College of Policing is the key police organisation for producing and disseminating guidance. The work that the College of Policing has done to provide Authorised Professional Practice guidance on the six OOCs should bring more consistency to the practices of police forces, if it is followed. If the new OOC system is fully rolled out, the College must be ready to provide the authoritative guidance from the outset, so that the problems of the current system do not reoccur. In addition, it must be involved in providing officers with training on how to use these tools appropriately. (Paragraph 39)

Formal Minutes

Tuesday 3 March 2015

Keith Vaz, in the Chair

Ian Austin
Michael Ellis

Tim Loughton
Mr David Winnick

Draft Report (*Out-of-Court Disposals*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 39 read and agreed to.

Resolved, That the Report be the Fourteenth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 10 March at 2.30 pm]

Witnesses

Tuesday 6 January 2015

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Richard Monkhouse , Chairman, Magistrates' Association	Q 1-51
Chief Constable Lynne Owens , QPM, Surrey Police, National Policing Lead on Out-of-Court Disposals	Q 52-80

List of printed written evidence

The following written evidence was received and can be viewed on the Committee's inquiry web page at <http://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/inquiries/parliament-2010/out-of-court-disposals/>. OCD numbers are generated by the evidence processing system and so may not be complete.

- 1 Chief Constable Lynne Owens, QPM, Surrey Police ([OCD0001](#))
- 2 Richard Monkhouse, Chairman, Magistrates' Association ([OCD0002](#))
- 3 Nacro ([OCD0004](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the Committee's website at <http://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/publications/>

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First Report	Tobacco smuggling	HC 200
Second Report	Female genital mutilation: the case for a national action plan	HC 201
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Fourth Report	Her Majesty's Passport Office: delays in processing applications	HC 238
Fifth Report	Police, the media, and high-profile criminal investigations	HC 629
Sixth Report	Child sexual exploitation and the response to localised grooming: follow-up	HC 203
Seventh Report	Effectiveness of the Committee in 2012-13	HC 825
Eighth Report	Regulation of Investigatory Powers Act 2000	HC 711
Ninth Report	The work of the Immigration Directorates (January-June 2014)	HC 712
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Fifth Report	E-crime	HC 70
Sixth Report	Police and Crime Commissioners: power to remove Chief Constables	HC 487
Seventh Report	Asylum	HC 71
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Twelfth Report	Drugs: new psychoactive substances and prescription drugs	HC 819
Thirteenth Report	The work of the Permanent Secretary	HC 233
Fourteenth Report	The Government's Response to the Committees' Reports on the 2014 block opt-out decision	HC 1177
Fifteenth Report	The work of the Immigration Directorates (April–Sep 2013)	HC 820
Sixteenth Report	Police and Crime Commissioners: Progress to date	HC 757
Seventeenth Report	Counter-terrorism	HC 231
Eighteenth Report	Reform of the Police Federation	HC 1163

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Second Report	Work of the Permanent Secretary (April–Dec 2011)	HC 145
Third Report	Pre-appointment Hearing for Her Majesty's Chief Inspector of Constabulary	HC 183
Fourth Report	Private Investigators	HC 100
Fifth Report	The work of the UK Border Agency (Dec 2011–Mar 2012)	HC 71
Sixth Report	The work of the Border Force	HC 523
Seventh Report	Olympics Security	HC 531
Eighth Report	The work of the UK Border Agency (April–June 2012)	HC 603
Ninth Report	Drugs: Breaking the Cycle	HC 184-I
Tenth Report	Powers to investigate the Hillsborough disaster: interim Report on the Independent Police Complaints Commission	HC 793
Eleventh Report	Independent Police Complaints Commission	HC 494
Twelfth Report	The draft Anti-social Behaviour Bill: pre-legislative scrutiny	HC 836
Thirteenth Report	Undercover Policing: Interim Report	HC 837
Fourteenth Report	The work of the UK Border Agency (July–Sept 2012)	HC 792

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Ninth Report	The work of the UK Border Agency (Nov 2010–March 2011)	HC 929
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Eleventh Report	Student Visas–follow up	HC 1445
Twelfth Report	Home Office–Work of the Permanent Secretary	HC 928
Thirteenth Report	Unauthorised tapping into or hacking of mobile communications	HC 907
Fourteenth Report	New Landscape of Policing	HC 939

Fifteenth Report	The work of the UK Border Agency (April-July 2011)	HC 1497
Sixteenth Report	Policing large scale disorder	HC 1456
Seventeenth Report	UK Border Controls	HC 1647
Eighteenth Report	Rules governing enforced removals from the UK	HC 563
Nineteenth Report	Roots of violent radicalisation	HC 1446
Twentieth Report	Extradition	HC 644
Twenty-first Report	Work of the UK Border Agency (August-Dec 2011)	HC 1722