

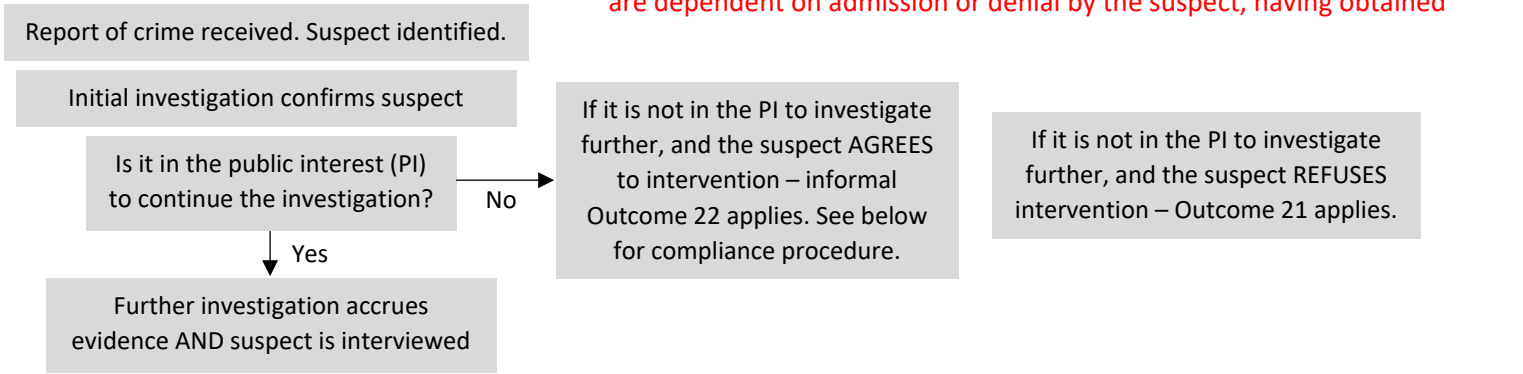
Out of Court Disposals – Adult

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Flowchart

Some pathways are available with little or no investigation, other pathways are dependent on admission or denial by the suspect, having obtained

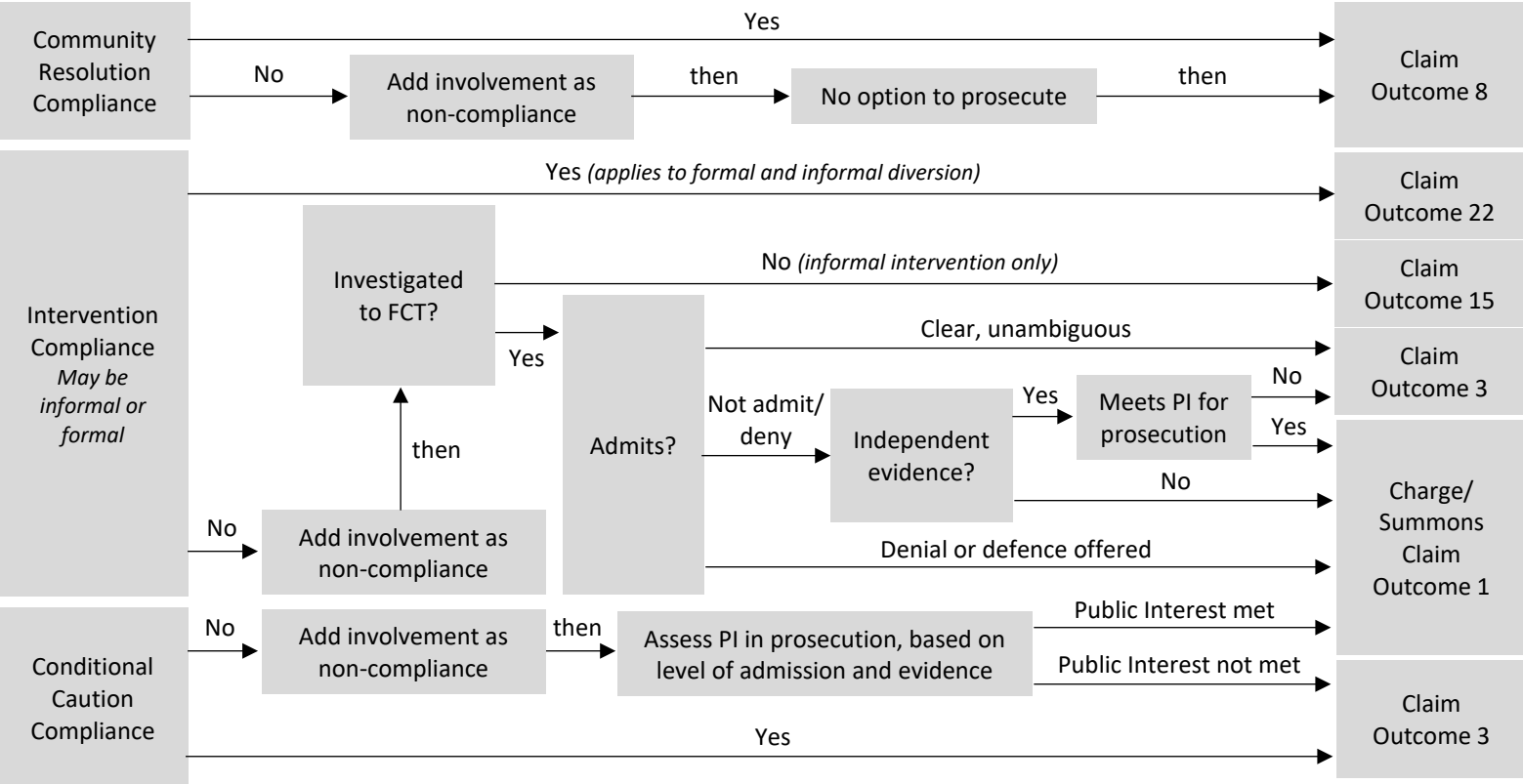


OPTIONS AS A RESULT OF INTERVIEW (based on level of admission)

<p>Clear and unambiguous: First offence of type = Community Resolution Second similar offence = Intervention** Third similar offence = Caution+ Further similar within 12m = consider court</p>	<p>Neither admitted nor denied: First offence = Intervention* Second similar = offer Caution+ Further similar within 12m = consider court</p>	<p>Denied or defence offered: First offence = Intervention Second similar = Intervention** Further similar within 12m = consider court</p>
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*There may be rationale for a further similar disposal within 24 months where either:
 The most recent offence is significantly less serious than the previous one; or
 The previous disposal was completed successfully, and a period of more than six months has passed; or
 + If it is more than 24 months since the previous disposal, rationale may downgrade the current disposal by one step.

Record involvement on Niche as either: Community Resolution; Intervention; Conditional Caution.
 Procedure dependent on compliance/completion of intervention.



Policy Statement

Summary

West Yorkshire Police (WYP) recognise that Out of Court Disposals (OCDs) allow the police to deal effectively and proportionately with low- to medium-level offending, where the public interest is better served by providing the offender with an opportunity to address the offending behaviour and, where applicable, provide a reparation for the victim. Research has shown that an appropriately issued OCD is more effective in reducing reoffending and increasing victim satisfaction than pursuing these offence types through the full court system.

This policy will define:

- The range of adult OCDs available;
- The circumstances under which an OCD may be appropriate or restricted;
- The level of authorisation required to determine suitability of each OCD;
- The responsibilities of various WYP individuals; and
- The procedure for issuing each disposal.

This policy encompasses three separate disposal types. Due to the connectivity between them and the decision-making process being fluid, all three disposal types are potentially available and appropriate dependant on the criteria outlined in this policy.

Scope

This policy applies to all police officers and police staff.

This policy applies to OCDs for adult offenders, aged 18 or over. There is a separate policy for young offenders aged 17 and under. The framework to be utilised is determined by the age of the offender when the disposal is issued.

Principles

Basis

This policy is based on:

- For Conditional Cautions, sections 22 to 28 of the Criminal Justice Act 2003;
 - For Community Resolutions, NPCC guidance on Community Resolutions and Restorative Justice; and
 - For diversionary pathways, the Home Office Counting Rules (HOCR) definition of Outcome 22, and supports and expands both that Act and the Associated Code of Practice.
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General

- It is recognised that court will always be the right place for serious and contested cases, and persistent offenders. The public have the right to expect these cases are heard before court. However, it would be disproportionate for all low-level offences and infrequent minor offenders to be dealt with at court, and would only introduce delay to other, more serious cases.
 - There will be occasions when the public interest is better served by an Out of Court Disposal (OCD) instead of prosecution. These cases will be less dependent on the amount of previous offending and more informed by the availability of suitable diversion pathways and the opportunities to satisfy victim expectation.
 - In certain cases, where evidence for a prosecution is available, regardless of the level of admission, it may be in the public or the offender's best interests to work with them through diversionary pathways aimed at improving their lifestyle choices to reduce the risk of reoffending, rather than instigating court procedures.
 - OCDs empower decision makers to use their professional judgement to determine an appropriate disposal based on the overall circumstances of the case, taking account of the victim's views.
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Transparency

- Rationale must be provided on the OEL by the decision maker to justify all decisions.
 - Appropriate rationale will increase public confidence in the disposals utilised as an alternative to court.
-

Facilitation

- The Criminal Justice Unit promotes the appropriate use of OCDs through training, monitoring and feedback to individual officers and supervisors.
 - OCDs are regularly monitored for appropriateness and suitability, both through internal audit by the Criminal Justice Unit and externally by an independent Scrutiny Panel.
 - All individuals are required to be familiar with this policy and the supporting information when considering any OCD as an alternative to prosecuting a case to court.
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Crime type

- Individuals are reminded that an OCD is issued for an *offence* committed by a suspect – it is not issued for a *crime*, although an OCD may correspond to a specific crime outcome. The distinction between *crime type* and *offence* is a key element which all individuals must understand.
- An OCD **must** only be issued for the offence that, where required, can be proven to CPS Charging Standard. This will often be different to the crime type. It is **vital** that the offence is recorded on the disposal, **not** the crime type.

- The crime type may be relevant in barring certain crimes from consideration of one or more OCD, regardless of the eventual offence determined.
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Criteria

Three strands

- There are three terms utilised in consideration of OCDs. These terms correspond to the three-stage decision making process:
 - **Suitability of the offence** – severity, evidence and victim expectation;
 - **Eligibility of the offender** – admission and offending history;
 - **Proportionality** – how rigorous the conditions are in providing a credible alternative to the likely sentence at court.

Stage 1: **Suitability** will take account of:

- Victim expectation in respect of resolution of the incident;
- Evidence available to the varying standards required by the chosen disposal;
- Severity of the offence, allowing for any aggravating/mitigating factors; and
- Certain situations specified as unsuitable in the supporting document.

Suitability criteria must be satisfied before assessment for an OCD.

Stage 2: **Eligibility** of the offender to receive the disposal, based on:

- The level of admission made; and
- The offending history of the suspect; and
- The demeanour of the suspect.

All suspects are considered **eligible** unless one or more of the above exclude them.

Stage 3: **Proportionality** is assessed based on how the conditions:

- Satisfy victim expectation;
 - Safeguard the victim;
 - Meet the offender's rehabilitative needs; and
 - Address the offending behaviour.
-

Aims and purpose

- OCDs provide an opportunity to reduce demand or address re-offending by offering interventions to divert offenders into recognised rehabilitative services. OCDs are to be utilised where there is a public interest to provide such opportunities to an offender.

- The choice of OCD is dependent primarily on the severity of the offending, with escalation based on relevant previous disposals within the relevant timeframe.
 - There is opportunity to satisfy the expectation of the victim. Victim expectations **must** be recorded as part of any VCOPS updates.
 - For state-based offences, the victim may be the wider community, or a defined section of it that would be affected by the offending behaviour.
 - All OCDs **must** include either a rehabilitative intervention **or** a victim-based condition, but preferably both.
 - A successfully completed OCD will serve to close the case and, once complete, no further criminal proceedings will be appropriate.
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Fairness

- It is acknowledged that victims, suspects and legal representation may not be familiar with the framework. WYP will provide relevant information about OCDs:
 - To all victims of crime at the earliest opportunity;
 - To all legal representatives prior to interview; and
 - To all suspects prior to interview and post-interview.
 - The content and format of the information will vary according to audience and timing. See supporting information.
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Disposals

Adult Community Resolution (ACR)

General

- An Adult Community Resolution (ACR) is an informal disposal, constituting agreement between the suspect and the victim that a given course of action will be sufficient to deal with the incident.
 - The agreed actions must be documented as conditions on the CID23 document.
 - The role of the police is as facilitator to document the agreement.
 - An ACR requires a level of admission of responsibility.
 - An ACR does not have to be disclosed on legal documents.
 - Any ACR may be disclosed as part of an enhanced DBS check.
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Principles

- An ACR is proportionate to lower-level offending. They may be offered when:
 - The case is capable of proof; AND
 - The offender has been identified as involved in the offence or anti-social behaviour incident; AND
 - The offender has admitted responsibility for the incident; AND

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- The offender has no history of failing to comply with previous OCD.
 - ACRs support the professional judgement of officers in providing a low-level response to minor offences where a level of admission has been made and the interests of the victim or wider society are met by a prompt but informal disposal.
 - An ACR may also be used where the victim does not want more formal action taken, or where making the offender face up to the impact of their behaviour is likely to have an impact on reoffending.
 - ACRs are retained on local police systems and may be disclosed as part of an enhanced DBS check.
 - Commensurate with decision-making principles provided below, officers **must** consider an ACR for all minor offences before up-tariffing the disposal to Diversionary Pathways or Caution level.
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Admission

- The suspect must admit responsibility for the offence, defined as either:
 - Acceptance of the facts of the case and that they are responsible for them; OR
 - Acceptance that their actions contributed to the commission of the offence.
 - The admission does not necessarily have to be conducted in a formal interview room.
 - Where the offence does not require a digitally recorded interview, then a signed electronic/pocket notebook (PNB) entry **must** be made to evidence that the suspect has admitted responsibility for the offence.
 - A signed ACR form alone is **not** an admission. See supporting information.
-

Decision-making

- The decision that an ACR is an appropriate disposal may be made by a:
 - Warranted police officer of any rank; or
 - Special constable; or
 - Police community support officer, for offences designated as suitable by the Chief Constable. See PCSO policy.
- The decision that an ACR is appropriate requires:
 - Reasonable grounds to believe that an offence has occurred;
 - Sufficient evidence to suspect the person has committed the offence;
 - The offence must be a less serious example of the type and either summary only, or one of the following either-way offences:
 - Theft from shop (under £200); or
 - Criminal damage (under £300); or
 - Possession of a small amount of cannabis;
 - The victim should provide an opinion about the disposal before it is issued;
 - The offender must admit responsibility for the offence;

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- The offender must be capable of understanding the process, consent to the disposal and agree to complete the conditions it contains; and
 - The officer **must** reasonably believe the offender will comply with the conditions.
 - ACRs will **never** be an appropriate disposal for an indictable-only offence, firearms offence, offensive weapon or bladed article offence.
 - ACRs may be used for non-intimate (e.g. familial) domestic offences provided the DASH grading is STANDARD.
 - ACRs are **not** appropriate for any intimate or former intimate partner domestic offence, regardless of DASH grading.
 - ACRs will **not** be appropriate for any assault where significant visible injury has been caused.
 - ACRs will **not** be appropriate for an either-way offence, unless listed above.
 - ACRs are not generally appropriate for repeat offending of similar types within a 12-month timeframe.
 - Where related offences are under consideration, an ACR may be utilised for more than one offence provided they happened as part of the same incident and the scale of overall offending remains appropriately minor.
-

Conditions

- An ACR must contain at least one condition. Some conditions are unsuitable for use with an ACR – these are listed in the supporting information.
 - Conditions attached to an ACR will generally be low impact but **must** contain a date by which the condition will expire or a duration within which time the conditions are to be completed.
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Issuing

- At the point the ACR is administered, the officer **must**:
 - Confirm the identity of the offender and check eligibility based on previous offending recorded on PNC and local systems;
 - Confirm the offender admits responsibility for the offence;
 - Explain the implications of receiving the ACR to the offender; and
 - Complete the relevant CID23 ACR form.
 - An ACR may be issued at any location and is particularly suitable for issue away from the police station. However, before issuing the officer **must** check the offender's identity and offending history to ensure eligibility.
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Compliance

- The conditions attached to an ACR are voluntary, however the officer in the case (OIC) must check for and record compliance in order to maintain public confidence.
- Whilst failure to comply is unlikely to lead to a prosecution, it may do so in exceptional circumstances and the offender **must** be made aware of the possibility.

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- On failure to comply, the decision maker will assess the fairness of recording the subject as 'non-compliant' on Niche. See supporting information.
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Diversiónary Pathways

General

- There are two types of diversionary pathway (DP) ratified as suitable under Home Office Counting Rules (HOCR) crime outcome 22 criteria. Each pathway consists of one or more interventions aimed at addressing the root causes of the offending behaviour.
 - Diversionary pathways are available regardless of admission, but require varying degrees of evidence, the simplest being evidence to identify the suspect. The level of evidence available will define the choice of pathway.
 - Due to the lack of options to satisfy victim expectation, these pathways must be used for state-based crimes or where there are no reparative or safeguarding expectations from the victim.
 - Diversionary pathways must be documented in a contract, signed by the offender. Completion of the contract will qualify to claim outcome 22.
 - DPs do not have to be disclosed on legal documents.
 - DPs may be disclosed as part of an enhanced DBS check.
-

Informal diversionary pathways (IDP)

- IDPs are used where there is insufficient evidence to prosecute, or where it is not in the public interest to investigate further to the standard required for an OCD or charge.
 - The level of investigation may be as little as a third-party report of an offence but no victim engagement, word-on-word allegation, or where there is evidence but it fails to satisfy the full code test.
 - For these pathways some form of agreement by the suspect to participate is required, but this need not be a full admission to the offence.
 - The decision that further investigation is not in the public interest may be made by an officer of sergeant rank or above.
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Formal diversionary pathways (FDP)

- FDPs are used where there is sufficient evidence to prosecute, but it is not in the public interest to impose proceedings or issue an OCD.
 - The evidence available must satisfy the full code test.
 - FDPs are sometimes referred to as 'Deferred Prosecutions' and it is vital that, where the pathway is not completed, the available evidence will allow the prosecution to continue.
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Principles

- The national strategy for OCD recognises that diversion and intervention can be as effective, or more so, than court of official OCD sanctions for first-time or low-level offending behaviours.
 - Diversionary pathways are available regardless of admission and in exceptional cases as an alternative to completing a full investigation.
 - There are two types of diversionary pathways, both of which will be suitable to claim outcome 22 on successful completion.
 - Diversionary pathways are documented on a contract which **must** be signed by the suspect.
 - Outcome 22 cannot be used for knife/weapon crimes.
 - Only an intervention programme authorised by the Force Crime Registrar (FCR) can be utilised for outcome 22.
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Evidence

- Diversionary pathways may be used where the evidential threshold is not fully met, although there must always be a positive indication that the subject was involved in the offence.
 - An informal diversionary pathway (IDP) is available for any case, where the suspect has been identified but where there is either:
 - No public interest in progressing the investigation; OR
 - Having begun the investigation, there is no public interest to complete it; OR
 - Having completed the full investigation, the available evidence is not sufficient to pass the Full Code Evidential Test.
 - A formal diversionary pathway (FDP) is available for any case where the evidence available passes the Full Code Test.
 - The choice between IDP and FDP is solely dependent on the evidence available.
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Admission

- Diversionary pathways are available to all offenders regardless of admission.
 - Interventions may be offered where there is evidence of the offender's involvement in an offence, but the required level of admission for an OCD has not been obtained, including where the offence has been denied.
 - Interventions may also be offered where there has been an admission of any kind, in line with the evidential criteria above.
 - Where an admission has been made, then the decision to offer diversion is a public interest consideration.
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Interventions

- The interventions available are listed in the supporting information and on the Criminal Justice intranet site. Failure to use at least one of these interventions will invalidate the outcome claim.
- Interventions **must** be completed to validate the outcome claim.

- Victims**
- Diversionary pathways do not allow for victim involvement. Where an offence is victim-based, then a Community Resolution must be considered unless:
 - The victim does not require any reparative or protective conditions;
OR
 - The suspect has not made any admission such as could enable a Community Resolution to be used.
-

- Decision making**
- The decision to utilise diversionary pathways may be made by an officer of at least sergeant rank or police staff equivalent. Where the case is hate or domestic, then the officer must be at least inspector rank or police staff equivalent.
 - Diversionary pathways are available where:
 - Gravity Matrix score is 3 or lower;
 - Suspect identified and willing to partake in formal intervention structure;
 - Interventions are recorded on a contract signed by the subject;
 - Public interest for diversion documented by a sergeant or above;
 - Decision-maker **must** reasonably believe the offender will complete the interventions listed on the contract.
 - Diversionary pathways will **never** be an appropriate disposal for offences classed as indictable-only, firearms, offensive weapon or bladed article.
 - Gravity Matrix 4 offences are **never** eligible for diversionary pathways outside of the standard OCD/CPS CJ framework.
 - Where related offences are under consideration, diversionary pathways may be utilised for multiple offences provided they occurred as part of the same incident and the scale of overall offending remains appropriately minor.
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- Issuing**
- At the point the contract is signed, the officer must:
- Confirm the offender agrees to complete the diversionary pathway;
 - Document the interventions on a contract;
 - Explain the implications of failing to complete the contract to the offender;
and
 - Obtain an offender signature to accept the contract.
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- Compliance**
- Diversionary pathways are voluntary, but non-compliance may result in an alternative sanction.
 - On compliance, completion of the diversionary pathway will be documented on the OEL and outcome 22 can be claimed.

- On failure to comply, this will be documented on the OEL and a decision taken on what positive disposal is to be recorded as detailed on the diversionary pathways contract.
 - On failure to comply, the decision maker will assess the fairness of recording the subject as 'non-compliant' on Niche. See supporting information.
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Adult Conditional Caution

General

- An Adult Conditional Caution (ACC) is a formal disposal available for use with offences committed before the implementation of the Police, Crime, Sentencing and Courts (PCSC) Act. The disposal is recorded on PNC and forms part of the subject's criminal record, therefore an admission **must** be obtained at the time the disposal is issued.
 - An ACC **must** be offered before prosecution in all suitable cases. The offender may be prosecuted to court if they fail to comply with the conditions imposed.
 - All ACCs must be disclosed on any legal documents during the period it is in force, but need not be disclosed once completed.
 - Any ACC will usually be disclosed as part of a standard DBS check.
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Principles

- An ACC is a statutory disposal available for any summary only or either-way offence, where the public interest does not warrant prosecution.
 - The disposal is spent (see supporting information) after the conditions have been met but may be disclosed as part of a DBS check, if the offender applies for work in certain occupations. ACCs are shown on the pre-conviction report in subsequent criminal proceedings.
 - If the offender is a 'relevant foreign offender' (that is someone without permission to enter or remain in the UK), conditions can be offered with the object of effecting departure from, and preventing return to, the UK. The UK Border Agency (UKBA) will advise on an offender's immigration status.
-

Admission

- The suspect **must** have been provided with the opportunity to receive free and independent legal advice in relation to the offence.
- All offenders **must** be interviewed and a record made of that interview.
- The offender must provide a clear and unambiguous admission to the offence under consideration.
- Where a defence is raised for an offence, or where the evidence presented is contested, and these objections are not refuted in interview, then an ACC is **not** available for that offence.

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- An admission of guilt is required when the offender signs to accept the Caution, but this admission does not necessarily have to have been obtained in the interview. See supporting information for full discussion of level of admission.
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- Decision making**
- The decision that an ACC is appropriate may only be made by a warranted police officer of at least the rank of sergeant.
 - An ACC may be appropriate where:
 - The evidential section of the Full Code Test is satisfied; AND
 - Any admission does not constitute the only evidence; AND
 - The offence is not indictable only; AND
 - There is a public interest to Caution instead of prosecuting.
 - There are additional prohibitions where the offence is either:
 - Domestic related; OR
 - Hate crime; OR
 - Weapons related.
 - See supporting information for further decision-making restrictions.
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- Conditions**
- All conditions specified as part of an ACC must:
 - Take account of the expectation of the victim; and/or
 - Provide a means to safeguard the victim and the community; and/or
 - Address the root cause(s) of the offending behaviour, or, in the absence of the above, provide a punitive fine.
 - **ALL** female offenders **must** be referred to a relevant female support agency as a condition.
 - The offender must accept the conditions and agree to complete them.
 - All monetary conditions **must** be processed through the court payment system (see supporting information).
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- Issuing**
- All ACCs **must** be administered to the offender in person, by an officer of at least the rank of sergeant.
 - All ACCs **must** be recorded electronically, and two signatures obtained – one to admit the offence, the other to accept the Caution and conditions. There are two separate places for these signatures to be recorded.
 - At the point the ACC is administered, the issuing officer will assess whether the offender is capable of understanding the process and, if so, will:
 - Read out and confirm the offender admits the offence(s);
 - Obtain the offender's signature to confirm admission;
 - Read out the conditions attached to the Caution;
 - Explain the process and implications to the recipient;
 - The consequences and procedures for failing to comply with the ACC; and

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- Obtain the offender's signature to confirm understanding and acceptance of the Caution.
 - An ACC **must** be issued at a suitable location, generally a police station, Town Hall or solicitors' office. It will never be appropriate to issue an ACC in a public place.
 - In the exceptional circumstance that an ACC is to be issued away from a police station, special procedures are listed in the supporting information.
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Compliance

- The conditions attached to an ACC are mandatory. Any non-compliance will result in a review by a decision maker and one of three possible courses of action may be taken, with the ultimate sanction being prosecution. See supporting information.
 - The three options are:
 - Revise conditions;
 - Accept failure but take no action on the failure to comply;
 - Prosecute for the offence.
 - On failure to comply, the decision maker will assess the fairness of recording the subject as 'non-compliant' on Niche. See supporting information.
 - Where prosecution is selected, then the offence prosecuted must be the offence on the Conditional Caution.
 - Where the offence requires CPS advice for a prosecution, then that advice **must** be sought in the usual manner, ensuring the request for advice includes details of the ACC and reasons for failure to comply.
 - Where CPS decline to prosecute, the case will be no further action (NFA'd). By seeking CPS advice the Caution ceases to have effect and is removed.
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Other Adult OCDs

Principles

- West Yorkshire Police recognise the value of the ability to impose conditions as part of an OCD with the aim of offering rehabilitation opportunities to offenders or providing reparative or safeguarding opportunities for victims.
 - Therefore, this Force does **not** utilise Simple Cautions, Penalty Notices for Disorder or Street Warnings for Cannabis or Prostitution.
 - Under no circumstances will any officer issue any of the above disposals.
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CPS instruction for other OCDs

- Where a case is sent to CPS for prosecution and the response is to issue a Simple Caution, this advice will be ignored and the case referred to the Criminal Justice Unit, who will compose a suitable response to CPS.

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Biometrics

Principles

- Biometrics are to be obtained for all Cautions. There is no power to obtain/retain biometrics where the disposal is an Adult Community Resolution or following successful completion of a diversionary pathway qualifying for outcome 22.
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Procedure

- Offenders who have been arrested will have biometrics taken in custody before the disposal decision has been made, then:
 - Where the disposal used is any type of Caution, the biometrics will be retained.
 - Where the disposal is an ACR, the biometrics will be destroyed in line with the procedure for a NFA.
 - Where the disposal is a diversionary pathway for outcome 22, then the biometrics will be retained pending completion. On completion they are destroyed as though they were a NFA, but following non-compliance they will be retained subject to final court result.
 - Offenders who have been dealt with following a voluntary attendance interview will be required to provide biometrics if the disposal is a type of Caution. This will be at the point of issue of the disposal, or within two years of issue if this cannot be arranged immediately by the issuing officer. Where the disposal is a diversionary pathway under outcome 22, then biometrics will only be obtained following failure to complete where the subsequent disposal qualifies for such biometrics.
 - Biometrics are recorded on the Phoenix tab of the relevant custody/VA record.
 - The only OCD available for delivery away from a police station are diversionary pathways and an ACR. Before issuing any OCD to a suspect, it is vital the officer positively verifies their identity and records the proof(s) on Niche, including all reference numbers, such as driving licence etc.
 - **If the suspect has no, or inappropriate, ID then an arrest MUST be made so that biometrics can be taken to confirm identity.**
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Responsibilities

Contact Management Centre (CMC)

Responsibilities

- CMC staff are responsible for:
- Providing the officer at the scene with accurate information in respect of previous history of the suspect, particularly:

- In respect of recent similar offending;
 - Outstanding court orders; and
 - Offenders on Prison Release or subject to a Suspended Prison sentence.
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Attending Officer

- Responsibilities** Attending officers are responsible for:
- Identifying that an OCD may be suitable;
 - Confirming with the CMC any previous offending history;
 - Discussing the benefits of an OCD with the victim and either:
 - Acting as decision maker if the appropriate OCD may be determined by an officer of their rank; OR
 - Consulting with a decision maker of the appropriate rank to discuss suitability of any other OCD; and
 - Where applicable, passing on all relevant OCD information to the officer in the case (OIC).
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Officer in the Case (OIC)/Decision Maker/Issuing Officer/Custody

- General**
- It is accepted that a single person may fulfil more than one of the roles listed, therefore they are dealt with as a whole under this section.
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- OIC responsibilities**
- The OIC is responsible for:
- As part of the investigation:
 - Establishing the victim's expectation for a result;
 - Introducing the possibility of an OCD at every opportunity;
 - Discussing the benefits of OCDs and how the conditions are more able to satisfy victim expectation; and
 - Diverting victim expectation away from prosecution;
 - **Before issue** of the disposal:
 - Identifying that an OCD may be suitable at the earliest opportunity;
 - Assessing offender eligibility based on admission and previous offending history;
 - Consulting the victim to discuss the possibility of an OCD, why it is appropriate and explaining how the OCD will be more likely to satisfy their expectation;
 - Consulting the decision maker to discuss victim expectation and obtaining authorisation for the disposal if required;

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- Completing the electronic disposal, while the offender is at the police station, ready for issuance and signatures; and
 - Discussing the disposal with the offender to explain the conditions, consequences of failure to complete and obtaining consent for the disposal;
 - **After issue:**
 - Updating the involvement of the nominal on Niche to reflect the disposal issued;
 - Ensuring PNC are notified of the disposal;
 - Updating the victim that the disposal has been issued and including which victim-based conditions have been used and how they satisfy their expectation;
 - Ensuring that any conditions listed have been completed;
 - Liaising with such external agencies as may be involved to determine compliance with those conditions; and
 - Initiating the non-compliance procedure where conditions are not completed;
 - **On completion** of the conditions:
 - Confirming with the victim that the conditions have been completed;
 - Confirming on the OEL that the conditions have been completed;
 - Completing the relevant Crime Outcome template including rationale for the disposal; or
 - In the event of non-compliance:
 - Including a rationale to justify the resultant course of action taken;
 - Updating the involvement of the nominal on Niche to 'non-compliance'.
-

Decision maker responsibilities

The decision maker is responsible for:

- Ensuring the victim expectation has been recorded on the OEL;
- Advising the OIC on proportionate conditions;
- Authorising the disposal; and
- Recording rationale for the decision on the OEL.

Rationale will:

- Directly refer to and mitigate any offending history;
- Directly justify the use of all rehabilitative or diversionary measures;
- Refer specifically to the victim's expectation and how conditions satisfy those expectations;
- Account for and justify any deviation from the Code of Practice, local policy or the supporting information;
- Where the victim expectation is prosecution, then rationale will address why the OCD is appropriate and record the victim's response.

These actions must be completed before the disposal is issued.

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- Issuing officer responsibilities** The issuing officer is responsible for:
- Confirming that the offender admits the offence;
 - Ensuring the recipient is aware of the conditions which are attached to the disposal and agrees to complete them;
 - Ensuring the recipient is aware of all implications of accepting the disposal and the consequences of failing to complete the conditions;
 - Administering the disposal;
 - Where used, ensuring the paper document matches the electronic disposal; and
 - Ensuring arrangements are made to secure biometrics, if required.
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- Custody officer responsibilities** The custody officer (where the offender is in custody) is responsible for:
- Ensuring the disposal recorded on the custody record is accurate and complete;
 - Fulfilling the role of issuing officer, above; and
 - Obtaining the electronic signature on the custody record.

Additionally, where asked by an officer to close a custody record for an offender who has been dealt with outside of custody at a later date:

- Checking that there is a signed disposal document before adding the relevant disposal and closing the custody record; and
 - Where the document does not exist, challenging the requesting officer and instructing that a signed document be scanned to validate the disposal being recorded outside the custody environment.
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Supervisor

- Responsibilities** Supervisors are responsible for:
- For all Community Resolutions (CR):**
- Dip sampling CR outcome requests to ensure appropriate use of the disposal in line with policy;
 - Educating officers who issue CR disposals inappropriately;
 - Ensuring a signed CR document is scanned onto the occurrence:
- For all Caution disposals:**
- Ensuring that the two signature boxes contain a signature image from the offender;
 - Where the signature is not present, but recorded as 'Unable to Sign', ensuring that there is a separate scanned manual disposal document on the custody/VA record documents tab;

- Where the signature is not present, but recorded as 'Refused to Sign', ensuring that the relevant steps for prosecution or NFA have been taken and an email sent to CJHQ to follow up;

In all cases for any OCD:

- Recording rationale for the decision on the OEL prior to the disposal being issued;
 - Where used, checking that the offence and conditions listed on the paper document match the offence and conditions listed on the electronic Niche disposal;
 - Ensuring the involvement of each suspect has been updated, including NFA where an OCD was not issued;
 - Verifying the Crime Outcome template and completing a supervisor finalisation template, including referencing the decision-maker rationale where appropriate; and
 - Sending a task to the Force Crime Management Unit (FCMU) requesting finalisation.
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Force Crime Management Unit (FCMU) Staff/Evaluators

Principles

The following Crime Outcomes may only be verified where:

Outcome 3 Adult Conditional Caution

- There is a CJS Authorisation Review Offender Management template on the OEL; OR
- There is no such template and there is an Adult Conditional Caution disposal on the Custody or VA record, containing:
 - The relevant offences; and
 - At least one condition; and
 - Either:
 - An offender signature image behind each DP Sign button; OR
 - The offender recorded as 'Unable to Sign'; AND
 - A scanned disposal document on the documents tab which fully replicates the electronic disposal.

Outcome 8 Adult Community Resolution

- There is a scanned CR document on the occurrence reports tab;
- The document contains at least:
 - The correct level of offence detail;
 - At least one condition; and
 - The offender's signature;
- Plus, where there is a Custody or VA record:
 - There is a Community Resolution disposal on the disposal tab; and

- The offence linked to the disposal is the same as recorded on the scanned CR document.

Outcome 22 Diversionary Pathway

- There is a scanned signed contract on the reports tab; and
 - There is a confirmatory OEL entry of completion.
 - Outcome 22 cannot be used for knife/weapon crimes.
 - Only an intervention programme authorised by the Force Crime Registrar (FCR) can be utilised for outcome 22.
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Referrals from CPS – Post Charge

Principles

- Where a case is returned from court for consideration of a Caution, the referral is **not** an instruction. All cases returned from court **must** be referred to Criminal Justice (CJ) who will determine the appropriate course of action.
 - Where a case is referred from court for consideration of a Caution, then that instruction will **always** be deemed to refer to a Conditional Caution.
 - Where the prosecuting authority states that there is insufficient evidence, but to issue a Caution on admission alone, this must be challenged by CJ.
 - If the prosecuting authority fails to specify conditions, then the CJ team will determine conditions in line with victim expectation and/or offender rehabilitation needs.
 - CJ will only accept the referral if it can be shown that, at the time the decision to prosecute was made, the circumstances were such that a Conditional Caution could have been offered instead.
 - CJ will reject any CPS advice where the circumstances prior to charge would not have permitted an ACC to be offered or considered.
 - Where a case has been referred to CPS for a charging decision and the advice from CPS was to prosecute, but the case is subsequently returned from court, CPS must be advised that the prosecution was made at CPS request and ask for details why it is now deemed suitable for an ACC.
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Additional Information

Compliance	<p>This policy complies with the following legislation, policy and guidance:</p> <ul style="list-style-type: none">• Legal Aid, Sentencing and Punishment of Offenders Act 2012• Criminal Justice Act 2003• Crime and Disorder Act 1998 (as amended by the Criminal Justice and Immigration Act 2008)• Rehabilitation of Offenders Act 1974• Data Protection Act 2018• APP Intelligence management• APP Prosecution and case management• NPCC Guidelines on the Investigation, Cautioning and Charging of Knife Crime Offences• ACPO Restorative justice guidelines and minimum standards• Director’s Guidance on Charging• Youth Gravity Matrix
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Supporting Information	<p>The supporting information for this policy can be accessed online.</p>
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Further Information	<p>Further guidance in relation to this policy can be sought from:</p> <ul style="list-style-type: none">• Criminal Justice• Out of Court Disposals intranet page
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