

## Out of Court Disposals – Youth

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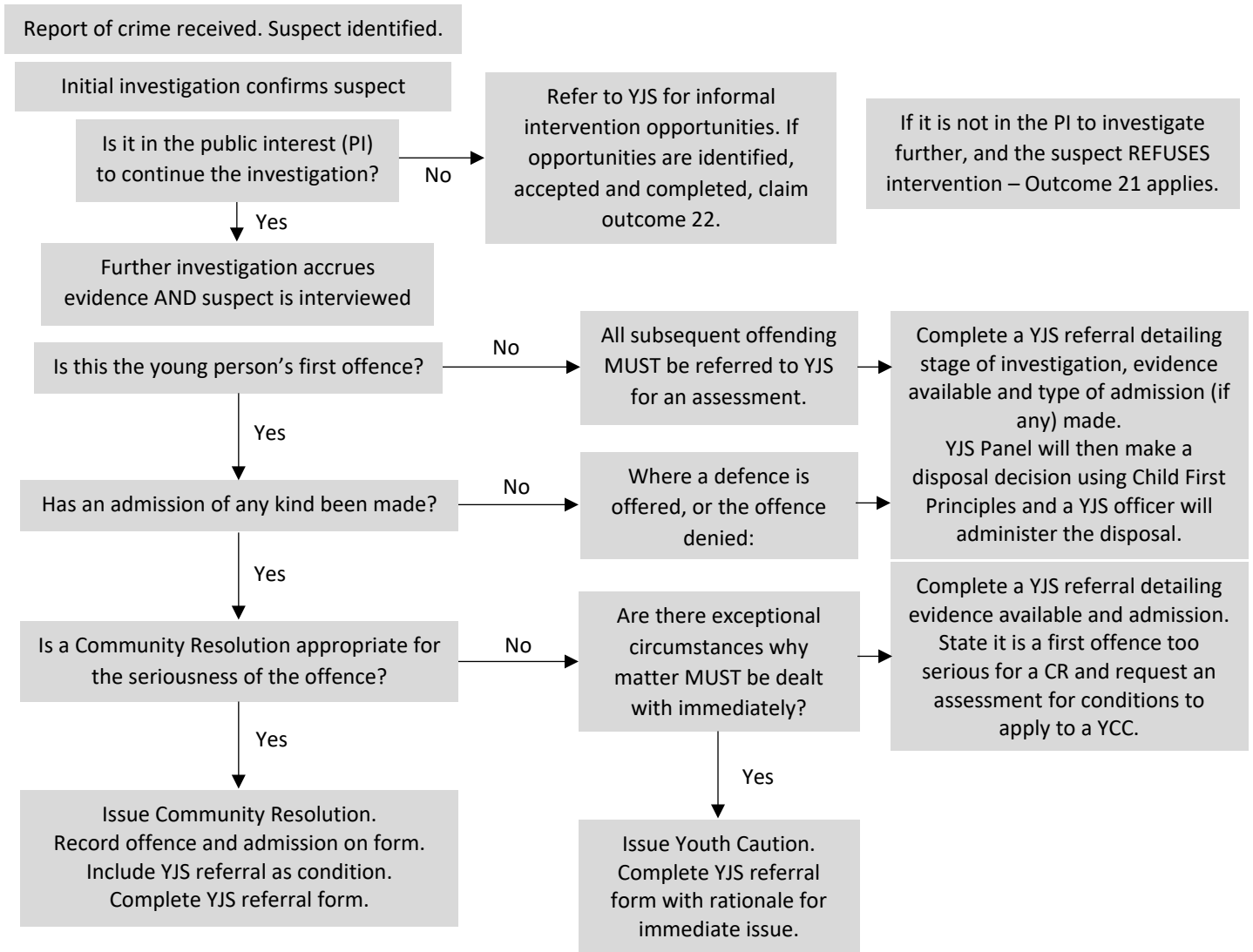
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## Flowchart

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



## Policy Statement

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### 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 completed intervention is more effective in reducing reoffending and increasing victim satisfaction than pursuing these offence types through the full court system.

WYP will adopt Child First Principles in alignment with Youth Justice Board guidance.

This policy will define:

- The range of youth OCDs available;
- The circumstances under which a police decision on a youth OCD is permitted;
- 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. Some disposals are **not** available for police to issue to a young person and their use can **only** be authorised in consultation with Youth Offending Teams (YOT)/Youth Justice Services (YJS).

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### Scope

This policy applies to all police officers and police staff who are required to be familiar with this policy and the supporting information when considering any OCD and as an alternative to prosecuting a case to court.

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

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## Principles

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### Basis

This policy is based on:

- For Youth Cautions, sections 135 to 138 of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012;

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- 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 NPCC Outcome 22 guidance, and supports and expands both that Act and the associated Code of Practice.
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### General

- Child First Principles define that informal intervention work is more effective than formal interventions. Case studies have shown that inducting a child into the formal criminal justice system ('criminalising the child') at an early age will be more likely to result in further offending when compared to children who have been dealt with informally.
  - Cases involving young people must be assessed by a professional youth worker and discussed by a child-focused panel. The panel will consider the assessment of the child, including previous history, alongside the severity of the offence and victim expectation to reach an appropriate outcome. The disposal determined by the panel will be less dependent on the amount of previous offending and more informed by the availability of suitable diversion pathways.
  - The police may decide on the disposal for the **first** offence only (see below). All further offending **must** be referred to the Youth Panel for assessment and discussed as to the appropriate disposal.
  - The criteria for a disposal for a first offence are shown below.
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### Transparency

- Rationale for the disposal used for a first offence must be provided on the OEL by the decision maker to justify all decisions. Where the decision is referred to the Youth Panel, the YJS police officer will provide the rationale discussed at the Panel meeting.
  - Appropriate rationale will increase public confidence in the disposals utilised as an alternative to court.
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### 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.
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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.

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- 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 for a First Offence

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### Youth Gravity Matrix

- The first consideration in determining an appropriate disposal for a first offence will be the gravity score listed for that offence on the Youth Gravity Matrix. It is expected that all young persons will be considered for an OCD for a first offence, unless the gravity score defines the offence is so serious that it must be charged to court.
  - The second consideration will be the available disposals for that gravity score based on admission and evidential criteria as specified under each disposal, below.
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### Disposals available without referral to panel

- The only disposals that a police officer, including a custody officer, may issue to a young person directly, and then only for a first offence, are:
    - Youth Community Resolution; OR
    - Youth Caution, under the circumstances detailed below.
  - All other disposals deemed appropriate for a first offence must be referred to the Youth Panel, with a recommendation for the disposal to be applied following assessment.
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### Aims and purpose

- Where a youth has no previous offending behaviour, it will be appropriate and proportionate for the police officer to offer the lowest level of disposal available to that person based on the gravity matrix.
  - In the circumstances that the matrix score suggests that a Youth Community Resolution (YCR) is not an appropriate or proportionate response, then the officer will refer to the panel for an assessment, with a recommendation for the disposal to use.
  - It is recognised that in some exceptional cases, there will be a need for a disposal other than a YCR to be issued immediately. In such cases the **only** disposal available will be a Youth Caution. See supporting information for examples of exceptional circumstances.
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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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## Criteria for Second and Subsequent Offences

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**Officer in the case (OIC)/  
Evidential  
Review Officer (ERO)**

- The only consideration for the OIC or supervisor when investigating a case involving a second or subsequent offence by a young person will be to ensure that the OEL and youth referral document positively verify:
- The offence (not the crime type) being dealt with;
  - The unaltered Gravity Score Matrix for that offence;
  - Whether the investigation:
    - Is complete; or
    - Has been paused as not in the public interest to complete to Full Code Test;
  - Where the investigation is incomplete:
    - Confirmation that the young person has been positively linked to the offence;
    - Confirmation of the amount of evidence, if any, linking the young person to the offence; and
  - Where the investigation is complete:
    - A list of the evidence available and whether it is independent of the victim account; and
    - Confirmation of the level of admission made by the young person.
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**Youth Panel**

- The first consideration in determining an appropriate disposal for a further offence will be the gravity score listed for that offence on the Youth Gravity Matrix. It is expected that all young persons will be considered for an OCD for further offending unless other factors suggest that this would not be appropriate.
- The initial gravity score will be contained on the referral form from the OIC/ERO.
- The Panel may then amend the gravity score by a maximum of **one** place, dependent on the mitigating or aggravating factors identified.
- The second consideration will be the available disposals for that amended gravity score based on admission and evidential criteria notified by the OIC/ERO and as specified under each disposal, below.

- The amount of previous offending and previous disposals will only have a bearing in the circumstances listed in the supporting information.
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## Disposals

### Youth Community Resolution (YCR)

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#### General

- A Youth Community Resolution (YCR) 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.
  - A YCR requires a level of admission of responsibility.
  - A YCR does not have to be disclosed on legal documents.
  - Any YCR may be disclosed as part of an enhanced DBS check.
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#### Principles

- A YCR is proportionate to lower-level offending. They may be offered by a police officer for a first offence, or by the Youth Panel for a second or subsequent offence, 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
    - The offender has no history of failing to comply with previous OCD.
  - The level of proof must be recorded on the OEL.
  - YCRs support the professional judgement of officers and the Panel 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.
  - A YCR 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.
  - YCRs are retained on local police systems and may be disclosed as part of an enhanced DBS check, however if used appropriately this is very unlikely.
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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.

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- 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 YCR form alone is **not** an admission. See supporting information.
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### Decision-making

- The decision that a YCR is an appropriate disposal may be made:  
For a first offence only, 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.For a second or subsequent offence, by a Youth Panel.
  - The decision that a YCR 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;
    - 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.
  - YCRs will **never** be an appropriate disposal for an indictable-only offence, firearms offence, offensive weapon or bladed article offence.
  - YCRs may be used for non-intimate (e.g. familial) domestic offences provided the DASH grading is STANDARD.
  - YCRs are **not** appropriate for any intimate or former intimate partner domestic offence, regardless of DASH grading.
  - YCRs will **not** be appropriate for an either-way offence scoring 3 or 4 on the Gravity Matrix, unless authorised by a police inspector. This includes Panel decisions.
  - Where related offences are under consideration, a YCR 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.
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- Conditions**
- A YCR must contain at least one condition. Some conditions are unsuitable for use with a YCR – these are listed in the supporting information.
  - Conditions 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 YCR 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 YCR to the offender; and
    - Complete the relevant CID23 YCR form.
  - A YCR 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 a YCR 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.
  - 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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## Diversions Pathways

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- General**
- Where an offence is deemed too serious for a YCR, the expected alternative will be a diversionary pathway. Diversionary pathways are also available for offences suitable for a YCR, where the required standard of admission has not been made.
  - Diversionary pathways are available regardless of admission, but require varying degrees of evidence, the simplest being the identify the suspect.
  - The level of evidence available will define the choice of pathway.
  - 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, but this is unlikely.
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**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.
  - Where an officer believes that a diversionary pathway is a suitable response to a first offence, then the case must be referred to the Youth Panel, who will assess for interventions and complete the relevant contract for the pathway.
  - For second and subsequent offending, diversionary pathways are available up to a maximum of four times before escalation to a Caution is required.
  - 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:

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- 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.
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### Decision making

- The decision to utilise diversionary pathways for a first offence 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 the decision maker (sergeant or Panel);
  - 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 on an inspector authorisation. This includes Youth Panel decisions.

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- Where unrelated 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 disposal is to be recorded.
  - 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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## Cautions

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**General**

- There are two types of caution available for issue to a young person.
  - These disposals are recorded on PNC and form part of the subject's criminal record.
  - Any caution will usually be disclosed as part of a standard DBS check.
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## Youth Conditional Caution

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**General**

- An admission **must** be obtained at the time the disposal is issued.
  - A YCC **must not** be issued until YJS have assessed the young person.
  - All YCCs must be disclosed on any legal documents during the period it is in force, but need not be disclosed once completed.
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**Principles**

- A YCC 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 young person applies for work in certain occupations. YCCs are shown on the pre-conviction report in subsequent criminal proceedings.
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**Admission**

- The young person **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 a YCC is **not** available for that offence. Alternatives using diversionary pathways may be considered.
  - 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 a YCC is appropriate may only be made by a warranted police officer of at least the rank of sergeant (for a first offence **only**) or the Youth Panel.
  - A YCC 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; OR
    - It is not appropriate to use a diversionary pathway.
  - See supporting information for further decision-making restrictions.
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**Conditions**

- All conditions specified as part of a YCC 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.
- The offender must accept the conditions and agree to complete them.
- Monetary conditions are not generally appropriate for young people unless they are in employment. All monetary conditions **must** be processed through the court payment system (see supporting information).

**Issuing**

- All YCCs **must** be administered to the offender in person, by an officer with experience of dealing with young people.
  - All YCCs **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 YCC 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 YCC; and
    - Obtain the offender's signature to confirm understanding and acceptance of the Caution.
  - All YCCs **must** be issued in the presence of an Appropriate Adult, who must also sign the disposal document.
  - YCCs **must** be issued at a suitable location, generally a Youth Offending Office or police station. It will **never** be appropriate to issue a YCC in a public place.
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**Compliance**

- The conditions attached to a YCC 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 YCC 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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## Youth Caution

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### General

- An admission **must** be obtained before the disposal can be considered.
  - A Youth Caution is unique in that it may be imposed on the offender. The young person cannot refuse to accept it. It is this quality that forms the rationale for issuing a Youth Caution for a first offence too serious for a YCR, namely that the suspect has refused one of the diversionary pathways.
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### Principles

- West Yorkshire Police recognise the value of the ability to impose voluntary or enforceable 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** recommend use of a Youth Caution except in exceptional circumstances.
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### First offence

- Where the offence being dealt with is a first offence which is too serious for a YCR, then the expectation will be to refer to YOT Panel for consideration of diversionary pathways.
  - In the exceptional circumstance that the young person is not considered suitable for a diversionary pathway, then the appropriate disposal for a first offence will be a Youth Caution.
  - The exceptional circumstances that would satisfy this course of action are detailed in the supporting information.
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## Biometrics

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### Principles

- Biometrics are to be obtained for all Cautions. There is no power to obtain/retain biometrics where the disposal is a Youth 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 a YCR, the biometrics will be destroyed in line with the procedure for a NFA.

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- 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 is a YCR. 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)

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- 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

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- 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

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- 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

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### 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;
  - For a first offence:
    - Where the disposal is determined as a YCR, or exceptionally a YC, recording an electronic disposal;
    - Issuing the disposal, obtaining offender and Appropriate Adult signatures;
    - Where the disposal is NOT a YCR or YC, completing the YOT Referral document to include evidence, admission and recommend the disposal to be issued;
  - For a second or subsequent offence:
    - Completing the YOT Referral document to include evidence, admission and victim expectation;
- **After issue**, for a first offence:
  - Where the disposal is a YCR or YC, completing the YOT Referral document to include the disposal has been issued;
  - Updating the involvement of the nominal on Niche to reflect the disposal issued;
  - Ensuring PNC are notified of the disposal; and

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- Updating the victim that the disposal has been issued and including which victim-based conditions have been used and how they satisfy their expectation.
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**Police decision maker (for a first offence) responsibilities**

The decision maker is responsible for:

- Ensuring the victim expectation has been recorded on the OEL;
- Ensuring the correct referral form is sent to YOT;
- For a first offence:
  - Ensuring the correct disposal has been recorded;
  - Recording rationale for the decision on the OEL.  
Rationale will:
    - Confirm this is a first offence;
    - Directly justify the use of all rehabilitative or diversionary measures;
    - Refer specifically to the victim's expectation and how conditions satisfy those expectations; and
    - Account for and justify any deviation from the Code of Practice, local policy or the supporting information.

**These actions must be completed before the disposal is issued.**

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**YOT police officer (for second and subsequent offences) responsibilities**

The relevant YOT police officer is responsible for:

- **Before issue** of the disposal:
    - Checking the relevant form for completeness and returning to the OIC if incorrect/incomplete;
    - Checking the offence to be dealt with and, if required, arranging for an inspector to attend the Panel meeting;
    - Ensuring that the full rationale from the Panel is recorded on the OEL; and
    - Issuing the disposal to the young person (see below);
  - **After issue** of the disposal:
    - Updating the involvement of the nominal on Niche to reflect the disposal issued;
    - Ensuring PNC are notified of the disposal; and
    - Updating the victim that the disposal has been issued and including which victim-based conditions have been used and how they satisfy their expectation.
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**Issuing officer responsibilities**

The issuing officer is responsible for:

- Confirming that the offender admits the offence, where required (YCR, YC, YCC);
- Ensuring the recipient is aware of the conditions which are attached to the disposal and agrees to complete them;

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- 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 either a Youth Community Resolution or a Youth Caution, otherwise the electronic disposal will be 'Youth Panel decision';
- 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

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### 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 CJ to follow up;

#### **In all cases for any OCD:**

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- 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; and
  - Sending a task to the Force Crime Management Unit (FCMU) requesting finalisation.
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## Force Crime Management Unit (FCMU) Staff/Evaluators

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### Principles

The following Crime Outcomes may only be verified where:

#### **Outcome 2 Youth Caution**

- There is a Youth Caution disposal on the custody or VA record, containing:
  - The relevant offences; 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 2 Youth Conditional Caution**

- There is a Youth 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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## Additional Information

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### Compliance

This policy complies with the following legislation, policy and guidance:

- 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

The supporting information for this policy can be accessed online.

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### Further Information

Further guidance in relation to this policy can be sought from:

- Criminal Justice
  - Out of Court Disposals intranet page
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