**Terms of Reference**

**Out of Court Disposals (OOCD) Scrutiny Panel**

**1. Purpose**

The Office of the Police and Crime Commissioner (OPCC) recognises the value that non-charge outcomes provide in ensuring the police (Hampshire Constabulary) can deal with lower level crime and anti-social incidents quickly and proportionately, without unnecessarily criminalising individuals.

The over-arching aim of the panel is to provide reassurance to the Police and Crime Commissioner, Hampshire Constabulary and the public that the use of OOCDs is appropriate, ethical and complies with the National Framework. The use of these OOCDs must support strategic aims whilst maintaining public confidence. In order to achieve its aim the panel will review force wide OOCDs to ensure that they meet the stated aims and objectives of the use of these disposals.

**2. Aims**

* To establish and develop a long-term scrutiny mechanism in conjunction with Hampshire Constabulary’s Crime Standards Department and Criminal Justice Department, to support the consistent approach to the use of OOCDs.
* To review not only appropriateness of OOCDs but also the effectiveness of disposals on offending behaviour by reviewing data.
* To review the appropriateness of any conditions attached to an OOCD and where possible, (taking into account time scales) to check whether those conditions have been complied with.
* To encourage and support the use of professional discretion.
* To work closely with the Crime Standards Department and support thematic reviews of non-charge outcomes.
* To review by demographic category (ethnicity, gender and age), those who receive OOCDs to ensure there is no bias in decision making, as directed by the Panel.

**3. Standing Membership**

* Deputy Police and Crime Commissioner (Chair)
* OPCC Commissioning and Contracts Manager (Out of Court Disposal interventions, Domestic Abuse and Restorative Justice)
* OPCC Scrutiny Manager
* Force Criminal Justice and Custody
* Force Organisational Learning Team
* Operational Police Officer representatives
* Crown Prosecution Service representative
* Independent Advisory Group member
* Magistrates
* Victim Support
* Course provider representatives relevant to theme
* Youth Independent Advisory Group member

**4. Governance**

The Chair of the panel will provide feedback including findings and recommendations to Hampshire Constabulary, through the Investigations Command and the Local Criminal Justice Board. A record of each scrutiny panel held, including the findings and recommendations, will be shared publicly through the Police and Crime Commissioner’s website.

**5. Methodology**

Each month the panel will review 15 cases, which will be chosen independently by the panel. To ensure fairness and impartiality, Hampshire Constabulary will assign a pool of cases individual numbers, which members of the panel will select randomly to review from. This approach eliminates any potential bias in case selection and upholds the integrity of the scrutiny process.

10 cases will be reviewed at each meeting from a pre-determined and agreed list of offence themes (knife/weapon offences, child abuse offences, sexual offences, domestic offences, drug offences and hate crime conditional cautions) and 5 cases that are either randomly selected or a specific theme the panel has chosen to review cases from. The programme of case themes to be reviewed can be viewed by clicking the attached document:



Cases being reviewed will be no more than one month old from date of disposal unless necessary for a theme with a low number of cases. Details of the cases for discussion will be provided to panel members in advance of the panel meeting. The panel will review all identified cases, identifying any learning and organisational governance issues.

Panel members will be required to consider two elements

* Whether the disposal was correct (i.e. did Hampshire Constabulary follow the stipulated legislation, evidential criteria and applied that rationale correctly)
* Whether the conditions set were appropriate.

Following consideration of both elements, members of the panel will be asked to collectively agree and provide an overall grade for the outcome of the case, grading it as:

1. The Out of Court Disposal was appropriate
2. The Out of Court Disposal was appropriate but with observations from the panel
3. The Out of Court Disposal was inappropriate
4. The panel failed to agree on the appropriateness of the Out of Court Disposal

All views, comments and observations from panel members will be captured to evidence the grading outcome of each case including rationale for or against a particular grade. The grading of each case will be determined by a simple majority of panel members who are in agreement regarding a particular grade, however in the event of no majority a 4 will be recorded.

The findings will be fed back at officer level and more widely across the Force through an internal update published in the Constabulary’s in house publication - “Learning Matters”, in order to facilitate improvements in compliance and frontline delivery.

An enhanced piece of work will be conducted by the Crime Standards Department whereby a small number of cases are selected from those that have already been discussed by the panel, reviewing whether the individual has committed further offences following the non-charge outcome.