

Out of court disposals – digital decision-making tool

A tool to assist officers in deciding whether an out of court disposal (OOCDD) is a suitable outcome for the investigation.

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Key details

Stage of practice	Untested
Purpose	Reoffending
Topic	Digital, data and analytics Criminal justice Investigation
Organisation	South Yorkshire Police
HMICFRS Peel Report 2021/22	Read HMICFRF Peel Report 2021/22
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Key details

Stage of implementation	The practice is implemented.
Start date	September 2022
Scale of initiative	Local
Target group	Offenders Workforce

Aim

To provide officers with a digital enabled decision-making tool to help them make a lawful, ethical, and consistent decisions.

Intended outcome

The intended outcomes of the decision-making tool are to:

- increase officers' confidence in making a decision to place an offender onto an out of court disposal (OOCd)
- ensure offenders are appropriately allocated an OOCd
- ensure there is consistency of OOCds and the conditions attached line with local and national guidance.

Description

OOCd are a nationally agreed framework to conclude a criminal investigation without proceeding to a formal court prosecution. They are given to offenders to enable the police to deal proportionately with mainly but not exclusively low level, often first-time offending.

OOCd guidance requires officers to receive support in making decisions to ensure that OOCd decisions were consistent, lawful, and ethical. Unlike some other forces, there was no central OOCd decision-making team, to offer the necessary support. To overcome this the force identified

the need for a OOCd decision-making tool. No senior approval was required.

While there have been constraints on funding and workforce capacity within South Yorkshire, a digital Microsoft 365 (MS365) based decision-making tool has been developed to assist officers in deciding if the offender they are investigating for a crime is suitable for OOCd. The tool was designed within MS365 forms, with the suggestion from the technology enabled team to create a form in the simplest format to ensure consistency as well as accessibility.

While there are other options within MS365, such as app creators, these require IT skills to develop and any future changes would need to be sent to a specialist team to action, which takes time and resources. The simplicity of the form ensures that guidance, legislation, and condition service providers can be updated easily without undue delay. As MS365 was an existing product within force there was no extra costs for the planning or delivery of the OOCd.

It was released at first in a very basic format. Then, as it began to be used and feedback was received, it was developed further to be more practical for overall OOCd use. In the first instance, it was designed as a tool simply to decide on what the most suitable conditions might be for a conditional caution. It has now developed to be a full decision tool deciding on what OOCd may be a suitable option, what conditions could be relevant and, once that is decided, it instructs the officer what processes to follow to complete the OOCd lawfully. This includes information such as those who are required to authorise it, what documents to use, and who needs to be informed.

The tool draws on national and local policy and guidance, and takes officers through a series of questions to determine if the investigation is suitable for finalisation with an OOCd and outlines possible conditions that could be set. The tool then gives specific instructions to the officers on how the OOCd should be completed to comply with the law and guidance.

The tool is available on officers' mobile phones and laptops, along with a paper-based alternative if the technology isn't available. The process takes around 90 seconds for a decision to be made. Officers are then guided through a toolkit to which services the offender may need referring to, along with the setting of any conditions.

Predominantly, local services are used for the interventions and are engaged through already established commissioning by local authorities and the Office of the Police and Crime Commissioner.

The tool is administered through a nominated force resource and as it is Microsoft 365 based, it can be quickly updated if there are local or national policy changes. Officers receive training and regular continued professional development, along with additional training for leaders.

Results from the use of OOCDD are assessed by the force and independent scrutiny panels.

Overall impact

The initiative achieved what it set out to and allows South Yorkshire Police to consistently achieve quality OOCDD as evidenced by independent scrutiny panel and dip sampling results. The tool is used across the force and has previously been presented at an OOCDD National Police Chiefs' Council (NPCC) meeting to other forces. Subsequently, several forces have now developed a similar product.

Officers have commented favourably on the decision-making tool in terms of how easy it is to use and how it supports their decision making, some have said it is one of the best and simplest things the force has provided.

Local force reviews revealed that over 90% of OOCDD are compliant with Home Office data quality standards. Likewise, regular independent review by the scrutiny panel has seen excellent compliance in terms of the appropriate use of OOCDD.

In terms of use, around 4.5% of investigations result in an OOCDD, although the tool is intended to improve the quality and consistency of OOCDD decision-making rather than increase use of OOCDD.

Learning

- Ensure you can update any digital solutions quickly, therefore not being reliant on external partners.
- Encourage officers to use the tool regularly to ensure consistency in decisions.
- By utilising already commissioned local services for the interventions, enables better relationships with the offender and that service.
- Training and CPD are essential parts of the implementation and learning phases.
- If there were further developments to include the creation of the OOCR as well, this would mean that officers and decision makers would have to use the tool. While there is still uncertainty around the new framework and when it will be implemented, this work will not be undertaken.

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