



Adult Prosecution

This document is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Deputy Mayor for Policing as part of the York & North Yorkshire Combined Authority are required to adhere.

Procedure Statement

The principal aim of the North Yorkshire Police (NYP) Adult Prosecution Procedure is to address and reduce offending behaviour through appropriate mechanisms that drive justice and achieve the best outcomes for victims and communities in North Yorkshire and the City of York.

This policy is intended to provide clear guidance and a corporate approach regarding the decision-making process in relation to adult offenders (18 years and over) in line with national guidance.

Linkages

Procedures:

Crime

Suspect Management Policy and Procedure

Traffic Bureau

Graduated Fixed Penalty and Roadside Deposits Procedure

Speed Awareness Scheme Procedure

National Rider Risk Awareness Course (Previously RIDE) Procedure

Safe and Considerate Driver (SCD) Procedure

Other Documents:

DPPs Guidance on Charging sixth edition 2020

Supervisors-guide-to-charging-decisions

Authorised Professional Practice - Prosecution and Case Management- Possible Justice outcomes following investigation

Voluntary Attendance Guidance

Diversions and Out of Court Resolutions

Process

Disposal Options

Disposal Options available after criminal investigation for adults in North Yorkshire currently include:

- No Further Action
- Community Resolution Disposal
- Deferred Prosecution
- Conditional Caution
- Prosecution

The Traffic Bureau have several Driver/Rider Diversion Educational schemes available to deal with road traffic non-crime matters. These will also be available to 16 and 17-year-old drivers/riders where applicable.

In making decisions on disposals, officers should consult the separate Procedures referred to in the 'Linkages' section of this Procedure document.

Decision Making

Officers should refer to the DPPs Guidance on Charging sixth edition 2020 and local procedure for the processes to be adopted when considering charging arrangements and related disposals. Arresting / Investigating Officers will liaise with supervisors to ensure an appropriate investigative strategy is completed. Ongoing reviews will be applied in line with Suspect Management Policy and Procedure requirements to ensure high quality outcomes for the public in North Yorkshire and the City of York.

There are a number of factors that should be taken into account in the decision-making process:

- Sufficient evidence should be available to satisfy the Threshold Test and / or the Full Code test as outlined in the DPPs Guidance on Charging 2020 6th Edition;
- Consider whether it is in the Public Interest to Prosecute as set out in the Code for Crown Prosecutors.
- Offending history;
- Nature / seriousness of the offence (including gravity matrix score);
- Views of the victim; and
- Is the suspect / victim vulnerable?

The 'Adult Gravity Factor Matrix' is available to assist officers / staff in considering aggravating and mitigating factors when assessing seriousness of offences and appropriate disposal options.

Where several offences arise from one incident, the major offence should be considered, and the criteria applied. The more minor matters will then be incorporated into the disposal.

Where offences arise from several chronologically separate incidents, the cumulative effect of the offences should be considered, and an overall decision made.

Gravity Factor Matrix for Adults

Final Score	Action
4	Always Charge • A conditional caution would <u>not</u> usually be appropriate for a score of 4 however it could be considered in exceptional circumstances relating to the offence, the offender, or the victim where it can be justified (see notes below)
3	Normally Charge • Consider a conditional caution if the circumstances fit and you as the decision maker can justify this (see notes below) • A community resolution would rarely be suitable, but could be applied if the decision maker can fully justify this outcome.
2	Normally conditional caution (consider charge if justified or community resolution if appropriate)
1	Community Resolution (consider conditional caution if justified)

Notes

Conditional Cautions:

- If the offence is indictable only (IO) it requires CPS advice – refer to PNLD
- If it is one of the offences deemed exceptional circumstances in Annex A of the Director's Guidance on Adult Conditional Cautions it requires an Inspectors authority

Previous Offending History

The previous offending history of the individual is a critical element when deciding the most appropriate disposal. Breaking the cycle of offending can be as important a consideration in effective decision making as punishment for the offence. There may be occasions when an individual has already progressed up the scale of disposals (including previous convictions in the court), but an effective out of court disposal may have a better chance of preventing further offending than simply opting for the next highest disposal tariff. Such cases will always require careful consideration, and the views of the victim must be considered.

Previous offending history is determined by a combination of Police National Computer (PNC) and local police record checks.

No Further Action (NFA)

Where no further action is to be taken, following advice from the CPS or otherwise, the suspect must be informed, and local administrative records updated. The notification to the suspect should be made in writing. Suspects should be advised to retain and preserve any documents or other evidence that supports their defence, as the investigation could be resumed. This may happen where, for example, fresh evidence comes to light, or new or historic allegations are made which are relevant to the circumstances of the original investigation.

Prosecution - (Postal Requisition / Postal Charge Cases)

Those interviewed that are not under arrest should be reported for the consideration of prosecution where appropriate. At that stage, a decision then needs to be made as to the most efficient method of process. In many circumstances, where out of court disposals are considered appropriate, the matter can be concluded locally and expeditiously.

Postal charging is an option for those suspects that have been dealt with under arrest or as Voluntary Attendance. If CPS advice is applicable, then that should be obtained prior to any disposal decision.

Outside of the Arrest/VA process, where a prosecution is deemed the most appropriate outcome, an evidential file should be submitted to the Dedicated Decision Makers in the Prosecution Team for consideration of prosecution. If CPS charging advice is required, this should be sought and submitted through normal channels via the Case Quality Review Team (CQRT).

Where an individual is reported for consideration of prosecution (Postal Requisition / postal charge cases) for motoring matters, the file should be submitted to the NYP Prosecution Team where a Dedicated Decision Maker (DDM) will review the evidence and make the appropriate disposal decision.

Out of Court Resolutions (OOCR)

OOCRs are an important tool in addressing early stages of offending behaviour. They allow the Police to deal quickly with low-level offending without making recourse to the courts. They can maximise the use of officer time – achieving a satisfactory outcome for the public whilst allowing officers to spend more time on frontline duties tackling more serious crime. They are also an opportunity to provide intervention and support to potential offenders at the early stages in criminal behaviour, diverting them into rehabilitative services to help reduce escalation of offending.

NYP have adopted the two tier+ framework for OOCRs in anticipation of a legislative change. A central team consisting of an Inspector, Sergeant and 6 PCs make up the OOCR team (OOCRT). When a case is being considered for a disposal, the original supervisor will make the decision to NFA, charge (including postal requisition/charge), issue a Community Resolution (CRD) or refer for an OOCR.