



**METROPOLITAN
POLICE**

TOTAL POLICING

Freedom of Information Act Publication Scheme	
Protective Marking	Not Protectively Marked
Publication Scheme Y/N	Yes
Title	Outcome and Case Disposal Policy Statement and Equality Impact Assessment (EIA)
Version	2.1
Summary	This policy sets out the outcome process for the Metropolitan Police Service to ensure accurate recording of outcomes & case disposals to ensure fairness and consistency.
(B)OCU or Unit, Directorate	Strategy & Governance
Author	
Review Date	July 2020
Date Issued	September 2017

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Summary:	This policy sets out the outcome process for the Metropolitan Police Service to ensure accurate recording of outcomes & case disposals to ensure fairness and consistency.				
Branch / OCU:	Met Prosecutions				
Date created:	22/09/2017	Review date:	July 2020	Version:	2.1
Author:	Sgt Adam Timberlake				

Application

When? This Outcome and Case Disposal Policy applies with immediate effect.

Who? All police officers and police staff, including the extended police family and those working voluntarily or under contract to the Mayor's Office for Policing and Crime (MOPAC) or the Commissioner must be aware of, and are required to comply with, all relevant Metropolitan Police Service (MPS) policy and associated procedures.

However, this policy applies in particular to officers and staff involved in the investigation or detection of criminal offences or who are involved in making case disposal decisions including:

- All police officers (uniform and plain clothed, including members of the Metropolitan Special Constabulary)
- Designated Decision Makers (DDM)
- Managers and staff in Crime Management Units (CMU)
- Custody Officers
- Designated Detention Officers (DDO)
- Crime Managers
- Criminal Justice Unit (CJU) or Integrated Prosecution Team (IPT) staff

N.B: *This list is not intended to be exhaustive.*

Policy Principles

This policy sets out the MPS processes to achieve accurate and sustainable outcomes & case disposals inclusive of out of court disposals. It also sets out to achieve a fair and consistent approach to all case disposal decisions.

All outcomes and other disposal decisions must meet the evidential standards in the threshold test (PACE) or the Full Code Test (as set out in the Code for Crown Prosecutors), as appropriate (see Toolkit for details). This means that all outcomes and case disposal decisions, whether it is to prosecute or to implement an alternative to prosecution (except taking no further action), can only be made when the evidence obtained is deemed sufficient for an outcome or disposal decision based on the appropriate test.

This policy meets the standards detailed in the Director of Public Prosecutions' Guidance to Police Officers on Charging Standards and the Home Office Counting Rules on the Detection of Crime.

Purpose and Benefits

The purpose of this Policy is to ensure the accurate recording and reporting of all disposal decisions including all outcomes and out of court disposals.

To ensure consistency and quality of case disposal decisions, to enable each decision to be justified if it is challenged.

To ensure that the opportunity is not missed to achieve higher outcome rates through taking other offences into consideration.

This policy aims to provide clearly prescribed procedures for the

- interviewing of suspects,
- application of the correct disposal option for that crime,
- provide the appropriate outcome to improve outcome rates and victim / witness satisfaction.

This policy will ensure that notifiable offences adhere to the Home Office Counting rules and that recordable offences are accurately recorded.

Health and Safety Impact Statement

This policy and associated Toolkit have been developed with appropriate consultation with the MPS Safety and Health Risk Management Team [SHRMT]. This is to ensure

that all significant Health and Safety risks have been identified and quantified, and that resulting suitable and sufficient controls are in place, aimed at mitigating the risk to the MPS as follows:

- Compliance with health and safety at work statutory provisions including codes of practice;
- Compliance with working time regulations including 'Non Opt Out' and 'Opt out' legislation and MOPAC/MPS policies.
- MOPAC/MPS Safety Management System;
- Service delivery that may impact officer, staff or public safety;

Met Prosecutions will continue to work with the SHRMT to ensure that the mitigating controls are suitable and sufficient and remain fit for purpose.

Any organisational learning arising from investigations are incorporated within an amended version of this policy or Toolkit.

Associated Documents and Policies

[Toolkit for Outcome and Case Disposal](#)

This Toolkit also has an impact on / or is influenced by the following:

- The Home Office Counting Rules for England and Wales. (April 2007)
- [Cannabis Enforcement Policy and Toolkit](#)
- Abrahams v. Commissioner of the Metropolis [2000] TLR
- [The CPS Code for Crown Prosecutors](#)
- [TIC - Legal guidance](#)
- ACPO guidance on Case Disposal

Notices to be Cancelled / Amended

The following Notices are cancelled and policies decommissioned:

[Item 3 Notices 30/07, Detections and Case Disposal Policy and Standard Operating Procedure \(SOP\)](#)

[Item 8, 44/2004, 3 November 2004 - Offences taken into consideration](#)

Equality Impact Assessment

Policies are developed and reviewed using a consultative approach involving relevant internal and external stakeholders. Additionally, developers must consider what action needs to be taken to help overcome or minimise any disadvantages that people who share a protected characteristic will experience in compliance with the Equality Act 2010.

All relevant parties were consulted and asked to provide feedback regarding any concerns around adverse impact based on protected characteristics. Comments were assessed and reflected in the final policy and associated Toolkit.

The impact of the policy will be monitored to identify any emerging issues, learning and benefits post-delivery of the policy. The table below summarises the outcomes of these actions:

Research and Consultation	
Review of Research	Director of Public Prosecutions (DPP) guidance on Charging 5th edition 2011 Statutory charging responsibilities for Police and Crown Prosecution Service (CPS website) The Code for Crown Prosecutors Sentencing Guidelines Council for England and Wales (http://www.sentencingcouncil.org.uk/feed/) Met Prosecutions (Specialist Crime Prosecutions / Criminal Justice Digital Policing, Out of Court Disposal) Offences Taken into Consideration (TIC) guidance – CPS requirements
Internal consultation	Consultation was carried out with the following: Legal Services; Safety & Health Risk Management team, Finance Business Partner, Information Assurance Unit, Met Detention Operational Command Unit (OCU), and Met Prosecutions OCU. End-user testing was carried out with the Youth Offending Teams at Bromley and Camden, and a borough sergeant at Greenwich.
External Consultation	External consultation was carried out with the Police Federation and Crown Prosecution Service (CPS).
Protected Characteristics (Equality Act 2010)	
Summary of Equality Impact Assessment (EIA)	The policy sets out to achieve a fair and consistent approach to all case disposal decisions. All outcomes and other disposal decisions must meet the evidential standards in the threshold test (PACE) or the Full Code Test (as set out in the Code for Crown Prosecutors), as appropriate. This means that all outcomes and case disposal decisions, whether to prosecute or implement an alternative to

	prosecution (except taking no further action), can only be made when the evidence obtained is sufficient to meet the requirements of the appropriate test. Officers and staff are instructed not to use community resolutions for hate crimes, domestic abuse and sexual offences. However, should these be used in exceptional circumstances, the rationale must be agreed by an inspector and fully documented.
Age	As age may be a precursor to vulnerability; children, young people and older people that come to police notice will be assessed for vulnerability and if appropriate referred to the relevant agency for protective safeguarding. Policy users are directed to other toolkits such as safeguarding children and safeguarding adults to ensure correct action is taken to ensure appropriate disposal outcomes are achieved. Young people (those aged 10-17 years inclusive) cannot receive an Out of Court Disposal (OoCD) such as cannabis warning or a Penalty Notice for Disorder (PND) for cannabis and must be dealt with under Section 65 Crime and Disorder Act 1998. This, therefore increases the risk of an individual undergoing arrest and the short-term loss of liberty, this could be considered perverse where an adult under the same circumstances would not be as likely to be arrested. However; an arrest on a young person will provide a gateway for the considerations by the relevant youth justice teams and provides for other case disposals and support for the young person. In safeguarding children and young person's interests / safety, officers have available the services of the appropriate adult scheme, if suitable family members are unavailable. Community resolutions when used as an OoCD can be given to young people when dealing with less serious offences. The same safeguarding measures apply as to an arrest and a referral to the youth offending service (YOS) should be made. On all occasions when CR is used, information surrounding the incident, the young person's vulnerability and their legal guardians should be gathered and entered on the Merlin system.
Deaf/ Disability	Those with sensory impairments or learning needs may require additional support if being charged so as to ensure process understanding and their other needs are met. When dealing with offences as per this toolkit officers are reminded of the resources currently available, inclusive of social services who can provide personnel with sign capability, appropriate adult services to provide additional support and assistance post charge.
Gender reassignment	None identified. Disposal decisions are based upon information / evidence available. The toolkit contains the charging standards to be applied. However officers are minded of social and victim/offender impact

	and to consider post disposal safeguards currently available e.g. LGBT (Lesbian, Gay, Bisexual and Transgender) groups who will provide assistance if required.
Marriage and Civil Partnership	None identified. Disposal decisions are based upon information / evidence available. The toolkit contains the charging standards to be applied in relation the offence committed.
Pregnancy and Maternity	None identified. Disposal decisions are based upon information / evidence available. The toolkit contains the charging standards to be applied
Race	None identified. Disposal decisions are based upon information / evidence available. The toolkit contains the charging standards to be applied in relation the offence committed.
Religion or belief	None identified. Disposal decisions are based upon information / evidence available. The toolkit contains the charging standards to be applied in relation the offence committed. However officers are minded of social and victim/offender impact and to consider post disposal safeguards currently available, such as assistance from faith groups.
Sex	None identified. Disposal decisions are based upon information / evidence available. The toolkit contains the charging standards to be applied in relation the offence committed.
Sexual Orientation	None identified. Disposal decisions are based upon information / evidence available. The toolkit contains the charging standards to be applied in relation the offence committed. However officers are minded of social and victim/offender impact and to consider post disposal safeguards currently available e.g. LGBT (Lesbian, Gay, Bisexual and Transgender) groups who will provide assistance if required.
Other issues for example: Low income groups, single parents.	None identified.
Monitoring	

12 month implementation plan	Digital Policing measure recording levels for Outcomes / Detections across the MPS and supply borough level data on a monthly and annual basis. This includes breakdown of all Out of Court Disposal (OoCD), charges, Simple cautions etc. MPS performance is scrutinised by various Boards from across pan-London Boroughs. These Scrutiny panels include various external agencies such as the CPS, Her Majesty's Courts & Tribunal Service (HMCTS), the Mayor's Office for Policing and Crime (MOPAC), and Council social workers. In relation to community resolutions, a review will be conducted by a separate scrutiny panel six months after implementation (post-March 2018) to the one that reviews out of court disposals. After this, ongoing reviews will be conducted alongside of out of court disposals.
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