



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-01784

Keyword: Operational Policing

Subject: Discretionary Disposals

Request and Answer:

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose the located information to you in full.

Question

We would be obliged if you could forward to us a copy of any guidance or explanatory documentation given to Police Officers in relation to the definition of and effect of discretionary disposals. In subsequent clarification you indicated that you consider the meaning of the term 'effect' in this contest is the consequences of a discretionary disposal for the person dealt with by way of discretionary disposal including but not limited to the effect of the disposal on the person's criminal record.

Answer

Discretion aims to encourage officers to use their professional judgement to resolve minor crime to the satisfaction of victims and the community whilst maintaining accountability.

Discretion procedures focus on delivering effective and proportionate criminal justice outcomes which meet the needs and expectations of victims and their communities. They will assist officers in using their professional judgement in managing low level and local crimes through the use of discretion.

Discretion can be applied to minor crimes and incidents.

Discretion is a victim led alternative to prosecution and one of a range of options which will be open to police in dealing with crimes and incidents.

Discretion directly supports recommendation 21 of the 'Review of Policing' conducted by Sir Ronnie Flanagan.

Discretion within PSNI has the following aims:-

- a) To improve the quality of service for victims.
- b) To improve community confidence in policing and criminal justice.
- c) To enable officers to deliver an effective response to local crime issues.
- d) To empower officers to use their professional judgement to make decisions that make a difference
- e) To reduce the bureaucracy and deliver more satisfaction in criminal justice outcomes in “real time”.

Procedure

Discretion may be used in minor low level offences where an offender has been identified and admits the offence.

The victim is offered the choice of having their case dealt with through the formal criminal justice process or by Discretion.

If the victim chooses discretion a satisfactory and proportionate outcome will be agreed with the victim i.e. an apology, reparation for the cost of damage repair etc.

Any outcome must be proportionate to the crime i.e. if a window costs £30 to repair the reparation sought must not exceed £30.

The option to have the matter dealt with by discretion is then explained to the offender who is offered the choice to have the matter dealt with by way of discretion or through the formal channel. If the offender agrees to have the matter dealt with through discretion and agrees to meet the victim's expectations in respect of the desired outcome then police may proceed to deal with the matter by way of discretion.

The offender will then complete the desired outcome i.e. give the expected apology, and once this completed and the victim certifies it has been completed then the case will be deemed to have been completed by a discretionary disposal.

With regards to the effect of Discretion

Discretion speeds up the justice process and delivers meaningful and timely outcomes for victims.

Discretion aims to prevent recidivism by dealing swiftly and effectively with offenders using restorative principles and in some instances restorative practice i.e. restorative conferences between victim and offender by trained officers. It ensures that offenders are not unnecessarily criminalised for minor crimes.

Discretionary disposals are recorded against the offenders offending history – they do not however constitute a formal criminal record for the purposes of employment checks and are not routinely disclosed in employment checks to Access Northern Ireland.

It is necessary to record the use of discretion against an offender to ensure that the offender is not given several discretionary disposals by different officers for different crimes and to inform decision making as to the appropriate criminal justice disposal should a person who has been given the opportunity of a discretionary disposal commit further crimes.

It should be noted that Discretionary Disposals are seen as a Community / Victim Led alternative to prosecution / diversion and because it is a developing programme it is only available in certain areas. Also, as it is a developing programme it will continue to develop and change and may or may not be the same as any final version subsequently introduced.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.