



FOLLOW-UP REVIEW

POLICE USE OF DISCRETION INCORPORATING PENALTY NOTICES

FEBRUARY 2021

WHAT IS A FOLLOW-UP REVIEW AND WHY DO CJI DO THEM?

Follow-up Reviews are carried out by Inspectors to assess if and how accepted inspection recommendations have been implemented by organisations. They are usually carried out around two years after an inspection report has been published.

- ▶ Provides a published assessment by CJI of the level of progress in implementing agreed recommendations arising from an inspection.
- ▶ Creates a clear expectation that CJI will return to assess momentum in implementing agreed recommendations and completing action plans.
- ▶ Allows inspected organisations to demonstrate the improvements they have made.

WHAT IS POLICE DISCRETION?

- ▶ Police Officers use their professional judgement when they detect people who have committed minor offences and decide how they will be dealt with. Discretion needs to be exercised fairly, consistently and comply with Police Service of Northern Ireland (PSNI) guiding policy to maintain and foster public trust and confidence in policing.

WHAT ARE PENALTY NOTICES?

- ▶ Penalty notices allow police officers to deal with minor offences without a court prosecution. There are different types of Penalty notices and the 2015 inspection focussed on Penalty Notices for Disorder (used for offences like disorderly behaviour) and Discretionary Disposals that were replaced by Community Resolution Orders in 2016 and aim to provide better outcomes for victims. Police also issue fixed penalty notices that are usually for road traffic offences and more recently for not complying with the Covid-19 public health regulations.

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WHAT WERE THE MAIN FINDINGS OF THE 2015 CJI INSPECTION?

- ▶ There were inconsistencies in the type of cases that had been dealt with by discretion and governance and quality assurance needed to improve.
- ▶ A better strategic partnership with the Public Prosecution Service for Northern Ireland (PPS) was needed.
- ▶ Oversight by senior Police Officers across Northern Ireland, accountability and ways to identify trends and remedial action was needed.
- ▶ Better records of police decision making and categories of people given a police disposal were needed.
- ▶ How young people were dealt with and the involvement of Youth Diversion Officers needed to improve.
- ▶ Better technology was needed.
- ▶ CJI made one strategic and 10 operational recommendations for improvement.

WHO DID WE MEET WHAT PROGRESS DID WE FIND?

- ▶ This Follow-up Review focused on the PSNI and the work it had undertaken to implement the inspection recommendations.
- ▶ Inspectors conducted a series of meetings and gathered data from the PSNI and the PPS to inform our views.
- ▶ Eight recommendations were assessed as achieved; two were partially achieved and one was not achieved.
- ▶ We found evidence of improvement at a strategic and operational level. There are stronger partnerships and better oversight arrangements in place between the PSNI and PPS including a Quality Assurance Panel.
- ▶ Data recording had improved but further work is required to capture more information relating to all categories of people included in Section 75 of the Northern Ireland Act 1998.

WHAT HAPPENS NOW?

- ▶ Inspectors were encouraged by the progress made in response to the inspection recommendations.
- ▶ Further work is required and we will return to the use of police discretion in future inspection work.

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