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Form No. BC4

## LEICESTERSHIRE POLICE

**FROM:** DCI 2199 Henry Henderson**TO:** Ethics & Transparency Panel**AREA/LPU/DEPT.:** Adult OOCR & Youth Justice**AREA/LPU/DEPT.:** OPCC**REF:** Ethics & Transparency Panel – Paper 2:  
OOCR Ethical Dilemma**DATE:** 13<sup>th</sup> June 2025**1. Request**

- 1.1. The Police should provide a paper to the Ethics & Transparency panel with an OOCR related ethical dilemma to discuss.

**2. Introduction/Context**

- 2.1. Between December 2023 and December 2024, Leicestershire Police dip-sampled 102 charged cases relating to low-harm offences such as theft of value less than £250, criminal damage of value less than £250, public order, or drug possession. Many of these individuals had no prior convictions or met eligibility criteria for an Out of Court Resolution. A significant proportion of these individuals either made admissions or went “no comment” or “silent” in interview — the latter two currently disqualifying them from OOCRs under existing Adult OOCR policy.
- 2.2. It was established that of the 102 cases, 5% were eligible for a Community Resolution and 15% were eligible for a Conditional Caution. As a result, they were charged and entered the criminal justice system, receiving minor penalties, but now carry a criminal record.

**3. Dilemma**

- 3.1. Should the Force adapt its OOCR eligibility criteria to include individuals who do not make admissions in interview, particularly for low-harm offences, to avoid unnecessary criminalisation? Or does this risk undermine the principle of accountability and public confidence in policing?

**4. Considerations for the Panel:**

- 4.1. Is it ethical to criminalise individuals for low-harm offences when rehabilitative alternatives exist but are inaccessible due to procedural barriers?
- 4.2. Should a “no comment” interview automatically exclude someone from a second chance, especially when the evidential threshold is met?
- 4.3. Data shows that Black and Minority Ethnic individuals are disproportionately represented in the “missed opportunity” cohort. Does the current approach reinforce systemic inequalities?
- 4.4. How can the Force ensure that victims feel heard and justice is served, while also promoting long-term desistance from crime?