



**Leicestershire  
Police**  
Protecting our communities

**Leicestershire Police & Partner Agencies**  
**Adult Out-of-Court Scrutiny Panel**  
**Minutes**  
**18<sup>th</sup> June 2015**

**1. Attendance & Apologies**

<b>Attendance</b>	<b>Apologies</b>
Helen King (HK) – Chair – OPCC	Paul Stock (PS) - OPCC
C/Supt David Sandall (DS) – CAID – Police	Caroline Barker (CB) – Police
John Norman (JN) – Police	Emma Langham – HMCS
Janine Smith (JS) – CPS	Sandra Green - the SAFE Project (DV Support)
Steph Brown (SB) – HMCS	Jyoti Chavda – Police
Nikki Morris (NM) – HMCS	
Megan Jones (MJ) – CJ DAT Team	
Mina Shah (MS) – Women’s Aid Leicester	
Michael Hopkinson (MH) – Snr Probation Officer	
Kev Moody (KM) – Observer – Lincs County Bench Chair + Regional & National OOC Roles	

**2. Minutes & Actions from March 2015 meeting**

Due to staff sickness, no minutes or actions from the last meeting are available. The Panel reported no urgent action updates from that meeting.

**3. March 2015 Report**

- 3.1 An overview of the report circulated prior to the meeting was provided by JN and he distributed a further paper at the meeting relating to comparative performance figures for Adult Out-of-Court Disposals Jan-April 2015.
- 3.2 DS highlighted that the Police are reviewing the outcomes since the Pilot commenced with a view to ascertaining how many cases are potentially not being prosecuted and what the impact is on weekend police performance when Custody Suites are filled and there now only being two OOC options, meaning that nominals may remain in Custody far longer. JN confirmed there will be a full analysis of such issues as the impact on Custody by the MoJ at the end of the Pilot period and that the reduction from 5 disposal options to 2 causing delays to processing had been anticipated by MoJ from the outset.

3.3 JN asked the Panel to note point 5 in the Report that a large percentage of DV cases are now scrutinised as a matter of course at the request of the MoJ.

**4. June 2015 Panel Cases for Consideration**

4.1 15 cases – chosen at random by the OPCC were reviewed by the Panel. Of the 15 cases, there were 3 x DV Common Assaults (Battery), 1 x DV Criminal Damage, 4 x Common Assault (Battery), 1 x S.4 Public Order + Fail to leave Licensed Premises, 1 x Handling Stolen Goods, 1 x Theft from Store, 1 x Fraud, 1 x Drunk & Disorderly, 2 x DV Harassment.

4.2 The panel findings for the 15 cases were as follows:

9 cases were deemed “Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors.”

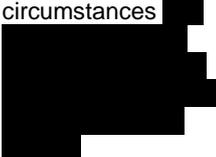
2 cases were deemed “Appropriate with observations.”

3 cases were deemed “Inappropriate and inconsistent with policy.”

1 case in which the panel failed to reach a conclusion.

4.3 A breakdown of the offences, disposals and findings is as below:

Case No:	June 2015 Panel	Disposal	Panel Findings & Comments	Category
01	Handling Stolen Goods	Adult Conditional Caution + (1) Attendance at Victim Awareness Course	Appropriate and consistent – CPS expressed reservation that without handlers there would be fewer burglaries.	1
02	Theft from Store	Adult Conditional Caution + (1) A 6 month ban from the Store (2) To write a letter of apology	Appropriate but with observations – concern re the high value of goods which were groceries rather than high-value electricals. Significant theft, not casual and hardship-induced.	2
03	Common Assault (Battery)	Adult Conditional Caution + (1) To pay £170 compensation re glasses (2) To pay £50 compensation for the assault (3) To attend an alcohol referral appointment	Appropriate and consistent Confirmed that there was no Hate Crime element to the incident.	1

Case No:	June 2015 Panel	Disposal	Panel Findings & Comments	Category
04	Fraud	Adult Conditional Caution (1) Not to re-offend for a period of 16 weeks (2) Not to attempt to take either part of a DVLA driving test for 6 months	Inappropriate and Inconsistent – no rationale. Sophisticated fraud operation with public safety / road safety implications.	3
05	S.4 POA & Fail to leave Licensed Premises	Younger brother: Adult Conditional Caution + (1) To pay £70 compensation (2) (2) to write a letter of apology (3) Bank from entering the public house  Older brother – placed before the Court where offered plea to S.4 and Licensing Act dropped, after mitigation case referred back to Police : Adult Conditional Caution + (1) Pay the victim £50 compensation (2) Write a letter of apology (3) Pay a punitive fine of £50	Inappropriate and Inconsistent – an alcohol referral would have also picked up on the difficult family circumstances 	3
06	Drunk & Disorderly	Community Resolution	Panel failed to reach a conclusion – due to lack of information. No rationale and no Community Resolution Form. Not recognised that this was a DV incident, in which case Community Resolution is not applicable.	4
07	Common Assault (Battery)	Community Resolution	Appropriate and consistent.	1
08	Common Assault (Battery)	Adult Conditional Caution + (1) Complete the 8-week 1:1 intervention work programme at The Jenkins Centre	Appropriate and consistent – very detailed piece of thinking went into the resolution.	1
09	Common Assault (Battery)	Adult Conditional Caution + (1) Attend an appointment with the alcohol referral worker.	Appropriate and consistent – OIC recognised that it was a DV case.	1

Case No:	June 2015 Panel	Disposal	Panel Findings & Comments	Category
10	Criminal Damage (DV)	Adult Conditional Caution	Appropriate and consistent	1
11	DV Common Assault (Battery)	Community Resolution – offender agreeing not to make any further contact with the victim.	Appropriate and consistent.	1
12	Harassment (DV)	Adult Conditional Caution + (1) Not to commit any further offences for a period of 16 weeks (2) Not to contact the victim by any means for a period of 16 weeks.	Appropriate but with observations – the Victim would have liked a letter of apology but this was not made one of the conditions.	2
13	DV Common Assault (Battery)	Community Resolution with the offender agreeing to attend an initial and subsequent (max 3) appointments with alcohol referral worker.	Inappropriate and Inconsistent – CR cannot be used in a DV case where there is intimate partner violence – should have been a Conditional Caution + DVPM, referral to Domestic Violence Services. However, CPS advised OOC cannot be used where there has been previous DV and should have referred to CPS.	3
14	DV Harassment	Adult Conditional Caution + (1) not to contact the victim by any means for a period of 16 weeks.	Appropriate and consistent.	1
15	DV Common Assault (Battery)	Adult Conditional Caution + (1) Not to commit any further offences for a period of 16 weeks (2) To attend an initial and subsequent appointments with the alcohol referral worker.	Appropriate and consistent.	1

**ACTION: Case #10 – noted as a good example and potential good news story for the Disposals Pilot. Flag to follow up at end of July and ensure that the positive engagement and outcome has been sustained and then feedback to MoJ. (JN to supply name of offender in case to DAT Team for follow up.)**

- 4.4 Of the 2 cases that were *'Appropriate but with Observations'* one, (#2) theft from store, raised general Panel concerns with relation to the high value of items stolen, as £515 amounts to a large amount of grocery/mixed items, and the possibility that the items were taken to sell on for commercial gain rather than for consumption as a result of immediate financial hardship. It was felt that the offence potentially crossed the threshold into a category where OOC was not appropriate. Probation queried what was known about the relationship between the offenders and if that relationship was exploitative. It was reported that at the time this offence was dealt with, input from the New Dawn, New Day project was not available. The Panel concluded that if New Dawn, New Day attendance had been available to add as a condition at the time of the disposal, this would have been deemed a satisfactory outcome.
- 4.5 The members felt the decision to give a 27-year-old male a Conditional Caution for harassment of his former girlfriend by text message and voicemail was correct (#12). However it was noted that the victim stated she would have like a letter of apology but this was not added to the two other conditions. Given the non-contact conditions, such a letter of apology would have to be sent to the Police first to be vetted. DS clarified that a PIN notice is a communication with an offender from the Police which has no legal basis and simply means, "Please stop, we are aware of your behaviour". Persisting with the offending course of action after a PIN notice has been received can be argued to show *mens rea*. But PIN notices are not effective in cases of harassment.
- 4.6 In the first of the three cases that were deemed *"Inappropriate and Inconsistent with Policy"*, the Panel considered that the Fraud (#4) committed by the 20-year-old male who paid someone else to sit the theory paper of the driving test for him appeared to be a part of a sophisticated fraud operation with serious public safety and road safety implications. There was no decision-maker's rationale available which might have indicated whether the the offender was dealt with by way of a Conditional Caution in order to progress investigations into the organisers of the Fraud, nor was there any indication that the brother-in-law who allegedly facilitated the transaction had been charged. Concerns were raised that there were no restrictions placed on the offender stopping him driving for any period of time.
- 4.7 The second case (#5) involved two brothers [REDACTED] in s.4 POA and a Fail to Leave Licensed Premises. Concerns were raised by the Panel that the conditions for neither brother included any referral to the DAT for alcohol treatment, though both had engaged in alcohol-fuelled violence. The DAT Panel member stressed the importance of such a referral, as in this case a drug and alcohol attachment would have included signposting [REDACTED]. It was felt that this was a missed opportunity to assist the family. It was also noted that the younger brother's conditions included a ban from entering the public house where the melee occurred, yet he could continue to drink elsewhere, whilst this

condition was not added to the older brother's Conditional Caution. It was felt that given the severity of the attacks both brothers ought to have been referred to the Courts to consider what sentence to impose or hear mitigation, rather than only the older brother. It was also noted that there seemed to be a degree of inconsistency in the Conditional Caution eventually meted out to the older brother, after he was referred back to the Police by the Courts, as this was less punitive than the Conditional Caution received by the younger brother who was dealt with immediately by Police.

- 4.8 The third '*Inappropriate and Inconsistent with Policy*' case (#13) involved an offender who had previously been reported for three DV incidents in 2012-13 and admitted another similar assault three weeks previously involving the same victim. CPS highlighted that in the case of DV intimate partner violence the policy is clear and a Community Resolution should not have been considered. The case should have been dealt with by Conditional Caution and DVPM. A condition to refer to the Jenkins Centre would have been appreciated by the Panel, however it was understood that the DV course lasts longer than 16 weeks and as such cannot be utilised in conjunction with a Conditional Caution. Where an offender has previous convictions for DV offences policy dictates that a case should be referred to the CPS, however the three previously-reported DV incidents had been NFA'd by CPS.
- 4.9. In the case where the Panel failed to reach a conclusion due to lack of information in relation to Drunk and Disorderly incident (#6), concerns were raised that the OIC had not recognised that this was a DV incident and therefore Community Resolution was not applicable. There was no decision-maker's rationale, nor was there any Community Resolution form available.
- 4.10 Of the cases that were deemed '*Appropriate and consistent*', the case of the 42-year-old female who admitted hitting her son and having anger management issues (#4) was discussed at length and the rationale reviewed. The Panel noted that it was a joint Police (CAIU) / CPS enquiry, the right decision had been made, Social Services were appropriately involved and the mother had also been placed on a Strengthening Families Course. The Panel commended the detailed thinking that had gone into the resolution of the case.
- 4.11 Officers concerned in the decision making for the above cases will be given appropriate feedback. All cases marked 3 will be referred to the Crime Registrar for consideration around any requirement to amend their filed status.
- 4.12 CPS expressed a degree of concern with regard to DV cases being disposed of by way of Conditional Caution because the victim will not make a complaint.
- 4.13 DAT expressed a degree of concern that women appeared to be being treated more robustly than male counterparts for similar offences, receiving Conditional Cautions when the males received Community Resolution.

- 4.14 JN clarified that the condition “Not to re-offend for a period of 16 weeks”, which was queried by the Panel as being self-evident and otiose, was in fact a recommendation from the MoJ at the beginning of the Pilot as the 1st condition to be added to any Adult Conditional Caution involving DV. If any other offending of any sort occurs within the time frame then the incident for which the Conditional Caution was used as disposal automatically enters into consideration for the later offence.
- 4.15 The Panel highlighted the frequency with which new MG14s had to be created and served on offenders due to the original conditions lasting longer than the maximum 16 weeks allowed for conditional cautions.
- 4.16 In general the lack of rationales for Community Resolutions was commented on by the Panel. However, JN responded that this followed the Police policy of “Trusting Our People”. For a Conditional Caution the Supervisor is part of the process and puts a rationale onto the system. However, Community Resolutions tend to have the decision made whilst officers are on the street and so the supervisor is not part of the process. Community Resolutions can only be used as a disposal for low-level offending and, with increasingly fewer numbers of officers on the streets, the Force has a policy of trusting its staff to make the right decisions – therefore there will be no rationale or Supervisors commentary added after the event.
- 4.17 The significance of accessing the New Dawn, New Day facilities was highlighted. Referrals to New Dawn, New Day are working well and this form of treatment is enabling and positive. A number of women have now been treated who would not have been supported without the Conditional Caution referral.

## **5. National Pilot for Out-of-Court Disposals**

- 4.1 JN provided a verbal update re the Leicestershire Adult OOCB Pilot. Only Community Resolutions or Conditional Cautions have been available as Adult disposals since 03/11/2014.
- 4.2 One issue identified has been the lack of meaningful conditions to attach to Cautions. This is being addressed, with more alternatives now available that at the commencement of the Pilot – for example New Dawn, New Day referral now being available for females of any age. JN reported he has been working with Insp Dan Granger to address this for adult males and there is ongoing work between the Police and other agencies. It is recognised that there are numerous youth interventions available, but these become fewer after the age of 18 years. Young adult males in the 18-20 age range constitute the offenders for one third of all offences. The Police are now working with the Engage Project where males between the ages of 18 and 24 years can be referred for a variety of interventions and courses. This complements the New Dawn, New Day contributions.

- 4.3 JN reported positively on the high-impact content of the Victim Awareness Course. This is a powerful tool in the conditions that can be imposed for non-entrenched offenders.
- 4.4 The Panel noted that the number of inappropriate uses of fixed penalty notices in the last reporting period is almost nil.
- 4.5 The overall numbers of Out-of-Court Disposals has decreased considerably during the course of the Pilot, as has the numbers of people charged. General crime figures have also reduced – but these decreases are not all of the same ratio and further analysis is required to identify correlations.
- 4.6 It will be some time before figures for re-offending rates and victim satisfaction rates will be available to analyse alongside the OOCB data.

## **5. Communication**

- 5.1 HK advised that this report will be disseminated by the local PCC website and the external Force website. The Panel will continue to circulate the Report within their own area of business.

## **6. AOB**

- 6.1 HK thanked JN for his role in pulling together all of the reports and papers for today's meeting in the face of staff sickness in CJ
- 6.2 Mr Moody who had been present at the meeting as an observer expressed his thanks for being able to attend the meeting. He expressed enthusiasm for the development of the OOCB Pilot in Leicestershire & Rutland. He assured the meeting that in his national role he will be feeding back to the MoJ on the matter of meaningful outcomes/conditions not all being in place at the outset of the Pilot and querying issues around accreditation for those providing the outcomes and how this is independently verified. He undertook to relay to the Panel the MoJ responses.

## **7. Summary and recommendations**

- 5.1 The next Adult OOCB Scrutiny Panel will continue to consider cases that have been dealt with under the Pilot Scheme.
- 5.2 The next Adult OOCB Scrutiny Panel will take place on 28<sup>th</sup> September 2015.