



Leicestershire
Police
Protecting our communities

Leicestershire Police & Partner Agencies
Adult Out of Court Scrutiny Panel
Minutes
17th April 2017

1. Attendance

Angela Perry (AP) (Chair) – Head of Governance & Assurance - PCC Office
Suzi Felstead – Bench Chair of Leicester and Rutland Magistrates
John Norman (JN) - Leicestershire Police
Dan Granger - Leicestershire Police
Amit Parmar – CPS
Emma Langham – HMCTS
Jaspal Hulait – Probation
Kayley Galway – Turning Point

2. Apologies

C/Supt David Sandall – Leicestershire Police
Caroline Barker – Leicestershire Police
Christopher Trotter – CPS
Louise Holles – Women's Aid

3. Minutes and Actions from last meeting

Minutes approved and no outstanding actions.

4. Adult Offender Disposal Data

John gave an overview of the data which now includes ethnicity details. Further updates can be obtained from the official Home Office website regarding PND compliance nationally.

5. Panel Cases for Consideration

The 15 cases, chosen at random by the PCC's office were reviewed by the panel and the following recorded:

5 cases graded 1 = Appropriate and consistent with policies
4 cases graded 2 = Appropriate but with observations
6 cases graded 3 = Inappropriate and inconsistent with policies
0 cases graded 4 = Panel failed to reach a conclusion

Case No:	Case:	Disposal:	Outcome:	Category:	Comments:
01	DA Harassment	Adult Community Resolution	Inappropriate and inconsistent with policy	3	<i>The offender in this case has previous disposals for Domestic related assaults. Therefore in line with policy an out of court disposal should not have been considered.</i>
02	S4 Public Order	Adult Community Resolution	Appropriate with observations	2	<i>In view of the fact that the offender had a number of previous outcomes recorded (including recent) then a minimum response should have been a Conditional Caution.</i>
03	DA Related Damage	Adult Community Resolution	Inappropriate and inconsistent with policy	3	<i>In view of the fact that the offender has previous Domestic Offences recorded the minimum response should have been a Conditional Caution.</i>
04	DA Related Damage	Adult Conditional	Appropriate with	2	<i>Although a Conditional Caution was the</i>

		Caution	observations		<i>appropriate outcome there were a number of issues; there is nothing recorded to say what the offender said during interview. The one condition to pay for the repair of the damage was later removed (due to not knowing who the compensation should go to!) meaning that effectively we had given a Conditional Caution with no conditions! As this was a Domestic Abuse matter at the very least a 'no contact' condition should have been attached.</i>
05	DA Related Damage	Adult Community Resolution	Inappropriate and inconsistent with policy	3	<i>This was basically a wrong decision. As per the MoJ Policy Community Resolutions cannot be used for intimate partner domestic abuse offences. The minimum outcome should have been a Conditional</i>

					Caution.
06	Possess Cannabis	Adult Community Resolution	Appropriate with observations	2	Although a Community resolution for first time cannabis possession is appropriate, this has to be meaningful. To simply say that the offender must agree to hand over the cannabis has no meaning whatsoever.
07	Drunk and Disorderly and Battery	Adult Community Resolution	Inappropriate and inconsistent with policy	3	A totally drunk foreign national female found in a town miles away from where she was staying with absolutely no apparent recollection of how she got there or what had happened to her. There should have been more checks into her background and circumstances. A Conditional Caution, with the same conditions would have been appropriate.

08	Possess a Bladed Article	Adult Conditional Caution	Inappropriate and inconsistent with policy	3	Possession of a bladed article with no mitigating circumstances, no co-operation, and no admission (captured on CCTV) should as per the gravity score matrix have been charged.
09	Theft from Store	Adult Community Resolution	Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors	1	Appropriate, although no end date shown for the store ban.
10	Theft from Store	Adult Community Resolution	Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors	1	Again appropriate but no store ban compliance date.
11	Theft from Store	Adult Community Resolution	Inappropriate and inconsistent with policy	3	A joint enterprise involving three females, aggravated by having a child with them. Although only one had

					<i>an offending history the panel felt that a joint charge for all three was appropriate.</i>
12	Battery	Adult Conditional Caution	Appropriate with observations	2	<i>An unprovoked, unmitigated assault by a male with a recent offending history of assault. A charge would have been justified. Additionally there is no supervisor's rationale, no victim's views on disposal, and no compensation condition considered.</i>
13	S5 Public Order	Adult Conditional Caution	Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors	1	No victim's views recorded regarding disposal, and no store ban considered.
14	Theft from Store	Adult Community Resolution	Appropriate and consistent with Police	1	A very good decision maker's rationale.

			policies / the CPS Code for Crown Prosecutors		
15	Possess Cannabis	Adult Community Resolution	Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors	1	<i>Although the circumstances were almost identical to 06 above, the way the matter was dealt with was totally different. This was an excellent, meaningful, and well rationalised outcome. Textbook.</i>

6. National Out of Court Disposal Pilot Scheme Update

CARA (male domestic violence perpetrator programme) has now gone live and the panel should start to see these cases coming through this panel.

Re-introduction of the use of Fixed penalty notices – still no further forward although Senior Managers are keen for this to come into Force which will have an impact on our cautions policy and is not really being welcomed by the other partner agencies (ie: court).

Action: AP to raise this at the next PCC and COT meeting and try to obtain an update for the group.

Pilot – We are still working to the pilot scheme protocol along with the other two Pilot Forces. All other forces nationally have agreed to work toward this two-tier system, although they will each work toward their own timetable.

7. AOB

Kayley advised that this will be her last meeting as this no longer comes under her remit and she will update us with her replacement details in due course. The panel thanked her for her involvement.

8. Future Meeting Dates:

31st July 2018

30th October 2018