



Leicestershire Police & Partner Agencies
Adult Out of Court Scrutiny Panel
Minutes
30th October 2018

1. Attendance

Angela Perry (AP) (Chair) – Head of Governance & Assurance - PCC Office
Martin Pantling JP – Deputy Chair Magistrates Bench
John Norman (JN) - Leicestershire Police
Inspector Siobhan Barber – Leicestershire Police
Caroline Barker – Force Crime Registrar
Sally Cook– CPS
Hilary Allton– HMCTS
Jaspal Hulait – Probation
Joe O’Callaghan – Turning Point
Sharon Jones – Women’s Aid
Marcia Blake – Women’s Aid
Inspector Mark Stanley – Nottinghamshire Police (Observer)
Sergeant James Rimmington – Nottinghamshire Police (Observer)

2. Apologies

None - The chair thanked all organisations for providing deputies when the original panel member was unavailable.

3. Minutes and Actions from last meeting

The minutes of the last meeting were read and approved. There was no matters arising.

4. Adult Offender Disposal Data

JN gave an overview of the supplied data which now includes ethnicity details as a standard addition.

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:

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

Case No:	Case:	Disposal:	Outcome:	Category:	Comments:
01	Bilking (making off without paying)	Adult Conditional Caution	Inappropriate and inconsistent with policy	3	This case involved a female leaving a beauty salon without paying for her treatment. When spoken to she said she had told the salon owner that she would return and denied any intention of not paying. In view of the fact that the offence was denied an out of Court Disposal should not have been given.
02	Damage	Adult Conditional Caution	Appropriate and consistent	1	Damage to an alarm box. No previous police involvement. Apology and compensation.
03	Burglary (empty flat)	Adult Conditional Caution	Appropriate and consistent with Policies	1	Entered flat under renovation and stole decorating material. Admitted. Property

					recovered. No Police involvement since 1997. Referral to address drug addiction.
04	DA Harassment (no threats of violence)	Adult Conditional Caution	Appropriate but with observations.	2	Conditional Caution with no contact and DA offender programme referral was appropriate. However panel expressed unease about the steady escalation of the offender's behaviour.
05	s.4 Public Order	Adult Community Resolution	Appropriate and consistent with policies.	1	Two friends argue and fight when drunk. No previous police involvement. Both referred to agencies regarding alcohol abuse and effects.
06	Possess cannabis	Adult Community Resolution	Appropriate and consistent	1	<i>Totally correct and appropriate use of an 'at the scene' disposal.</i>

			with Policies.		
07	s.5 Public Order	Adult Conditional Caution	Appropriate but with observations.	2	Although the outcome was appropriate (conditions to pay a punitive fine and not to re-offend) the circumstances of a fight outside a restaurant supported a higher offence of s.4 Public Order.
08	Possess Cannabis	Adult Community Resolution	Appropriate but with observations	2	Although appropriate (first time cannabis possession), the offender was driving at the time the cannabis was found in his car. There is no evidence of a drug impairment test.
09	Possess Class A	Adult Community Resolution	Appropriate and consistent with policies	1	First time offender referred to drug rehabilitation.

10	DA related Battery	Adult Conditional Caution	Appropriate but with observations.	2	Consistent with DA policy (first time offence, admitted, standard risk and following the victim's wishes) and authorised by CPS. However the CPS present had reservations, and on the facts presented would have authorised a prosecution as the victim had disclosed previous unreported violence (denied by the offender).
11	DA related Battery	Adult Conditional Caution	Appropriate and consistent with Policies	1	Consistent with policy – first time offence, low risk, admitted, victim supports an out of court disposal. Referred to DA perpetrator programme.
12	DA related Harassment	Adult Conditional	Appropriate but with	2	Although consistent with policy the CPS view

	(without violence)	Caution	observations.		was that the escalating behaviour by the offender fits the criteria for an offence of stalking. As such, had the matter been referred to the CPS a charge as opposed to an out of court disposal would have been authorised.
13	s.4 Public Order	Adult Conditional Caution	Appropriate but with observations.	2	After reporting being harassed by an ex-boyfriend to the police, and prior to Police attendance, the female offender takes a knife into a corridor outside her flat and threatens her ex-boyfriend because he won't leave. The Police deal by way of an out of court disposal because of the mitigating circumstances. The CPS view was that the offence was too serious,

					it should have been charged, and the mitigation should have been presented at court.
14	Possess Cannabis	Adult Conditional Caution	Appropriate and consistent with Policies.	1	Due to previous drug involvement an escalation to a Conditional Caution with a drug referral was appropriate.
15	DA related damage	Adult Conditional Caution	Appropriate and consistent with policies.	1	First time offence, admitted, low risk, victim's wishes followed. Relationship now over. Referral to a DA perpetrator programme appropriate.

7. National Out of Court Disposal Pilot Scheme Update

JN - CARA (male domestic violence perpetrator programme) has now gone live and the panel can see that this referral is being used in most DA cases..

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. Bi-monthly National steering group meetings (attended by JN) are held where 'best practise' is shared amongst forces. Although there is still some unease from the DPP regarding using out of court disposals in DA cases a number of other forces have been given partial dispensation (require CPS authority) to do so.

8. AOB

The case selection for future meetings, currently strictly random, was discussed. It was agreed that should any agency or panel members become aware of any cases suitable for discussion and scrutiny at future meetings they should be referred to JN for sanitization and inclusion. Cases other than those referred would continue to be randomly selected by the OPCC.

9. Future Meeting Dates:

28th January 2019

29th April 2019

29th July 2019

28th October 2019