

Leicestershire Police & Partner Agencies
Adult Out of Court Scrutiny Panel
Minutes
31st July 2018

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
Chief Superintendent Sandall (DS) - Leicestershire Police
Darren Goddard – Deputy Force Crime Registrar
Ali Zaki – CPS
Hilary Allton– HMCTS
Jaspal Hulait – Probation
Kayley Galway – Turning Point
Joe O’Callaghan – Turning Point

2. Apologies

Caroline Barker – Leicestershire Police Crime Registrar
Christopher Trotter – CPS
Emma Langham – HMCTS
Jyoti Chavda – Leicestershire Police

3. Minutes and Actions from last meeting

Minutes approved. DS gave an update regarding the action re potential re-introduction of Penalty Notices as an OOCd for certain offences. This will not be considered currently whilst attempts are made to raise the level of Community resolution usage where appropriate as a sanctioned detection.

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:

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

| Case No: | Case: | Disposal: | Outcome: | Category: | Comments: |
|----------|------------|---------------------------|--|-----------|---|
| 01 | DA Battery | Adult Conditional Caution | Inappropriate and inconsistent with policy | 3 | DA cases can only be considered for a Conditional Caution where the DASH Risk assessment is Low/Standard. Here the Risk Assessment was Medium, therefore an OOCd shouldn't have been considered and the case should have been referred to the CPS. (CPS DA view – should have been charged). |
| 02 | DA Battery | Adult Conditional Caution | The panel failed to reach a conclusion. | 4 | This case involved a DA assault by a female on her partner (no complaint) together with an assault PC/resist arrest. Although the outcome was consistent with Policy some panel members felt that in view of the female's offending history and admitted substance abuse the matter should have been referred to the CPS for a prosecution decision. (CPS DA view – outcome agreed with. The conditions set were more onerous than any disposal a court would have given). |

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| 03 | DA Related Damage | Adult Conditional Caution | Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors | 1 | <i>(CPS DA view – agree that a CC is appropriate in the circumstances).</i> |
| 04 | DA Related Battery x2 | Adult Conditional Caution | Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors | 1 | <i>The panel noted that there was a very good decision maker’s rationale from the Sergeant involved. (CPS DA view – agreed. If charged both offenders would have entered NG pleas and we would have ended up with nothing).</i> |
| 05 | DA Related Harassment | Adult Community Resolution | Appropriate but with observations | 2 | <i>There was evidence of previous similar behaviour where the offender received ‘words of advice’. Had that been an official Community Resolution then the further incidents could have been escalated to a Conditional Caution and non-contact conditions formally set. (CPS DA view – would have considered a charge (despite victim’s views) and obtained a restraining order).</i> |

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| 06 | Theft from Store | Adult Community Resolution | Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors | 1 | Totally correct and appropriate use of an 'at the scene' disposal. |
| 07 | Theft from Store | Adult Community Resolution | Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors | 1 | As 06 above. |
| 08 | Possess Cannabis | Adult Community Resolution | Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors | 1 | |
| 09 | Possess Cannabis | Adult Community Resolution | Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors | 1 | |
| 10 | Criminal Damage (less than £5,000) | Adult Community Resolution | Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors | 1 | |
| 11 | Theft | Adult Conditional Caution | Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors | 1 | As 06 above. |
| 12 | Possess Cannabis | Adult Community Resolution | Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors | 1 | As 06 above |

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| 13 | Theft from Store | Adult Community Resolution | Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors | 1 | As 06 above |
| 14 | Possess Cannabis | Adult Community Resolution | Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors | 1 | |
| 15 | Theft from Store x3 | Adult Community Resolution | Inappropriate and inconsistent with policy | 3 | <i>In view of the fact that the three thefts were clearly pre-planned and involved group action then the minimum response should have been a Conditional Caution. Additionally there are no compliance dates attached to the CR as is required.</i> |

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 (case 04 above).

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. Bi-monthly National steering group meetings (attended by JN) are held where 'best practise' is shared amongst forces.

8.AOB

Kayley advised that this was her last meeting and introduced Joe O'Callaghan as her replacement.

9.Future Meeting Dates:

30th October 2018