



Leicestershire
Police
Protecting our communities

Leicestershire Police & Partner Agencies
Adult Out of Court Scrutiny Panel
Minutes
22nd February 2019

1. Attendance

Angela Perry (AP) (Chair) – Head of Governance & Assurance - PCC Office
Suzi Felstead JP – Chair Magistrates Bench
John Norman (JN) - Leicestershire Police
Detective Chief Inspector Chris Baker – Leicestershire Police
Sally Cook– CPS
Louise Cox - CPS
Jaspal Hulait – Probation
Joe O’Callaghan – Turning Point
Jyoti Chavda – Leicestershire Police

2. Apologies

Inspector Caroline Barker – Crime Registrar, Leicestershire Police
Emma Langham - HMCTS

3. Minutes and Actions from last meeting

The minutes of the last meeting were read and approved. There were 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. AP asked if at future meetings data showing how Leicestershire compared with other forces with regards to our out of court totals could be produced. JN agreed to supply this.

5. Panel Cases for Consideration

The majority of the 15 cases for review were chosen at random by the PCC’s office. In line with the agreement at the previous meeting a small number were specially selected by individual panel members. Following review the following results were recorded:

8 cases graded as 1 = Appropriate and consistent with policies
2 cases graded as 2 = Appropriate but with observations

5 cases 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	Possess Cocaine	Adult Community Resolution	Appropriate and consistent with policies.	1	A 20 year old male loses his wallet which is found and handed in to the Police. It is found to contain a small quantity of cocaine. Possession admitted. No previous convictions or drug involvement. Advice given and accepted.
02	Battery	Adult Conditional Caution	Appropriate and consistent with policies.	1	Following an argument between two drivers in a supermarket car park the 32 year old male driver assaulted the other (female) driver by spitting in her face. The male had no previous offending history. Ordered to pay £50 compensation and attend a Victim Awareness Course.

03	Battery	Adult Conditional Caution	Inappropriate and inconsistent with Policies	3	<p>After taking exception to the victim's driving a 41 year old male follows the victim to his place of work. Without warning the male punches the victim several times to the head knocking him to the ground. The victim was then kicked whilst on the floor and his glasses were broken. When leaving the male threatened that he would return. Offence admitted. The male has previous historical convictions for assault. Ordered to write a letter of apology, attend a Victim Awareness Course, and pay £50 compensation.</p> <p><i>Panel view was that the matter was aggravated by the sustained assault and threats to return, and despite the admission should have resulted in a charge.</i></p>
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04	Possess Cannabis	Adult Community Resolution	Appropriate and consistent with policies.	1	A 27 year old male with no history of drug involvement is found to be in possession of a small amount of cannabis. Agreed to attend sessions with a drug intervention worker. Fully completed.
05	Damage	Adult Conditional Caution	Inappropriate and inconsistent with policies.	3	Following a minor motoring incident the victim and his young son are followed by another car driver. When the victim pulls into his driveway the offender punches and damages both of the victim's car wing mirrors whilst the victim and his son are still in the car. When interviewed the male merely admitted hitting one of the wing mirrors once. No offending history. Ordered to attend a Victim awareness Course and pay the victim's insurance excess

					of £150. <i>Panel – the offender denied most of the allegation, and the damage was aggravated by the presence of the victim’s child. Case should have been charged.</i>
06	Possess cannabis	Adult Community Resolution	Inappropriate and inconsistent with Policies.	3	Police stop a car driving without lights at night. Before stopping the car bounces on and off the kerb. Both the car and driver smell of cannabis. The driver handed over a cannabis cigarette, and a small bag of cannabis and a grinder were found in the car. The male driver (33yrs) had no offending history. Simply agreed to hand over and forfeit the drugs. <i>Panel - Should have been tested for driving whilst impaired. Even if negative he should have been given some form of</i>

					<i>intervention or advice.</i>
07	Damage	Adult Conditional Caution	Appropriate and consistent with policies.	1	Following arrest for another matter a male damages both a police issue tracksuit and a blanket whilst in a cell. Admitted, and no recent offending history. Ordered to pay £63.50 compensation and attend a Victim Awareness Course. <i>The panel commented on the good police decision making rationale and recording in this case.</i>
08	Damage	Adult Conditional Caution	Appropriate and consistent with policies.	1	There is an ongoing dispute between neighbours regarding parking. The victim's car had been badly scratched on several occasions. The victim then witnessed a female walk past her car and deliberately scratch a

					number of panels with a ring. Offence admitted. No offending history. Required to write a letter of apology and pay £654 compensation. <i>Panel – this case was both dealt with and rationalised well.</i>
09	Harassment	Adult Community Resolution	Appropriate and consistent with policies	1	A male visits a shop on a number of occasions. He engages staff in conversation but never buys anything. His behaviour is described as strange and unnerving. On the last occasion he enters the shop he tells the lone female assistant that he is wearing women's underwear, and a bra can clearly be seen. The man has no offending history and accepts his behaviour would have appeared strange and possibly threatening. In line with the victim's

					wishes he agrees to write a letter of apology and not to re-visit the shop. <i>Panel – a good outcome well recorded.</i>
10	Public Order	Adult Community Resolution	Appropriate and Consistent with Policies.	1	A 26 year old female (with little offending history) attends a school demanding to see her younger sister. When refused she enters the school and walks around shouting and swearing loudly. She accepted that her behaviour was aggressive and likely to cause distress. She accepted words of advice from the Police, agreed to stay away from the school for a year, and received an Education Act banning order.

11	Domestic Abuse related ABH	Adult Conditional Caution	Inappropriate and Inconsistent with Policies	3	<p>A 24 year old male, described as controlling and with an offending history for DA, assaults his girlfriend causing a cut lip, swollen eye, swollen wrist and bruised and swollen nose. Offence admitted. Required to attend an EngAge referral.</p> <p><i>Inappropriate for numerous reasons and should have been charged. Case now referred to the CPS for a charge decision.</i></p>
12	Domestic Abuse related Harassment (without violence)	Adult Conditional Caution	Inappropriate and Inconsistent with policies.	3	<p>Following a relationship breakdown a 35 year old male (with a DA offending history) has sent his ex-partner numerous text messages (some threatening), turned up at her house shouting, swearing and banging the door, and contacted her work place using a false</p>

					<p>name and making untrue comments. He has also followed the victim in his car. Offence admitted. Required to attend a DA Perpetrator Programme and banned from contacting the victim by any means. <i>The CPS panel member's view 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. Additionally an out of court disposal was not appropriate due to the previous offending history.</i></p>
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13	Domestic Abuse related Harassment (without violence)	Adult Conditional Caution	Appropriate but with observations.	2	<p>Following the breakdown of a 20 year relationship a 39 year old man persistently contacts the victim by text. He also turns up uninvited at her address, and has followed her. Over the Christmas period the offender sent over 80 messages per day, some of which were threatening. A non-molestation order has been obtained. The male admitted the offence, and accepted he had an alcohol and mental health issue which he was now addressing. In line with the victim's wishes he was required to attend a DA Perpetrator course.</p> <p><i>PANEL – although seemingly appropriate the presence of a DA offending history meant the case should have been referred to the CPS for a charge decision.</i></p>
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14	Domestic Abuse related Battery	Adult Conditional Caution	Appropriate but with observations.	2	<p>The 28 year old male offender (with no offending history) attends his ex-partner's address to return their child. At the address he sees another male and becomes angry. Following an argument he twists his ex-partners arm up her back. He then picks up a spade and potato peeler and runs at the victim, but then stops and puts the implements down. He admitted the offence and expressed remorse. He was required to attend a DA Perpetrator rehabilitation course.</p> <p><i>PANEL – although the disposal was not incorrect the aggravating features of a child being present and possession of weapons could have justified referring the case to the CPS for</i></p>

					<i>review.</i>
15	Domestic Abuse related Battery.	Adult Conditional Caution	Appropriate and consistent with policies.	1	A married couple argue regarding the male having contact with another female. The male gets drunk and assaults his wife by slapping her several times. <i>PANEL - First time offence, admitted, low risk, victim's wishes followed. Relationship now over. Referral to a DA perpetrator programme appropriate.</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 should be used for all Male DA offenders.

Leicestershire Police are still working to the protocol introduced as a Ministry of Justice Pilot Scheme in 2014. All other forces nationally have agreed to work toward this two-tier system, and although they will each work toward their own timetable many have ceased their use of simple cautions, cannabis warnings and penalty notices. Bi-monthly National steering group meetings (attended by JN) are held at the NPCC offices where 'best practise' is shared amongst forces.

8. AOB

Panel members were reminded to forward details of any specific cases for review to JN prior to the next meeting.

9. Future Meeting Dates:

Friday 10th May 2019

Friday 9th August 2019

Friday 15th November 2019

Wednesday 19th February 2020