



**Leicestershire
Police**
Protecting our communities

Leicestershire Police & Partner Agencies
Adult Out-of-Court Scrutiny Panel
Minutes

11th October 2016

1. Attendance

Andrew Day (AD) – Chair –OPCC
John Norman (JN) - Leicestershire Police
Emma Langham (EL) – HMCS
Kayley Galway (KG) – Leicestershire Probation
Ian Clarkson (IC) – Chair of Magistrates Bench
Nigel Chapman (NC) – CPS
Supt Michael Mulqueen (MM) - Leicestershire Police (MMQ)
Caroline Barker (CB) – Leicestershire Police

2. Apologies

Paul Stock (PS) – Chief Executive OPSS
Michael Hopkinson (MH) – Snr Probation Officer

3. Minutes & Actions from October 2015 meeting

Previous minutes approved. JN advised that outcome data was available for this meeting and sent his thanks to Paul Stock for resolving this.

4. Adult Offender Disposal Data

There was discussion around whether the number and ratio of out of court disposals and those cases sent to Court were what would be expected. JN advised that the percentage of out of court disposals were consistent with those shown by the other 2 pilot forces.

5. Panel cases for consideration

The 15 cases chosen at random by the OPCC were reviewed by the Panel and the following recorded:

13 cases graded 1 - Appropriate and consistent with Police policies and/or the CPS code for Crown Prosecutors

2 cases graded 2 – Appropriate but with observations

Case No:	October 2016 Panel	Disposal	Panel Findings & Comments	Category
01	Battery	Adult Conditional Caution	Appropriate and consistent	1
02	DV Assault & Damage	Adult Conditional Caution	Appropriate and consistent	1
03	DV Battery	Adult Conditional Caution	Appropriate and consistent	1
04	Supply Class B (Amphetamine)	Adult Community Resolution	Appropriate but with observations	2
05	DV Damage	Adult Conditional Caution	Appropriate and consistent	1
06	DV Damage	Adult Community Resolution	Appropriate and consistent	1
07	DV related Battery	Adult Conditional Caution	Appropriate and consistent	1
08	Battery	Adult Community Resolution	Appropriate but with observations	2
09	Criminal Damage less than £5000	Adult Conditional Caution	Appropriate and consistent	1
10	S5 Public Order/Drunk & Disorderly	Adult Community Resolution	Appropriate and consistent	1
11	S4 Public Order (DV related)	Adult Conditional Caution	Appropriate and consistent	1
12	S4 Public Order	Adult Community Resolution	Appropriate and consistent	1
13	Theft from store	Adult Community Resolution	Appropriate and consistent	1
14	Drunk & Disorderly/S5 Public Order	Adult Community Resolution	Appropriate and consistent	1
15	Theft	Adult Conditional Caution	Appropriate and consistent	1

There were no cases deemed inappropriate and inconsistent with Police policies/or the CPS Code for Crown Prosecutors.

There were no cases where the panel failed to reach a conclusion.

Of the cases deemed 2 – Appropriate but with observations - the following observations were made

#4	<p>Supply Class B (Amphetamine) – This relates to a 20 year old female who had a bad reaction to taking amphetamine, this was given to her by a friend of her mothers. The offender had purchased the amphetamine for her own use and had given it to the victim who was feeling ‘a bit down’.</p> <p>A Sergeant was the decision maker for this and JN advised that under the Out of Court Disposal Pilot a Community Resolution for this type of offence should have been authorised by a Detective Inspector. It was agreed that that due to the circumstances surrounding the offence the Sergeant had taken a pragmatic approach to resolving this.</p>
#8	<p>Battery – This relates to a female shopping with her 2 year old daughter, she was told by a witness that a driver had hit her car. When she approached the driver of the offending vehicle the driver pushed the victim whilst she was holding her child, causing her to stumble. The offender was a 68 year old female with no offending history and the only record of the interview is that she admitted the offence. The Panel felt that more details regarding the offenders account and reasons for offending would have been beneficial.</p>

NC commented that it was clear that the guidance and training given by JN were being understood and expressed his thanks for the work undertaken by JN.

There was discussion regarding the MG5 form, both JN and NC felt that a free text option on the form would help to improve quality rather than the current drop down boxes.

JN spoke about the development of the perpetrator course, there has been some delay due to a change in PCC and Lord Bach has been asked to give consideration to the course.

The PCC is funding the New Dawn New Day project.

5. National Out of Court Disposal Pilot Scheme update

JN advised that the final report on the Pilot from the Ministry of Justice still hasn’t been published yet. The DPP has allowed the force to continue using the outcomes included in the pilot pending the final report.

JN said that there had been some concerns from the CPS regarding the use of out of court disposals in domestic violence cases. A Judge in an area (not one of the 3 force areas included in the pilot) has ruled that a conditional caution should be given for a domestic violence case. In view of this Leicestershire refer to the CPS for a decision on the issuing of a conditional caution in domestic violence cases. JN believes this will be the final guidance issued by the Ministry of Justice when they have concluded their review of the pilot. NC advised that the decision making regarding domestic violence offences will revert from CPS Direct to local CPS.

JN said that under the pilot, out of court disposals can be used for hate crimes, however in Leicestershire we are risk adverse and not using them and have had only 11 out of court disposals related to hate crimes since 2014.

JN advised that we are looking at developing a victim awareness course specifically for hate crime perpetrators.

JN said that jointly with the Army we are putting together a course to work with perpetrators, this will include a 3 hour session and those attending will be offered the opportunity to attend a week's residential course with the Army.

JN spoke about the work being carried out with Victim First around developing restorative justice meetings between victims and offenders.

JN said that the pilot came with no funding and therefore the force has had to look at different options to make any conditions attached to an out of court disposal meaningful.

6. Communication

It was reiterated that the OPCC is happy for the panel to share the work from our meetings with their colleagues and welcomed any feedback.

7. AOB

KG advised that all female perpetrators will be referred to New Dawn New Day.

Turning Point are currently seeing a reduction in staff, this includes staff who work with perpetrators referred to them as part of the conditions of their caution.

JN and KG said that the number of people who continue to work with referral groups after their conditions are completed is encouraging.

EL said that the courts have seen a reduction in drug testing for offenders who come to court. KG advised that this is not being done as frequently as previously due to 2 staff having left.

Action: *JN will highlight this as an issue.*

1. Date of Next Meeting

11th January 2017 @ 10.00am