



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

**13<sup>th</sup> January 2016**

**1. Attendance & Apologies**

<b>Attendance</b>	<b>Apologies</b>
Paul Stock (PS) – Chair – Chief Executive OPCC	Mina Shah – Women’s Aid
John Norman (JN) – Police	
Steph Brown (SB) – HMCS	
Emma Langham (EL) – HMCS	
Kayley Galway (KG) – Leicestershire Probation	
Michael Hopkinson (MH) – Snr Probation Officer	
Nigel Chapman (NC) – CPS	
Clare Weddell (CW) – Women’s Aid	
Martin Pantling (MP) - HMCS	
C/Supt David Sandall (DC) – Police	
PS Caroline Barker (CB) – Police	

**2. Minutes & Actions from October 2015 meeting**

2.1 JN explained the background and purpose of the meetings for the benefit of those who had not previously attended. It is a national requirement to have a multi-agency scrutiny panel to look at the way the police deal with cases by way of an out of court disposal as opposed to prosecution. Samples cases are selected at random by the Police and Crime Commissioner, these are reviewed to see if they have been dealt with appropriately and if there are any learning points that can be fed back or incorporated into future training for officers. Good points are also identified. There has been a three force pilot project (in Leicestershire, Staffordshire and Yorkshire) which ended in November 2015, and as part of that the number of out of court disposals that can be used for adult offenders were reduced from five to two, i.e. Community Resolution or Conditional Caution. Whilst the out of court

disposal pilot project has ended Leicestershire have continued to utilise only the two out of court disposals offered pending a full evaluation of the pilot.

- 2.2 JN gave a summary of the last meeting. The minutes were agreed as a correct record and actions were reviewed and discussed.
- 2.3 Fifteen cases were reviewed at the last meeting – 9 deemed appropriate, 5 appropriate but with observations and 1 inappropriate. Of the 6 cases deemed appropriate but with observations or inappropriate, JN advised that the concerns raised and learning points had been fed back to the relevant officers and supervisors. There was a particular concern raised regarding the lack of rationale by decision makers and JN advised that guidance had been circulated and that improvements had already been noted.
- 2.4 There was discussion regarding re-offending and JN said that the pilot will report on this and should enable a better understanding of the benefits of the out of court pilot and in particular the use of conditional cautions. KG said she could provide some figures on how many offenders have been referred into structured treatment, which the panel felt would be useful. JN said that the feedback from Engage is that a high number of offenders referred continue on a voluntary basis and KG said this is the same for New Dawn New Day.
- 2.5 JN advised that it is now mandatory for one of the conditions attached to a caution to be rehabilitative. KG said that her team are coping with the increase in demand as a result of more referrals to alcohol/drug intervention teams and are looking at how they continue to provide support going forward. DS asked if the OPCC could look at ensuring that support for the alcohol/drug referral team continues to be available as services restructure.
- 2.6 **ACTION:** PS will speak with the OPCC commissioning manger regarding this.

### **3. October 2015 Report**

- 3.1 An overview of the report circulated prior to the meeting was provided by JN and he distributed a further paper at the meeting relating to comparative performance figures for Adult Out of Court Disposals Oct-Dec 2015.
- 3.2 NC asked how Leicestershire figures for outcomes compared with other forces and JN explained that all forces report similar figures. JN explained that during the out of court pilot the number issued has reduced and that the reasons are being explored.
- 3.3 Offences of possession of cannabis have reduced, with a number of potential contributing factors; these include a reduction in the number of stop/searches being completed and an increase in the use of 'legal highs'. DS

advised that the force is looking at all possible reasons for a reduction in this offence.

#### **4. January 2016 Panel Cases for Consideration**

4.1 15 cases were chosen at random by the OPCC were reviewed by the Panel.

Of the 15 cases, there were:

- 1 x Theft from Store
- 1 x Theft
- 1 x Possession of Cannabis
- 5 x Common Assault (Battery)
- 1 x Domestic Violence Assault (Battery)
- 1 x Domestic related Criminal Damage (less than £5,000)
- 1 x Sexual Assault on a Female
- 1 x Disclose a private sexual photograph or film without consent
- 1 x Recording a Private Sex Act
- 2 x Sex Offender – Fail to notify change of address
- 1 x Harassment

4.2 The panel findings for the 15 cases were as follows:

11 cases were deemed “Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors.”

2 cases were deemed “Appropriate but with observations.”

3 cases were deemed “Inappropriate and inconsistent”

## 4.3 A breakdown of the offences, disposals and findings is as below:

Case No:	January 2016 Panel	Disposal	Panel Findings & Comments	Category
01	Common Assault	Adult Conditional Caution	Appropriate and consistent	1
01	Common Assault	Adult Conditional Caution	Appropriate and consistent	1
03	Domestic related Criminal Damage	Community Resolution	Appropriate but with observations	2
04	Domestic Violence Assault (Battery)	Community Resolution	Appropriate and consistent	1
05	Common Assault (Battery)	Community Resolution	Appropriate and consistent	1
06	Recording a Private Sex Act	Community Resolution	Appropriate and consistent	1
07	Common Assault (Battery)	Community Resolution	Appropriate and consistent	1
08	Harassment	Police Information Notice	Inappropriate and inconsistent	3
09	Sex Offender – Fail to notify change of address	Adult Conditional Caution	Appropriate and consistent	1
10	Sex Offender – Fail to notify change of address	Adult Conditional Caution	Appropriate and consistent	1
11	1) Disclose a private sexual photograph or film without consent, and 2) Possession of Cannabis	Adult Conditional Caution	Inappropriate and inconsistent	3
12	Common Assault (Battery)	Adult Conditional Caution	Appropriate and consistent	1
13	Sexual Assault on a Female	Adult Conditional Caution	Inappropriate and inconsistent	3
14	Theft from Store	Adult Conditional Caution	Appropriate and consistent	1
15	Theft	Adult Conditional Caution	Appropriate and consistent	1

4.4 In the first of the cases deemed “*Inappropriate and Inconsistent with Policy*” [#8], the offence reported was harassment which had been ongoing and the Panel considered that a Police Information Notice was not appropriate, as this is advice only to the offender and the allegation should have been investigated more fully.

- 4.5 In the second of the cases deemed “*Inappropriate and Inconsistent with Policy*” [#11], the offender had published naked images of the victim on a social media site and the Panel considered that due to the impact on the victim and the serious nature of the offence the matter should have gone to court and the Magistrates Court would have referred it to the Crown Court. NC said that as this is new legislation and there is an opportunity for learning from this example.
- 4.6 In the third of the cases deemed “*Inappropriate and Inconsistent with Policy*” [#13], this was a sexual assault the Panel considered that the offender should have been charged with the offence due to the premeditation and impact on the victim and that a custodial sentence would have been issued by the Magistrates Court.
- 4.7 **ACTION:** JN to circulate advice to Detective Inspectors to ensure that the disposal decisions are made regarding sexual offences.
- 4.7 In the case deemed “*Appropriate but with observations*” [#3], the Panel considered that the offender who had committed domestic related damage should have been arrested and that the victim should have been given the opportunity to speak with officers away from the offender.
- 4.8 With regard to the 9 cases deemed “*Appropriate and consistent*”, the following observations were made:

#1	Domestic related Common Assault – entirely appropriate with good rationale provided by the Sergeant who should receive feedback. NC stated that this case reflects well on the training work undertaken by JN.
#2	Common assault (battery) – update provided by Kayley Galway that the decision to apply a condition for the offender to work with an alcohol referral worker has had a positive impact for all members of the family. This is to be fed back to the Sergeant who applied the conditions. NC stated that this case reflects well on the training work undertaken by JN.
#4	Domestic related Common Assault – Victim happy and risk assessment completed.
#5	Common Assault – Entirely appropriate.
#6	Recording of a Private Sex Act – The previous offending history of the offender was not relevant.
#7	Common Assault – The outcome was in accordance with the victim’s wishes.

#9	Sex Offender – Fail to notify change of address – This was dealt with by staff from MAPPA which provided reassurance to the panel that the appropriate outcome was applied.
#10	Sex Offender – Fail to notify change of address – This was dealt with by staff from MAPPA which provided reassurance to the panel that the appropriate outcome was applied.
#12	Common Assault – entirely appropriate as the justification to charge was not available.
#14	Theft from Store – Entirely appropriate, with excellent rationale.
#15	Theft – Entirely appropriate.

- 4.9 There were no cases where the panel failed to reach a conclusion.
- 4.10 **ACTION:** JN will speak with the DI with responsibility for the MAPPA team to ask that staff be advised that where an offender commits a second offence of failing to notify a change of address they should be charged.

## 5. Pilot Project Update

- 5.1 JN provided an update regarding the Leicestershire Adult OOC Pilot. This concluded on 3 November 2015. Whilst a full evaluation is being undertaken the DPP has given authority for Leicestershire to continue to give conditional cautions for domestic violence cases. It is anticipated that all forces will move to the 2 out of court disposals in the future.
- 5.2 JN advised that there has been a drop in the number of out of court disposals issued and that we are trying to understand this, but those issued are more meaningful and the conditions applied aim to address offending. DS said that conditions attached to cautions should be positive and meaningful.
- 5.3 JN advised that it has been difficult to provide specific conditions for domestic violence cases due to a lack of support services. Going forward the CARA project will work with domestic violence perpetrators and there is work ongoing to look at how a specific program can be developed to refer offenders to.
- 5.4 There was discussion regarding the figures showing that overall crime has reduced and so have the number of overall outcomes. DS explained that we need to fully understand the drop in outcomes but that it is important that we are doing the right thing and work is ongoing to fully understand the figures.
- 5.2 JN acknowledged that there being some gaps, an example being Domestic Violence cases although it is hoped that a Domestic Violence outcome will

**6. Communication**

- 6.1 PS advised that the case outcomes from today will be circulated.
- 6.3 PS thanked JN for the work he carries out in preparation for the scrutiny panel meetings.
- 6.4 SB said that this is her last meeting and she said it had been a very rewarding experience and thanked JN for his exceptional service and thanked PS for handling the meeting with sensitivity and making all panel members feel valued.

**7. Any Other Business**

- 7.1 PS advised that there was to be a seminar on 29<sup>th</sup> February to which prospective PCC candidates were to be invited to help them understand the role partners play in the work of the PCC. PS invited panel members to attend to ensure candidates are aware of the importance of the panel work and the need for it to continue.

**8. Summary and Recommendations**

- 8.1 The next Adult OOCB Scrutiny Panel will continue to consider cases that have been dealt with under the Pilot Scheme.
- 8.2 The next Adult OOCB Scrutiny Panel will take place in April 2016.