

## **Report to PCCs on Norfolk & Suffolk's Out of Court Disposal Scrutiny Panel**

### **About the Panel**

Norfolk and Suffolk Constabulary's Out of Court Disposal Scrutiny Panel has been set up to independently scrutinise the use of out of court disposals in response to national recommendations, following concerns about their appropriate use. The role of the panel is to ensure that the use of out of court disposals is appropriate and proportionate, consistent with national and local policy, and considers the victims' wishes where appropriate. The panel aims to bring transparency to the use of out of court disposals in order to increase understanding and confidence in their use. Findings of the panel, together with responses to recommendations made, are to be reported publicly to support this aim.

### **How the Panel Operates:**

The panel review and discuss case files as a group and conclude one of three categories:

- Appropriate and consistent with national and local guidelines;
- Appropriate with observations from the panel;
- Inappropriate use of out of court disposal.

Decisions reached by the panel on each case file are recorded, together with observations and recommendations, to inform changes of policy or practice. The panel also consider performance information regarding levels and use of out of court disposals, changes to legislation, and policies and practice to support them in their role.

### **Report**

The panel met on the 16<sup>th</sup> May 2018. Twelve panel members were present with six apologies.

### **Panel Business**

- The panel discuss all actions from the previous scrutiny meeting prior to moving on to the case files.
- Scrutiny of case files.
- Rationale and file selection

The panel had requested a focus upon cases of Possession of Weapons disposed of by means of out of court disposal in Suffolk and Norfolk for this meeting.

### **Panel Findings**

10 cases were scrutinised: 5 x Suffolk and 5 x Norfolk cases. The panel were unable to reach a decision regarding one of the Suffolk cases which has been deferred to the next meeting when we will have more information. It was concluded that two were inappropriate uses of an out of court disposal and of the remaining seven appropriate cases four were listed as appropriate with comments from the panel.

## **Suffolk**

- Three of the Suffolk cases were dealt with proportionately and appropriately. Admissions from the accused were clear and proportionate and the correct level of authority had been obtained in all cases. Documentation had been completed to a good standard.
- Comments were added to Suffolk Case Study 1 that the officer in the case had not used a strong enough justification for his decision to use an out of court disposal and appeared to have been working from the wrong gravity matrix for the offender's age.
- Suffolk Case Study 2 was concluded to be an inappropriate use of an out of court disposal as it did not meet the evidential standard.
- The panel could reach no decision regarding Suffolk Case Study 3 and deferred the decision until more information could be presented at the next meeting.
- Comments were added to Suffolk Case Study 4 that, as this concerned a member of military personnel, the panel would have liked to have confirmation that the individual's base was notified of the incident.

## **Norfolk**

- Four of the Norfolk cases were dealt with proportionately and appropriately. Admissions from the accused were clear and proportionate and the correct level of authority had been obtained in all cases. Documentation had been completed to a good standard.
- Comments were added to Norfolk Case Study 1 that the officer in the case needed to include more detail of his rationale for going against national guidance in issuing an out of court disposal.
- Comments were added to Norfolk Case Study 5 that Challenge 4 Change would have been a more beneficial disposal for the young offender in this case.
- Norfolk Case Study 3 was concluded to be an inappropriate use of an out of court disposal as there were aggravating factors to this offence and no reasonable justification for the decision not to charge.

## **Key Issues**

- Three out of Five of the Suffolk cases displayed an incorrect classification of the weapons used in the offences from bladed articles to offensive weapons.