

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 30th January 2019. Eleven panel members were present with five 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 randomly selected cases disposed of by means of out of court disposal (some of which would be conditional cautions) in Suffolk and Norfolk for this meeting.

Panel Findings

12 cases were scrutinised: 6 x Suffolk and 6 x Norfolk cases.

All six Norfolk cases were concluded to be appropriate though one of these had comments from the panel. Five of the Suffolk cases were concluded to be appropriate and there was one Suffolk case where the panel were unable to come to a conclusion without more information.

Suffolk

- 5 cases were found to be appropriate and consistent with local and national guidelines.
- 1 case of possession of cannabis was disposed of by caution rather than cannabis warning. The panel are awaiting the results of an action to find out if the offender had been issued a cannabis warning previously before deciding if the caution was an appropriate disposal in this case.

Norfolk

- 5 cases were found to be appropriate and consistent with local and national guidelines.
- 1 case was found to be appropriate but with added comments from the panel about the gravity of the offence. The case was disposed of as arson which is a serious offence and although technically correct does indicate a far more serious incident than what actually took place. The panel have concerns around the potential for this to be disclosed in a future DBS check and impact the young offender disproportionately in future.

Key Issues

- It was noted that having a trained appropriate adult present for young offenders during interviews may often lead to better advice for the young offender than if a parent with little to no legal knowledge attends with them.
- There was a case of cannabis possession with a 17 year old offender 1 week off his 18th birthday. Although the community resolution received was an appropriate disposal a cannabis warning would have been more appropriate but these can only be issued to adults.
- It was noted in one Suffolk case that a young offender had received 7 community resolutions where they are only supposed to receive one.