

Report to PCCs on Norfolk and Suffolk's Out of Court Disposal Scrutiny Panel

Meeting Date: Tuesday 13 September 2022

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 membership comprises a range of criminal justice services professionals including representatives from the police, Criminal Justice Service, Youth Offending Team, Magistrates and PCC Offices who aim to bring transparency to the use of Out of Court Disposals to increase public 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 independently review and discuss a selection of anonymised case files that have been resolved by use of an Out of Court Disposal with Norfolk or Suffolk and conclude whether the method of disposal fits one of three categories:

- Appropriate and consistent with national and local guidelines.
- Appropriate but with comments/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. The panel cannot endorse, resend or alter individual decisions already made.

Panel Business

The panel met on the 13 September 2022. 8 panel members were present with 4 offering apologies.

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

The Panel Findings

Eight cases were scrutinised: 4 x Norfolk and 4 x Suffolk cases. These cases were selected at random and included both adult (5) and youth (3) disposals. No individual group of people were specifically

selected based solely on characteristics (such as perceived race) on this occasion, however, the cases scrutinised represented a wide range of members of our communities.

Three of the Norfolk cases scrutinised were deemed to have met the evidential standard and were concluded to be appropriate and consistent with the national and local guidelines. The remaining Norfolk case was concluded to be appropriate with comments from the panel.

One of the Suffolk cases scrutinised was deemed to have met the evidential standard and concluded to be appropriate and consistent with the national and local guidelines. Two further cases were concluded to be appropriate, with additional comments added by the panel. The panel determined that one Suffolk case was not an appropriate use of an Out of Court Disposal.

Norfolk Cases

- Three Norfolk cases were found to be appropriate and consistent with national and local guidelines.
- Norfolk Case Study 4 was found was also found to be appropriate however it received comments from the Panel. Discussions were held as to whether the conditional caution issued was appropriate in response to the severity of the allegation. A sufficient response was provided at the meeting that confirmed the conditions of the caution meant the offender had to engage with the Youth Offending Team.

Suffolk Cases

- Three cases were found to be appropriate and consistent with national and local guidelines.
- One Suffolk case was determined as an inappropriate use of Out of Court Disposal.
- Suffolk Case Study 2 was found to be appropriate with comments from the panel. Discussions were held around whether the offence of Assault on an Emergency Worker should have been progressed to court for the potential for compensation. A sufficient response was provided that determined that in this case a letter of apology was deemed a sufficient disposal with this being agreed by the victim.
- Suffolk Case Study 3 was determined as an inappropriate use of an Out of Court Disposal. From the evidence provided to the panel and the severity of the allegations, the panel determined that the Type 20 – Social Care dealing disposal was not appropriate. The panel believed a joint police investigation should have been undertaken alongside the safeguarding role of Social Services. Appropriate feedback will be completed as part of the actions of this meeting.
- Suffolk Case Study 4 was found to be appropriate with comments from the Panel. Discussions were held around whether a parallel police investigation was required in addition to the Social Service referral. A sufficient response was provided within the meeting to determine that that the family in question were predominantly in need of support and were engaging with partner agencies.

Performance Data

Data was provided on the number of Out of Court Disposals for each force for the period of May – July 2022. Please see the data broken down by type of Out of Court Disposals for each force below:

Norfolk Constabulary				
Outcome	May	June	July	Total
Type 2 - Caution Youth	7	7	6	20
Youth Conditional Caution	1	0	1	2
Type 3 - Caution Adult	79	94	65	238
Type 3A - Caution Adult - alternate offence.	2	0	7	9
Adult Caution - conditional	3	7	21	31
Type 4 - TIC - Taken into Consideration	0	0	3	3
Type 5 - Offender has died	3	2	4	9
Type 6 - Penalty notice for disorder	11	6	0	17
Type 7 - Cannabis/Khat Warning	30	34	5	69
Type 8 - Community resolution (Crime)	110	93	141	344
Grand Total	246	243	253	742

Suffolk Constabulary				
Outcome	May	June	July	Total
Type 2 - Caution Youth	17	9	11	37
Youth Conditional Caution	0	0	4	4
Type 3 - Caution Adult	49	47	50	146
Type 3A - Caution Adult - alternate offence.	0	1	3	4
Adult Caution - conditional	2	9	8	19
Type 4 - TIC - Taken into Consideration	7	4	35	46
Type 5 - Offender has died	3	0	0	3
Type 6 - Penalty notice for disorder	4	1	0	5
Type 7 - Cannabis/Khat Warning	21	15	5	41
Type 8 - Community resolution (Crime)	110	97	118	325
Grand Total	213	183	234	630

Next Meeting Date:

- Wednesday 7th December 2022

