

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

Meeting Date: Wednesday 7 December 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 7 December 2022. Ten panel members were present with one apology.

- 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: four Norfolk and four Suffolk cases. These cases were selected at random and included both adult (3) and youth (5) 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.

Two 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 two Norfolk cases were concluded to be appropriate with comments from the panel.

Two of the Suffolk cases scrutinised were deemed to have met the evidential standard and concluded to be appropriate and consistent with the national and local guidelines. One further case was 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

- Norfolk Case Studies 1 and 2 were found to be appropriate and consistent with national and local guidelines.
- Norfolk Case Studies 3 and 4 were found to be appropriate however they received comments from the panel. Incidentally, the suspect in both case studies was the same, so these were taken in conjunction with one another due to the suspects offence history and their incident timeline. Discussions were held as to whether the youth cautions issued were appropriate in response to the severity of the allegations. Furthermore, a discussion was held in relation to the suspects offence history as they had been involved in several incidents since these cases. A sufficient response was provided at the meeting that confirmed the conditions of the cautions meant the offender had to engage with the Youth Offending Team.

Suffolk Cases

- Suffolk Case Study 1 was found to be appropriate with comments from the panel. Discussions were held around what mental health assistance the suspect had been receiving since the incident as it was noted at the time of the disposal, the suspect (a 13-year-old male) had been waiting nine months to see a Mental Health Nurse. A sufficient response was provided that determined that a referral had been made to an appropriate Mental Health Nurse, however its progress was to be monitored by the panel to ensure that the suspect was receiving the help in which they needed. The panel was satisfied that the Type 20 disposal was appropriate.
- Suffolk Case Study 2 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 Studies 3 and 4 were found to be appropriate and consistent with national and local guidelines.

Performance Data

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

Norfolk Constabulary				
Outcome	August	September	October	Total
Type 2 - Caution Youth	5	2	4	11
Type 2A - Caution Youth - alternate offence.	0	2	0	2
Type 3 - Caution Adult	106	62	88	256
Type 3A - Caution Adult - alternate offence.	7	7	8	22
Adult Caution - conditional	5	1	16	22
Type 4 - TIC - Taken into Consideration	2	0	5	7
Type 5 - Offender has died	7	6	1	14
Type 7 - Cannabis/Khat Warning	2	2	3	7
Type 8 - Community resolution (Crime)	161	133	190	484
Type 20 - Further action resulting from the crime report will be undertaken by another body or agency subject to the victim (or person acting on their behalf) being made aware of the act to be taken	70	129	79	278
Grand Total	365	344	394	1103

Suffolk Constabulary				
Outcome	August	September	October	Total
Type 2 - Caution Youth	10	19	11	40
Type 2A - Caution Youth - alternate offence.	2	0	0	2
Youth Conditional Caution	44	48	37	129
Type 3 - Caution Adult	4	2	1	7
Type 3A - Caution Adult - alternate offence.	3	7	14	24
Adult Caution - conditional	21	20	35	76
Type 6 - Penalty notice for disorder	4	2	0	6
Type 7 - Cannabis/Khat Warning	3	0	5	8
Type 8 - Community resolution (Crime)	132	103	126	361
Type 20 - Further action resulting from the crime report will be undertaken by another body or agency subject to the victim (or person acting on their behalf) being made aware of the act to be taken	245	280	304	829
Grand Total	468	481	533	1482

Date of Next Meeting

- Tuesday 7th March 2023