Out of Court Disposal Scrutiny Panel

Feedback Report to Learning & Development

Date Panel Held	7th March 2024
Number of cases reviewed	10
Panel	Sue ALEXANDER CHAIR (JP); Gary HORSCROFT (JP); John LYNCH (CPS); Victoria BISHOP (OPCC) Verity WALFORD (PROBATION), Jennifer CRICKETT (RJ); Chris MULROONEY (DEPEND); Lynn NORTHFIELD (CJD); Lottie HUNTER (DEPEND); Minutes taken: Jules HOLLAND – DEPEND Team
Apologies	Leonora YARWORTH (HMCTS) Lynn TEAGUE (VICTIM SUPPORT); Jane GIBNEY (CPS); Lucie SMITH (CJD)
Report completed for	CJD – Criminal Justice Department – Crime Investigation Department – LPA Superintendents

How cases are reviewed

The Panel consists of representatives from a cross section of internal and external stakeholders. Such members normally include the CPS, Police, Probation, Victim Support, PCC, the Courts and Magistracy.

Ten anonymised cases are selected by the Chair in advance of the Panel meeting. The case file paperwork for each case is researched, redacted and emailed securely to each Panel member two weeks prior to the Scrutiny Panel. Each case is discussed in detail and members vote as to how they feel each case was disposed as follows:

1 = Appropriate and consistent with policy

2 = Appropriate with observations

3 = Inappropriate and inconsistent with policy

4 = Panel unable to reach a decision

If the Panel are unable to reach a conclusion, the chair has the deciding vote.

The Chair conveyed that 80% of cases reviewed on the last Panel on 7th December 2023 had a score of 1 or 2. This period covered 1st November 2023 to end of January 2024 and there have been 587 adult disposals in the Quarter.

ADULT CASES

Case Number	**1**
Type of Case Reviewed	**SECTION 18 - GRIEVOUS BODILY HARM WITH INTENT**
Disposal	**ADULT CONDITIONAL CAUTION**
Condition	**WRITE A LETTER OF APOLOGY, COMPLETE 3 CGL SESSIONS AND CONTINUE TO WORK WITH NELSON TRUST.**
Panel Finding	**3**

Documents Reviewed	**CR/0045692/23, MG05, MG06, MG14, PNC, EX AM - 01 PHOTO OF INJURY, MO**

Summary:

The suspect approached the victim and said "you look like a bitch". The victim replied, the suspect lunged over the table and pulled the victim's hair. Suspect then picked up a plant pot and threw it at the victim striking her on the head, causing a deep cut to the left-hand side of her forehead, very close to the temple causing the victim's head to bleed profusely. The suspect had no recollection of the incident and when showed the CCTV footage, admitted the offence. The victim and suspect are unknown to each other and the victim is supportive of the disposal. The offender had previously been involved with the Nelson Trust to help with her alcohol issues, but had relapsed.

Observations –

SERGEANT'S OPINION ON OUTCOME:
The suspect had no previous convictions for VAP offences and was remorseful in interview. With the victim's views taken into consideration, issuing a Conditional Caution with conditions to do a letter of apology to the victim and attend a minimum of three sessions with Change, Grow, Live, (CGL drug and alcohol support agency) demonstrates her remorse to the victim and will assist with her alcohol relapse. CGL sessions include information around the harm caused by alcohol misuse, information on triggers, dealing with cravings and it helps users develop a relapse prevention plan.

This offence was initially sent through to the Depend Team as an Assault by Beating. The Depend Sergeant queried this with the OIC and supervisor, as it does not appear to be an Assault by Beating. The injury looked extremely large and deep, likely to leave a large scar. He requested that the crime be re-reviewed and either way would need an Inspector's authority if ABH or CPS authority if GBH. Confirmation was given that the offence would sit as an ABH and Inspector's authority given.

There was a lack of medical records that would allow a decision for a GBH offence. It was noted from the MG14 that this was resulted as an Assault by Beating, which was a mis-communication/understanding by the caseworker.

This case had been picked out by the Chair for the apparent seriousness of the injury, caused by an unprovoked attack on an unknown victim. Panel queried if it

was ABH or GBH; CPS confirmed it was a high level ABH or a low-end Section 20 GBH. They were worried that the suspect is capable of attacking random people and there is a high risk of repeat offending, especially when the suspect is intoxicated. Panel agreed this case should have gone to Court and the CC Disposal was not appropriate for the seriousness of the injury. The victim's reluctance to engage hindered progressing it any further and was possibly why it went down the ABH route.

Feedback –

DEPEND Sergeant to review the Case (there have been a few issues with the Acting Inspector's decisions before).

Case Number	**2**
Type of Case Reviewed	**RACIALLY / RELIGIOUSLY AGGRAVATED ASSAULT OCCASIONING ACTUAL BODILY HARM**
Disposal	**COMMUNITY RESOLUTION. No evidence to support the racial element, no injuries caused. Resulted as an assault by beating.**
Condition	**VERBAL APOLOGY**
Panel Finding	**1**

Documents Reviewed	**CR/0047599/23, COMMUNITY RESOLUTION (X 2 OFFENDERS), MO**

Summary:

The suspects are 20 and 18 year old brothers of the 14 year old victim. They shout racial abuse at the victim as well as insulting him by calling him fat and ugly. The suspects often walk into the victim's room and punch him causing bruising.

Observations –

SERGEANT'S OPINION ON OUTCOME:
Having looked into the case further it was found that this offence is not as first reported. There was no racial element and no injuries were caused. It has been resulted as an assault by beating with an Inspector's authority, due to the DA element. The Condition was a verbal apology.

Panel discussed the family dynamics of this case. Some members thought this was a waste of police time and could have been NFA'd but decided if nothing had been done then it was normalising the behaviour of the brothers. An Inspector's authority was gained and overall felt this was an appropriate disposal, consistent with Policy.

Case Number	**3**
Type of Case Reviewed	**ROBBERY THEFT ACT 1968 8(1) NOT SPECIFIED**
Disposal	**RESTORATIVE DISPOSAL [LEVEL 1] HAS BEEN RESULTED AS THEFT ONLY, RACIAL ELEMENT IS NOT MADE OUT.**
Condition	**CONDITION TO PAY FOR THE TAXI RIDE WHICH HAS BEEN PAID UP IN FULL.**
Panel Finding	**2**

Documents Reviewed	**CR/0047717/23, RJ1, PNC, MO**

Summary:

The victim is a taxi driver who picked up the suspect from Gloucester. The victim took the suspect home. Upon arrival the suspect did not have enough money to pay, so he punched the victim in the stomach. The victim then put the suspect in a headlock to prevent harm. The suspect took the victim's mobile phone and did not pay for the taxi fare. The OIC thought initially it could be related to a hate crime as there had been a discussion on religion during the journey.

Observations –

SERGEANT'S OPINION ON OUTCOME:
This was crimed as a robbery as the offender had allegedly punched the victim after failing to pay for the taxi ride. This was reviewed by the OIC's supervisor and decided that it is technically a bilking and assault by beating offence. The suspect did not want the taxi driver going into the home address to speak to his mother regarding the unpaid taxi ride. This should have been recorded clearly on the crime report and RJ form. The suspect appears to have ADHD, Autism and Bi-Polar which may have affected his decision making, though it is noted that an Appropriate Adult (A/A) was not used to complete the form.

The Panel thought this case was quite confusing, trying to work out who was in the wrong and the paperwork didn't help clarify the confusion. Overall they agreed that the Disposal was appropriate with observations because the victim was happy with the outcome even though the Panel felt more could have been done with an RJ2 to support the suspect with any underlying mental health issues. There should have been an A/A present or a rationale as to why there wasn't. Also they were under the impression that this had been dealt with just to get the victim his money back rather than tackling the behaviour behind the incident. There was a missed opportunity to do some reparation and the options could have been explored better.

Case Number	**4**
Type of Case Reviewed	**POSSESS KNIFE BLADE / SHARP POINTED ARTICLE IN A PUBLIC PLACE - CRIMINAL JUSTICE ACT 1988**
Disposal	**ADULT CONDITIONAL CAUTION**
Condition	**ONLINE THINKING COURSE**
Panel Finding	**1**

Documents Reviewed	**CR/0048726/23, MG05, MG06, MG14, PNC, EX NW01 (PHOTO OF LOCK KNIFE), STORM LOG**

Summary:

The suspect was detained and on being searched, a knife was found in his possession. The offender stated that he uses the knife when camping but knows it is illegal to carry in public. He stated he was fearful of attack from an unknown person on a nearby boat, however this cannot be confirmed. Self-arming would not be lawful excuse.

Observations –

SERGEANT'S OPINION ON OUTCOME:
Having reviewed the Storm log, it appears that the suspect ran past a lone female who was walking her dog, he was seen to drop the knife. He picked it up and started walking alongside her. His behaviour was concerning and clearly caused the female some distress.

There was no clear evidence of any other or previous offences, however the knife is locking and it is an offence for possession in a public place. The paperwork was poorly written but there were no statements to say anyone had been harmed.

The Panel thought this was very odd behaviour from the suspect and wanted to know about the victim's age; they were concerned about how this had affected her or might affect her in the future. Some further investigation showed a linked Public Order Offence and it became apparent the victim was 15 years old and she did not want to pursue it any further or give a statement. The Panel were more reassured about the outcome knowing the victim's views had been obtained and agreed the Disposal was appropriate.

Case Number	**5**
Type of Case Reviewed	**POSSESS A CONTROLLED DRUG OF CLASS A - COCAINE**
Disposal	**COMMUNITY RESOLUTION**
Condition	**SELF-REFERRAL LETTER TO CGL (Change, Grow Live)**
Panel Finding	**3**

Documents Reviewed	**CR/0049503/23, Community Resolution, MO**

Summary:

The suspect dropped their wallet in a public place. It was handed in to a police station and found to contain two small Ziploc bags of a fine white powder.

Observations: -

SERGEANT'S OPINION ON OUTCOME:
This is an incorrect disposal. Inspector authority has been obtained but it should have been a Conditional Caution. A Community Resolution cannot be given for a Class A drug. It has been pushed through as Cannabis on the Smart App with a small note saying it is Cocaine underneath. Feedback has already been given to the Officers.

Panel were in unanimous agreement that this was an incorrect disposal for a Class A Drug; the correct process was clearly not followed. Also throughout the paperwork there were two different locations reported for where the wallet was found - a playground and a rugby club. Panel asked if there was a way of keeping track of which officers are pushing through cases like this as CRs. CM already does dip sampling of the Smart App and more training is being undertaken. It was suggested that a 'failing' email might be sent around internally saying where some CRs are being pushed through inappropriately.

Case Number	**6**
Type of Case Reviewed	**THREATEN A PERSON WITH AN OFFENSIVE WEAPON IN A PUBLIC PLACE**
Disposal	**RESTORATIVE DISPOSAL [LEVEL 1] & COMMUNITY RESOLUTION**
Condition	**LETTER OF APOLOGY**
Panel Finding	**4**

Documents Reviewed	**CR/0049761/23, LINKED CRIME CR/0049762/23, RJ1, COMMUNITY RESOLUTION, STORM LOG, MO**

Summary:

The suspect approached the victim and threatened the victim with a crowbar, causing alarm and distress.

Linked Crime: The suspect approached another victim and also threatened that victim with a crowbar, causing alarm and distress.

Observations: -

SERGEANT'S OPINION ON OUTCOME:
The suspect has responded to a report that his daughter had her phone stolen by two youths. He attended the location and challenged two 14 year old youths matching the description but who turned out to be innocent parties. The victims reported that they were threatened by the suspect and that he was in possession of a crow bar, however officers had been unable to locate the weapon.

Two crime reports have been created, one for each victim. One has been resulted as an RJ1 and letter of apology completed. On the second crime the victim's mother was not impressed with the police response and refused to engage in a disposal. This has therefore been resulted as a Community Resolution.

The Panel found this case hard to follow and how it was eventually outcomed. The potential was there for more to go wrong than actually did; the victim took the law into his own hands and where did the crow bar allegation come from? If the suspect didn't have possession of an offensive weapon then was there actually a crime? Query as to what evidence the police had and if the decision was victim focussed. CCTV was checked and no crow bar could be seen; one of the witnesses did not want further involvement. Panel were unable to reach a decision on this case because of the lack of information and clarity as to what happened and evidence for the charge.

Feedback –

CM has been asked to follow this up to find out more information.

Case Number	**7**
Type of Case Reviewed	**ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM**
Disposal	**COMMUNITY RESOLUTION (issued for an assault by beating)**
Condition	**LETTER OF APOLOGY AND ANGER MANAGEMENT COURSE**
Panel Finding	**1**

Documents Reviewed	**CR/0050484/23, COMMUNITY RESOLUTION, PNC, MO**

Summary:

The victim was at work behind the bar where the suspect also works. Suspect had been drinking and made an allegation against the victim which she denied. The suspect became angry and approached the victim grabbing her by the neck.

Observations –

SERGEANT'S OPINION ON OUTCOME:
This has been crimed as an assault ABH, but is an assault by beating. The offender is the landlord of the public house but on the day in question was not on duty. He had been drinking and was intoxicated. He had taken offence that the victim was helping herself to drinks and challenged this. Unfortunately due to the level of intoxication he did not go about this in the correct way and assaulted the victim by grabbing her around the neck. A Community Resolution was issued with a condition to complete an anger management course and letter of apology.

Panel queried whether this was a DA case given the link between the victim and suspect. CPS explained it was not as the victim was 18 and the daughter of the suspect's partner. CPS felt it could have been NFA'd as the victim was not supportive of any further action. There were concerns for the suspect's alcohol link given that he runs a pub, but it wasn't disclosed that he has a problem with alcohol. There was potential for an RJ2 if the parties had agreed but the Panel were happy with the outcome given the victim did not want to take it any further.

Case Number	**8**
Type of Case Reviewed	**ASSAULT BY BEATING**
Disposal	**RESTORATIVE DISPOSAL [LEVEL 1]**
Condition	**APOLOGY IN PERSON TO HARMED**
Panel Finding	**3**

Documents Reviewed	**CR/0051065/23, RJ1, MO**

Summary:

The suspect and victim are brothers aged 25 and 19. The suspect was in the kitchen arguing with their mother. The victim came downstairs and tried to stop the argument. There was some pushing and grabbing between the parties.

Observations –

SERGEANT'S OPINION ON OUTCOME:
This is a DA crime and should not have been resulted as an RJ1, it may have been suitable for a Community Resolution with an Inspector's authority.

The Panel were in agreement that this was an improper use of police time but it was a family argument and so shouldn't have been crimed as an RJ1. An RJ2 might have been better suited for preventing further behaviour but this was an inappropriate disposal.

Case Number	**9**
Type of Case Reviewed	**POSSESS KNIFE BLADE / SHARP POINTED ARTICLE IN A PUBLIC PLACE - CRIMINAL JUSTICE ACT 1988**
Disposal	**ADULT CONDITIONAL CAUTION**
Condition	**COMPLETE 3 SESSIONS WITH CGL**
Panel Finding	**2**

Documents Reviewed	**CR/0055493/23, MG06, MG14, PNC, EX GF 02 (PHOTO OF STANLEY KNIFE & BLADES)**

Summary:

Police have been called to a suspicious suspect screaming and shouting at passers-by. The suspect appeared to be heavily under the influence and was screaming and shouting that he wanted to kill people and then kill himself. At that time he was seen to be waving about at least one Stanley knife but there may have been more in his possession.

Observations –

SERGEANT'S OPINION ON OUTCOME:
It was noted that the suspect was initially arrested for an affray and possession of an offensive weapon. The affray offence was not made out as no MOP's were willing to supply a statement. The CC was issued for an offensive weapon with a condition to engage with CGL. The knife has been recorded as a Stanley blade, however it looks more like a craft knife whereby the blades are designed to snap off if pressure is applied.

Panel all agreed that the suspect needs some mental health support. The Inspector on the case said if there was evidence that the suspect had actually made threats then he would have been charged but without that a CC was appropriate. It was thought the suspect had moved out of county and the caseworker had tried to follow this up but CGL did not cover that area. Various attempts had been made to contact him but to no avail. CPS said that the suspect had appeared at Court in Bristol on another matter and wondered what sentence had been imposed on him. The Inspector was not aware about the other incident, they relied on information from the Officers and there was no time to look on PNC. Panel thought this should have been checked before giving a CC.

Feedback –

CM to check if the suspect is back in the County and get him back into CGL.

Case Number	**10**
Type of Case Reviewed	**STALKING INVOLVING SERIOUS ALARM / DISTRESS**
Disposal	**COMMUNITY RESOLUTION (Restorative Justice 1)**
Condition	**NO MORE CONTACT WITH VICTIM**
Panel Finding	**1**

Documents Reviewed	**CR/0056279/23, COMMUNITY RESOLUTION, PNC, MO**

Summary:
The suspect and victim know each other as they were step father and step son. Suspect texted the victim saying "don't you speak to me or my friends or my kids you fat c***. You're lucky [redacted] stopped me coming round you useless c***. I will knock you out." Suspect has attended victim's home address, kicked the doors and hit the windows causing plaster to come away. Victim is now unable to close or use the door as the frame has come away.

Observations –

SERGEANT'S OPINION ON OUTCOME:
This is a case between step son and step father. Initially crimed as stalking and harassment, however it has been resulted as criminal damage. This result is slightly confused as it has initially been written up as an RJ1 however that is not a suitable disposal due to the DA nature so changed to a Community Resolution, However, no Inspector's authority was requested. Conditions set not to have any more contact, which was what the victim wanted.

Some confusion among the Panel if this is a DA case; clarified by CPS who state the parties don't have to live together for it to be DA. Panel were also confused about why this was crimed as stalking when there didn't appear to be a course of conduct and it felt more like a damage case. There was not sufficient information to justify stalking and it was difficult to follow, but it was agreed that if the victim was happy then it wasn't a bad outcome. It covers the reparation and preventative elements and anything further could have perpetuated the situation.

NOTES – Date of next meeting due to be **6th June 2024**; this will be online at 09.30am.

Future Panel Dates:

5th September 2024

5th December 2024

Panel are happy to continue to meet on Teams as it works well for everyone.

CONCLUSIONS

From the 10 cases discussed at Panel the following results were obtained with approximately **60%** of cases receiving a score of 1 or 2:

	Outcome	Number of Cases
1	Appropriate and consistent with policy	4
2	Appropriate with observations	2
3	Inappropriate and inconsistent with policy	3
4	Panel unable to reach a decision	1

All investigating officers and their line managers will be provided with a copy of this report to ensure that they are aware that their case was discussed at Panel. Chief Inspector of CJD will establish contact with individuals for all cases that obtained scores of 3 or 4 to provide specific feedback and guidance.

Any Other Business

CM states that the new DV legislation is still delayed to April 2025 but as of April 2024 the police will be able to issue CCs for standard risk DA cases.

Some work needs to be done with Supervisors scrutinising their own work on the Smart App and tightening up the rationale for an offence charge.

RJ and Depend are working together on exploring a way to simplify OOCD for officers with regard to Community Resolutions and RJ1s.

Theme for the next Panel

Panel members agree that there had been a good mix of cases at this Panel and there should be a general theme for June. The Chair would also select a few Hate Crime cases for the next Panel if possible to identify them from the list.