

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

Meeting Date: Tuesday 7 March 2023

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 Justice Service, 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 March 2023. Seven panel members were present with five offering apologies.

- 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 (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.

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, but with additional comments added from the panel.

Two of the Suffolk cases scrutinised were deemed to have met the evidential standard and were concluded to be appropriate and consistent with the national and local guidelines. One case was concluded to be appropriate, but with additional comments added by the panel. The final Suffolk case required further information from the Youth Justice System (YJS) to enable the panel to determine if the case was an appropriate use of Out of Court Disposal. Unfortunately, there was no YJS representative available for the panel on this occasion, therefore this will be discussed further at the next panel meeting.

Norfolk Cases

- Three Norfolk cases were found to be appropriate and consistent with national and local guidelines.
- One Norfolk Youth Case Study was found to be appropriate, but with additional comments from the Panel. Discussions were held as to why a Youth Conditional Caution was issued when a Community Resolution had been discussed initially. A sufficient explanation was provided at the meeting which confirmed the YJS has been fully engaged with the offender and the Youth Conditional Caution was deemed appropriate after review of the offender's pattern of behaviour, as their offending rate had decreased. The conditions of the caution meant the offender had to engage with the YJS as well as attending specific behaviour management and substance misuse courses.

Suffolk Cases

- Two Suffolk cases were found to be appropriate and consistent with national and local guidelines.
- One Suffolk Adult Case Study was found to be appropriate, but with additional comments from the Panel. Discussions were had regarding the recorded offence type as this appeared to be a Domestic Violence matter. A sufficient explanation was provided which confirmed the appropriate assessment and referrals were carried out with the matter being judged as appropriate for an out of court disposal.
- One Suffolk Youth Case Study required further information to be provided to the panel to determine if the disposal issued was appropriate due to the nature of the incident. This information will be provided at the next panel meeting for further discussion.

Performance Data

Data was provided on the number of Out of Court Disposals for each force for the period of November 2022 – January 2023. Please see the data broken down by type of Out of Court Disposals for each force below:

Norfolk Constabulary				
Outcome	November	December	January	Total
Type 2 - Caution Youth	4	0	10	14
Type 2A - Caution Youth - alternate offence.	0	1	0	1
Youth Conditional Caution	0	1	0	1
Type 3 - Caution Adult	113	82	67	262
Type 3A - Caution Adult - alternate offence.	9	8	4	21
Adult Caution - conditional	2	2	15	19
Type 4 - TIC - Taken into Consideration	36	15	19	70
Type 5 - Offender has died	2	4	1	7
Type 7 - Cannabis/Khat Warning	0	0	1	1
Type 8 - Community resolution (Crime)	195	158	139	492
Grand Total	361	271	256	888

Suffolk Constabulary				
Outcome	November	December	January	Total
Type 2 - Caution Youth	10	8	5	23
Type 3 - Caution Adult	63	48	45	156
Type 3A - Caution Adult - alternate offence.	2	6	2	10
Adult Caution - conditional	1	9	5	15
Type 4 - TIC - Taken into Consideration	32	39	25	96
Type 5 - Offender has died	1	2	1	4
Type 8 - Community resolution (Crime)	144	104	98	346
Grand Total	253	216	181	650

NB: The last quarter included figures for Type 20 disposal. Type 20 is a diversionary course where the resulting action from the crime report is undertaken by a partner organisation. These disposals predominantly involve youths and these particular records are reviewed as part of the YJS Scrutiny Panel and therefore not included within the published figures for this meeting.

Next Meeting Date:

- Tuesday 6 June 2023