



British Transport Police Out of Court Disposal Scrutiny Panel Meeting notes: 13th January 2021

Introductions

Updates:

- **OoCD one-year implementation review**

Justice Solutions are conducting a one-year post implementation review of the Force's Adult Two-tier Out of Court Disposal Framework.

The review will be focussing on how the changes have been absorbed by officers and supervisors across the Force, a data comparison between old ways of working and new processes and identifying opportunities for best practice and lessons learned.

The review is forecast to be complete by the end of February.

- **OoCD data**

Requested data has been provided to show the volume of out of court disposals issued by BTP under the new framework, in comparison to the numbers for the same time period in the previous year prior to the new framework.

	Jan – Mar 19	Jan – Mar 20
NFA	1089	704
Charged	1596	1152
Caution	222	2
Conditional Caution	12	103
PND	192	0
Drug Warning	237	0
Community Resolution	145	191
Other		39
Total	3466	2191

The initial data set will be explored further as part of the implementation review.

- **Disproportionality review**

In line with NPCC Guidance on OoCD scrutiny panels advises there will be an examination of disproportionality with respect of OoCDs issued to BAME communities and females to ensure transparency and trust that they are being issued correctly.

The review will be sent out to attendees before our next panel.

- **Victim Code of Practice**

A new streamlined and simplified Victims Code which clearly sets out the expectations of CJ organisations is due to be published in April 2021.

- **OoCD Audit**

The most recent quarterly Out of Court Disposal audit, published in November 2020, reviewed 20 Conditional Cautions and 20 Community Resolutions;

Conditional Cautions 90% compliant

1 failed as a 'simple caution' had been issued - crime system incorrectly recorded conditional caution.

1 failed as conditions had not been complied with so NFA'd (issued to male of no fixed abode).

Community Resolutions 95% compliant

1 failed due to previous offending history for like offences (cannabis).

Improved monitoring of applied conditions was evident, and an example of escalation from conditional caution to prosecution file was noted within the audit sample. There was also 100% compliance in relation to evidencing victim engagement, which will be important for our upcoming HMIC inspection.

- **Coronavirus Legislation & Policy Update – Tiers**

A tiered approach of Covid restrictions have been introduced across England, with legal restrictions becoming stricter as you escalate.

Tier 1 - 'Local COVID Alert Level Medium'

Tier 2 - 'Local COVID Alert Level High'

Tier 3 - 'Local COVID Alert Level Very High'

Tier 4 - 'Stay at home' (introduced 20th December)

On 20th December, the Welsh Government introduced their own tier system named the alert levels. There are 4 alert levels which have stricter measures as they increase.

- **Attorney General Guidelines on Disclosure, Directors Guidance on Charging and Criminal Procedure and Investigations Act Code of Practice**

Took effect on the 31st December and updates investigative procedures from the start of the investigation and throughout the lifespan of the case. Changes are also made to the disclosure process, aimed at ensuring officers and prosecutors produce and highlight areas of case relevance to the attention of the court at an earlier stage.

- **Police Powers and Protection Bill**

This Bill is due to be introduced imminently. It will bring forward a number of changes to CJ, including the introduction of new offences. It is also due to legislate for the Adult Two-Tier Out of Court Disposal Framework.

Overview of cases that were considered by the panel:

The cases which were discussed at the panel consisted of the following offences; **Common Assault (2), Bladed Article & Offensive Weapon (1), Possess class B - cannabis (2), D&D (1), Trespass (2), Theft (1), Fare evasion (1), Sec 5 (1), Sec 4a & Fare Evasion (1), Breach of Face Covering Regulations – coronavirus (10 – FPN).**

Of the 22 cases reviewed, the panel classified the disposals as follows:

OOCDs:

Appropriate and consistent with guidelines / policy	5
Appropriate but with observations	1
Inappropriate and inconsistent with guidelines / policy	6
Panel fails to agree on appropriateness of decision	0
Not enough information	0

FPNs:

Appropriate and consistent with guidelines / policy	10
Appropriate but with observations	0
Inappropriate and inconsistent with guidelines / policy	0
Panel fails to agree on appropriateness of decision	0
Not enough information	0

Decision:

- Future panels will continue to include 10 Covid FPNs but these will now be grouped together. They will only be discussed individually where specific issues are raised by the panel.

Actions:

- Each of the individual cases discussed by the panel will be fed back to the decision makers with appropriate guidance to both officers in the case and their supervisors, in terms of both lessons learned and best practice
- Case specific enquiries to be carried out to update the panel in the next meeting;
 - ACC1 (Case 4) – confirm whether offender has completed payment of compensation to victim
 - ACC3 (Case 7) – OIC/ ERO to provide further rationale as to decision not to charge
 - ACC5 (Case 21) – confirm whether offender completed Druglink referral
 - FPN6 (Case 13) – confirm whether officer sought further details after offender stated they “did not need to wear a mask”
- Communication to be produced for all officers emphasising that YOT services are now fully operational
- Circulate Disproportionality Review prior to next scrutiny panel

Date of next meeting: 10:00 Wednesday 14th April 2021, Online via Microsoft Teams.