

OFFICIAL



British Transport Police Out of Court Disposal Scrutiny Panel meeting notes: 14th October 2020

Introduction

Coronavirus Legislation & Policy Update

- Summary of the varying restriction of movement/ gatherings legislation in place during the scrutiny panel cases:
 - 1st June – 12 June** - it is no longer an offence to leave one's home without reasonable excuse. The person/or child the person is accompanying did not have a reasonable excuse to stay overnight at any place other than the place they are living.
 - 13th June – 3rd July** – The person/or child the person is accompanying did not have a reasonable excuse to stay overnight at any place other than the place they are living, or where their 'linked household' is living.
 - 4th July** – no longer any restriction on movement.
- Summary given of both sets of face covering legislation currently affecting public transport (in stations & onboard).

Legal updates

- **CPS charging** – guidance dictates that cases should be allocated into 3 groups; immediate custody and all Covid related cases; high priority cases/non-custody bail cases and other cases; RUI or no arrest.
- **YOT** - In previous months, BTP were not referring cases to YOT due to the impact of Covid on their services. As YOTs return towards an increased level of service, OIC's should resume liaising with the Pre-Charge Team for consideration of joint decisions with YOTs with regards to out of court diversions. Considering the increase in cases and change in Government stance on 22nd September, this position will be closely monitored, and advice updated accordingly.
- **O OCD** – Previously some O OCD services could not be provided due to the severity of the impact of Covid however many packages such as the victim awareness course, Druglink courses and drivers awareness have resumed via online packages.
- **Telephone statements** - While telephone statements are the exception and not the rule, it is an option to be given due consideration in light of the Covid-19 pandemic. As long as certain conditions met, the statement must then be sent to the witness who must sign it themselves and this includes electronic signature.

Overview of cases that were considered by the panel:

The cases which were discussed at the panel consisted of the following offences; **Criminal damage (1), ABH (1), Common Assault (1), Possess class B - cannabis (3), Trespass (3), Theft of cycle (1), Fare evasion (1), Sec 5 (1), Burglary (1), Breach of Face Covering Regulations – coronavirus (10 – FPN).**

Of the 23 cases reviewed, the panel classified the disposals as follows:

OOCDs:

Appropriate and consistent with guidelines / policy	7
Appropriate but with observations	1
Inappropriate and inconsistent with guidelines / policy	4
Panel fails to agree on appropriateness of decision	3
Not enough information	0

***panel came to separate conclusions for each of 2 defendants in cases 2 & 16, therefore there are 15 outcomes for the 13 cases above.**

FPNs:

Appropriate and consistent with guidelines / policy	7
Appropriate but with observations	2
Inappropriate and inconsistent with guidelines / policy	1
Panel fails to agree on appropriateness of decision	0
Not enough information	0

Follow up 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 as deemed necessary.

General comments/actions:

- ACTION - To provide data on the volume of out of court disposals issued by BTP under the new framework, in comparison to the numbers for the same time period last year (carried over from last panel).
- ACTION – To provide data on all cases reviewed during 2020 panels, identifying any recurring themes/ disproportionality issues that could provide insight for future officer guidance/ decision making.

Date of next meeting: 10:00 Wednesday 13th January 2021, Online via Microsoft Teams.