



British Transport Police Out of Court Disposal Scrutiny Panel

Meeting notes: 13th October 2021

INTRODUCTIONS

Previous Case Updates:

- ACR5 – Panel queried why in a case of Fare Evasion the OIC accepted that offender was using a relative's Freedom pass without, it appears, any further investigation (card could have been stolen).

Answer: OIC completely believed the subject's account, which was credible. There are many times when this is either obviously not the case and a range of enquiries can be conducted where it is believed the pass is stolen or the original owner may be a victim of crime. Typically, special discount passes are seized and handed to staff where practicable but have in the past been seized and destroyed; passes should be returned to TfL where possible.

UPDATES:

BTP Streamlined Community Resolutions Pilot

BTP Officers in Manchester commenced a pilot in June whereby they were only required to complete the CR document itself when dealing with simple, low level offences. This removed the requirement to complete case file forms, but on the requirement that the CR document itself is filled in adequately. The Pilot is ongoing, and whilst there have not been great numbers of relevant cases to date, it has recently been extended to the Leeds area, so the uptake, progress and success will all be closely monitored.

At the October Scrutiny Panel four example cases were included amongst the cohort for review. A further update on the progress of the pilot will be provided at the January 2022 Scrutiny Panel along with additional examples of relevant cases.

Court Backlog Update

NB. Trend data is for London courts only.

Magistrates Court:

- There is a downward trend in outstanding cases in open court – whilst these are not at pre-pandemic levels there is a clear reduction in volume from the peak of summer 2020
- Despite this, the average time from offence to completion at court is at a significantly greater length than at the start of the Pandemic in the first quarter of 2020

Crown Court:

- There was a sharp increase to the end of 2020, followed by a slow increase throughout 2021 to date and now signs that the levels of outstanding cases are stabilising.
- Whilst average time from committal to completion is also at a significantly greater length than at the start of the Pandemic (and wait times are the longest in the country), this gap is closing.

Covid-19 Legislation

- In our last panel, the government had released individual roadmaps out of lockdown for each country and we had moved to Step 2. Since June the majority of restrictions have been lifted including the most relevant to our panel – wearing face masks on public transport in England. The only restrictions that remain relate to self-isolation, international travel, local authority powers, and face-coverings in Wales and Scotland.
- Covid-19 passes/certification are now required in Wales and Scotland when entering 'late night premises' like nightclubs or certain events with more than 500 people. The obligation is entirely on the person responsible for the relevant premises, but it is an offence in Wales to possess false or misleading evidence of vaccination or testing status.

Policing, Crime, Sentencing and Courts Bill

- Since our last meeting it has moved further through the legislative process and is currently awaiting the committee stage in the House of Lords.

Domestic Abuse Act 2001

- Legislation creating various rules and powers to offer protection against Domestic Abuse (DA). It became an Act in April and has subsequently had some provisions commenced (or due to commence on 1st November); these include introducing a new statutory definition for DA and what it means to be personally connected (s.1 & s.2), obligations on local authorities (Part 4 of the Act, & s.78/s.79), the role, duties and functions for a DA commissioner (Part 2 of the Act), new offence of threatening to disclose private sexual photographs or film with intent to cause distress (s.69), abolishing the defence of consent to serious harm for sexual gratification (s.71), and introduction of more extra-territorial offences (s.72, Sch.3).

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), OPD (1), Criminal Damage (1), Possess class B - cannabis (4), Obstruct Police & Fare Evasion (1), Trespass (5), D&D (1), Possess class A – cocaine & Common Assault (1)**

Of the 16 cases reviewed, the panel classified the disposals as follows:

OOCs:	Appropriate and consistent with guidelines / policy	5
	Appropriate but with observations	8
	Inappropriate and inconsistent with guidelines / policy	3
	Panel fails to agree on appropriateness of decision	0
	Not enough information	0

FPNs: None to include this month

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:
 - Nothing on any one case, but for the 4 CR Trial/Pilot cases actions around correct recording on the CR forms and communicating the escalatory framework for Drugs cases/Drugslink
- Provide updated data for panel on court backlogs at January 2022 panel.
- Provide data for panel on progress of Streamlined CR pilot at January 2022 panel.

Date of next meeting: 10:00 Wednesday 19th January 2022, Online via Microsoft Teams (possibly in-person too).