



## British Transport Police Out of Court Disposal Scrutiny Panel

### Meeting notes: 14<sup>th</sup> April 2021

#### Introductions

#### Previous Case Updates:

- ACC1 (Case 4) – Theft by finding. Offender has now completed payment of compensation to victim.
- ACC3 (Case 7) – Possess bladed art & off weapon. Further rationale provided by ERO as to decision not to charge.
- ACC5 (Case 21) – D&D. Offender did not complete Druglink referral, has now been charged to court.
- FPN6 (Case 13) – officer confirmed offender was asked whether exempt, to which they answered no.

#### Previous Panel Actions:

- In response to a recognised lack of YOT referrals being completed, guidance has been circulated to all officers emphasising that YOT services are now fully operational. Further internal article published highlighting best practice.

#### Updates:

#### Conditional Caution Issuing Process

Previously a conditional caution had to be authorised and issued by a Sergeant or higher. Now the Conditional Caution must still be authorised by a Sergeant or higher but the authorising officer has the option to assign it back to the OIC to issue.

#### OoCD Review Disproportionality Report

The report has been completed and forwarded to all panel attendees. The report focuses on the need to ensure there is accurate data available through the OoCD dashboard development and completion of gender and ethnicity data for broader analysis to take place. A further look into the panel cases and makeup of panel attendees has led to the ethnicity information being omitted from front sheets and the diverse makeup of the panel considered to ensure it reflects the community it serves.

#### Covid court backlogs and instruction to utilize out of court disposals where appropriate

CPS have advised that consideration should be given to the OoCD and where it is on the border, leaning towards the out of court option. This will minimise cases taking long to come to court and risk failure due to the public interest test not being met.

#### New VCOP/ VCOP compliance

The Code brings together 12 overarching rights that are straightforward, concise and easy to understand – outlining the minimum level of information and service victims can expect at every stage of the justice process.

In BTP we have completed a VCOP compliance project to increase the ability to measure VCOP compliance across the force by the creation of data sets to measure observance of the Code.

**OoCD Review**

We recently completed a review of the two-tier OoCD framework, to mark one year since implementation. A number of themes were identified, including; poor condition setting (especially around drug possession offences), unsatisfactory usage of courses officers have at their disposal (eg. Druglink, Trespass awareness, VAC), lack of attention to detail when completing decision rationales, and poor quality letters of apology to victims.

A number of recommendations have been made and are being progressed including producing further guidance and a new ‘quality-check’ process, with apology letters being overseen by the force Restorative Justice manager.

**Policing, Crime, Sentencing and Courts Bill**

- The bill proposes all forces only use two OoCD’s; namely Community Cautions and Diversionary Cautions. Both disposals contain some core elements present within our current OoCD’s; ie. there must be sufficient evidence to charge the offender, an admission, acceptance on behalf of the offender and conditions being attached. However, differences include limits on the conditions, for example, in the Community Cautions, a condition to undertake unpaid work is capped to 10 hours. It is important to note that at this stage this is a proposed law and is subject to change.

**Covid-19 Legislation**

- Since the January Scrutiny Panel, the respective governments of England and Wales have released individual roadmaps for the gradual easing out of lockdown.
- English legislation divided the easing of measures into steps. From 12<sup>th</sup> April, we were placed in Step 2.
- The latest legislative easing in Wales, also came into force from Monday 12 April

**Overview of cases that were considered by the panel:**

The cases which were discussed at the panel consisted of the following offences; **Common Assault (3), Possess Bladed Article & Pos Class B (1), Possess class B - cannabis (2), D&D (1), Trespass (2), Sec 4a (2), Begging (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	3
Appropriate but with observations	4
Inappropriate and inconsistent with guidelines / policy	2
Panel fails to agree on appropriateness of decision	2
Not enough information	1

**FPNs:**

Appropriate and consistent with guidelines / policy	9
Appropriate but with observations	0
Inappropriate and inconsistent with guidelines / policy	1
Panel fails to agree on appropriateness of decision	0
Not enough information	0

**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;
  - ACR1 – answer query as to whether a retrospective rationale is required by an ERO if decision maker has been present for an on street disposal decision.
  - ACC4 – whether condition been completed yet.
- Due to time constraints VRR1 from this panel to be reviewed at the start of the next Scrutiny Panel on 7<sup>th</sup> July.
- Provide data for panel on court backlogs at July panel.

**Date of next meeting:** 10:00 Wednesday 7<sup>th</sup> July 2021, In person at FHQ, Camden and Online via Microsoft Teams.