



British Transport Police Out of Court Disposal Scrutiny Panel Meeting notes: 19th January 2022

UPDATES

General

- HMICFRS recently conducted an inspection of BTP's response to the "victim's journey" from the perspective of those receiving the services: whilst the full results are not yet available, the headline is that it was a positive review
- The most recent internal audit of out of court disposals (OoCD) found that whilst performance around Conditional Cautions remained largely positive, Community Resolution (CR) compliance had dropped from 95% to 75% overall since the previous audit (albeit from a small sample size); the main issues related to errors with essential documents and checking previous offending

Legal Update

Covid-19 Legislation/Regulations

- England: Changes introduced in November 2021 included the mandatory wearing of face coverings on transport, in transport hubs and in public places; the isolation rules were also varied (minimal BTP impact)
- Wales: From 26th December 2021 (following move to Level 2), some **gathering offences** have been re-introduced; it is still an offence to not wear a **face covering** in Wales on public transport and most indoor public places (including railway stations), without reasonable excuse; from 31st December 2021, the **self-isolation period** for those who test positive was reduced from 10 to 7 days
- Other: The "interviewing protocol" for suspects in custody was updated with an expectation of defence solicitors/legal representatives giving legal advice for interviews in person (with some exceptions around clients who have provided a positive test for COVID)

Policing, Crime, Sentencing and Courts Bill

- This Bill is currently on its 3rd reading in the House of Lords; the scope of its contents is far-reaching, touching on matters such as bail, public protests, encampments, and, most relevant here, OoCD
- Royal Assent is expected in Spring 2022, but it is believed not all provisions will be in force immediately: for example, those relating to OoCD will be unlikely to be in before 2023 – BTP is however already taking steps to prepare for the provisions, and the Panel will be kept well-sighted on developments

BTP Streamlined Community Resolutions Pilot

- The CR pilot started in July last year - as a reminder, the pilot is trialling officers completing just the CR Notice and no other OoCD paperwork (akin to a PND)
- It is reserved for 'on the street' CRs which can be authorised by a PC and are resolved at the time of the offence or soon after thereby aiming for simplicity of process and attached conditions, monitored locally
- The pilot is currently operating in Manchester and Leeds and has provisionally been extended for another 6 months and into Birmingham to obtain a bigger sample size of cases to further determine effectiveness
- The Justice Solutions team are finalising a six-month review to observe progress, determine next steps and potential applicability for national roll out: initial findings, albeit from a small sample size, from the pilot were positive in terms of CR suitability, conditions and prescribed crime recording standards
- It was observed that officers were not completing forms in relation to previous offending history, however they were recording a rationale to indicate no history or no relevant history which was supported by PNC / records management system checks undertaken as part of the review

OVERVIEW OF CASES THAT WERE CONSIDERED BY THE PANEL

The cases which were discussed at the panel consisted of the following offences:

Possess class B - cannabis (4), Trespass (4), Battery (2), Byelaw 6 - Railway Byelaws (2), D&D (2), s5 Public Order Act (2), Begging (1), Ticketless Travel (1), Possess class A – cocaine (1)

Of the 19 cases reviewed, the panel classified the disposals as follows:

OoCDs:	Appropriate and consistent with guidelines / policy	8
	Appropriate but with observations	2
	Inappropriate and inconsistent with guidelines / policy	8
	Panel fails to agree on appropriateness of decision	1
	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
- Feedback to officers and supervisors will include the following points discussed in the panel:
 - Ensuring conditions attached to CCs and CRs are meaningful
 - Where there is a victim, full consideration of their views and the impact on them
 - Do the circumstances of the case warrant an OoCD or is prosecution more appropriate, particularly if there are aggravating factors?
 - Careful consideration as to the adequacy of an admission
 - Greater detail as to how an outcome was enforced/complied with
- At the start of the April 2022 panel, provide a “round-up” of what was said and what the BTP did after this panel by way of recap on business discussed and anything general left unfinished
- Provide data for panel on progress of the Streamlined CR pilot at April 2022 panel

Date of next meeting: 10:00 Wednesday 13th April 2022, Online via Microsoft Teams (possibly in-person too).