



Dorset Police and Crime Commissioner's Out of Court Disposals Scrutiny Panel

Chair's Annual Report 2018

Role

A number of independent scrutiny panels are administered by the Dorset Police and Crime Commissioner to enable him to hold Dorset Police to account. The Out of Court Disposals Scrutiny Panel oversees how Dorset Police and the Youth Offending Service issue out of court disposals and ensures that the use of such disposals is appropriate, proportionate and consistent with national and local policy and considers the victims' wishes where appropriate.

An Out of Court Disposal is a method used to allow the police and youth justice teams to deal efficiently and effectively with less serious and often first-time offending that can be proportionately and more appropriately handled without going to court. These cases are administered without the involvement of the courts. Therefore, public expectations are that the police and youth services, who in such cases act as 'investigators, prosecutors, judge and jury' have some checks and balances in exercising that power and follow set guidelines and policies.

An Out of Court Disposal can only be used in limited circumstances and when the suspect takes responsibility for the alleged offence. The method for dealing with suspects in this way includes restorative justice approaches, community resolutions, conditional cautioning, simple cautions, cannabis warnings, penalty notices and fines, together with appropriate interventions.



Membership

A year after assuming the Chair, the panel feels more settled, cohesive and coordinated. The panel has a core of 10 regular attendees at Panel meetings, including five independent members, representatives from each of Her Majesty's Courts and Tribunal Service, the Crown Prosecution Service, Probation Services and local Youth Offending Services.

The panel is supported by members of Dorset Police including the Performance Chief Inspector, Adult Out of Court Disposal Manager, Youth Out of Court Disposal coordinator and a representative from Restorative Justice.

There is also support from members of the Office of the Police and Crime Commissioner including the Scrutiny Manager who deals with the administration of the meetings and the Office of the Police and Crime Commissioner Communications and Engagement Officer. There is also a standing invitation for a representative from Hampshire Police to attend Panel meetings. In addition, the aim is to invite a different charity representative to each meeting according to the theme of the cases under discussion. Other attendees are co-opted for their expertise in areas such as stalking, drugs and alcohol, restorative justice and sexual offences.

There are currently five independent members on the panel, two of whom are former magistrates, plus three other independent members. A recruitment exercise was conducted by the Office of the Police and Crime Commissioner in December 2018, to encourage independent members to join the panel. Applicants were invited to apply on the Police and Crime Commissioner's website and the recruitment campaign was also promoted on social media (Twitter and Facebook) and through the local press and radio. This has resulted in a strengthening of the independent membership (including a younger member), to scrutinise and hold decision makers to account and to provide effective checks and balances and assurance to the public and the Police and Crime Commissioner.



I was appointed as Chair of the Panel in February 2017 for a three-year term. As Chair I underwent an annual performance review with the Police and Crime Commissioner in September 2018. A set of objectives were agreed and will be reviewed on an ongoing basis during regular face to face meetings. The objectives include benchmarking the panel with other police services and the Chair attending other local panels to assess his own performance.

William Gibbons is a former Magistrate from Dorset. He joined the panel as a second independent member in May 2018. The remaining new independent members who joined the panel in March 2019 following the recent recruitment exercise are:

- Dan Easterbrook who is a politics student at the University of Exeter. He serves as the elected Chair of the University of Exeter Students' Guild and is also Chair of Trustees for CP and Hemi Support, a charity supporting individuals with Cerebral Palsy and Hemiplegia.
- Stephen Thorne who is a former Head of Planning and Regeneration for Poole Brough Council and Commander of the Maritime Reserves as a Commodore RNR.
- Jane Moir is currently a negotiator for Symonds & Sampson land agents and was a former member of the Police Misconduct panels. Jane was previously in recruitment and contracting for 28 years.

The independent members of the panel are neither employed by the police, judiciary or the Police and Crime Commissioner but bring a wealth of experience in the criminal justice system, corporate governance, assurance and performance.

Governance

Since the panel meeting in May 2018 and following acknowledgement that the governance arrangements of the panel needed improving, the Chair introduced a number of changes.

In the past, Dorset Police issued the agenda and supporting papers and also recorded the minutes of the meetings. During 2018 the Police and Crime Commissioner took the role in the preparation of the agenda, issuing of the supporting papers and taking the minutes of the meetings.



The panel are grateful to Dorset Police for their continued work in preparing the summaries of the cases for the panel's consideration which have been independently selected by staff from the Police and Crime Commissioner. Staff from the Police and Crime Commissioner prepare draft minutes and circulate relevant papers, while the Chair sets the agenda for the meetings. Secondly, during panel meetings, while there is open debate about the cases before the panel, the independent members with support from staff from the Crown Prosecution Service and HM Courts and Probation Services will decide on the appropriateness of the disposals issued. These changes have ensured that there is a clear separation of powers between the police and youth services (as investigators) who issue out of court disposals and others who hold them to account on behalf of the Police and Crime Commissioner and the public.

At the start of each meeting, all those in attendance make relevant declarations of conflict. All members have signed a confidentiality agreement which incorporates the General Data Protection Regulation requirements. Confidential meeting papers (e.g. case summaries and performance data) are sent securely to panel members and collected after each meeting for safe disposal. Each year, all members are required to sign a new confidentiality agreement.

The terms of reference are regularly reviewed and were amended during the year to clarify that it is solely the Police and Crime Commissioner's responsibility to act as a public spokesperson on scrutiny panel matters. And that panel members should make clear when commenting on social media, that views expressed are their own and not expressed or shared by the Police and Crime Commissioner who is a public elected member.

In terms of transparency and accountability, a redacted summary of each panel meeting is published on the Dorset Police and Crime Commissioner's website at <https://www.dorset.pcc.police.uk/information-hub/scrutiny-panels/> and this is open to members of the public to view.



Business activity

In 2018, the panel met on four occasions on 21 February, 23 May, 12 September and 12 December 2018 to review and consider 80 cases in total. The Chair, Dorset Police's Adult Out of Court Disposals Manager and the Scrutiny Manager in the Office of the Police and Crime Commissioner held pre-meeting conferences ahead of each meeting, to discuss the agenda and review actions among other issues. Dorset Police and the Youth Justice issued 3,593 out of court disposals in 2017 and just over 3000 in 2018. This means that the panel reviewed 2.6 % of the out of court disposals.

At the meeting in May 2018, it was agreed that since the panel only met four times a year. If it chose a single theme per meeting, only four themes would be considered in a year. It was agreed and resolved that for future meetings, there should be a mixture of two themes per meeting, so that the number discussed would double in a year. The scrutiny panel has a standing agenda which covers the following areas:

- Introductions, conflicts of interest and confidentiality
- Minutes from previous meetings (approved between meetings to save time at main meeting)
- Review of actions from previous meeting/s and updates
- Review of effectiveness (from Dorset Police, if any previous recipients of previous Out of Court Disposals have re-offended)
- Performance update
- Cases for discussion (usually 20 cases)
- Any other business (including selection of themes for the next meeting)

The meetings last for two hours (usually 1.30-3.30pm) and are held every quarter at Madeira Road police station in Bournemouth. The scrutiny panel aims to consider and discuss about 20 cases per meeting, these comprise of 15 adults and five youth cases randomly selected by a representative of the Office of the Police and Crime Commissioner as delegated by the Chair. The panel decides the theme for the cases to be scrutinised at the next meeting, for example, shoplifting and where enough numbers cannot be achieved, other cases are added on to achieve the



required number. The panel has also agreed that any contentious cases that have been highlighted during the quarter may be put forward for discussion.

In reviewing a case, the scrutiny panel will discuss and conclude one of four categories:

1. Appropriate and **consistent** with Dorset Police policies, the CPS Code for Crown Prosecutors and the Victim Code
2. **Appropriate** with observations from the Panel
3. **Inappropriate** use of out of court disposal
4. **Panel fails to agree** on the appropriateness of the decision made

21 February 2018	23 May 2018	12 September 2018	12 December 2018
Harassment (physical, texting and online stalking) and assaults	Drugs (possession and under influence of)	Assault and possession of weapons	Possession of weapons, sexual offences (including sexting, indecent images) and domestic violence on parents by youths
5 youth cases	5 youth cases	5 youth cases	5 youth cases
Level 1 x 5 (Appropriate)	Level 1 x 4	Level 1 x 5	Level 1 x 4
Level 2 x 0 (With observations)	1 case referred to the school		1 case referred to the school
Level 3 x 0 (Inappropriate use)			
Level 4 x 0 (Panel			



failed to agree)			
15 adult cases	15 adult cases	15 adult cases	15 adult cases
Level 1 x 9 (Appropriate)	Level 1 x 11	Level 1 x 11	Level 1 x 11
Level 2 x 1 (With observations)	Level 2 x 2	Level 2 x 2	Level 2 x 1
Level 3 x 4* (Inappropriate use)	Level 3 x 2	Level 3 x 2	Level 3 x 2
Level 4 x 1 (Panel failed to agree)	Level 4 x 0	Level 4 x 0	Level 4 x 1*
20	20	20	20

* On the rare occasions when the independent members felt that a disposal was inappropriate, there was robust discussion among the panel members and feedback provided to the police or youth teams. However, often, Dorset Police's Adult Out of Court Disposals Manager and her team have been effective 'gate-keepers' on many occasions by scrutinising and challenging some disposals before panel meetings. There have also been occasions when 'borderline' cases were brought to the panel for discussion. These are examples of good practice which have given the panel assurance that the police are willing to be open and to learn from these interactions.

In June 2018, the Chair and independent member attended a pilot Victim Awareness Course. The course which is run by Victim Support is designed to offer offenders an opportunity to reflect on the impact of their behaviour on victims and with the aim of reducing re-offending.

In common with a number of other police services across the country, in 2019 Dorset Police are introducing a two-tier system for out of court disposals, reducing the types of disposals issued to either community resolution or conditional caution, together



with appropriate diversionary courses to help with offender reform. A number of diversionary courses are being considered for adoption by Dorset Police during the early part 2019.

To assist with the above, Dorset Police received £74, 500 from the Police and Crime Commissioner to fund a victim awareness course, female offender diversionary scheme (Women's Pathway) and for Project Cara (domestic offender intervention programme).

The Chair presented at an away day for OPCC staff and the Police and Crime Commissioner on 20 November 2018. The presentation covered a number of areas such as business activity and the type of work the panel and Chair undertake, including opportunities and challenges.

Benchmarking

Dorset Police works closely with Hampshire Constabulary. They are invited to send a representative to the panel meetings. The Chair aims to attend one or more panel meetings of Hampshire Constabulary or other neighbouring police services during 2019 to identify and share good practice.

Emerging themes

- When an out of court disposal is issued, the views of the victim are important, where they can be ascertained. There are state based incidents where such views cannot be sought because there is no specific victim. However, compared to 2017, there has been greater focus by the panel to ensure where possible the victim's views are shared with the panel. The victim's views are the 'golden thread' and have been sought by the panel at each meeting and the police internal quality system has also been sensitive to this issue.

The panel agreed that there should be a 'right to review' on such an important issue where the police in effect are 'investigators, prosecutors, judge and jury'. There is a Victim's Right to Review for those cases where the decision taken by the police is 'no further action'. If a victim does not agree with an Out of Court Disposal decision they have the right to



complain by appealing in the first instance to the relevant police inspector or, failing that to the Office of the Police and Crime Commissioner. If a complaint cannot be resolved by these means, it will be passed to Dorset Police Professional Standards Department to investigate. If the victim remains unhappy with the outcome they are then entitled to take their complaint to the Chief Constable or, appeal to the Independent Office for Police Conduct subject to doing so within their timescales. The panel will keep this issue under review.

- The panel continues to scrutinise the performance data on of Out of Court Disposals and has noted amongst other features, the greater predominance of these disposals in rural areas such as Bridport and Purbecks. Bridport and Purbecks accounted for the almost 50% of the disposals issued, compared with the county average of 34.7%.

The panel have questioned Dorset Police if one of the influencing factors was the distance from a custody suites. Although this is one possible suggestion there is insufficient evidence for this view and without more detailed analysis it has not been possible to confirm this. Dorset Police confirmed that whether or not an Out of Court Disposal is applied can be influenced by a number of factors, including the seriousness or type of offence, any previous offences committed by the offender and what is in the public interest to deal with by way of such a disposal. Internally, all Out of Court Disposals are scrutinised by the relevant police departments to identify if any have been incorrectly applied.

As Chair, I believe that justice should be fair and equal regardless of any particular location. In response to the panel's concern that the likelihood of receiving an Out of Court Disposal may be influenced by postcode of where the subject lives. **It is recommended that the Police and Crime Commissioner makes formal enquiries to ascertain whether this is the case. If it is found to be the case then recommendations for improvement should be made and an action plan put in place to address it and feedback provided to the panel.**



- Following the publication of the [Lammy Review](#) in September 2017, deferred prosecutions (one of the recommendations from the Lammy Review) are being piloted in many areas to reduce re-offending; the panel awaits developments in this area and looks forward with interest to the results.
- The Police and Crime Commissioner asked the panel Chair to consider how their work could be made more transparent to members of members of the public and suggested that members of the public could be invited to some of the meetings. While there are issues with confidentiality, this matter is being given consideration with a possible pilot before the end of 2019.

Conclusion

The Out of Court Disposal Scrutiny Panel acts on behalf of the Police and Crime Commissioner to hold Dorset Police and the Youth Justice to account for the out of court disposals they issue. The Out of Court Disposals Scrutiny Panel met four times in 2018 and considered over 80 cases (including some verbal ones) against some 3000 total disposals issued during the year. Minutes for each meeting are produced and for further accountability, a redacted public facing summary is published on the Office of the Police and Crime Commissioner website.

As panel Chair I am pleased that the outcome of the recent recruitment exercise has resulted in a better balance of independent members on the panel.

There were further refinements to the governance of the panel to improve the checks and balances and accountability. The changes were aimed at giving assurance to the Police and Crime Commissioner and the public that the police and youth service would explain and account for issuing an out of court disposal.

Further investigation will be undertaken to ascertain why rural areas receive more disposals than the conurbations. As Chair I will continue to challenge the Dorset Police to assist the Police and Crime Commissioner in his role of independent oversight. While accountability is a key factor, ensuring that the panel works in concert is fundamental in building effective relationships, where all partners contribute to the effectiveness of the panel. I am delighted to report that the Dorset Out of Court Disposals Scrutiny panel feels more cohesive than before. However,



there is further work to be done to improve transparency in opening up its business to the public and benchmarking itself against similar panels.

Will Chakawhata

Chair, Out of Court Disposals Scrutiny Panel

