



SURREY POLICE - PAPER FOR PCC MANAGEMENT MEETING

Out of Court Disposals Scrutiny Panel

This paper is provided as an update to the information submitted to the PCC Management Meeting in September 2013.

Background:

In July 2012, the White Paper, "*Swift and Sure, The Government's Plans for Reform of the Criminal Justice System*", was published which outlined the Government's support for the approach taken in some areas of having local oversight mechanisms for out of court disposals, particularly the involvement of magistrates in such processes. In June last year (2013), Police and Crime Commissioners were sent a letter from Senior Presiding Judge, The Rt. Hon. Lord Justice Gross, which confirmed support from the senior judiciary for magistrates to participate in local retrospective review of out of court sanctions. The letter, which was also sent to Chief Constables, included a guidance document which had been drawn up for magistrates, providing background on the purpose of scrutiny arrangements and the responsibilities of magistrates engaged in them. The guidance places specific emphasis on the need for scrutiny to be retrospective and that it should not involve magistrates endorsing, rescinding, or otherwise changing individual out of court disposals in any way.

Current Position:

Surrey Police activity in relation to out of court disposals has changed over time. In March 2013, multiple cautioning was stopped and in April 2013, Penalty Notices for Disorder (PNDs) were abolished for 10-17 year olds, and reprimands and warnings were replaced by youth cautions. The Force made a policy decision to stop using effective resolutions for violence based on a review of their use; this demonstrates the Force's recognition of weaknesses from a victim care perspective, and its determination to rectify this. Finally, in December 2013, 'effective resolutions' were replaced by 'community resolutions'. Scrutiny of these and various other out of court disposals (e.g. PNDs for adults, cannabis warnings and cautions) allows the system to have credibility and maintain public confidence.

Chaired by Superintendent Alison Barlow, a Scrutiny Panel for out of court disposals in Surrey has been established and meets quarterly to consider both youth and adult disposals. Two meetings have been held thus far (October 2013 and January 2014), with the next Panel due to sit on 13th May 2014. Membership of the Scrutiny Panel includes magistrates, police (Criminal Investigation Department, Criminal Justice, Youth Intervention, Custody and Audit and Review), the Crown Prosecution Service, Youth Service, Assistant Police and the Crime Commissioner for Victims and a lay member.

Terms of reference for the group have been set with the primary focus centred on case review, identifying examples where out of court disposals have been used effectively and highlighting areas where there is a need for learning and improvement. As per the established guidance, the group's purpose is not to reverse decisions already made but to consider whether the decision taken in each of the cases (approximately 21 cases considered at each Panel) was appropriate in the circumstances.

The Panel considers all out of court disposals available (simple adult cautions, conditional cautions, youth restorative interventions, penalty notices for disorder, cannabis warnings and community resolutions). This latter disposal was re-launched in Force on 22nd December 2013, replacing previously used effective resolutions, and therefore, in support of the Force Community Resolutions Implementation Group, the Panel also assists in providing independent oversight of this how this change has been embraced.

The Panel also provides a platform to monitor trends in out of court disposals, e.g. to see if there is an increase or decrease in particular disposal types applied or a change in the nature of associated offences. This slightly widened remit is due to be discussed at the next meeting.

Feedback from the Panel's membership has been very positive since these scrutiny arrangements came into being with the majority of disposals considered to have been appropriately applied. There have been some cases, however, where out of court disposals in respect of domestic abuse matters were not felt to have been sufficiently robust with discussions at the last meeting resulting in a slight rewording to the published Community Resolutions Policy in order to make the guidance clearer – evidence that the Panel is already proving its worth. With an eye on the national landscape, the range of disposals considered is likely to change with the review of the National Out of Court Disposals Framework, but with an established Scrutiny Panel in place this will only help in assisting the implementation of any new proposals.