

Avon and Somerset Constabulary Response

Thank you for your report of the Avon and Somerset Out of Court Disposal (OOC) Scrutiny Panel of Wednesday 14th March 2018. We welcome the opportunity to respond to the report. The findings of the panel were fed back into our next OOC Steering Group when they met in January and as always are useful in helping to shape our policies and procedures. Feedback will also be passed on to individual officers where appropriate and general themes will be passed on to all supervisors in briefings sent around.

Scrutiny of Case Files

Forty five new case files were made available to the Panel for review including 4 CRs for serious violence or serious sexual offences, and a further 8 files were carried over from the last meeting. The Panel reviewed a total of 21 cases at this meeting. The theme for this panel was violence against the person offences, but comparing outcomes given to male offenders compared to female offenders. Following review 12 cases were considered to be appropriate, 5 appropriate with observations and 4 were considered inappropriate.

Inappropriate Cases

The first inappropriate case relates to a CR given for a serious violence offence. Some of the details of the offence were a bit sketchy, but there appeared to be little investigation of the offence. The person involved did not have a police history but was known to the authorities. Also, the outcomes attached to the CR were not rehabilitative in any way which the Panel felt were required. There was a general feeling that the use of a CR in this case was too lenient and the fact the offender was 15 at the time of the offence, the Youth Panel could have been involved due to the severity of the offence. These points have been fed back directly to the decision making officers.

The second inappropriate case was for the offence of assault PC and the Panel felt very strongly that the offence was sufficient in its seriousness that it should have gone to court. Whilst the Panel felt that in the future an ASCEND worker may be able to address the needs of the offender sufficiently the use of the Victim Awareness Course was not really targeted enough in this circumstance to have the desired impact. The Constabulary have recently relaunched their commitment to officers assaulted in the line of duty and are looking to strengthen the response rather than have it accepted as part of the job. Again, this has been fed back to the officers involved in making those decisions.

The third case that the Panel found to be inappropriate was a case of a dangerous dog where a runner had been bitten and the Panel felt that the offence had been wrongly classified. The case was referred at the Panel's request to the Force Crime and Incident Registrar who reviewed the case in terms of the legality of the offence and the FCIR was fully satisfied that the case was dealt with correctly in terms of crime recording. That review can be made available.

The final case that was found to have been done inappropriately is another dangerous dog case, this time dealt with by way of Community Resolution. The case was in breach of a

previous agreement which dictated that the dog should be muzzled and this was the third offence. Due to the severity of the injury and number of previous offences the Panel felt further action should have been taken due to the lack of ability to enforce the conditions within the CR, and overall this was too lenient. This has been fed back to the decision making officer.

Good Practice

The Constabulary are always happy to hear about the good feedback from the Scrutiny Panel, it is heartening to know that the conditions being attached to Conditional Cautions are being well used and having an impact on those involved. We hope to build on this good work as we move forward with the ASCEND programme.

It is also good to know that the multi-agency work we undertake in some cases is well received and it is understood that although a lot of effort goes into such cases it can have a real impact on those involved.

Recommendations and Observations

With regard to a "sexting" case, it is accepted that the constabulary are still learning about such offences and trying to understand the best way to deal with them. When such cases involve young people they can go through the Youth Offending Team system and receive a certain level of intervention, we are not yet in that same position with people 18 and over. This will hopefully be able to be addressed as we introduce further interventions through the ASCEND programme.

It is accepted that the wording of some conditions is somewhat lacking and as part of the work ongoing introducing the Two Tier Framework we are launching a comprehensive training programme to reach as many officers as possible. This will be backed up by the launch of some pre-defined options within our Niche system which will allow officers to choose from a list rather than have free-text entry which should help to clarify conditions further. Also the introduction of ASCEND Workers will see them be the ones to used conditions predominately allowing them to become experts in this, bringing better quality and consistency to the process.

It is unfortunate that the records do not always reflect a full investigation that may have taken place, or in some circumstances that parts of an offence appear not to have been investigated. Our officers are sometime under extreme pressure of demand and there some parts of them may either get missed or not be fully recorded. This is not acceptable as there is a victim attached to those offences who needs to be updated, but that has to be balanced against the demand officers are facing.

With regard to authorisation levels, the constabulary has taken the decision to change local guidance that said an officer of rank of Inspector or above was required to authorise an OOC and reduced that to the rank of Sergeant. This is in line with national guidance and makes the process quicker and easier for operational officers.

The Panel have raised an interesting point about the licensee of a pub not complying with a request to provide CCTV in a timely manner, and whether this constitutes a breach of their license. This will be fed into the relevant management within the Constabulary to determine whether there is anything that done to apply pressure in future cases to ensure more timely provision of CCTV.

There were several cases where it is dubious if the police needed to be involved. One was a case of an altercation that took place between estranged family members at a school. The police are obliged to deal with such an incident once it is reported to us but agree that perhaps it could and should have been dealt with by the school. The other also involved family members. In such cases it might be better if the officer had dealt with it differently but in one of them using a CR they have used to lowest level of outcome that should have little impact on the individual whilst also hopefully helping those involved appreciate that their behaviour is unacceptable. The second case was an ongoing family situation and the racial element questioned also involved reasonable doubt over what was said.

The 7 Point Promise (formerly 7 Point Plan) includes a commitment from the Chief Constable to pay any compensation awarded to an officer upfront, with the Constabulary to be reimbursed as the offender pays that compensation. This is to show officers how seriously the Chief Officer Group take assaults on their staff.

A case of discrepancies between the rationale provided and the details of the case are unfortunate, luckily in the case identified the outcome was appropriate either way, but the training that is being done to cover the Two Tier Framework and ASCEND will cover all aspects of what is required of officers in decision making and provision of rationales.

With regard to the issue where a case file was felt to have not included sufficient information, such things will be picked up in the training that is being planned. Anything that is not specifically covered in this way can be covered through other routes and communications.

All the other points raised by the Panel refer specifically to youth cases and how they were dealt with in the Youth Panel setting so it is not appropriate for the Constabulary to respond directly to those observations.