

## Avon and Somerset Constabulary Response

Thank you for your report of the Avon and Somerset Out of Court Disposal (OoCD) Scrutiny Panel, dated 9<sup>th</sup> December 2020. We welcome the opportunity to respond to the report. The findings of the report will be fed back in to the Strategic Out of Court Disposal Group as a standing agenda item, to ensure performance accountability. These findings will allow for a review of policies and procedures as well as learning for the wider organisation. Individual performance concerns will be fed back to the officers concerned and general themes added in to the continual professional development of Supervisors.

### Case file scrutiny

A total of 22 cases were made available to the panel and there were made up of 14 adult cases and 8 youth cases in relation to Domestic Abuse Criminal Offences both intimate partner and familial.

The cases were broken down as follows:-

10 Adult Conditional Cautions

4 Adult Community Resolutions

3 Youth Cautions

5 Youth Conditional cautions

Of the 22 cases reviewed, 9 were considered as appropriate disposals, 10 were considered appropriate but with observations and 3 were considered inappropriate.

### Inappropriate cases

The first case has been referenced as 04/22. This involves the criminal offence of stalking, involving serious alarm/distress, with the suspect being a repeat offender. Upon review the panel considered that the decision making was poor and seemed to be influenced by the COVID pandemic and the effect on the court system, rather than the seriousness of the offence committed.

This case was reviewed by an officer of Inspector rank, who the panel felt had made a poor error of judgement authorising a disposal that had no rehabilitative value to the suspect.

This feedback has been highlighted to the Line Manager of the involved members of staff and will be dealt with through development

The second case has been referred as 05/22. This involves the criminal offence of Cruelty and Neglect of a Child. Upon review the panel considered that the offence was too serious for consideration of an Out of Court Disposal. The investigation itself did not become allocated to the

Investigations Department, even though more experienced/qualified staff should have dealt with the Investigation.

This feedback has been highlighted to the supervisory team involved within the investigation.

The third case has been referred to as 10/22. This involves an offence of Wounding with Intent to cause Grievous Bodily Harm. This offence was aggravated by the fact that a weapon was involved and was an unprovoked attack. The panel found that the rationale for issuing an Out of Court Disposal was not present.

This feedback has been highlighted to the Detainee Investigation Team and the subsequent learning will be shared

### Good practice identified

The positive comments received from the panel have shown that there has been improvement across the organisation, especially in relation to the DASH (Domestic Abuse Stalking Harassment) risk assessment form. This is mandatory to complete and the panel have recognised a noticeable improvement in their standard of completion.

Officer's consideration around the safeguarding of victims was also highlighted, with considerations to external partnerships being consulted. The views of the victim, which is of paramount importance in any investigation, were also firmly in the mind of officers when disposal decisions were made.

The recognition given to the vulnerability of a young person, potentially a victim of County Lines drugs dealing showed a good understanding of "protecting the most vulnerable from harm" one of the P.C.C's priorities.

Two of the conditional caution disposals, specifically aimed at re-habilitating perpetrators of domestic abuse (CARA and SHE Programmes) were used to good effect.

### Recommendations and Observations

The panel have highlighted that there is evidence that outcome decisions have been made against the backdrop of the COVID pandemic. The decision making process should not be made with external influences like pressure on the court system. It should always have the victim at the centre of the decision making process. This has resulted in some cases being dealt with inappropriately as an Out of Court Disposal.

The recording of the rationale for any form of decision needs to be thorough. This then allows for the justification of that decision to be scrutinised by managers or independently through this panel.

Although there has been a noticeable increase in the quality of our risk assessments within investigations, this needs to be improved. All areas of risk need to be identified and assessed, whether that relates to the victim or suspect.

The next meeting will be taking place on Monday 2<sup>nd</sup> March 2021. The theme for this meeting will be Hate Crime. This improvement areas within this report will be considered throughout this next review.