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DYFED-POWYS
POLICE AND CRIME
COMMISSIONER

Police and Crime Commissioner for Dyfed-Powys

Scrutiny Panel

Dip Sampling Exercise

Review of Public Order Incidents (Oct-Dec 2017)

Out of Court Disposals

Panel Members' Findings & Feedback

January 2018

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1.0 Overview

At a meeting of the Dyfed-Powys Out of Court Disposal Scrutiny Panel held on 30th January 2018, Members reviewed a selection of Public Order incident cases which had been dealt with by way of an out of court disposal.

The Panel considered a total of 16 cases, seven involving youth suspects and nine involving an adult suspect.

2.0 Background, Purpose and Methodology

Panel Members collectively agree an area of focus for each meeting. They receive relevant case files two weeks prior to each meeting which have been randomly selected by the Panel Chair. The Panel then meets to discuss each case and where possible reach a conclusion as to the appropriateness of the disposal. **In deciding which category the case falls, the panel consider the following criteria:**

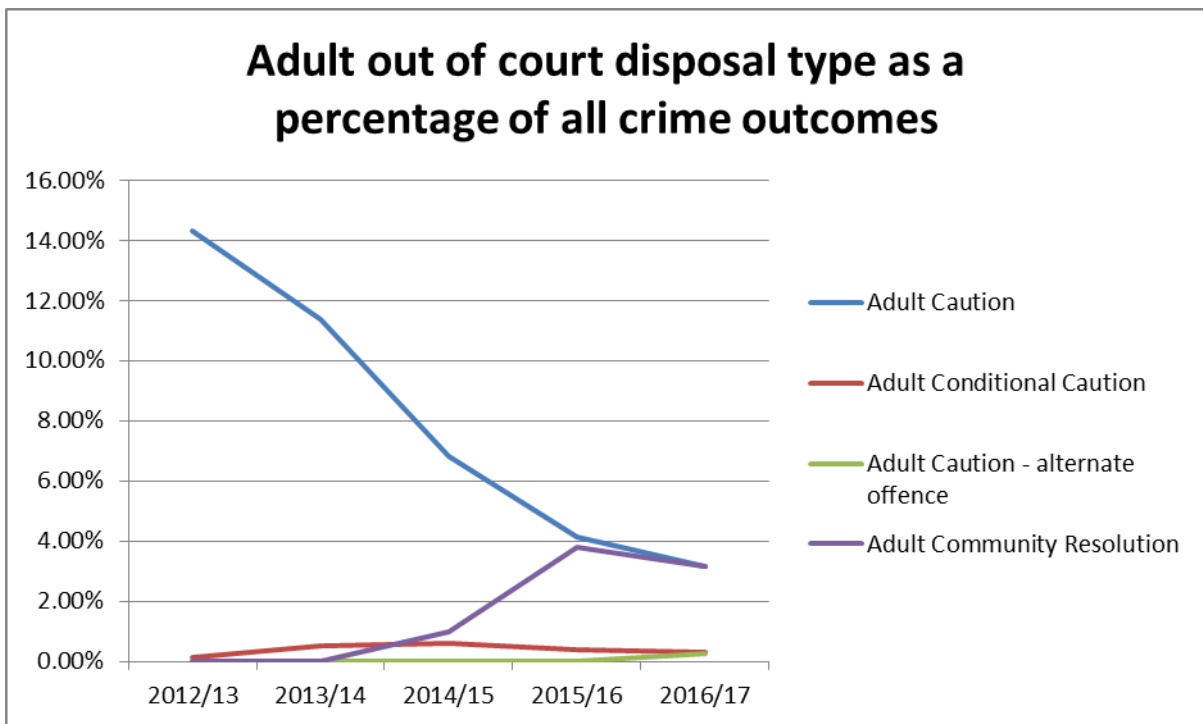
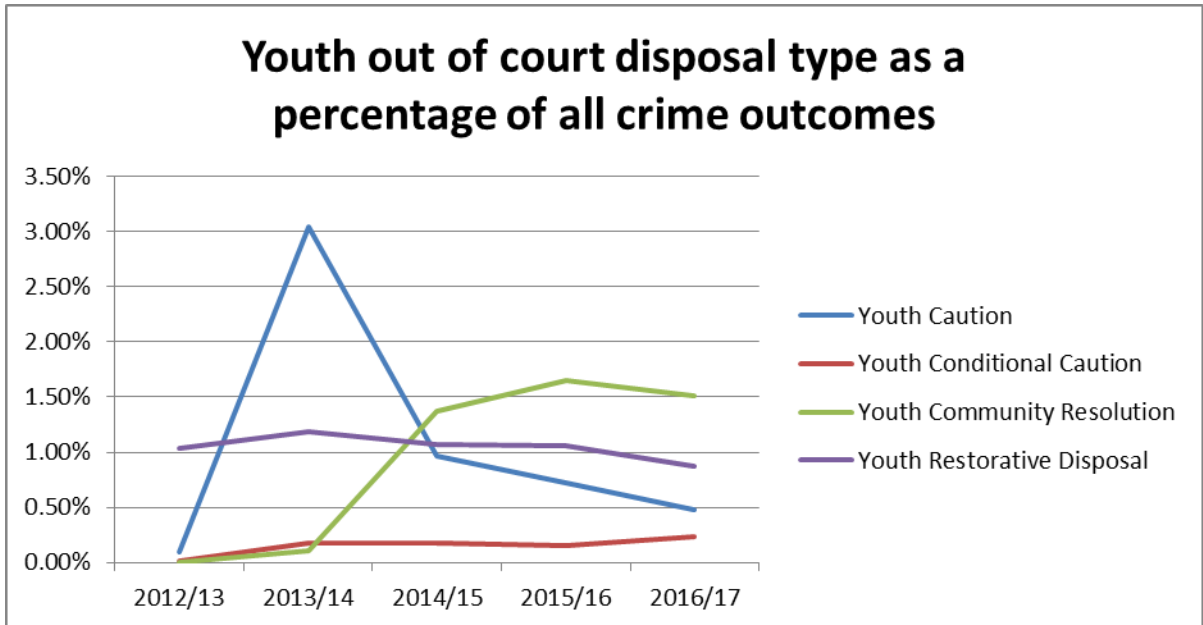
- The views and feedback from the victim and the offender;
- Compliance with force policy;
- Rationale for the decision and outcome;
- Potential community impact;
- Circumstances and seriousness of the offence; and
- Potential alternative options that may have been available.

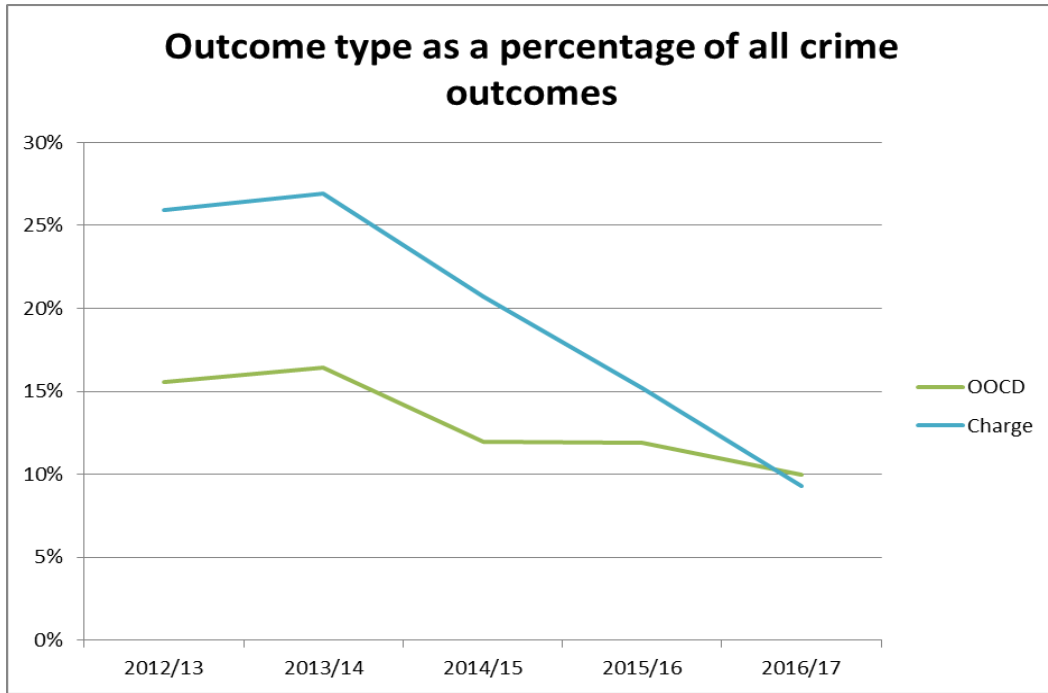
The Panel discuss each case and categorise them as one of the following:

- Appropriate use and consistent with policy;
- Appropriate use with panel Members' reservations;
- Inappropriate use or inconsistent with policy; and
- Panel fails to reach a conclusion.

2.1 Background data

The following graphs show the change of Dyfed-Powys Police's use of different out of court disposal types over time.





3.0 Approval by Panel Chair

I _____ (print name) can confirm that I have read the report, and that it fully represents the views expressed by the Panel during our dip sampling exercise dated 30th January 2018.

Signed: _____

Date: _____

4.0 Actions taken following previous Panel meeting

As a result of the Out of Court Disposal Scrutiny Panel's work, the following actions have been taken since the last meeting:

- Custody training has now been amended to incorporate consideration of crimes against hospital staff when officers have been called to assist with violent patients.
- Reminders / guidance have been sent out to all Custody Pool Sergeants and Supervisors in relation to the appropriate use of the ACPO gravity matrix.

5.0 Consideration of Public Order cases – youth suspects

Two of the youth cases considered had been dealt with by way of Youth Community Resolution, three cases by a Youth Restorative Disposal and two had been issued with a Youth Caution. Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	4
Appropriate with reservations	2
Inappropriate	1

5.1 Observations

Panel Members' observations on each case are detailed below.

Case 1

Members felt a Conditional Caution may have been more appropriate, as there was a concern whether the individual had learnt from the incident, as there were no consequences for not complying with the conditions attached to the Caution.

Panel's Assessment: Appropriate use with reservations

Case 2

Members identified that the suspect had received 3 Community Resolutions in the last 6 months. As such, the Panel felt that the individual was not taking responsibility for their actions and learning from past mistakes. It was felt that the outcome of the previous incident should have been escalated to a Youth Caution and therefore this incident should have been escalated further.

Panel's Assessment: Appropriate use with reservations

Case 3

The Panel were satisfied with the suspect receiving a Youth Community Resolution for the offence recorded, however queries were raised as to whether the crime had been recorded appropriately.

Panel's Assessment: Appropriate

Case 4

Members expressed no concerns with the rationale contained within the case file and subsequent outcome decision. The suspect had no previous convictions, good school attendance and appeared to have a strong and stable background for extra support.

Panel's Assessment: Appropriate

Case 5

Due to the suspect having no previous convictions, members expressed no concerns with the rationale contained within the case file and subsequent outcome decision.

Panel's Assessment: Appropriate

Case 6

It was found that the date of birth for the suspect had been recorded incorrectly on the PNC record and the outcome therefore was an Adult Community Resolution. Members expressed no concerns with the rationale for the outcome decision but requested the PNC record be updated with the relevant outcome.

Panel's Assessment: Appropriate

Action 1

Case 6 suspect's PNC record to be updated to accurately reflect the outcome as per the admission of guilt form.

Case 7

Panel Members came to the decision that this case had been inappropriately disposed. Members felt that due to the incident involving a knife, the offender should have received a minimum of a Caution. The Panel felt that this was inconsistent with the outcomes of similar cases.

Panel's Assessment: Inappropriate

6.0 Consideration of Public Order cases -- adult suspects

Panel Members reviewed 9 adult cases, 2 of which had been dealt with by way of Caution and 7 via Adult Community Resolution (ACR). Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	7
Appropriate with reservations	1
Inappropriate	1
Panel Failed to Reach Conclusion	0

6.1 Observations

Panel Members' observations on each case are detailed below.

Case 8

Members considered a Caution was appropriate in this case as the offender had no previous convictions, admitted responsibility and had given a full apology.

Panel's Assessment: Appropriate

Case 9

Members were satisfied with the rationale contained within the case file and subsequent outcome decision.

Panel's Assessment: Appropriate

Case 10

It was agreed by the Panel that an Adult Community Resolution was the correct form of disposal, as the victim was happy with this outcome and previous conviction was 2 years ago.

Panel's Assessment: Appropriate

Case 11

Panel Members agreed that an Adult Community Resolution was appropriate for this case as the suspect fully admitted to the offence and had no previous history of offending.

Panel's Assessment: Appropriate

Case 12

Panel Members agreed that Adult Community Resolution was appropriate for this case as this outcome had been discussed and agreed with victim.

Panel's Assessment: Appropriate

Case 13

Panel members felt that a Caution would have been a more appropriate outcome as the suspect had assaulted a Police Officer and had resisted arrest.

Panel's Assessment: Appropriate with reservations

Case 14

It was agreed by the Panel that Adult Community Resolution (ACR) was an appropriate outcome as both parties involved in the incident had agreed and signed the ACR.

Panel's Assessment: Appropriate

Case 15

Members expressed no concerns with the rationale contained within the case file and the subsequent outcome decision. Both parties involved in the incident had been addressed regarding the issue and a face to face apology had occurred.

Panel's Assessment: Appropriate

Case 16

Panel Members came to the decision that this case had been inappropriately disposed. The full submission was taken into consideration and the willingness by the victim for an ACR to be issued, however the Panel felt that a minimum of a Caution would have been more appropriate, due to the offender showing no remorse, having previously been banned from the premises, the offender's abusive actions towards the Police and that the incident had occurred in the presence of school children.

Panel's Assessment: Inappropriate

Other Matters Arising

A detailed discussion took place in relation to feedback from the Youth Bureau regarding the referral (RJ1) form and the need for the Youth Bureau to receive this form within 24 hours from the Force. It was raised that not all relevant information was being completed within the form, especially the previous convictions section. It was noted that this appeared to be a Force-wide issue.

A concern was also raised that victims were being updated by both the Youth Justice Team and the Force, resulting in a duplication of information for the victim. It was agreed by the Panel that this issue would be raised with the Partnership Chief Inspectors for a resolution to be sought.

Action 2

Victims receive an update from both the Force and the Youth Justice Team which results in a duplication of information and contact for the victim.
Issue to be discussed amongst the Partnership Chief Inspectors to see if a solution can be found.

Panel Members noted that although there has been a decrease in the number of Cautions, this did not appear to be reflected in the amount of incidents dealt with through the Court.

Action 3

Data to be included within the future Panel reports showing how the overlaying crime trend relates to the Out of Courts Disposal outcomes.

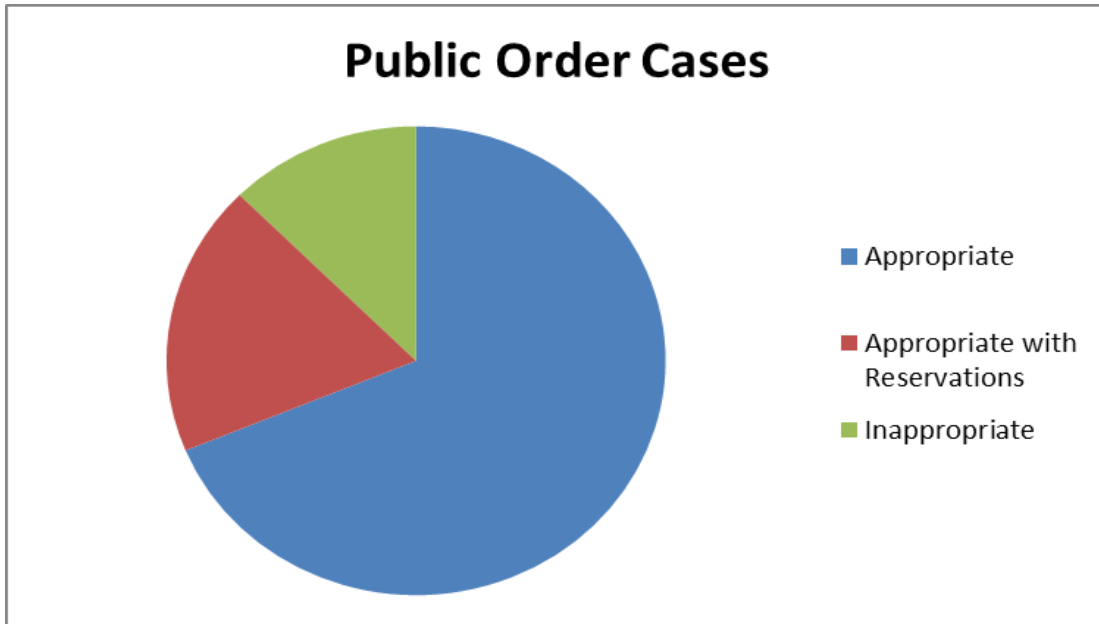
It was also discussed that there is a concern regarding the amount of time it takes for feedback to be fed into training and procedures.

Action 4

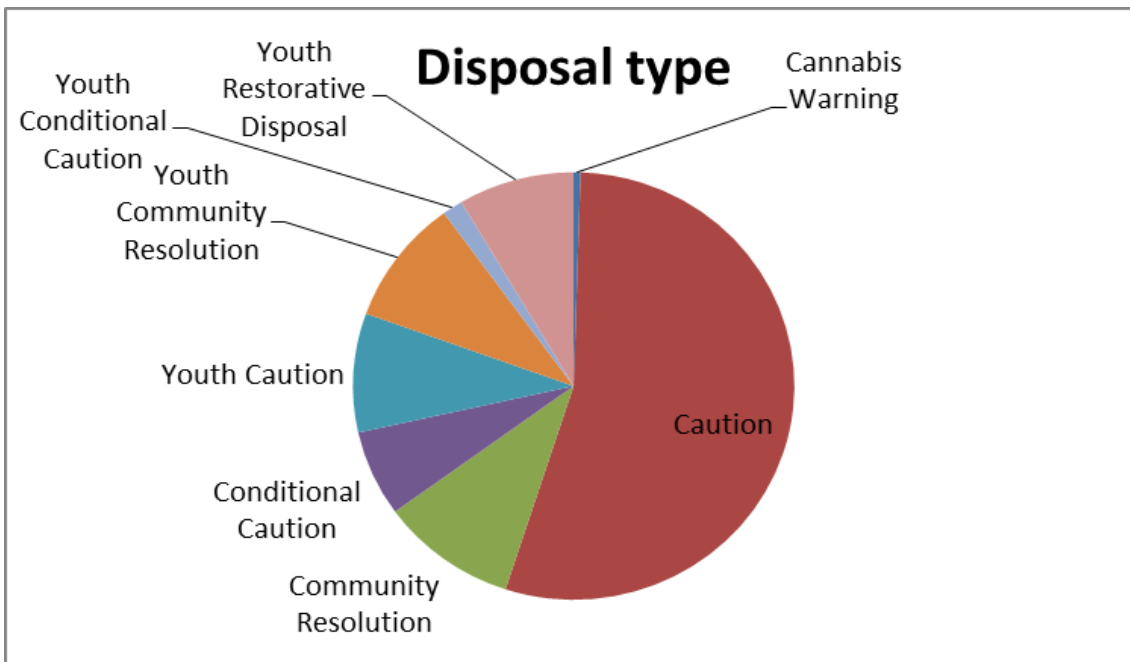
Force to consider how Panels findings are fed back into training and procedures in a timelier manner.

7.0 Panel's assessments to date

The graph below demonstrates the Panel's assessment of the cases considered at the most recent meeting.

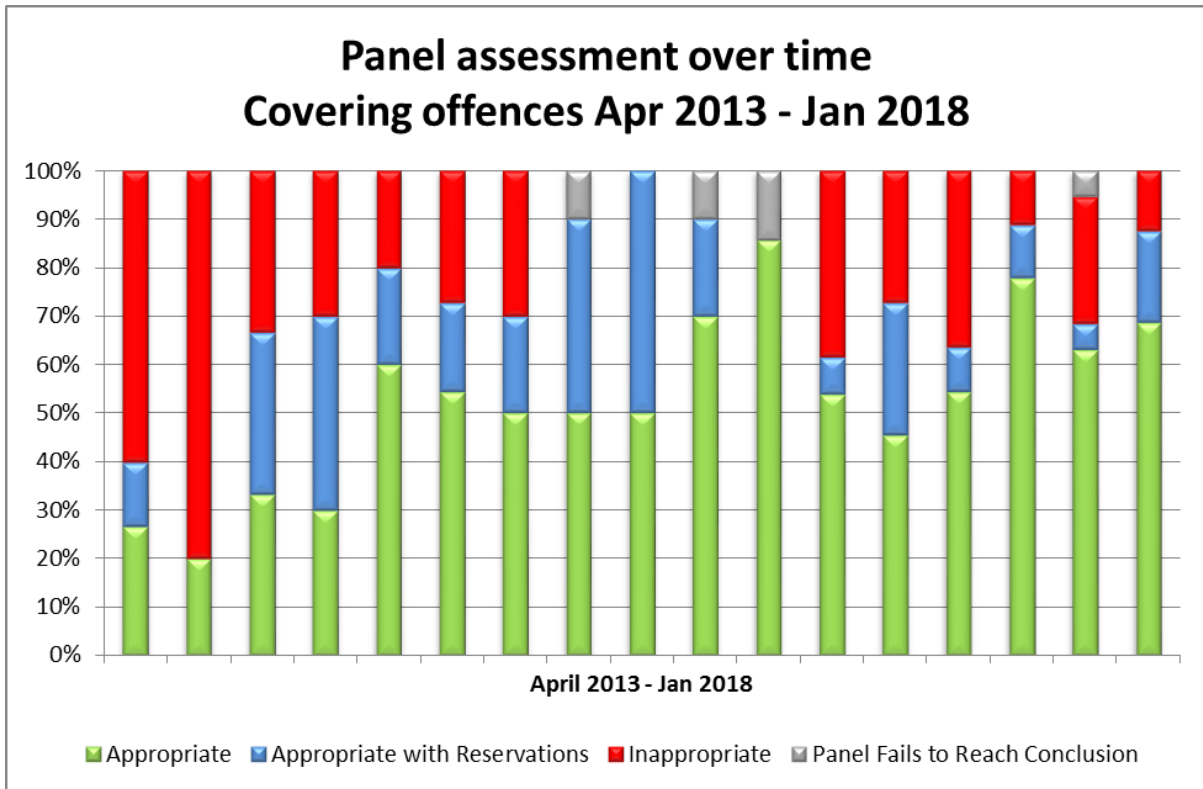


Since April 2013 the Panel has considered a range of disposals, as displayed in the graph below.



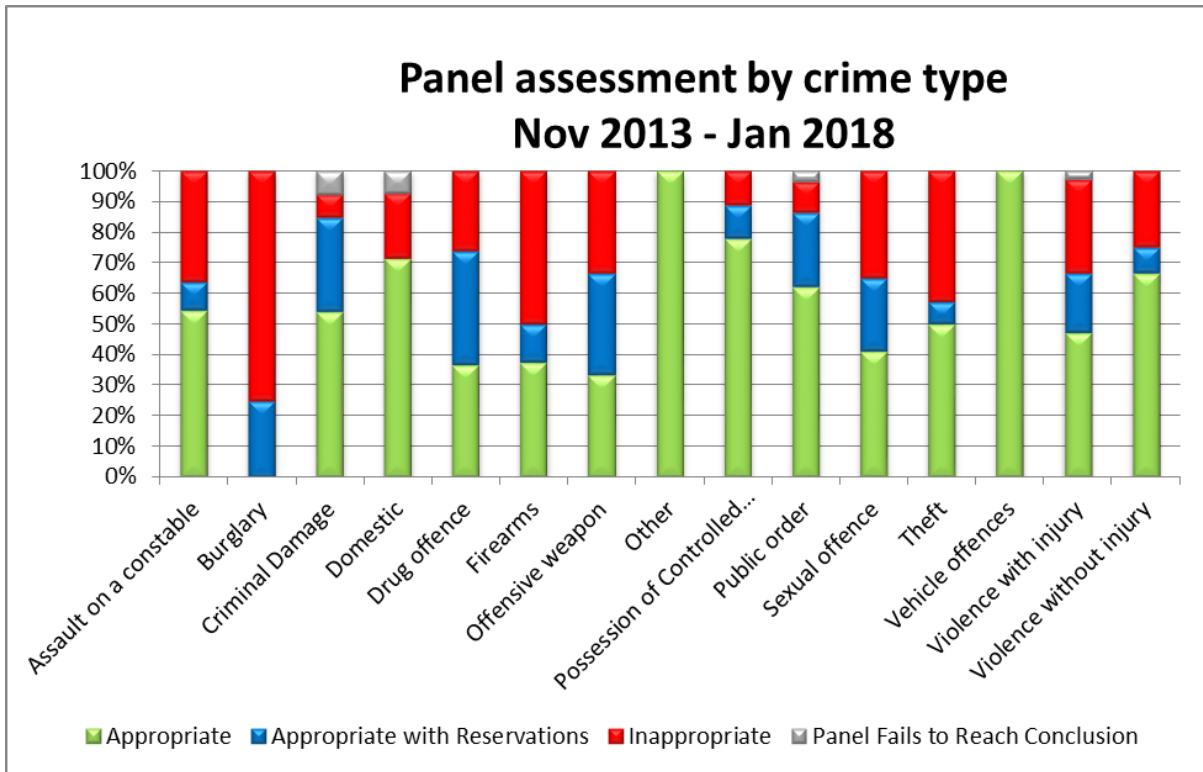
Of the 200 cases examined between April 2013 and January 2018¹, 53% were assessed as appropriate, 26% as inappropriate, 19% as appropriate with reservations and the panel failed to reach a conclusion in 2% of cases.

Overall there has been an increase in the number of cases the Panel have deemed as having appropriate disposals. This change over time can be seen in the graph below.

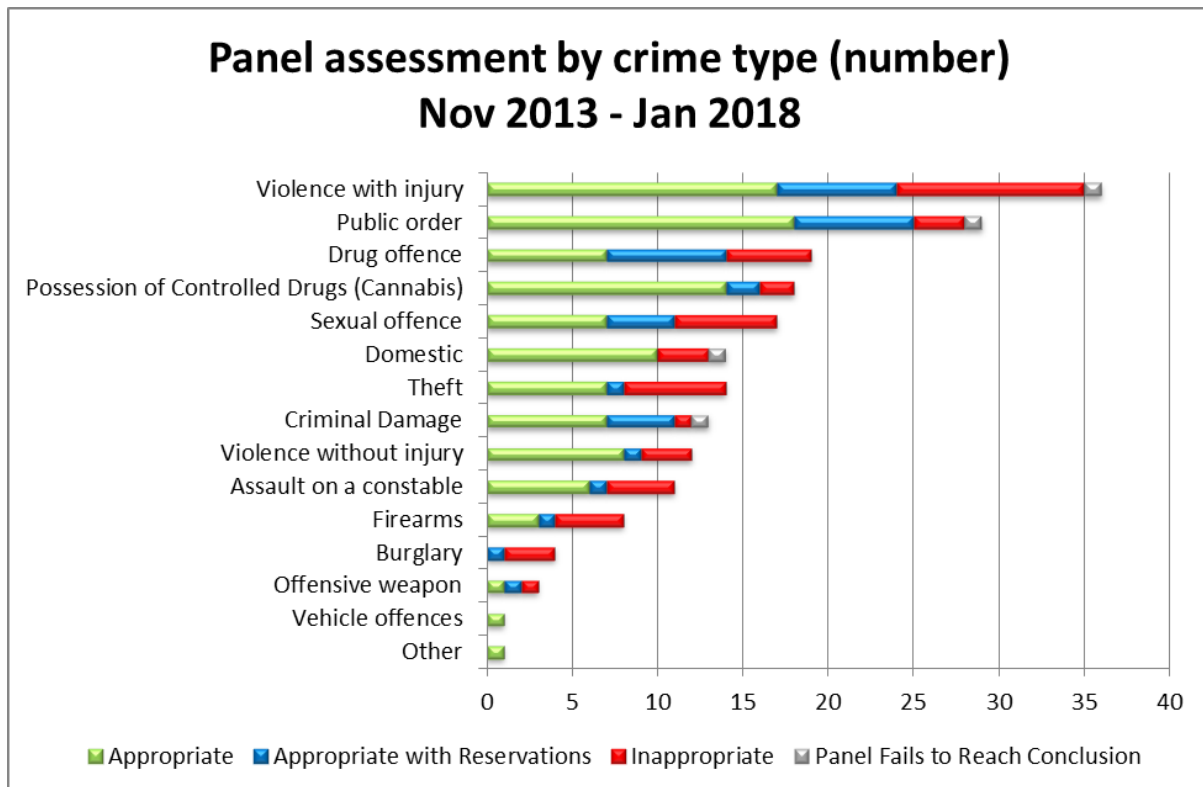


¹ Covering the Panel’s activity from November 2013 to January 2018.

The graph below shows the breakdown by crime type as a percentage of cases considered between November 2013 and January 2018.



The following graph displays the actual number of cases assessed within each crime type and the resulting Panel opinions at their meetings between November 2013 and January 2018.



7.1 Good practice

The following examples of good practice were identified as a result of the Panel's work this quarter:

- Generally, the Panel was satisfied with the rationale noted within the majority of case files, which resulted in the appropriate disposal outcome.
- It was evident on a number of the cases that the victims' wishes had been taken into consideration when deciding on the outcome for the offender and the case.

7.2 Areas for improvement

One particular area for improvement was identified as a result of the Panel's work this quarter:

- There should be greater communication between the Youth Justice Teams and Dyfed-Powys Police to ensure referral forms are received in a timely and accurate manner and that an agreement be reached as to the efficient updating of victims following Youth Bureau decision making.

8.0 Future Panel focus

On recommendation of the OPCC, Members agreed to consider out of court disposals relating to Criminal Damage incidents at the next meeting of the Out of Court Disposal Panel.