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DYFED-POWYS  
POLICE AND CRIME  
COMMISSIONER

## **Police and Crime Commissioner for Dyfed-Powys**

### **Scrutiny Panel**

### **Dip Sampling Exercise**

### **Review of 2016/17 Quarter 4 (Jan-Mar 2017)**

### **Out of Court Disposals**

### **Panel Members' Findings & Feedback**

**April 2017**

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## 1.0 Overview

At the a meeting of the Dyfed-Powys Out of Court Disposal Scrutiny Panel held on 25<sup>th</sup> April 2017, members reviewed a selection of assaults on police officers which had been dealt with by way of an Out of Court Disposal.

The Panel considered a total of 10 cases, four involving youth suspects and six 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. In deciding which category the case falls, the panel should consider the following criteria:

- the views and feedback from the victim and offender
- compliance with force policy
- rationale for the decision and outcome
- potential community impact
- circumstances and seriousness of the offence
- 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
- Panel fails to reach a conclusion

## 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 25<sup>th</sup> April 2017.

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:

- All Panel members have been provided with current out of court disposal policies.
- The Panel Terms of Reference have been updated to include action tracking and reporting mechanisms.
- The Crown Prosecution Service representative has provided feedback to Officers regarding a recommendation to expunge a caution.
- Dyfed-Powys Police have reviewed their guidance for youth sexual offences and are considering a review of all such cases.
- Two crimes deemed to have been inappropriately disposed of have been expunged.
- The record for a crime deemed to have been inappropriately recorded has been rectified.

## 5.0 Assaults on police officer cases – youth suspects

Two of the youth cases considered had been dealt with by way of Youth Community Resolutions, one suspect had received a caution and one a Youth Restorative Disposal. Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	3
Appropriate with reservations	1
Inappropriate	0

### 5.1 Observations

Panel members' observations on each case are detailed below.

#### Case 1

An observation was made that ACPO guidance states that the gravity score for assault on a police officer is always a three, the result of which would be a charge. It was however felt that this would not have been in the public interest on this occasion and therefore Panel members agreed the outcome to be appropriate.

**Panel's Assessment: Appropriate**

#### Case 2

Panel members considered the suspect had been dealt with appropriately as they required support through intervention.

**Panel's Assessment: Appropriate**

#### Case 3

Panel members queried if the assault was deliberate (the suspect spat in the face of the officer). Some members considered the issue of a community resolution may have been somewhat lenient. The gravity score had been reduced by more than 1 point, which is outside of policy, however Panel members understood the rationale for this decision. Members discussed the case in detail, with mixed views regarding how spitting is dealt with in terms of

balancing public interest with deterring future offending. It was commented that it would be interesting to look into the reoffending rates of offenders who spit. Members considered that spitting appeared to be becoming more of an issue with young people and that work through social media may help to raise awareness and deter young people. Panel members reflected that more could have been done to support the victim in this case and that police officers who have been assaulted need to be treated as per any other victim. Members were informed that a seven point plan for dealing with assaults on police officers was available and would be circulated. It was agreed that the different views expressed by Panel members would be fed back to the officer in charge.

#### **Action 1**

Feedback to be provided to the officer in charge of case 3 with Panel members' views regarding the decision to reduce the gravity matrix score.

#### **Action 2**

Seven point plan for dealing with assaults on police to be shared with members.

#### **Panel's Assessment: Appropriate with reservations**

#### **Case 4**

Whilst members considered the outcome was appropriate, it was felt that more interaction with mental health services should have taken place prior to the decision being made.

#### **Panel's Assessment: Appropriate**

#### **Action 3**

Feedback to be provided to the officer in charge of case 4 regarding increased interaction with mental health services.

## 6.0 Assaults on police officer cases – adult suspects

Panel members reviewed six adult cases, all of which had been dealt with by way of caution. Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	3
Appropriate with reservations	0
Inappropriate	4
Not applicable	1

### 6.1 Observations

Panel members' observations on each case are detailed below.

#### Case 5

Members noted a reference to a previous conviction within the file which was not evidenced on the Police National Computer check. Members considered the disposal to be appropriate based on the circumstances of the case.

**Panel's Assessment: Appropriate**

#### Case 6

Three crimes of assaults on police officers had been recorded in relation to this case. Members felt strongly that whilst the rationale was very detailed, an out of court disposal was inappropriate. The victim officers were not contacted, however their accounts identified that they would have favoured charge. Members also queried the appropriateness of a reference within the decision that the offender should be "entitled" to a caution. Whilst the resource implications were noted, it was considered that the process of officers reporting on each other's crimes was not best practice.

**Panel's Assessment: Inappropriate disposal for all three crimes**

## Case 7

Members considered the outcome to be appropriate as the suspect apologised instantly and the offence was minor.

**Panel's Assessment: Appropriate**

## Case 8

Members noted that whilst the suspect had shown to be remorseful and had no previous convictions, the circumstances of the incident appeared sufficiently serious to result in at least a conditional caution. The suspect had been involved in a struggle with officers for at least five minutes, during which they had punched an officer to the back of the head which floored the officer. PAVA spray had been deployed but had little effect, possibly due to the suspect being under the influence. The suspect had later been found to be in possession of a class A drug. Members suggested that at a minimum, a conditional caution would have ensured the suspect attended a diversionary service.

### Action 4

Feedback to be provided to the officer in charge of case 8 regarding the use of conditional cautions to refer suspects to appropriate diversionary services.

**Panel's Assessment: Inappropriate**

## Case 9

Panel members considered officers had dealt with the vulnerable suspect sympathetically, identifying that previous convictions were alcohol related. Due to the suspect not fully admitting the offence there was not an opportunity to issue a conditional caution to ensure they attend a diversionary programme.

**Panel's Assessment: Appropriate**

## Case 10

This case was not appropriate for the Panel to consider as the suspect had been charged for three offences. It was confirmed that the record required updating to ensure the case did not display as an out of court disposal. Members did however query whether potential crimes against the hospital staff dealing with the suspect had been appropriately dealt with.



### Action 5

Case 10 record to be updated on the police system to ensure the outcome is displayed correctly.

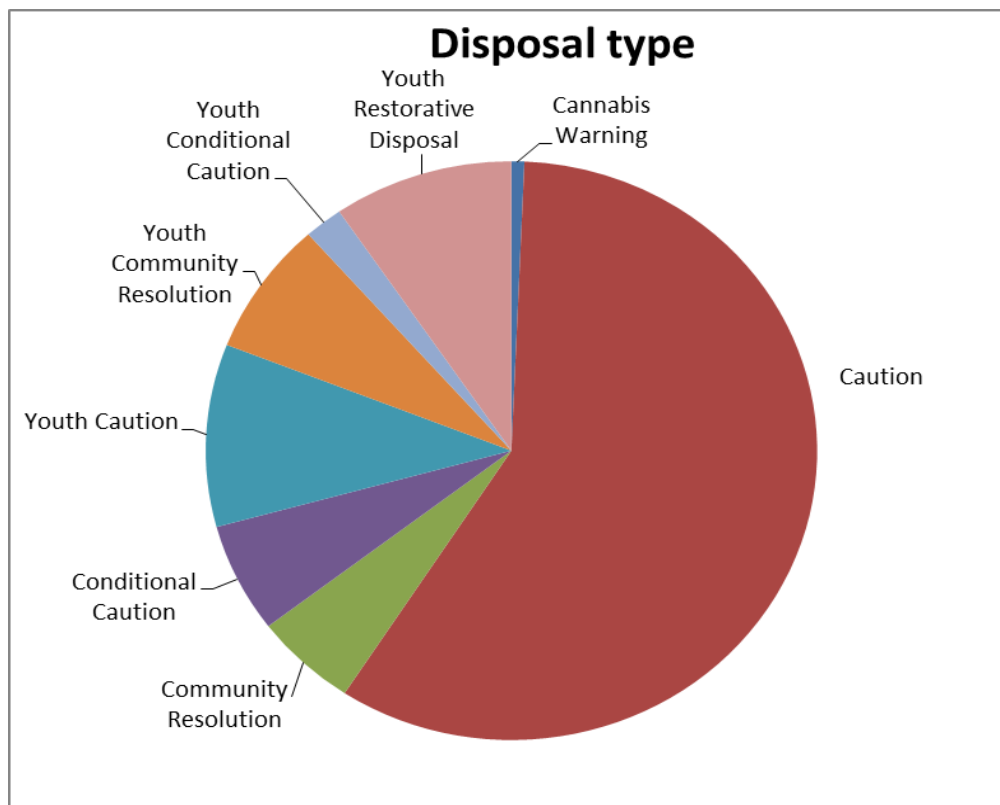
### Action 6

Custody training to incorporate consideration of crimes against hospital staff when officers have been called to assist with violent patients.

**Panel's Assessment: Not applicable**

## 7.0 Panel's assessments to date

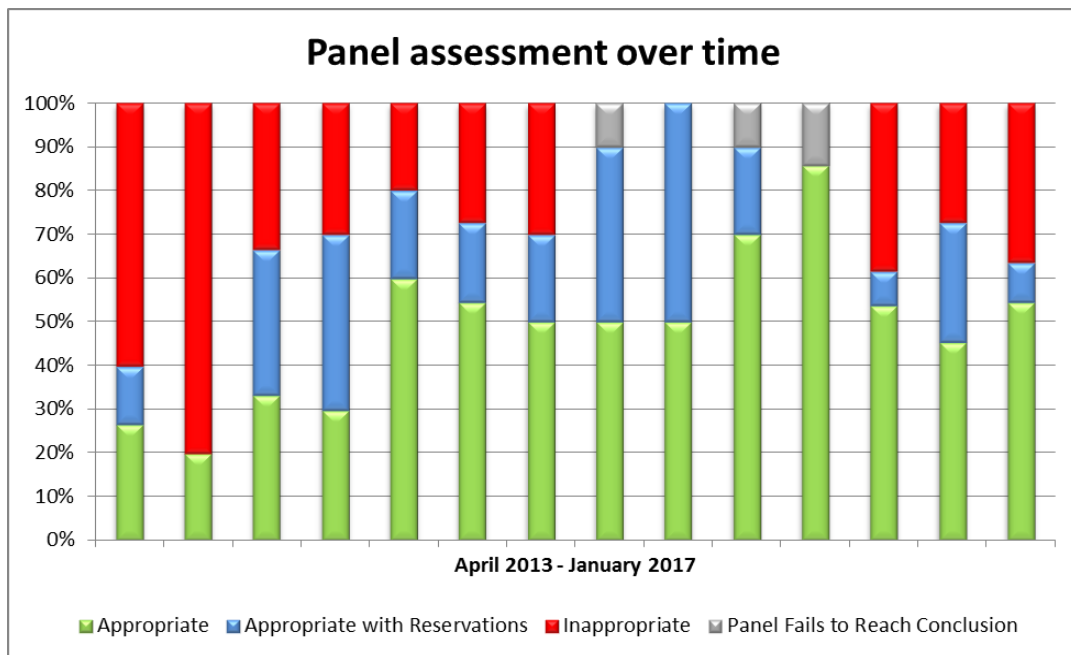
The Panel has considered a range of disposals as shown in the graph below.



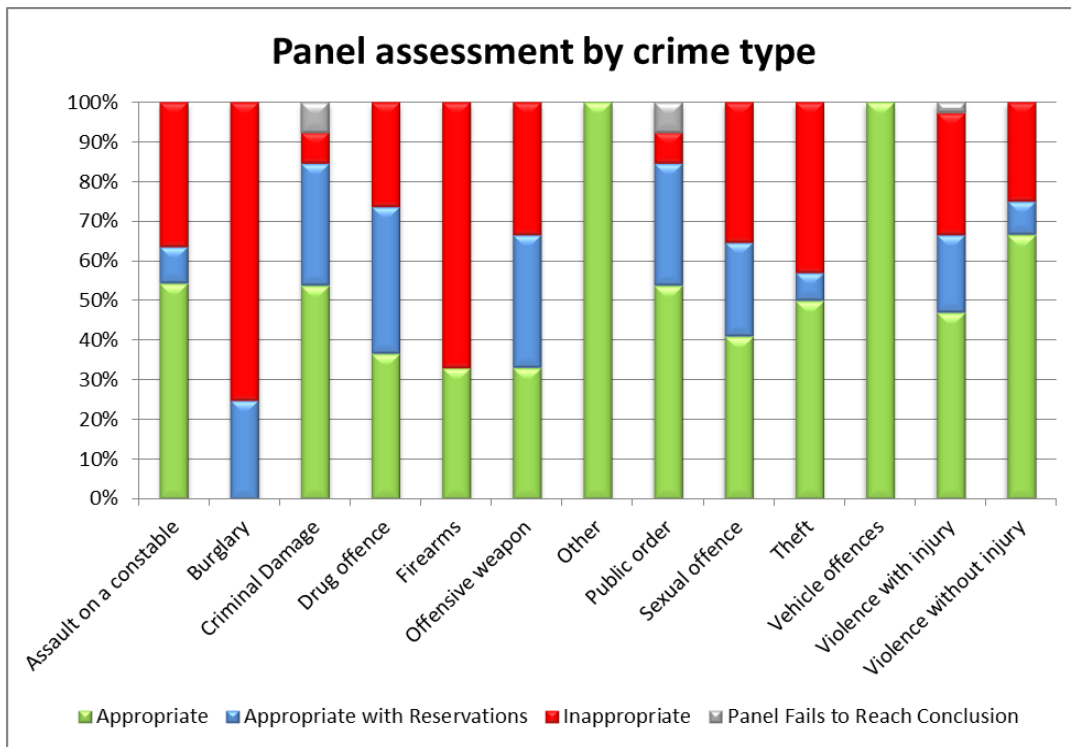
Of the 147 cases examined between April 2013 and January 2017, 48% were assessed as appropriate, 29% as inappropriate, 21% as appropriate with reservations and the panel failed to reach a conclusion in 2% of cases.

This covered the Panel's activity during the period of November 2013 to April 2017.

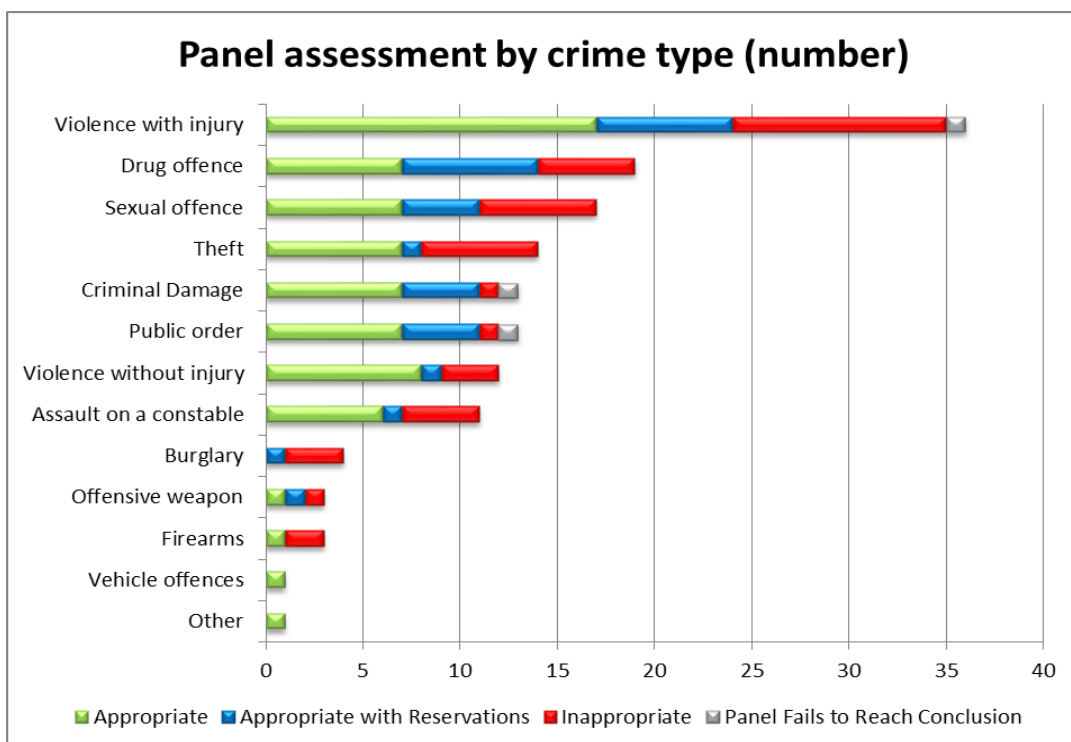
Overall there has been a reduction in the number of cases the Panel have deemed inappropriate and an increase in those deemed as having appropriate disposals. This change over time can be seen in the graph below.



The graph below shows the breakdown by crime type as a percentage of cases considered.



The following graph displays the actual number of cases assessed within each crime type and the resulting Panel opinion.



## **7.1 Good practice**

A number of examples of good practice have been identified as a result of the Panel's work to date:

- Generally officers are dealing with suspects appropriately, identifying those who may benefit from intervention and support rather than criminal charges.
- The work undertaken by Youth Bureaus is thorough in order to support young people to address their offending behaviour.

## **7.2 Areas for improvement**

A number of areas for improvement have been identified as a result of the Panel's work to date:

- The use of Conditional Cautions should be encouraged where appropriate.
- Custody officers need to improve their understanding of the impact of existing, and changes in, legislation when issuing cautions.
- Custody officers need to understand the importance of seeking CPS advice prior to issuing cautions where appropriate.
- Custody officers need to understand the importance of including sufficient rationale to support their decision-making, especially when deviating from policy. This includes decisions surrounding the completion of the 'ACPO Adult Gravity Matrix' which dictates appropriate disposal selection.
- Information between agencies should be better shared to support the rationale for decision-making.

Many of the above areas for improvement are being addressed by raising awareness amongst supervisors and additional inputs within training and development activities; however, seeking CPS advice and providing sufficient rationale for decision-making continue to be a feature in many cases.

## **8.0 Future Panel focus**

Following feedback from the Policing Board of 24<sup>th</sup> April 2017 regarding public concern, members agreed to consider out of court disposals relating to drug possession at the next meeting of the Out of Court Disposal Panel.