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DYFED-POWYS
POLICE AND CRIME
COMMISSIONER

Police and Crime Commissioner for Dyfed-Powys

Scrutiny Panel

Dip Sampling Exercise

Review of Burglary Incidents (Sept 2017 – May 2018)

Out of Court Disposals

Panel Members' Findings & Feedback

July 2018

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1.0 Overview

At a meeting of the Dyfed-Powys Out of Court Disposal Scrutiny Panel held on 16th of July 2018, Members reviewed a selection of burglary cases which had been dealt with by way of an out of court disposal.

The Panel considered a total of 15 cases, three involving youth suspects and twelve 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:**

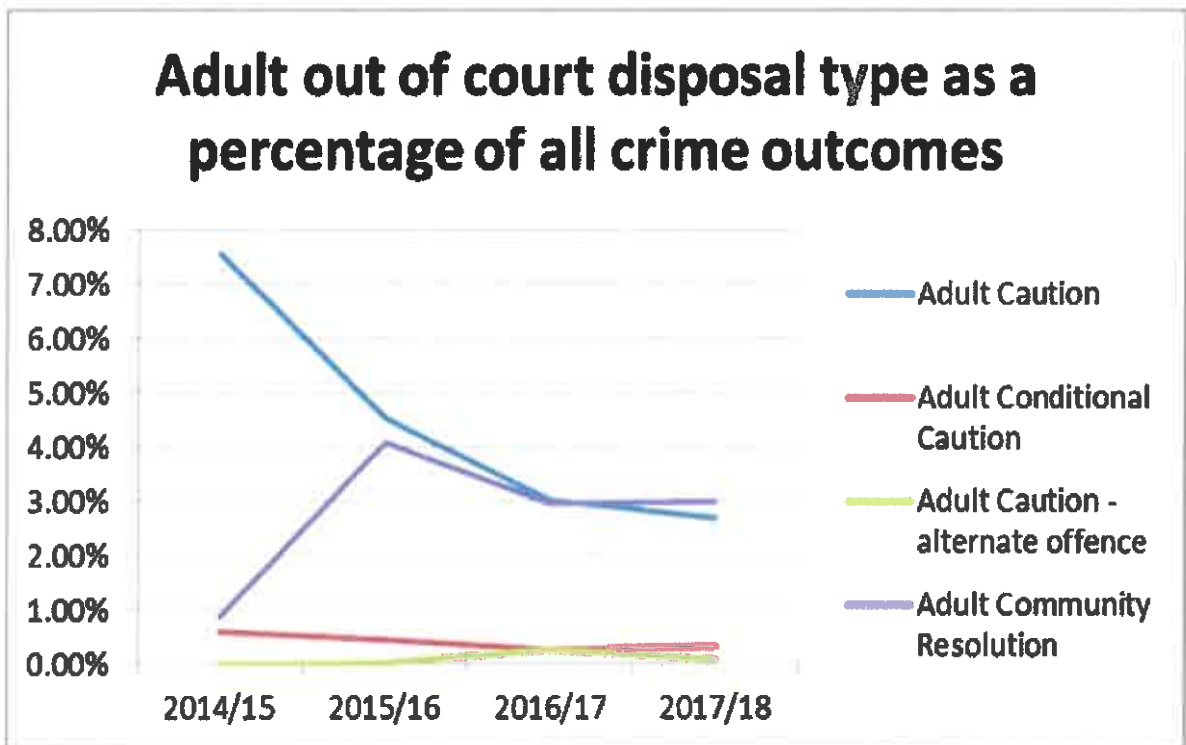
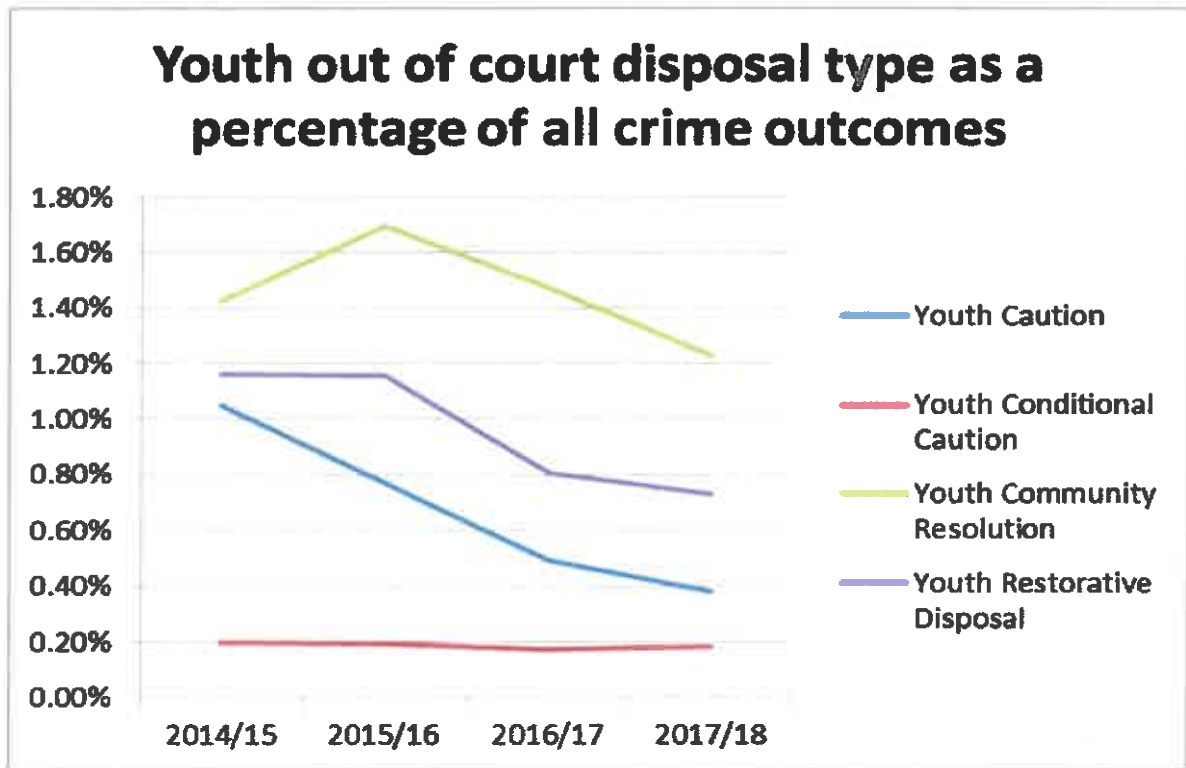
- The views and feedback from the victim and the offender;
- Compliance with force policy;
- Rationale for the decision and outcome;
- Potential community impact;
- Circumstances and seriousness of the offence; and
- Potential alternative options that may have been available.

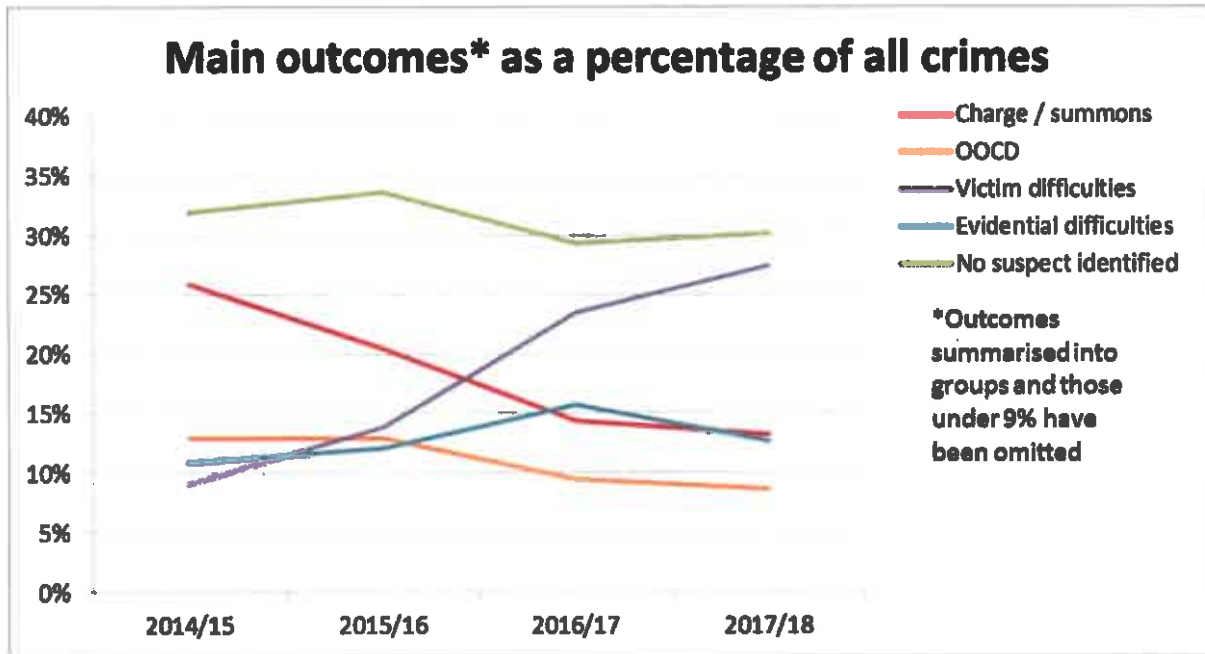
The Panel discuss each case and categorise them as one of the following:

- 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

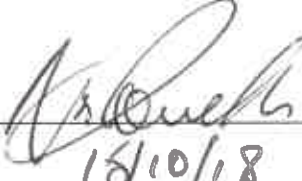
The following graphs show the change of Dyfed-Powys Police's use of different out of court disposal types over time.





3.0 Approval by Panel Chair

I N.E. POWELL JP (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 16th July 2018.

Signed: 
Date: 18/10/18

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:

- Within the last meeting it was found that there were recording errors within 4 of the cases, including missed additional crimes. These have since been amended and updated on the system.

5.0 Consideration of burglary cases – youth suspects

One of the youth cases considered had been dealt with by way of Youth Community Resolution, one case by a Youth Restorative Disposal, and one case had two suspects with the outcomes being one Youth Conditional Caution and one Youth Caution. Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	0
Appropriate with reservations	2
Inappropriate	1

5.1 Observations

Panel Members' observations on each case are detailed below.

Case 1

Members felt that the outcome Youth Restorative Disposal of this case was inconsistent with the policy and that the suspect should have been given a caution due to suspect being found to be in possession of a blade and had previously received a Youth Restorative Disposal. The Panel felt that it was not appropriately escalated and that there was insufficient rationale for the deviation from policy.

Panel's Assessment: Inappropriate

Case 2

This case consisted of two suspects. The Panel felt that the outcome of this case was appropriate, however felt that there was a lack of focus on the views of the victim. It was noted that a Victim Liaison Officer had worked closely with the victim; however, this was not recorded on the Crime Management System, and as such was not fully considered within the decision making.

Panel's Assessment: Appropriate with reservations

Case 3

Members felt that the outcome of this case possibly should have been a Youth Conditional Caution as opposed to a Youth Community Resolution due to the gravity score of the crime.

Panel's Assessment: Appropriate with reservations

Case 4

Prior to the meeting it was found that the Incorrect Youth Restorative Disposal had been linked to this crime and that the correct outcome of the case was no suspect identified. This error has been amended on the Crime Management System, and as such the Panel were unable to review the case.

6.0 Consideration of burglary cases – adult suspects

Panel Members reviewed 11 adult cases, 2 of which had been dealt with by way of Caution, 3 by way of Conditional Caution and 6 via Adult Community Resolution (ACR). Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	9
Appropriate with reservations	0
Inappropriate	1
Panel Failed to Reach Conclusion	1

6.1 Observations

Panel Members' observations on each case are detailed below.

Case 5

Members expressed no concerns with the rationale contained within the case file and the subsequent outcome decision. The offender had written an apology and paid compensation as part of a community resolution.

Panel's Assessment: Appropriate

Case 6

Members were satisfied with the rationale contained within the case file and felt that a conditional caution was an appropriate outcome decision.

Panel's Assessment: Appropriate

Case 7

The Panel felt that this case had been inappropriately disposed. Although the offender had been given a Conditional Caution in line with the victims' wishes, the Panel felt that due to the value of the theft, the breach of trust and the amount of evidence, this individual was at risk of re-offending and therefore should have been referred to the Crown Prosecution Service for a charging decision.

Panel's Assessment: Inappropriate

Case 8

Panel Members came to the decision that this case had been appropriately disposed. The suspect had been given an Adult Community Resolution as per guidance and policy.

Panel's Assessment: Appropriate

Case 9

The Panel were satisfied with the outcome of this disposal. The suspect had admitted the offence and had paid compensation as part of a community resolution.

Panel's Assessment: Appropriate

Case 10

Panel Members came to the decision that this case had been appropriately disposed as the suspect had no previous convictions and it was a low level theft.

Panel's Assessment: Appropriate

Case 11

The Panel were happy with Adult Community Resolution being the outcome of this disposal. The offender had no previous convictions, had paid compensation and had written an apology.

Panel's Assessment: Appropriate

Case 12

Members were satisfied with the outcome of this case; the offender admitted the offence after forensic evidence had been presented to them and had no previous convictions.

Panel's Assessment: Appropriate

Case 13

The Panel expressed no concern over the outcome of this disposal. The suspect had admitted to the offence and had paid compensation as a condition of the conditional caution.

Panel's Assessment: Appropriate.

Case 14

The Panel were unable to come to a decision about the outcome of this case. It was found that a linked crime to the case was currently ongoing where 23g of an unknown substance had been found at the address of the incident. The unknown substance was currently waiting to be identified and the Panel felt that they were unable to comment on the appropriateness of the disposal until the outcome of the associated crime has been determined. It was also discussed that the address of the Incident, which is a derelict building, was repeatedly attracting a lot of antisocial behaviour.

Panel's Assessment: Failed to reach conclusion

Action 1

Case 14: To be discussed at future meeting when the outcome of the associated crime has been determined.

Action 2

Case 14: Local Chief Inspector to report concerns regarding ASB in the derelict building back to Officers in that area to ensure that this vicinity is covered by regular patrols.

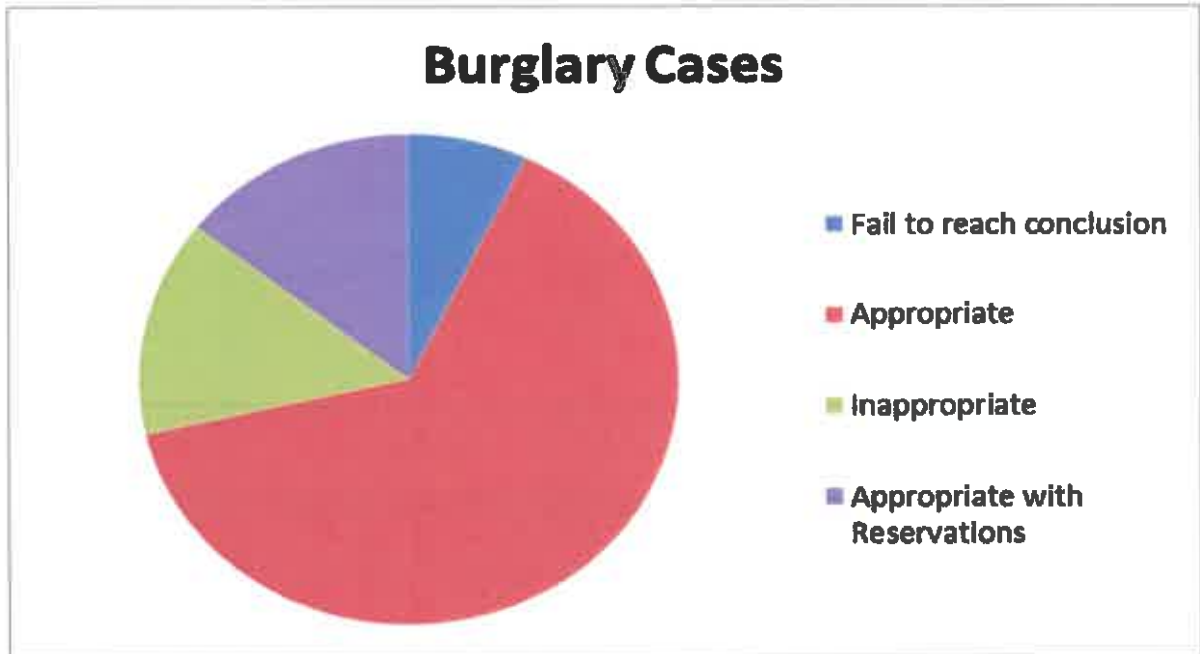
Case 15

The Panel were content with the suspect receiving an Adult Community Resolution as it was in line with policy and guidance.

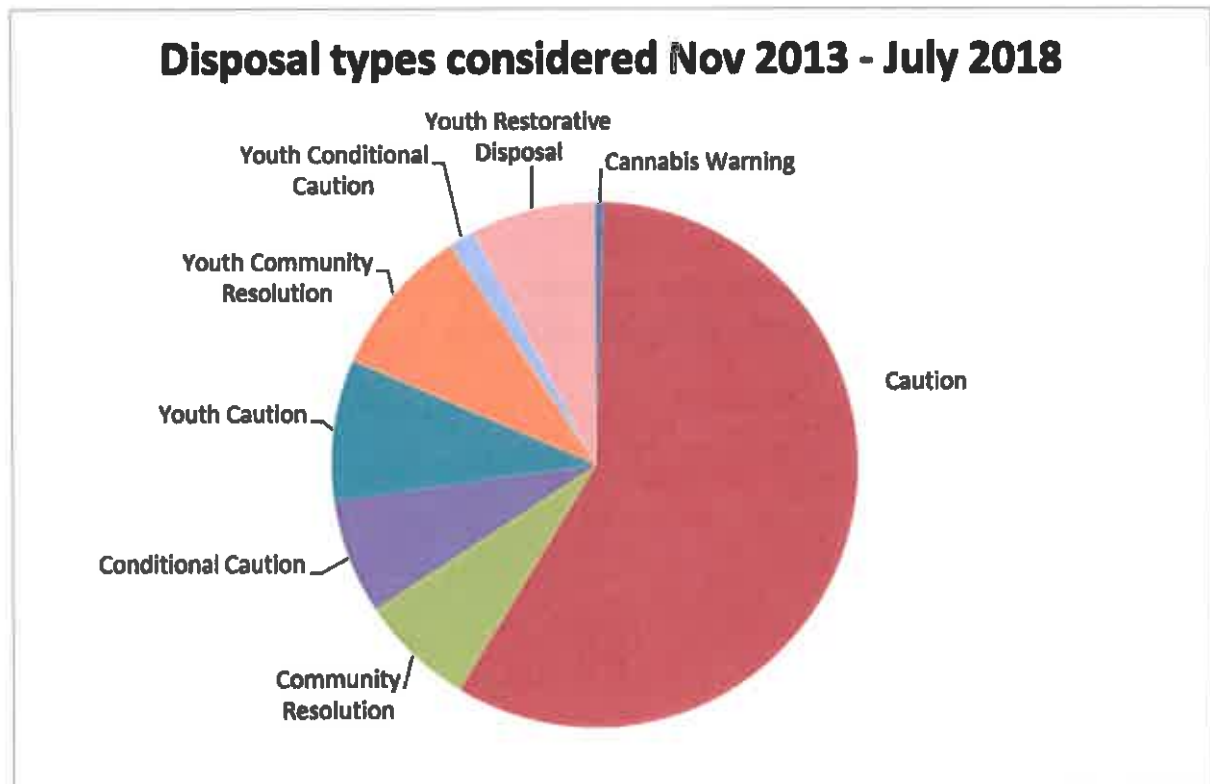
Panel's Assessment: Appropriate

7.0 Panel's assessments to date

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

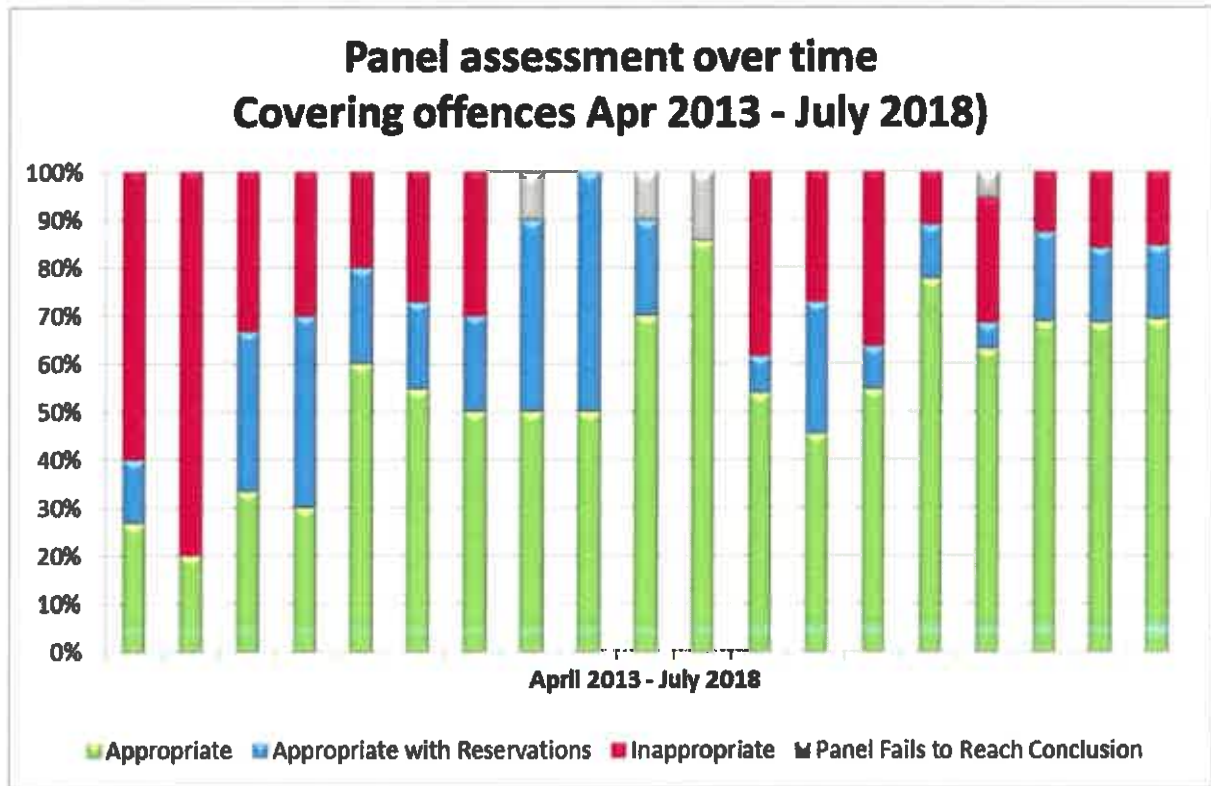


Since April 2013 the Panel has considered a range of disposals, as displayed in the graph below.

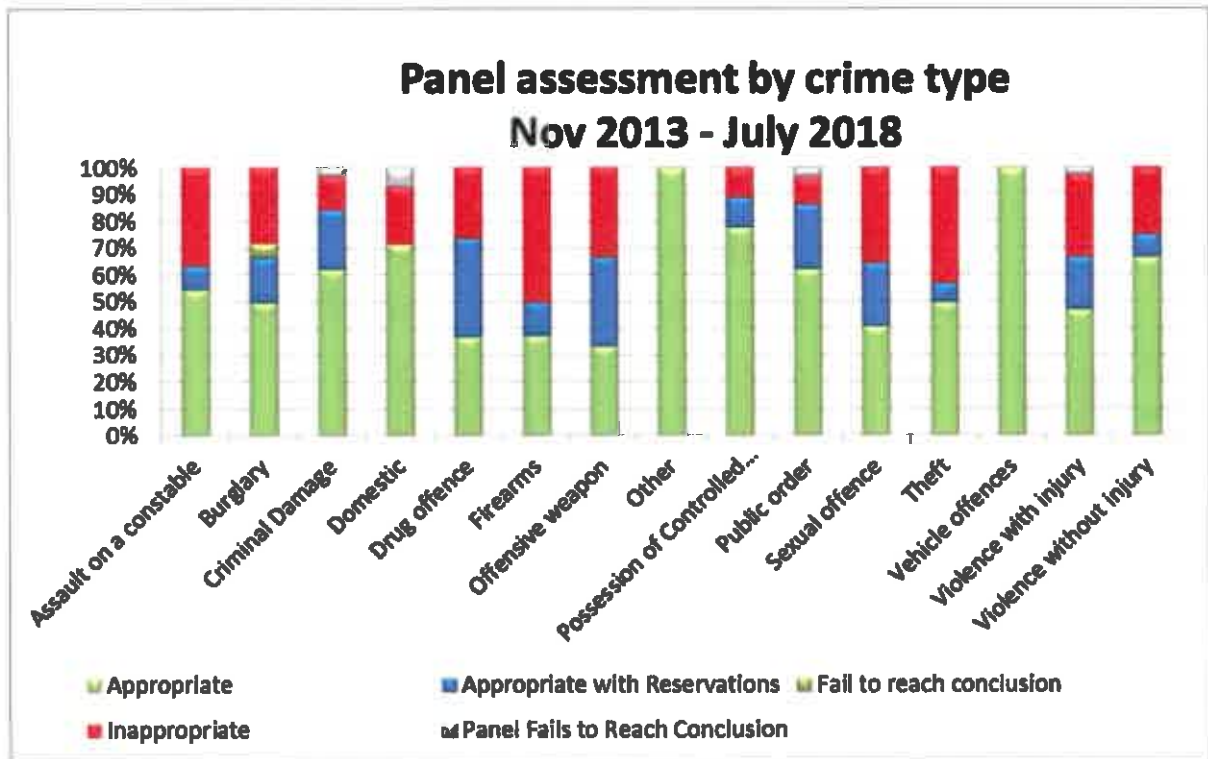


Of the 233 cases examined between April 2013 and July 2018, 55% were assessed as appropriate, 25% as inappropriate, 18% as appropriate with reservations and the panel failed to reach a conclusion in 2% of cases.

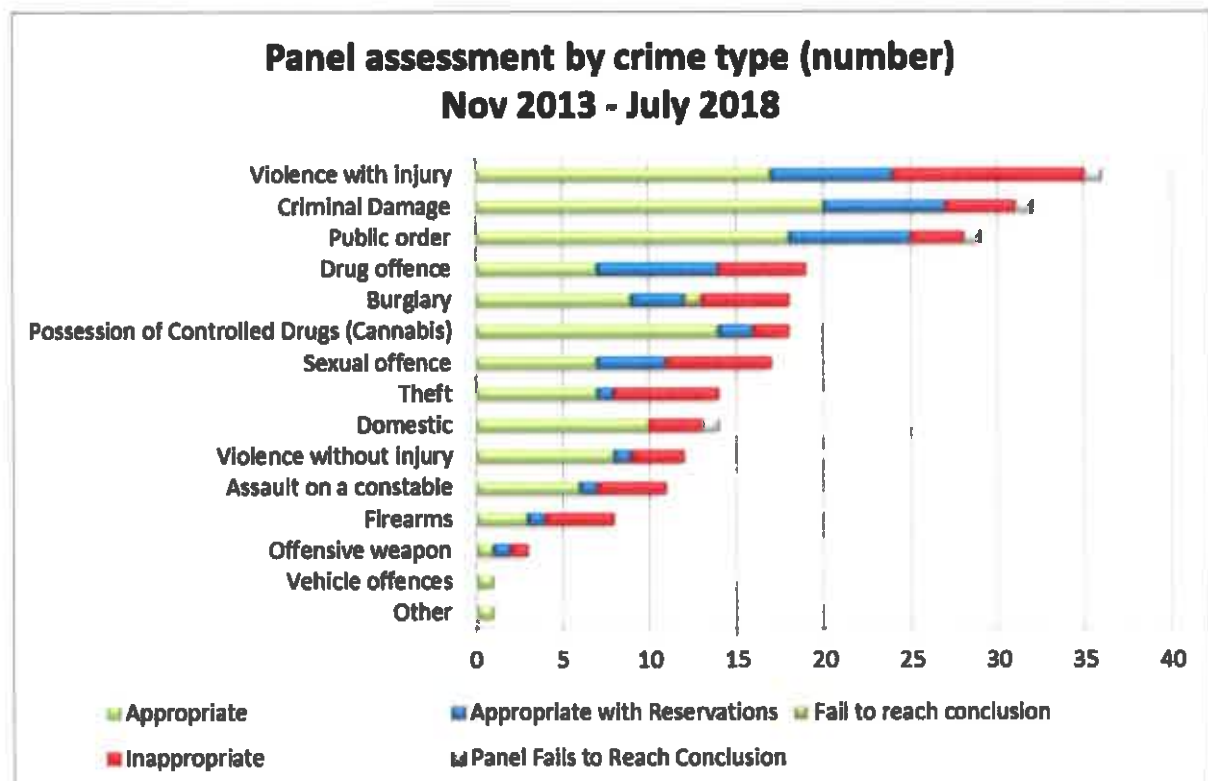
Overall there has been an increase in the number of cases the Panel have deemed as having appropriate disposals. This change over time can be seen in the graph below.



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



7.1 Good practice

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

- In nine out of eleven of the adult burglary cases dip-sampled the Panel were satisfied with the rationale noted within the case files, which resulted in the appropriate disposal outcome.

7.2 Areas for improvement

There was one particular areas for improvement identified as a result of the Panel's work this quarter:

- It was found that within three of the case files dip-sampled that the outcome was not appropriately escalated, either in relation to the individuals' previous convictions, or due to the gravity score and seriousness of the case.

8.0 Future Panel focus

A discussion took place as to what topic the Panel should consider next. Both sexual offences and knife crime were considered as possible options. As a Panel the Members agreed to consider out of court disposals relating to knife crime incidents at the next meeting, due to the increase in the national and local trend.

9.0 Other matters arising

A query was raised from an out of court Workshop which takes place monthly in London to assist forces who wish to move to the two tier approach to out of court disposals. The workshop asked forces to raise the below with their scrutiny panels:

Should community resolutions be raised at court as part of offending history?

A discussion ensued and a general consensus was reached in that community resolutions should not be considered as part of an individual's offending history at court. The Panel expressed that they wished to be kept informed of any national progress on the matter.

Action 3

Panel Members to receive a briefing on the two tier out of court disposal system as developments arise

The Panel felt that young people are unaware of the implications that an out of court disposal could have on their future and that education is needed for young people to understand their options and rights relating to cautions.

Action 4

Police and Crime Commissioner's office to raise the Panel's concerns with the Local Criminal Justice Board regarding awareness raising amongst young people in relation to their rights when accepting out of court disposals.

A query was raised regarding police officers and staff members' knowledge of the out of court disposal scrutiny panel. The OPCC stated that they were working with Force representatives to raise the awareness of the Panel and share their findings. It was also agreed that future Panel reports would be submitted to the Local Criminal Justice Board, in order to increase the awareness of the Panel and improve the learning and feedback mechanisms to both the Force and partners, ensuring that feedback is being acted upon.