



## Police and Crime Commissioner for Dyfed-Powys

### Scrutiny Panel

### Dip Sampling Exercise

### Review of Knife Crime Cases (May 2019 - November 2019) Out of Court Disposals

### Panel Members' Findings & Feedback

January 2020



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## 1.0 Overview

At a meeting of the Dyfed-Powys Out of Court Disposal Scrutiny Panel held on 27<sup>th</sup> January 2020, Members reviewed a selection of knife crime cases which had been dealt with by way of an Out of Court Disposal.

The Panel considered a total of 22 cases, 9 involving youth suspects and 13 involving adults.

Dafydd Llywelyn the Police and Crime Commissioner for Dyfed-Powys was also in attendance at the meeting, with valuable discussions taking place in relation to the inconsistency of knife crime out of court disposals for young people. The Panel also received an input on the Dyfed-Powys diversionary scheme, which aims to reduce reoffending by offering individuals who are referred to the programme tailored support plans to address the root causes of their offending behaviour.

## 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:**

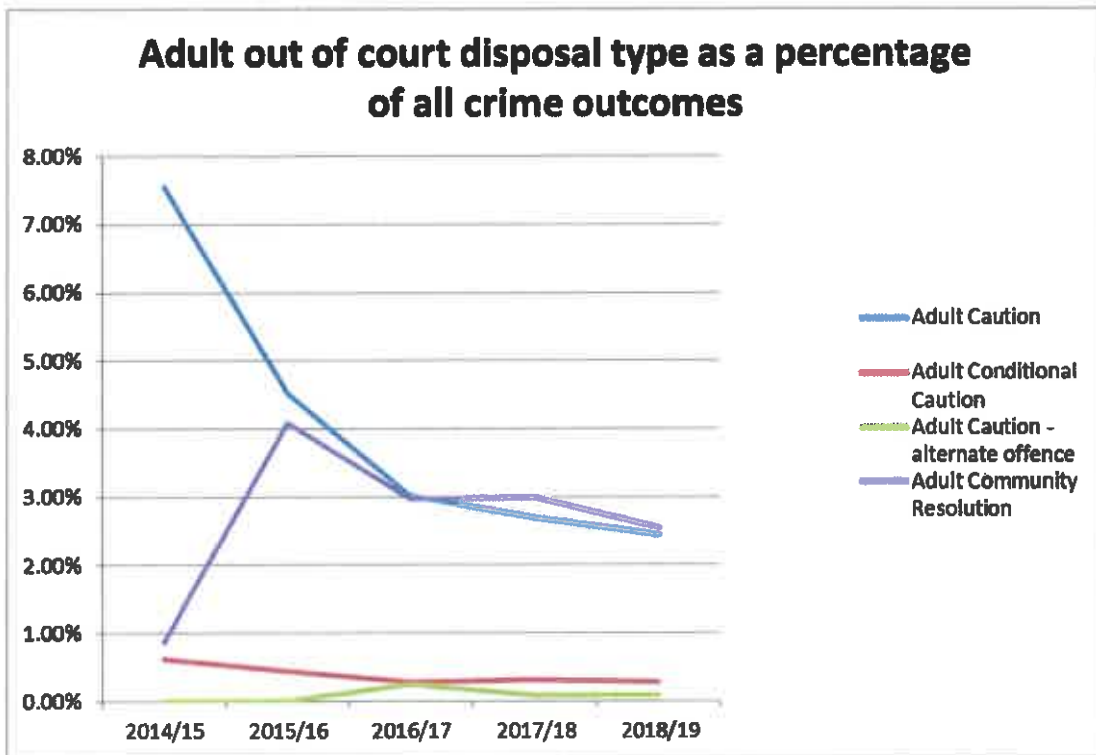
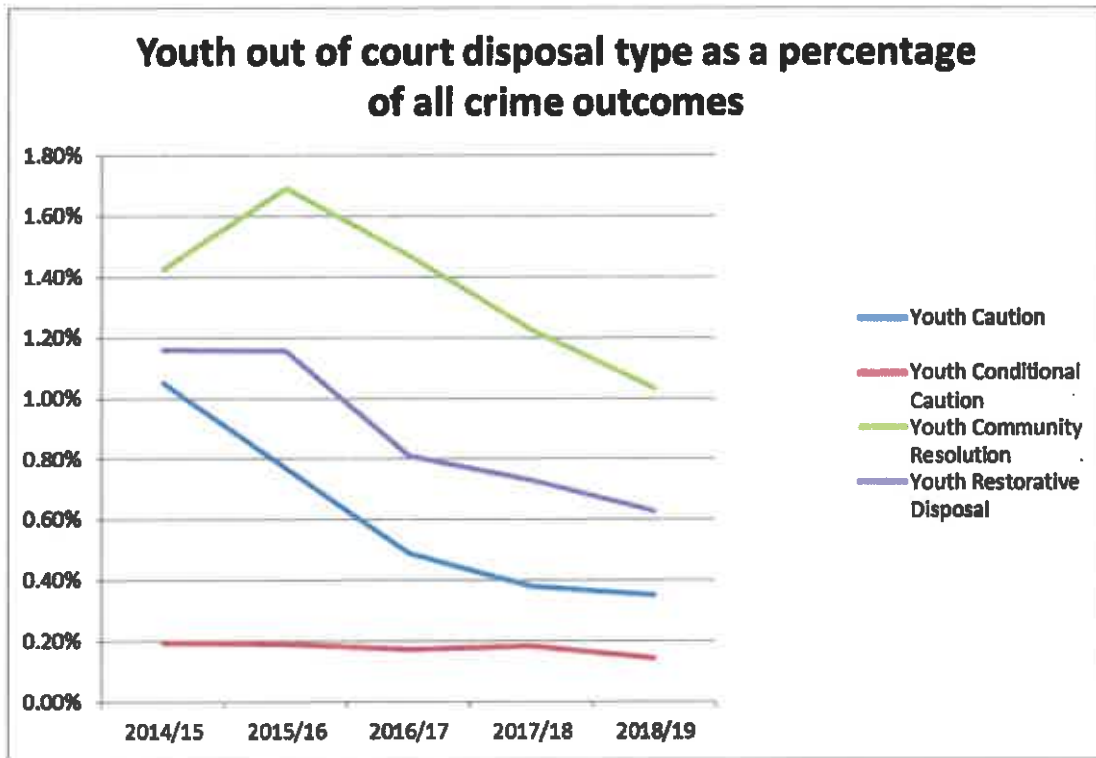
- The views and feedback from the victim and the offender;
- Compliance with force policy;
- Rationale for the decision and outcome;
- Potential community impact;
- Circumstances and seriousness of the offence; and
- Potential alternative options that may have been available.

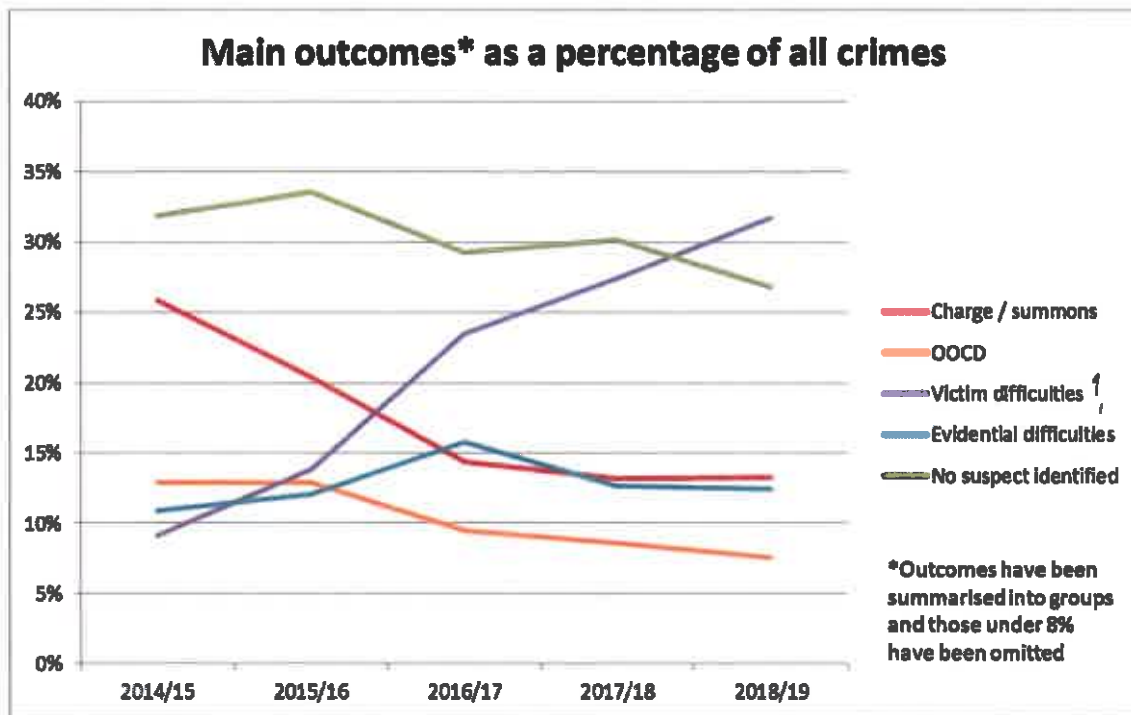
The Panel discuss each case and categorise them as one of the following:

- 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 S. J. Piccolo (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 27<sup>th</sup> January 2020.

Signed: S. J. Piccolo

Date: 27-7-20

#### 4.0 Actions taken following previous panel meeting

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

- The Panel received an input on the new 2 tier approach to Out of Court Disposals and the Dyfed-Powys custody diversion programme, which were actions taken from the last Panel meeting.

#### 5.0 Consideration of knife crime cases – youth suspects

Two of the cases had been dealt with by way of a Youth Caution, four by Youth Conditional Caution and three via Youth Community Resolution.

The Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	5
Appropriate with reservations	4

#### 5.1 Observations

Panel Members' observations on each case are detailed below.

##### Case 1

The Panel felt that a Youth Conditional Caution would have been more appropriate rather than a Youth Caution as attending the knife education programme could have been a condition of the disposal. The Panel felt that although the individual was remorseful, this was their second knife-related incident and the knife was taken onto a school site. Their behaviour had escalated and therefore a Conditional Caution would have ensured the individual engaged with support.

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

##### Case 2

This case related to an individual found in possession of a 6 inch steak knife. The individual was given a Youth Conditional Caution. Due to the severity of the incident and the individual having 158 incidents of poor behaviour noted prior to this, Members had some reservations as to the appropriateness of the outcome.

The Panel were concerned as to whether the offender had undertaken any learning as a result of this outcome.

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

### **Case 3**

This case was in relation to an offender who had been stop searched and found to be in possession of a lock knife and a small amount of cannabis. The outcome given was a Caution, however, the Panel felt this possibly should have been escalated due to the seriousness of the offence and the individual's crime history. The individual could then have had access to the knife crime programme or intervention in order to try and help stop re-offending.

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

### **Case 4**

Members noted positively that a very thorough and detailed Bureau report had been created. The individual had no previous history and had surrendered the two knives to the Police. The individual had made no threats with the knives and therefore it was felt that a Youth Conditional Caution was appropriate.

**Panel's Assessment: Appropriate**

### **Case 5**

This case involved a 17 year old being found in possession of a knife and a replica imitation gun. The Panel felt that although the guidance states that any individual aged 16 or over found in possession of a bladed or offensive weapon should be charged, that the outcome of a Youth Conditional Caution was appropriate given the circumstances. The Panel noted that detailed rationale was recorded in the report as to why a charge was inappropriate, the individual had mental health concerns and attending court would have been detrimental to their health and wellbeing. The Panel therefore came to the decision that although the outcome was against policy, this was the most appropriate disposal.

**Panel's Assessment: Appropriate**



**Case 6**

This case involved a knife being found from searching the individual's bag. The outcome given was a Youth Conditional Caution and although this was going against policy as the individual was over 16 years old, the Panel felt that this disposal was appropriate. The individual had made no threats and stated that the knife was used for whittling sticks.

**Panel's Assessment: Appropriate**

**Case 7**

Members were satisfied with the outcome of a Youth Community Resolution as the individual was receiving support and was working well with the Youth Offending Team. As this individual was 15 years old the policy states that a Conditional Caution should be given. However, as stated above the Panel felt that the Policy required updating as a charge would not always be an appropriate outcome.

**Panel's Assessment: Appropriate**

**Action:**

**The Panel felt that the Association of Chief Police Officers youth offender case disposal gravity factor matrix policy required updating. Due to the dated policy there is inconsistency across the Dyfed-Powys Police area in relation to the outcome of knife crimes. It was agreed that the PCC would discuss with the Chief Constable the possibility of having interim guidance issued by Dyfed-Powys Police until the new guidance is issued by the National Police Chief's Council (NPCC). This will help ensure consistency across the whole of the Dyfed-Powys Force area.**

**Case 8**

This case was in relation to a 14 year old being found in possession of a lock knife, which Panel Members felt that the outcome of a Youth Community Resolution was appropriate. As noted above, although this goes against written policy, a detailed rationale was provided in the report to support the decision.

**Panel's Assessment: Appropriate**

**Case 9**

This case was in relation to a 12 year old being in possession of a knife on a school premises. The Panel felt that the disposal level was appropriate, however, due to the knife being found on a school site they gave an overall assessment of appropriate with reservations.

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

**6.0 Consideration of knife crime cases – adult suspects**

Panel Members reviewed thirteen adult cases; eleven of the cases had been dealt with by way of a Caution, one by way of a Conditional Caution and one by Community Resolution.

Members' assessments were as follows:

<b>Members' assessment</b>	<b>Number of cases</b>
Appropriate	2
Appropriate with Reservations	6
Inappropriate	5

**6.1 Observations**

Panel Members' observations on each case are detailed below:

**Case 10**

The Panel concurred that a Caution was an appropriate outcome for this case of an individual attending an address armed with a spanner in the event of protecting himself should there be any trouble. The individual showed police where the spanner had been hidden and fully admitted to the offence.

**Panel's Assessment: Appropriate**

**Case 11**

This crime occurred when an alleged offender was found in possession of a pair of scissors, which he states that he was carrying for protection. The Panel noted that this was a vulnerable individual and that a Conditional Caution may have

been more appropriate to ensure that as part of the conditions the individual would have received some needed support.

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

**Case 12**

Panel Members felt similar to the above case that a Conditional Caution may have been appropriate in order to ensure that the individual received some support. The offender had mental health concerns and the Panel felt that access to a diversionary scheme would have been appropriate.

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

**Case 13**

The Panel concurred that a Community Resolution was inappropriate for this case of an individual being found with an Imitation gun in a college car park. The Panel felt that this case should have been escalated to at least a Caution as the individual was going into a college premises and had previous convictions.

**Panel's Assessment: Inappropriate**

**Case 14**

Panel Members expressed concern that this case, where an individual was found in possession of a knife in a public library, had been disposed of by way of a Caution. It was felt that due to the knife being carried in a public place and the offender having previous convictions of being possession of offensive weapons as a juvenile, that the outcome should have been escalated to either a Conditional Caution for the individual to receive support or a Charge.

**Panel's Assessment: Inappropriate**

**Case 15**

This case related to the offender being found in possession of a knife on entering a magistrate's court. The offender stated that they had forgotten that the knife was in their pocket and had voluntarily handed it over. However, the Panel had reservations over the outcome due to the location being a public place and the lack of rationale to support the disposal decision within the individual's record.

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

**Case 16**

Panel Members felt that that this case should have been taken to court and Charged instead of being disposed of via a Caution. The offender was found in possession of a 3 inch blade disguised as a credit card, which the individual would have known was illegal. The Panel agreed that this should have been escalated.

**Panel's Assessment: Inappropriate**

**Case 17**

This offender had been found in possession of a lock knife and had received a Caution. The Panel felt that this possibly could have been escalated due to the offenders' tendency to be violent and their history of previous convictions.

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

**Case 18**

The Panel concurred that a Caution was an appropriate outcome for this case. The offender was found with 2 knives and a shotgun in his car, however, the individual had explained these were used in their employment as a game keeper.

**Panel's Assessment: Appropriate**

**Case 19**

The offender in this case had been found in possession of a knife in a hospital and stated that they had forgotten about it. The Panel gave this case an overall assessment of appropriate with reservations due to the premises being a hospital.

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

**Case 20**

The individual in this case was given a Conditional Caution. Officers had to draw a Taser in order for the offender to surrender the knife. The Panel felt that ordinarily the outcome should have been a Charge, however noted that the

individual did have mental health concerns, was very vulnerable and that the victims did not wish to prosecute.

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

**Case 21**

Panel Members felt that that this case should have been taken to court and Charged instead of being disposed of via a Caution. As In case 16, the offender was found in possession of a blade disguised as a credit card. The Panel unanimously agreed that this should have been escalated to Court.

**Panel's Assessment: Inappropriate**

**Case 22**

Panel Members felt that that this case had been inappropriately disposed via a Caution and should have been escalated. The offender was found possession of a bottle of CS gas. It was also identified that the crime had been wrongly recorded on the system as a knife crime and should have been recorded as a firearms offence.

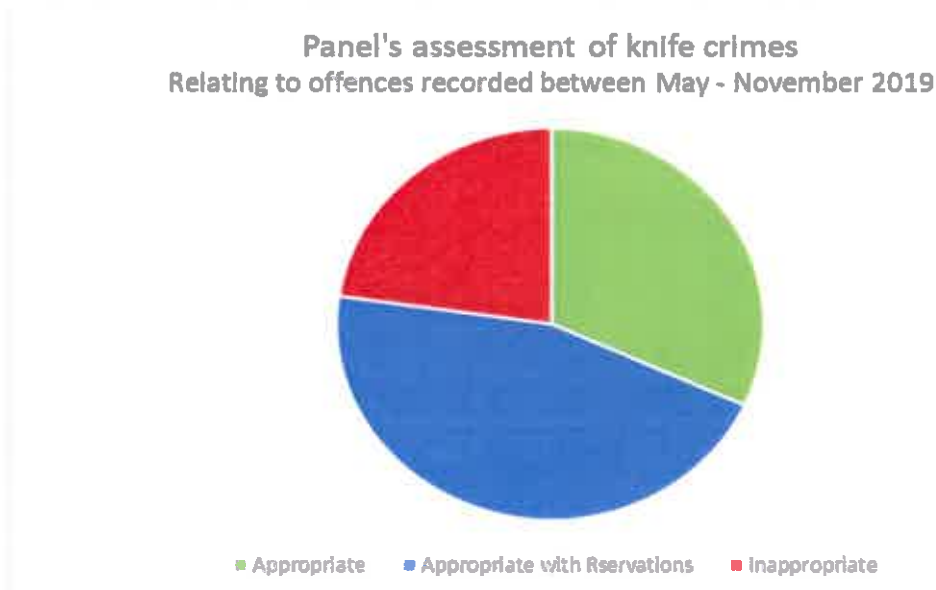
**Panel's Assessment: Inappropriate**

**Action:**

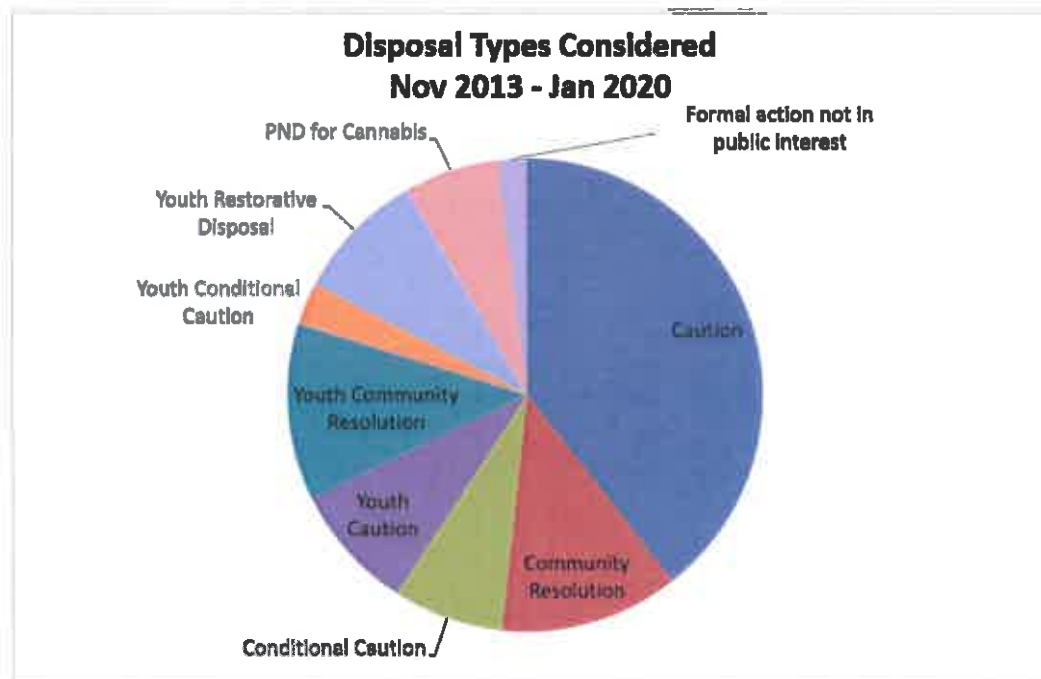
**Crime Audit to amend the recording of case 22 on the system from a knife crime to a firearms crime.**

### 7.0 Panel's assessments to date

The charts below demonstrate the Panel's assessment of the cases considered at the most recent meeting.

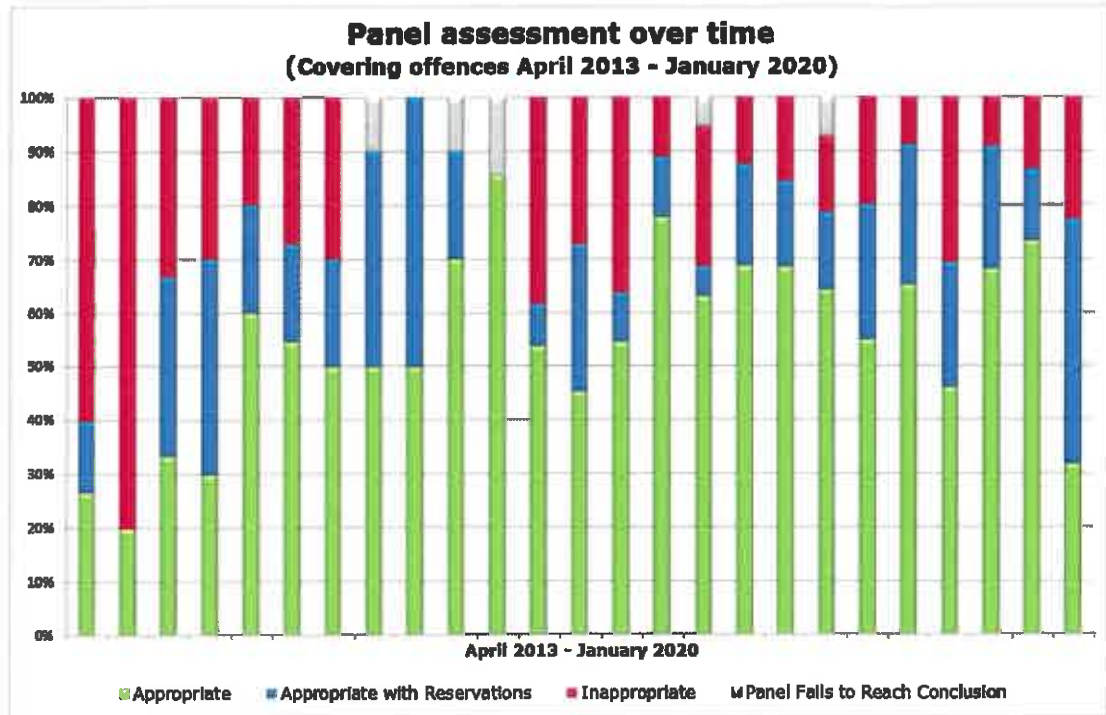


Since November 2013 the Panel has considered a range of disposals, as displayed in the graph below.

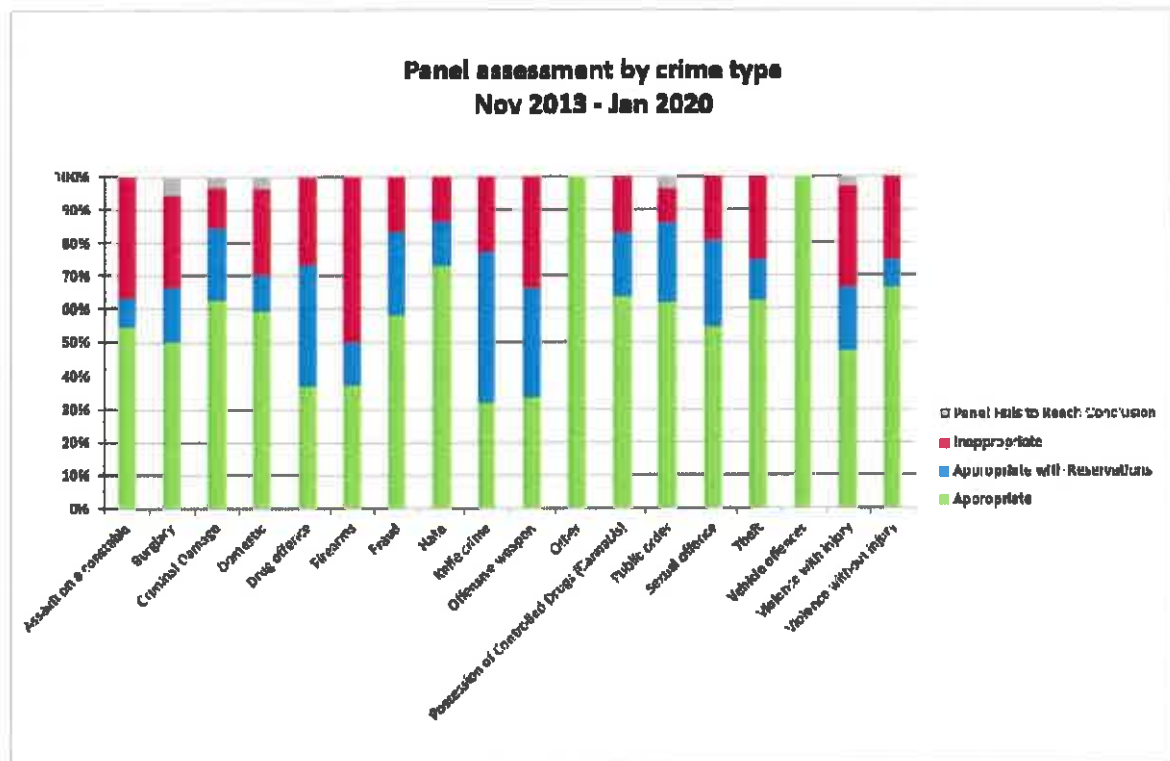


Of the 348 cases examined between April 2013 and January 2020, 56% were assessed as appropriate, 22% as Inappropriate, 21% as appropriate with reservations and the panel failed to reach a conclusion in 1% of cases.

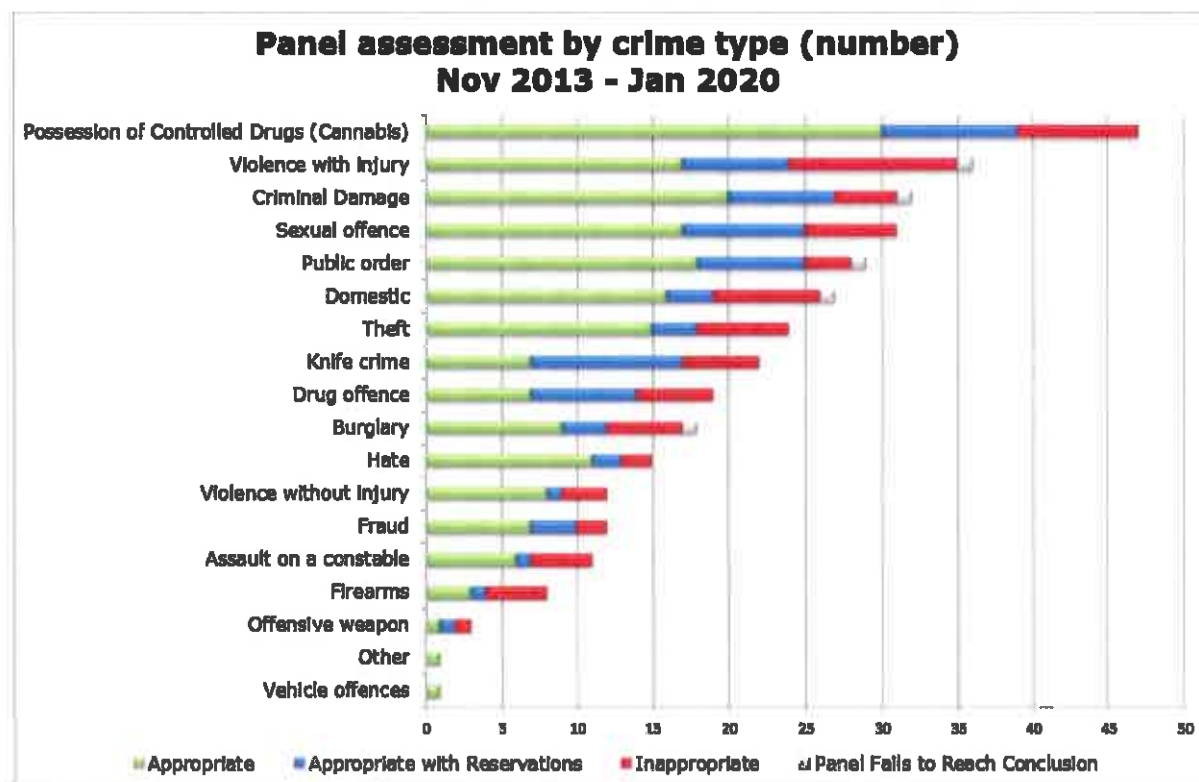
Overall there has been an increase in the number of cases the Panel have deemed as having appropriate disposals. This change over time can be seen in the graph below.



The graph below shows the breakdown by crime type as a percentage of cases considered between November 2013 and January 2020.



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 2020.



### 7.1 Good practice

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

- A number of examples of thorough and detailed reports being written and provided by the Youth Offending Teams.

### 7.2 Areas for improvement

There were two particular areas for improvement identified as a result of the Panel’s work this quarter:

- The need for an updated youth offender case disposal gravity factor matrix policy in relation to the disposal of knife crimes was discussed. It was agreed that Dyfed-Powys Police and partners required further guidance on this area to ensure that the way in which knife crimes are dealt with is consistent across the whole of the Dyfed-Powys Force area.
- The Panel felt that five of the adult cases should have been escalated to a Charge, this was either due to the seriousness of the offence or the



location in which the individuals were found in possession being a public place.

### **8.0 Future Panel focus**

Following a discussion the Panel wished to consider assault crimes at their next meeting.

