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DYFED-POWYS  
POLICE AND CRIME  
COMMISSIONER

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

### **Scrutiny Panel**

### **Dip Sampling Exercise**

### **Review of Common Assault and Covid-19 related cases**

**(December 2019 – June 2020)**

### **Out of Court Disposals**

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

**July 2020**



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## 1.0 Overview

At a meeting of the Dyfed-Powys Out of Court Disposal Scrutiny Panel held on the 27<sup>th</sup> July 2020, Members reviewed a selection of common assault cases which had been dealt with by way of an Out of Court Disposal. The Panel also reviewed a small selection of Out of Court Disposals given to cases with a tag relating to Covid-19. During this period only 3 cases with an outcome of an Out of Court Disposal were available.

The Panel considered a total of 20 cases, 7 involving youth suspects and 13 involving adults.

Due to the Covid-19 pandemic and Government guidelines in terms of social distancing this meeting was conducted virtually via Skype for Business.

## 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.

**3.0 Approval by Panel Chair**

I S. J. Ricourt. (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> July 2020.

Signed: S. J. Ricourt. SJ.

Date: 26-10-20.

#### **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:

- It was identified within the last meeting on knife crime that there was a need to review the Youth Restorative Disposal Policy in relation to referring individuals to the Youth Offending Teams (YOTs). It was evident through the review that there was inconsistency between the 4 YOTs serving the Dyfed-Powys area. This issue was raised by the Police and Crime Commissioner in a Policing Board meeting, asking the Chief Constable whether the Force could issue guidance in relation to this to ensure consistency. As a result of this, interim guidance was issued from Chief Officers in relation to knife crime, bladed articles and offensive weapons in the Dyfed-Powys Police force area. The guidance was forwarded to all four Youth Offending Team areas and it has since been acknowledged that this guidance has been adopted.

#### **5.0 Good practice**

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

- The Panel came to the conclusion that 16/20 Cases were disposed of appropriately.
- The Panel found that 19/20 cases documented the victims' wishes and satisfaction with the outcome given to their case. There was only one case where the victim's wishes were not recorded in the case records.

#### **6.0 Areas for improvement**

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

- The Panel noted one domestic abuse case being given a Conditional Caution when domestic abuse offences should be given either a Caution (with special authorisation) or charged.

## 7.0 Consideration of common assault cases – youth suspects

Three of the cases had been dealt with by way of a Youth Caution, two by Youth Restorative Disposal and two via Youth Community Resolution.

The Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	5
Appropriate with reservations	1
Panel fails to reach conclusion	1

### 7.1 Observations

Panel Members' observations on each case are detailed below.

#### Case 1

The Panel felt that a Youth Restorative disposal was appropriate, as the suspect had no previous convictions, showed remorse for their actions, writing a letter of apology to the victim and the victim did not wish to escalate the matter.

It was noted that there was mention of a second victim in the STORM message, however, there was no mention of this individual in the case file.

**Panel's Assessment: Appropriate**

#### Action 1:

**Crime Audit to review Case 1 to see what happened to the details of the second victim.**

#### Case 2

This case related to an individual who had punched the victim causing no visible injuries. The individual was given a Youth Restorative Disposal. The Panel felt that this was appropriate, as the victim did not wish to make a complaint and was satisfied with the level of the outcome.

**Panel's Assessment: Appropriate**

**Case 3**

This case was in relation to an offender who had racially abused their victim before assaulting them. The outcome given was a Youth Community Resolution, however, the Panel felt this possibly should have been escalated to a Caution due to the racism and seriousness of the offence. Crime Audit also noted that in Case 3 there is no mention in the STORM record of harassment. It was noted that the gravity matrix score given was a 1 and that this should have been a 3. However, it was acknowledged that the Youth Offending Team had given a detailed rationale as to why the outcome was given.

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

**Action 2:**

**Crime Audit to review case 3 to ensure that the element of harassment is recorded also.**

**Case 4**

This individual was given a Youth Caution for assault causing injury. Members noted that although this case was given a gravity matrix score of 3, a Caution was appropriate due to the willingness of the individual to engage with support.

**Panel's Assessment: Appropriate**

**Case 5**

The Panel were unable to reach a conclusion with this case due to the paperwork for the Youth Community Resolution not being available to review. This individual was not recorded with the Youth Offending Team due to being dealt with via the Police. It was noted that this was a serious incident and that the victim did not wish to pursue the complaint further. It was decided that this case will be brought back to the next meeting with further information on the Youth Community Resolution issued by the Police for the Panel to make a better informed opinion of its appropriateness.

— NFA

**Panel's Assessment: Panel Fails to Reach Conclusion**



**Action 3:**

**For case 5 to be reviewed again at the next OOC meeting with the addition of further information in relation to the Youth Community Resolution given by the Police.**

**Case 6**

This case involved an individual who had drug and alcohol issues. This common assault was issued with a Caution. The Panel felt that this outcome was appropriate as it was the individuals' second offence and as part of this outcome was being given access to a comprehensive support programme for their drug, alcohol and wellbeing issues via the Youth Offending Team. A range of services were being provided to try and support the individual.

**Panel's Assessment: Appropriate**

**Case 7**

Members were satisfied with the outcome of a Youth Caution due to the seriousness of the offence, which included threats to kill. The individual also had no previous convictions and was engaging well with the Youth Offending Team.

**Panel's Assessment: Appropriate**

**8.0 Consideration of common assault 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	11
Appropriate with Reservations	1
Inappropriate	1

### 8.1 Observations of common assault cases

Panel Members' observations on each case are detailed below:

#### Case 8

The Panel concurred that a Community Resolution was an appropriate outcome for this case of a common assault resulting in minor injuries. It was noted that this suspect was referred to the Diversionary Scheme. The Panel did note however, that it was unclear from the records as to whether a Community Resolution was actually given, or whether it was settled with only a referral to the Diversionary Scheme.

**Panel's Assessment: Appropriate**

#### Action 4:

**For the outcome of case 8 to be reviewed to ensure that in addition to a referral to the diversionary scheme that a disposal of Community Resolution was given.**

#### Case 9

The individual in this case was given a Conditional Caution, this was felt to be appropriate due to the incident being low level, the suspect admitting to the offence fully and their willingness to engage with the Diversionary Scheme to receive support.

**Panel's Assessment: Appropriate**

#### Case 10

The Panel concurred that a Community Resolution was appropriate for this case of common assault. It was noted that the assault resulted in a minor injury, being a cut to a thumb and therefore the Panel were satisfied with the severity of the outcome.

**Panel's Assessment: Appropriate**

**Case 11**

The Panel felt that a Caution was an appropriate outcome for this case. The suspect had admitted to the crime and had written a letter of apology to the victim. However, the Panel did note that there was no reference to the wishes of the victim in the records and felt that it was important that the acceptance / wishes of the victim is documented.

**Panel's Assessment: Appropriate**

**Case 12**

Panel Members were happy with the disposal of Community Resolution due to the offence being of a low-level, the individual also had no previous convictions and the victim had confirmed that they were happy with the outcome given.

**Panel's Assessment: Appropriate**

**Case 13**

This individual was given a Conditional Caution, the case related to the offender smashing a glass over the victim's head resulting in a cut to the back of the head. It was noted positively that the conditions of this disposal was for the suspect to attend drug and alcohol support sessions. The Panel had reservations regarding this case however, due to its seriousness and the individual's previous convictions. However, it was noted that the victim was adamant that the case was not taken to Court. It was acknowledged that without evidence and the victim's co-operation in wishing to escalate this case further would have been difficult for officers. A discussion took place in relation to CCTV footage mentioned in the records, a question was raised as to whether the case could have gone to Court as a victimless assault. However, it was noted that it was unclear as to whether the CCTV captured the assault and whether this could have been sufficient evidence. The Panel agreed that it would have been appropriate to record in the case file if a victimless prosecution was considered and why it was deemed unnecessary.

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

**Case 14**

This case was related to a domestic abuse incident and was given a Caution. The Panel felt that this outcome was appropriate due to the incident being low level and the unwillingness of the victim to take the incident to Court. It was noted that special authorisation is required before a domestic abuse incident can



receive a Caution. This decision was well documented and the criteria allowing this outcome was met. The Panel did raise a concern for the support being given to the victim due to it being a domestic abuse related offence, however, it was noted clearly within the records that the victim had refused to be put in contact with any support services.

**Panel's Assessment: Appropriate**

#### **Case 15**

The Panel concurred that a Community Resolution was an appropriate outcome for this case. The assault was in a public place, the suspect had written a letter of apology to the victim and the individual had received a "Behave or Be Banned" from the establishment.

**Panel's Assessment: Appropriate**

#### **Case 16**

The offender in this case was given a Community Resolution. The Panel had no concerns over this outcome as it coincided with the wishes of the victim. The offence was low-level, with words of advice being given.

**Panel's Assessment: Appropriate**

#### **Case 17**

The offender in this case had assaulted an 81 year old victim. The suspect admitted the offence fully. Due to this being a family incident between a stepfather and stepson, it was the victim's wishes to keep the outcome low-level. The Panel therefore felt that this disposal was appropriate, due to being in line with the victims wishes.

**Panel's Assessment: Appropriate**

## 8.2 Observations of Covid-19 related cases

### Case 18

The Panel felt that this case was inappropriately disposed due to the incident being domestic abuse related and receiving a Conditional Caution. It was noted that domestic abuse offences should be given either a Caution (with special authorisation) or charged. The Panel also expressed concern due to the report highlighting that the domestic abuse behaviour was escalating and therefore felt that the case should have been taken to Court.

**Panel's Assessment: Inappropriate**

### Case 19

Panel Members expressed no concern with the disposal of Community Resolution. This case was relating to verbal altercations over alleged breaches of Covid-19 lockdown guidelines. It was felt that due to the severity of the incident and the individual having no previous convictions, this outcome was appropriate.

**Panel's Assessment: Appropriate**

### Case 20

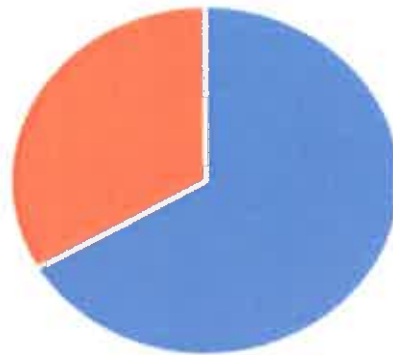
Panel Members felt that that this case had been appropriately disposed via a Conditional Caution. The offender was found to be verbally abusive and to have breached the Covid-19 guidelines. The offender had admitted to the offence and as part of the conditions had been referred to alcohol support services.

**Panel's Assessment: Appropriate**

### 9.0 Panel's assessments to date

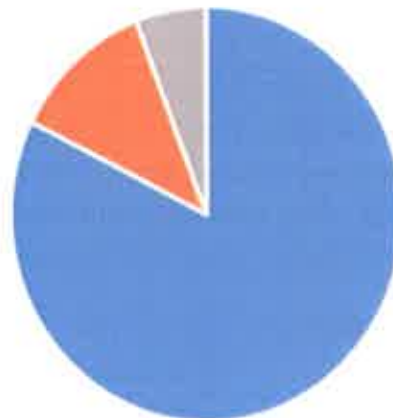
The charts below demonstrate the Panel's assessment of the cases considered at the most recent meeting.

Panels assessment of Covid-19 related crimes relating to offences between May 2020 - June 2020



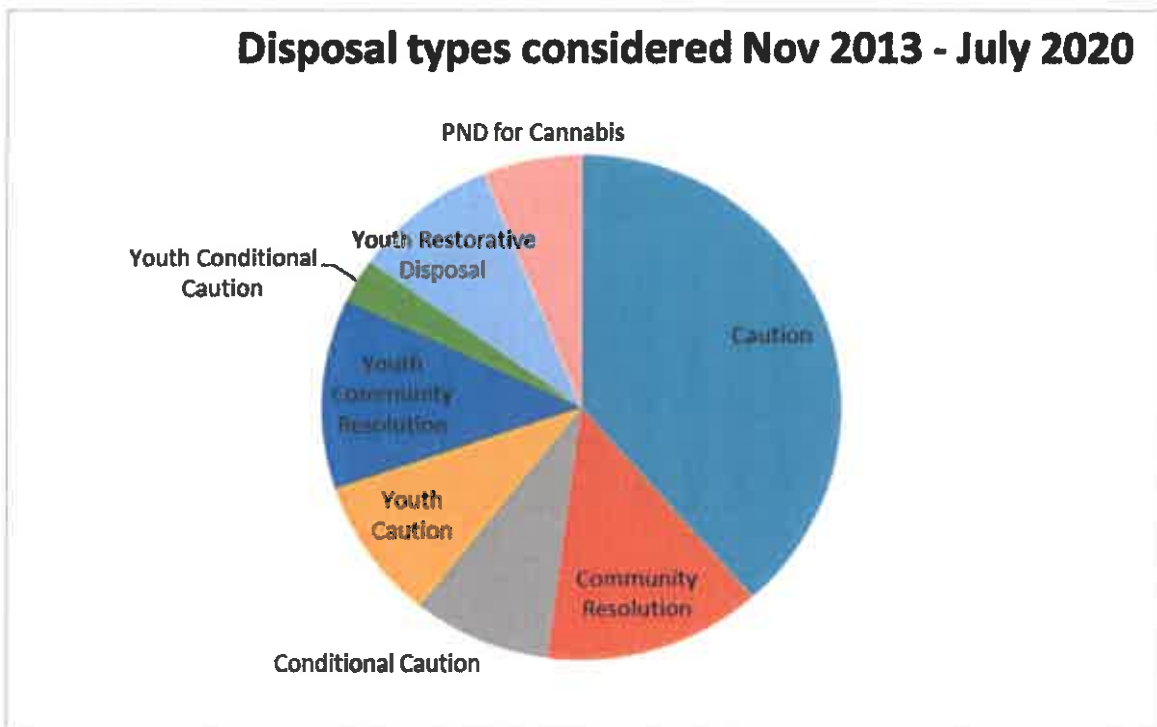
■ Appropriate ■ Inappropriate

Panels assessment of common assault crimes relating to offences between December 2019 - February 2020



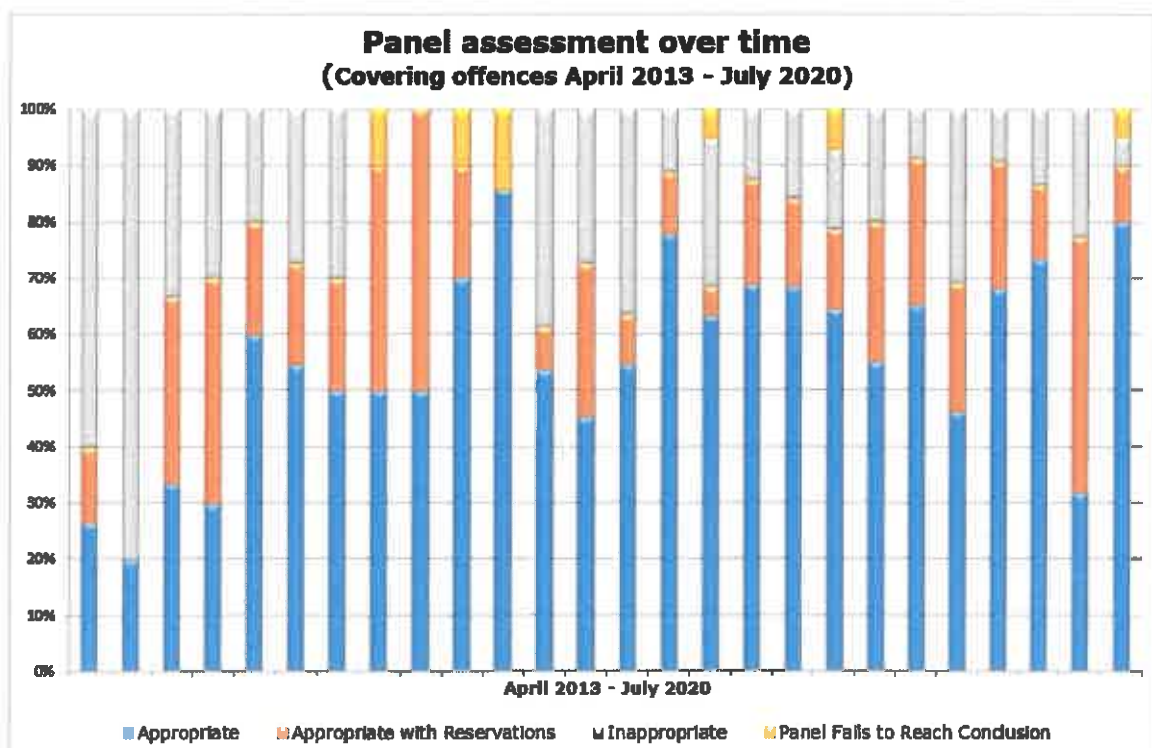
■ Appropriate ■ Appropriate with Rservations ■ Panel Fails to Reach Conclusion

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



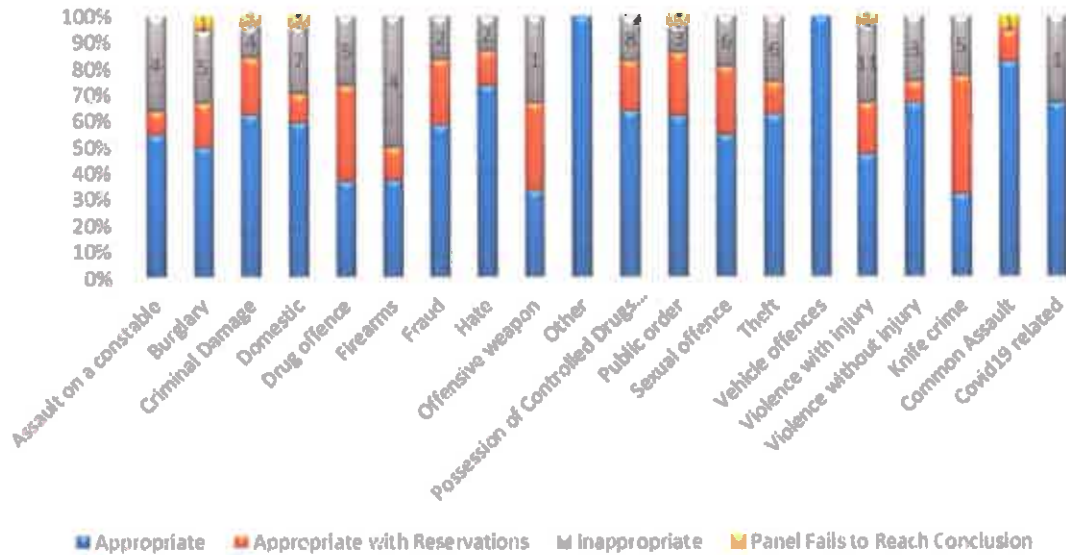
Of the 361 cases examined between April 2013 and July 2020, 57% were assessed as appropriate, 21% as inappropriate, 20% as appropriate with reservations and the panel failed to reach a conclusion in 2% of cases.

The change in conclusions reached over time can be seen in the graph below.

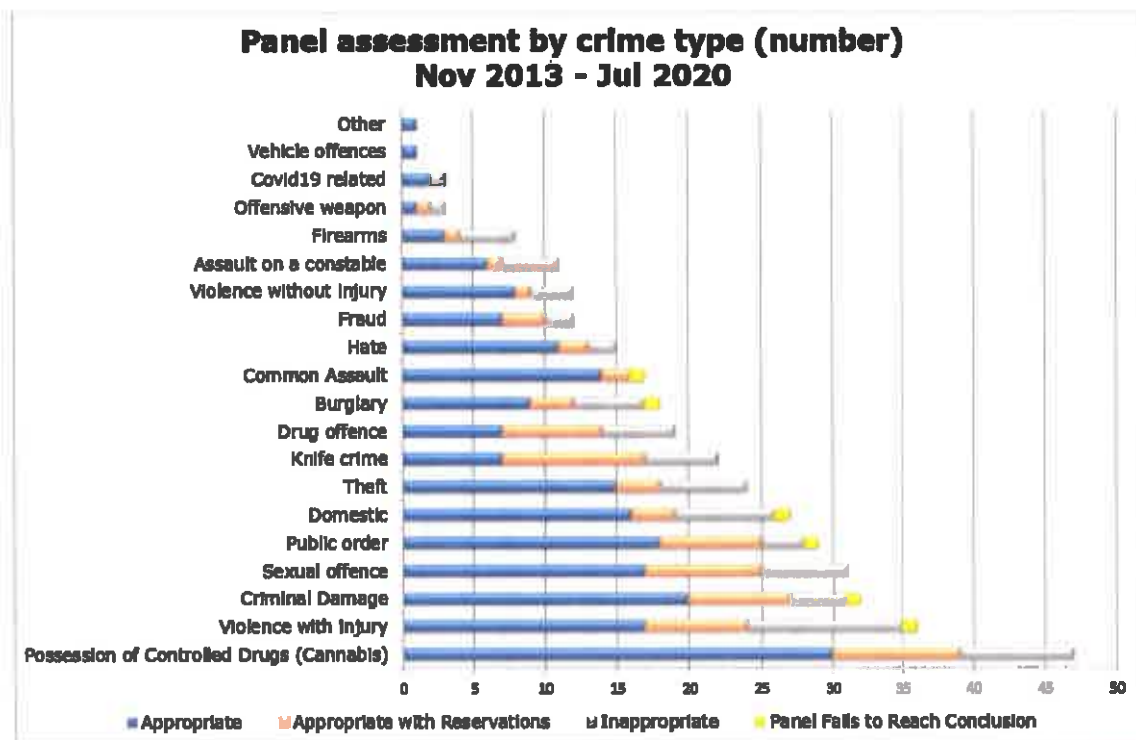


The graph below shows the breakdown by crime type as a percentage of cases considered between November 2013 and July 2020. *(Please note that the numbers displayed within the graph columns indicate the number of cases reviewed with that given outcome).*

### Panel assessment by crime type Nov 2013 - July 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 July 2020.





### **10.0 Future Panel focus**

Following a discussion, the Panel wished to consider drug related crime cases with a focus on BAME and women offenders. It is expected that the OOCB Panel review a selection of offenders of those who are BAME and women each year to ensure disposals are proportionate and appropriate.

