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DYFED-POWYS  
POLICE AND CRIME  
COMMISSIONER

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

**Scrutiny Panel**

**Dip Sampling Exercise**

**Review of Criminal Damage Incidents (Dec 2017-Feb 2018)**

**Out of Court Disposals**

**Panel Members' Findings & Feedback**

**April 2018**



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## 1.0 Overview

At a meeting of the Dyfed-Powys Out of Court Disposal Scrutiny Panel held on 23<sup>rd</sup> April 2018, Members reviewed a selection of Criminal damage cases which had been dealt with by way of an out of court disposal.

The Panel considered a total of 20 cases, ten involving youth suspects and ten 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:**

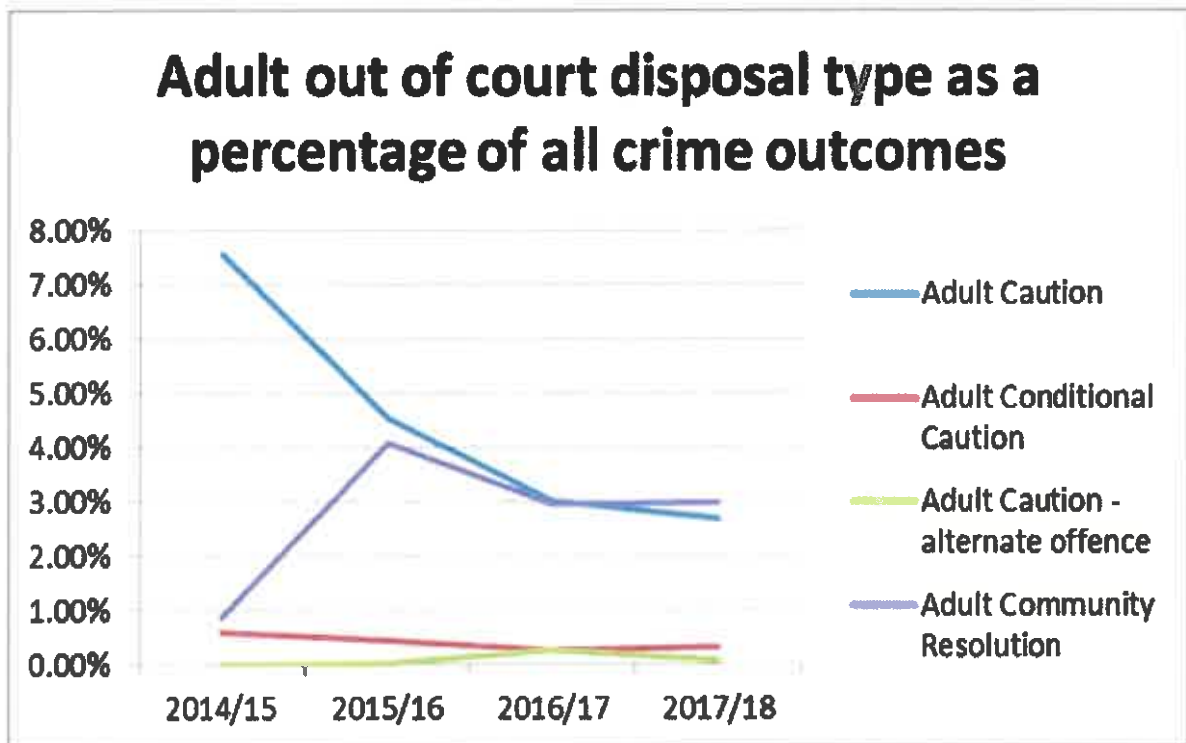
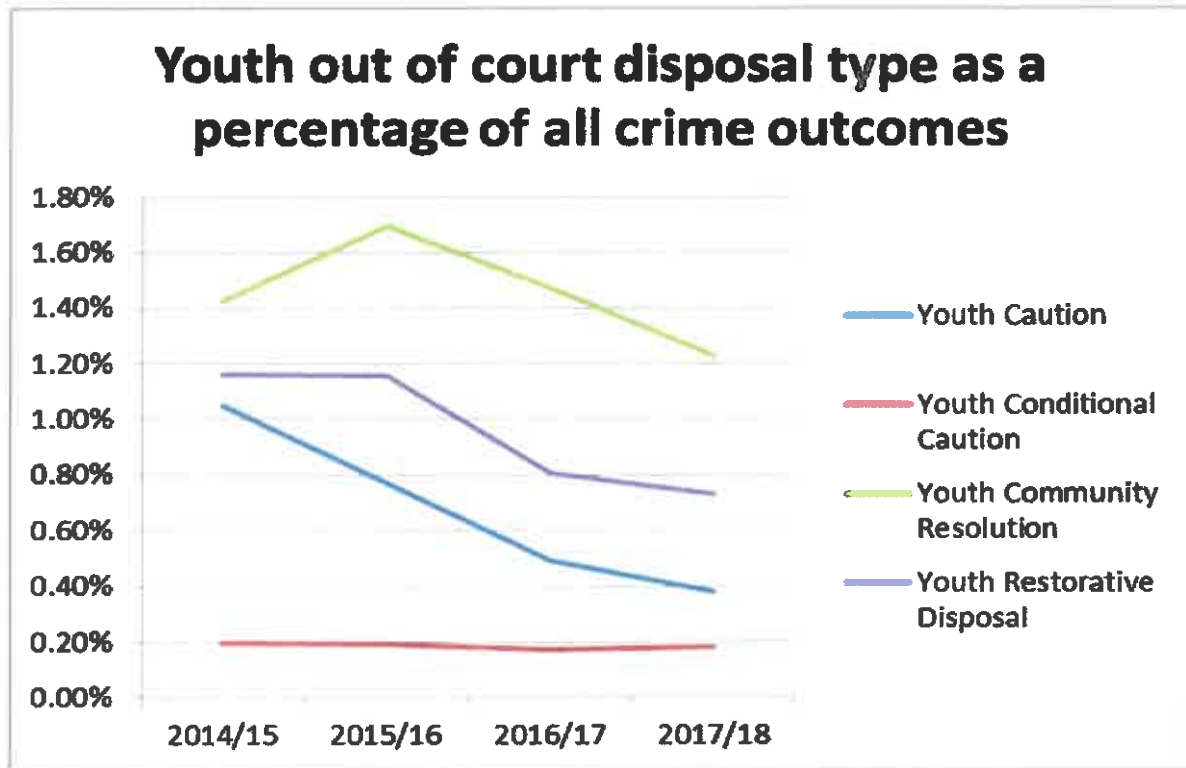
- The views and feedback from the victim and the offender;
- Compliance with force policy;
- Rationale for the decision and outcome;
- Potential community impact;
- Circumstances and seriousness of the offence; and
- Potential alternative options that may have been available.

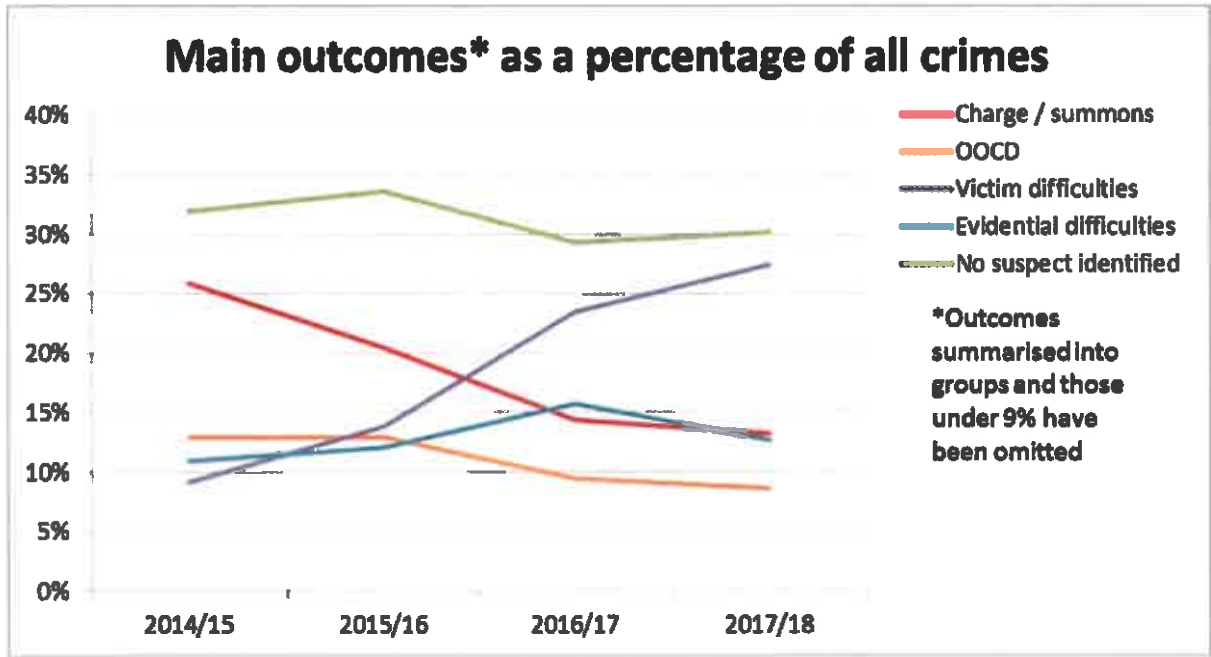
The Panel discuss each case and categorise them as one of the following:

- 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

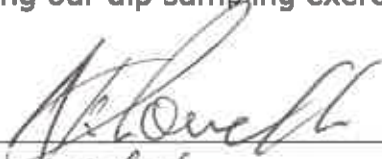
The following graphs show the change of Dyfed-Powys Police's use of different out of court disposal types over time.





### 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 23<sup>rd</sup> April 2018.

Signed:   
Date: 16/7/18



#### 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:

- Information has been sent out to BCU Partnership Chief Inspectors to address the issue regarding victims receiving duplicate updates from both the Force and the Youth Justice Team locally.

#### 5.0 Consideration of Public Order cases – youth suspects

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

Members' assessment	Number of cases
Appropriate	9
Appropriate with reservations	0
Inappropriate	1

#### 5.1 Observations

Panel Members' observations on each case are detailed below.

##### Case 1

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

**Panel's Assessment: Appropriate**

##### Case 2

The Panel were satisfied with the suspect receiving a Youth Community Resolution for the offence recorded; the suspect gave a full admission of guilt, gave a face to face apology and paid for the damage.

**Panel's Assessment: Appropriate**

**Case 3**

Members expressed no concerns with the outcome decision. The suspect was vulnerable with adverse childhood experiences; the panel felt that an YCR was an appropriate escalation after the suspect's last offence.

**Panel's Assessment: Appropriate**

**Case 4**

Members considered an YCR to be appropriate for the case, as although the suspect shows a pattern of anti-social behaviour, the suspect is very young and vulnerable. The suspect had made a written apology.

**Panel's Assessment: Appropriate**

**Case 5**

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. The panel felt that this was an appropriate escalation following the suspect's last offence.

**Panel's Assessment: Appropriate**

**Action 1**

Case 5: Suspect's PNC record to be updated with correct date of birth.

**Case 6**

Members were satisfied with the rationale contained within the case file and subsequent outcome decision. The suspect had no previous convictions and a letter of apology had been accepted by the victim.

**Panel's Assessment: Appropriate**



### **Case 7 and 8 (linked cases)**

Panel Members came to the decision that this case had been appropriately disposed. However a question was raised as to whether the involvement of the Police was needed and whether, possibly, this could have been resolved via the school.

**Panel's Assessment: Appropriate**

### **Case 9**

Panel Members came to the decision that this case had been inappropriately disposed. The suspect received an YRD for this Incident as Police had missed that the individual had previously been given an YRD for their previous case and therefore their outcome had not been appropriately escalated from their last offence. The panel also felt that the case should have been recorded as 'Intent to cause serious harm' rather than a criminal damage offence and therefore the seriousness of the crime had been incorrectly recorded.

**Panel's Assessment: Inappropriate**

#### **Action 2**

Case 9: It was found from this case that previous YRDs are sometimes missed and therefore the YRD checks undertaken are not always effective. The effectiveness of YRD checks to be feed back to the Force to avoid more than one YRD being given to an individual.

#### **Action 3**

Case 9: This case was incorrectly recorded as criminal damage and should have been recorded as 'Intent to cause serious harm'. Report to be updated and amended on the system.

### **Case 10**

Panel Members agreed that a Youth Restorative Disposal was appropriate for this case as the suspect had no previous history of offending. However, the panel did feel that possibly, the Incident could have been dealt with internally by the school.

**Panel's Assessment: Appropriate**

**Action 4**

Case 10: Need a joined-up approach with Education - Resolution in schools. Some cases are being referred to YOT when possibly, they could be dealt with by the schools.

**6.0 Consideration of Public Order cases -- adult suspects**

Panel Members reviewed 10 adult cases, 1 of which had been dealt with by way of Caution, 4 by way of Conditional Caution and 5 via Adult Community Resolution (ACR). Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	5
Appropriate with reservations	3
Inappropriate	2
Panel Failed to Reach Conclusion	0

**6.1 Observations**

Panel Members' observations on each case are detailed below.

**Case 11**

Panel members felt that the outcome of this case was inconsistent with the Policy by being disposed, as this was a criminal damage case within a domestic situation. However, Panel noted that the decision was approved the Inspector and that the victim did not wish to press any further charges.

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

**Case 12**

Members were satisfied with the rationale contained within the case file and subsequent outcome decision. Suspect had no previous convictions and conditions had been met.

**Panel's Assessment: Appropriate**

**Case 13**

Members expressed no concerns with the rationale contained within the case file and the subsequent outcome decision. The offender had received a warning and paid compensation.

**Panel's Assessment: Appropriate**

**Case 14**

The Panel felt that this case had been inappropriately disposed. The offender had been given a Conditional Caution and as the case was related to a domestic offence this outcome should have been ineligible. Members felt that the outcome should have been a caution.

**Panel's Assessment: Inappropriate**

**Case 15**

Members felt that the outcome of this case was inappropriate and that the offender should have been given a caution instead of a conditional caution. The case was linked to a domestic offence, with the offender having a domestic violence notice issued on them.

**Panel's Assessment: Inappropriate**

**Case 16**

Panel Members came to the decision that this case had been appropriately disposed. The victim had agreed to an Adult Community Resolution and the offender had given an apology and paid for the damage.

**Panel's Assessment: Appropriate**

**Case 17**

The Panel were happy with the outcome of this disposal. The offender had paid compensation and the victim was satisfied with an Adult Community Resolution as an outcome.

**Panel's Assessment: Appropriate**



**Case 18**

Members expressed a concern that the case included a hate Crime due to the racist comments which were made upon arrest. The Panel felt that this case should have been recorded as both a criminal damage and a hate crime incident on the system.

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

**Case 19**

Members were satisfied with the outcome of this case, the offender had no previous convictions and a restraining order has been put in place.

**Panel's Assessment: Appropriate.**

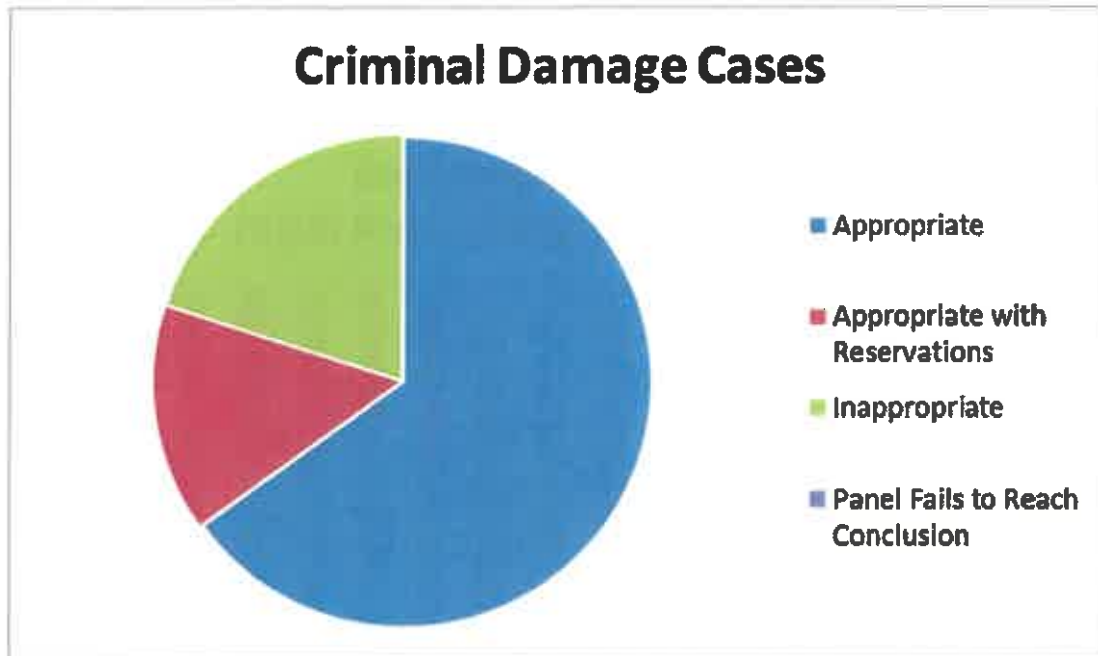
**Case 20**

The Panel felt that additional information was needed to be recorded in relation to this case. It was felt that this case could potentially be a Public order incident as well as a Criminal damage incident.

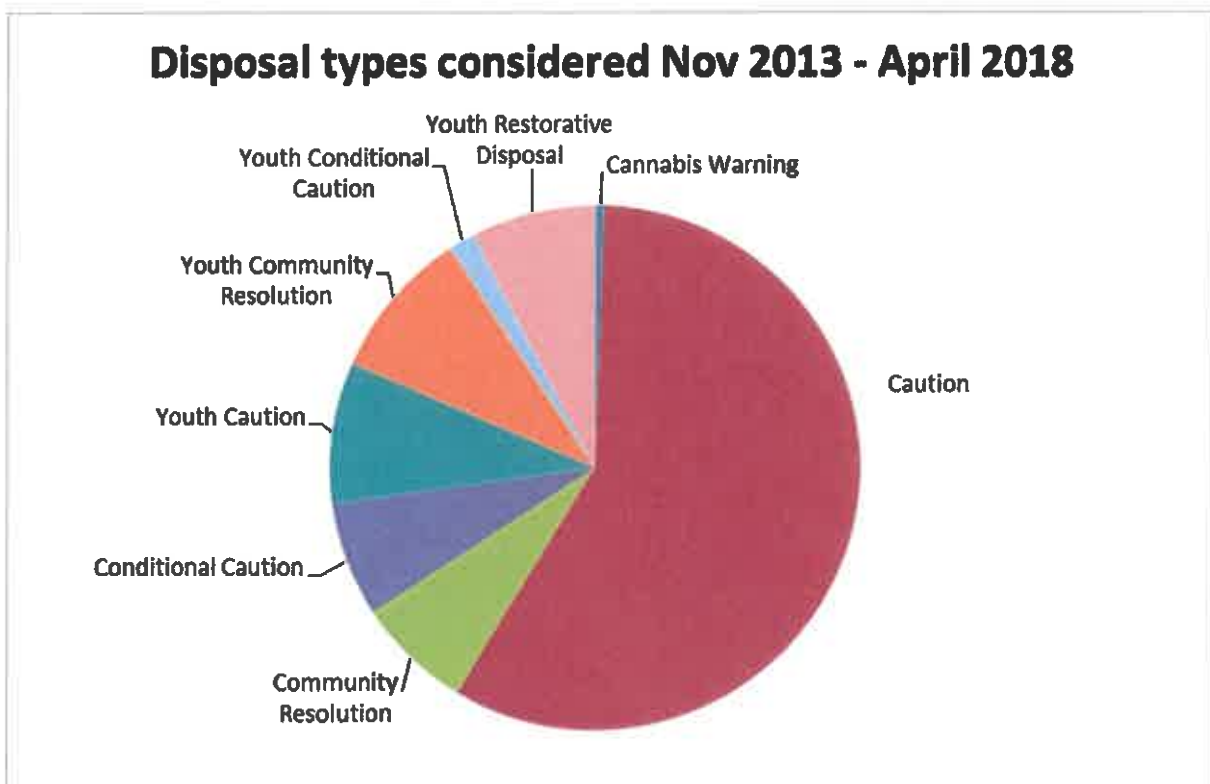
**Panel's Assessment: Appropriate with reservations.**

### 7.0 Panel's assessments to date

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

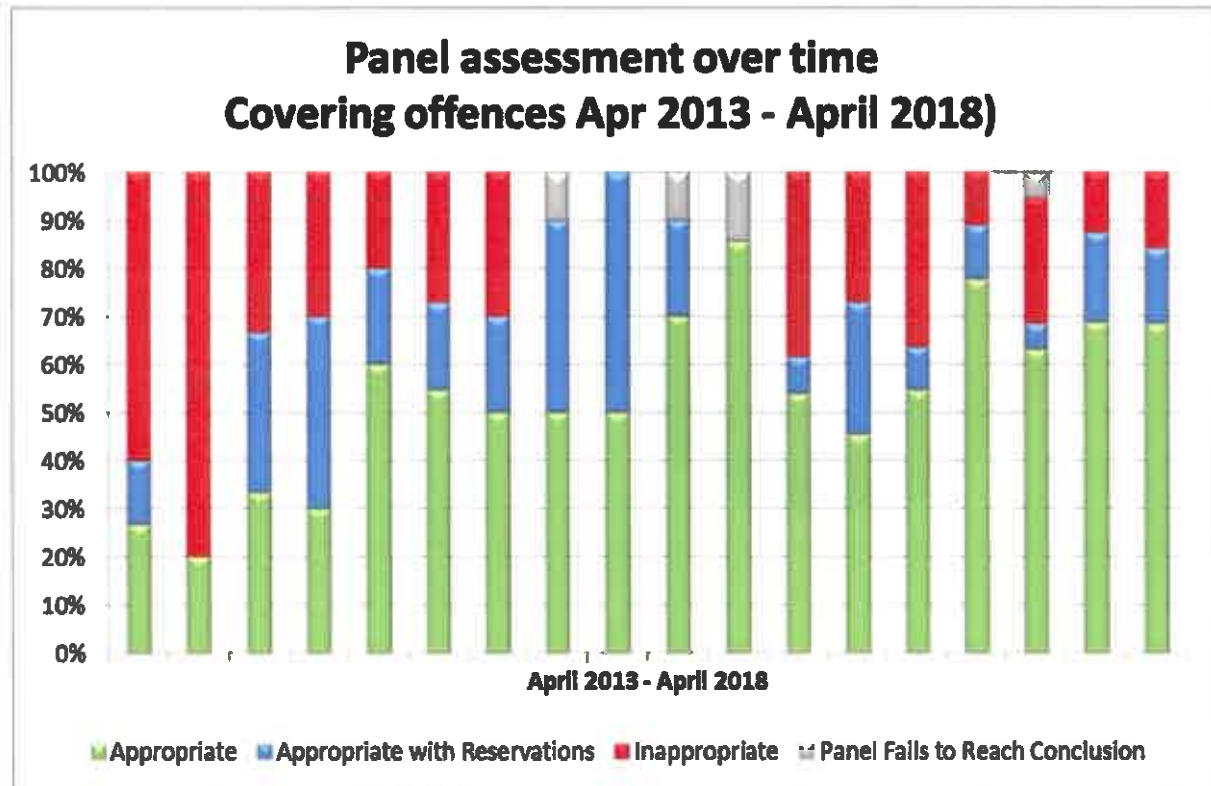


Since April 2013 the Panel has considered a range of disposals, as displayed in the graph below.



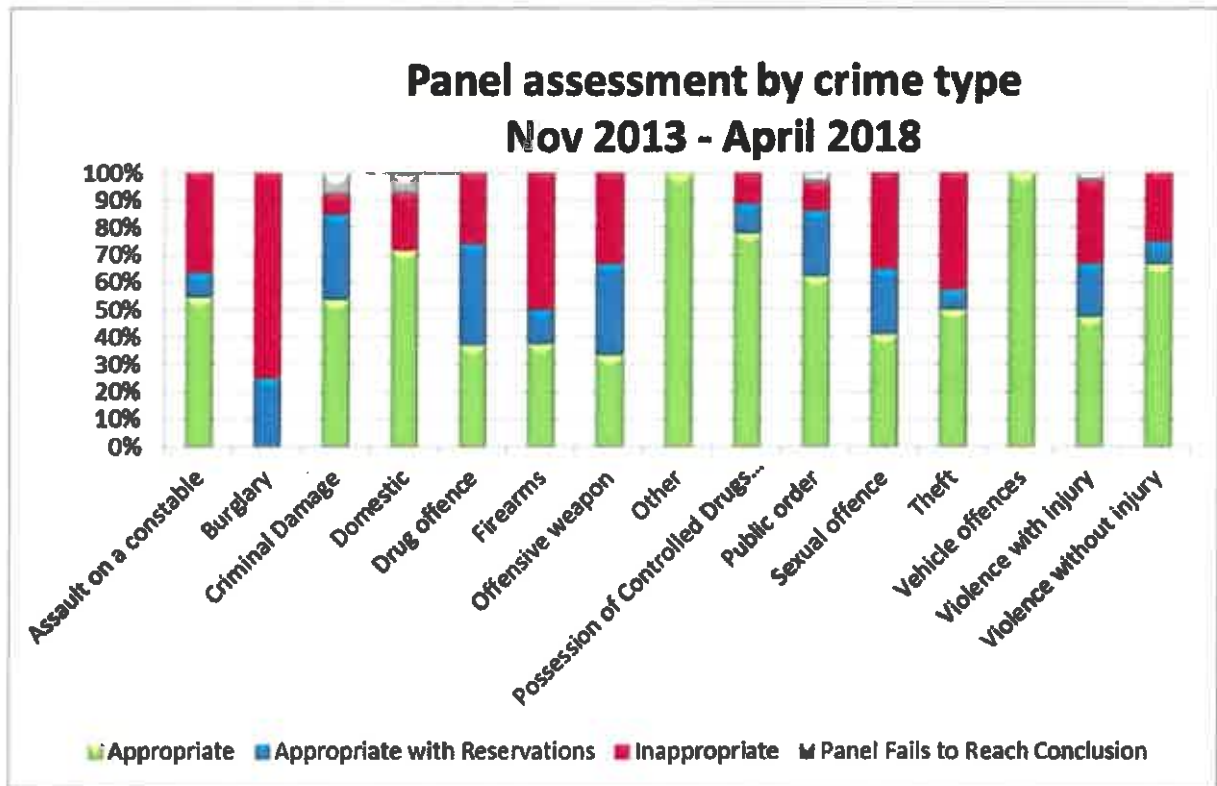
Of the 219 cases examined between April 2013 and April 2018<sup>1</sup>, 55% were assessed as appropriate, 25% as inappropriate, 18% as appropriate with reservations and the panel failed to reach a conclusion in 2% of cases.

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.

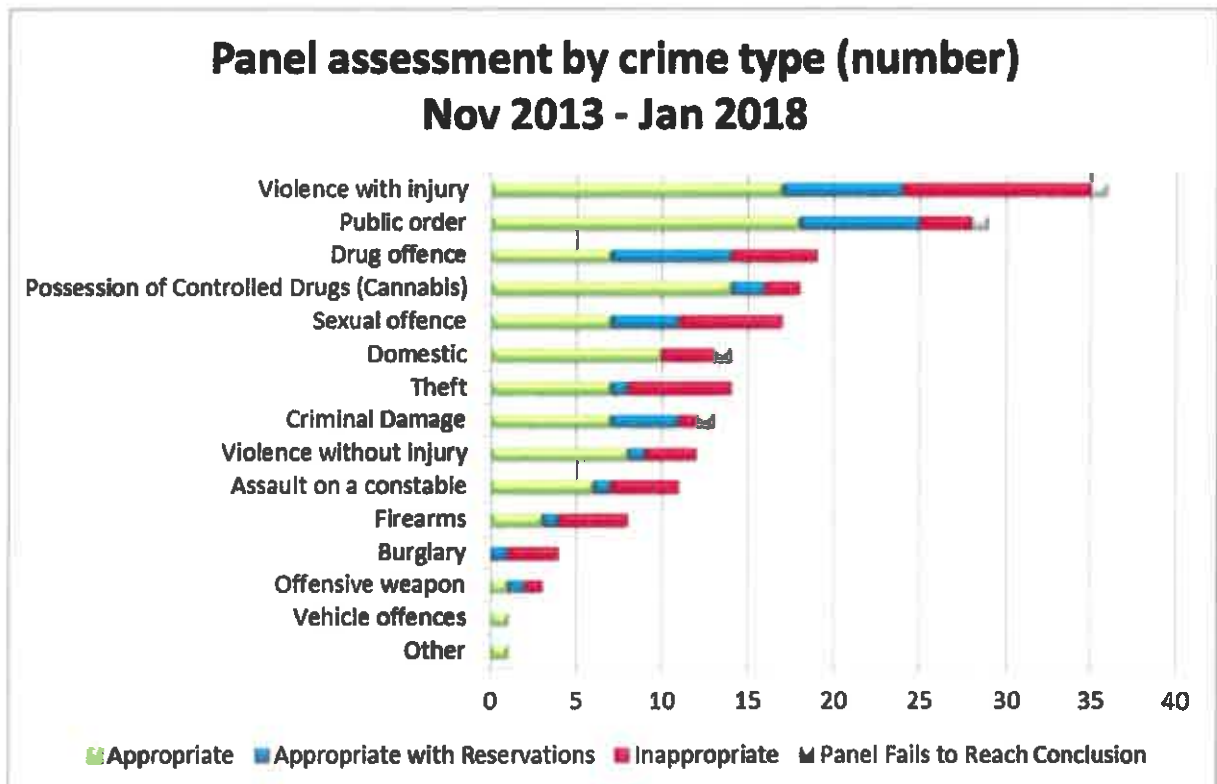


<sup>1</sup> Covering the Panel's activity from November 2013 to January 2018.

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



### **7.1 Good practice**

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

- Within all youth cases dip-sampled apart from one, 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 were two particular areas for improvement identified as a result of the Panel's work this quarter:

- It was found that within a number of the case files dip-sampled that more information was required and that there were possibly additional crimes within the crime that were being missed and not recorded, for example there were Public order and Hate Crime Incidents linked to the Criminal damage cases.
- The Panel discussed that previous YRDs are sometimes missed, which results in an individual receiving a second YRD instead of the outcome being appropriately escalated.

### **8.0 Future Panel focus**

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