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DYFED-POWYS
POLICE AND CRIME
COMMISSIONER

Police and Crime Commissioner for Dyfed-Powys

Scrutiny Panel

Dip Sampling Exercise

Review of Adult and Youth Fraud and Theft Cases

(November 2018 – April 2019)

Out of Court Disposals

Panel Members' Findings & Feedback

July 2019

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1.0 Overview

At a meeting of the Dyfed-Powys Out of Court Disposal Scrutiny Panel held on 10th of April 2019, Members reviewed a selection of fraud and theft cases which had been dealt with by way of an Out of Court Disposal.

The Panel considered a total of 22 cases, 10 thefts involving youth suspects, one youth fraud case and twelve adult cases which were all fraud related.

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:**

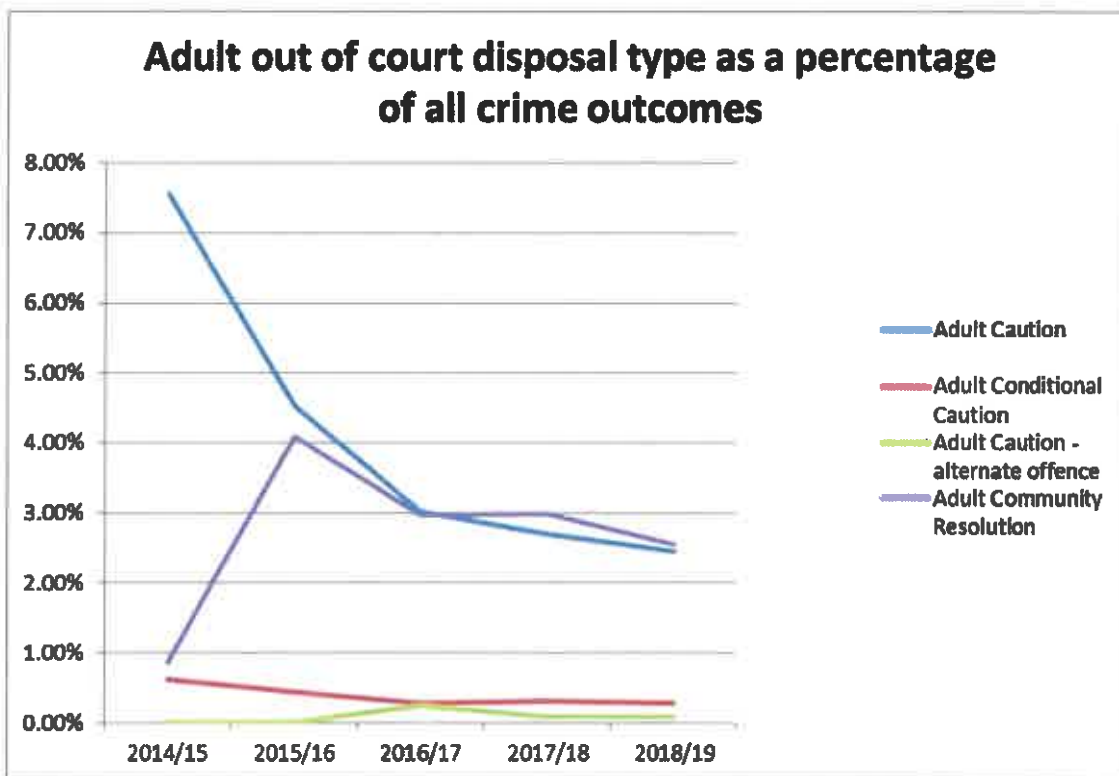
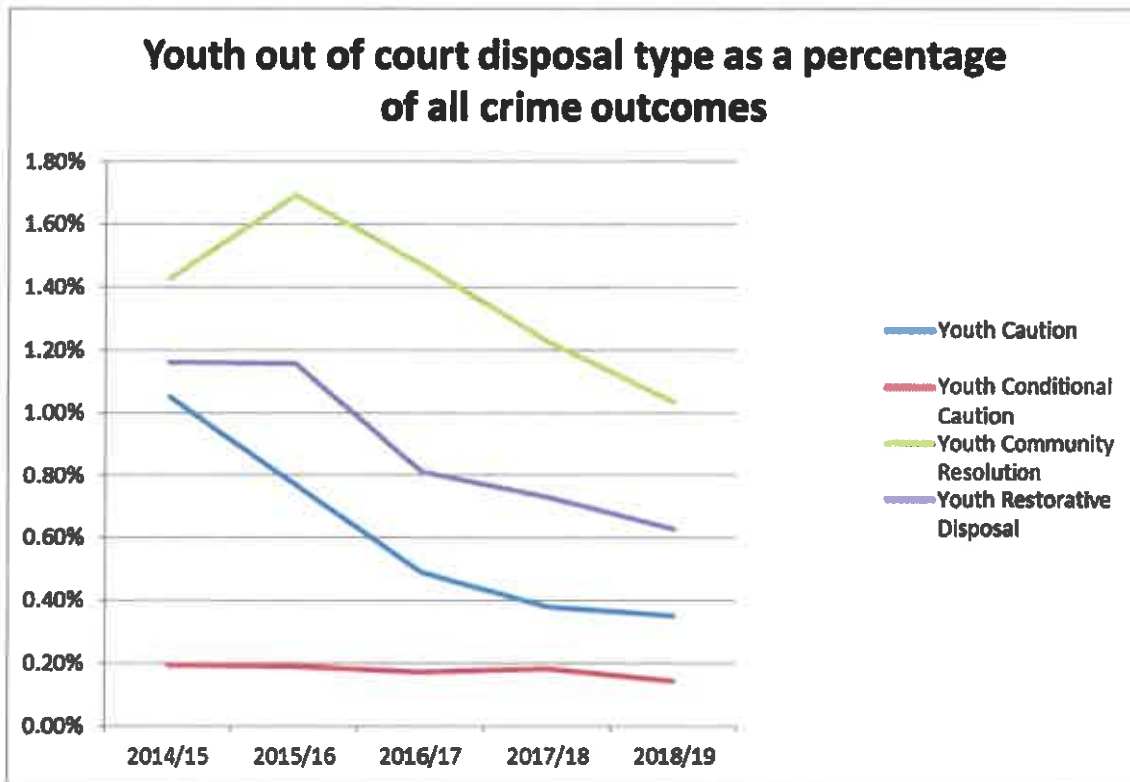
- The views and feedback from the victim and the offender;
- Compliance with force policy;
- Rationale for the decision and outcome;
- Potential community impact;
- Circumstances and seriousness of the offence; and
- Potential alternative options that may have been available.

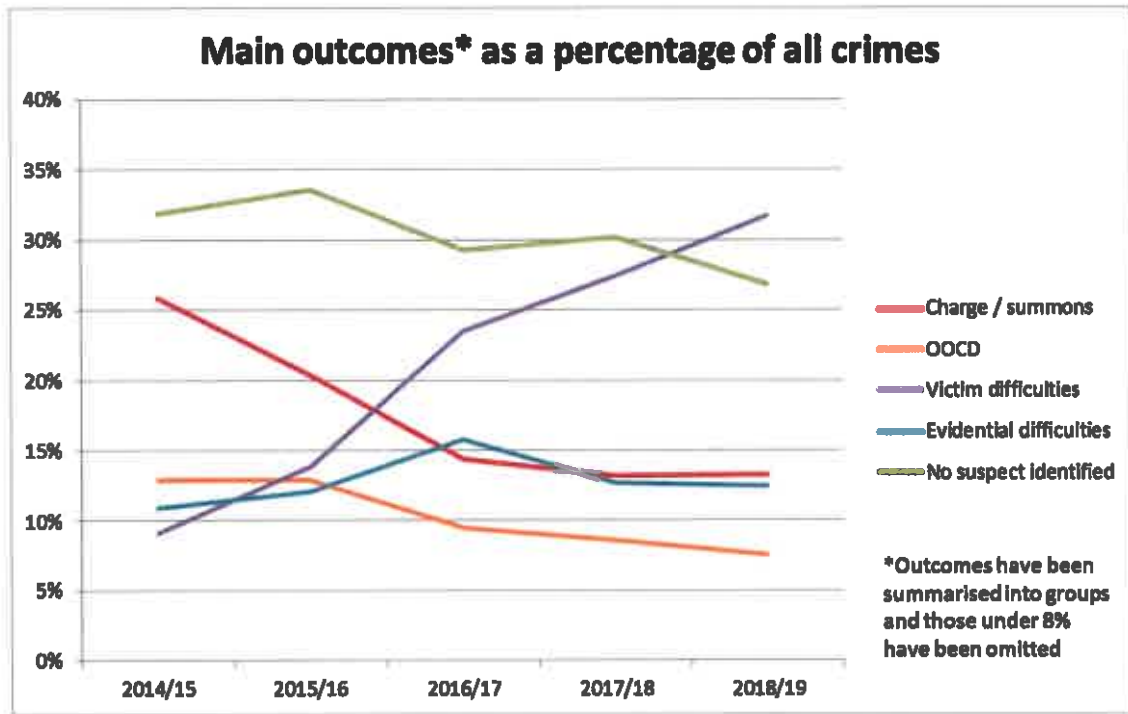
The Panel discuss each case and categorise them as one of the following:

- 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 _____ (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 18th July 2019.

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 action has been taken since the last meeting:

- Traffic processing reviewed the outcomes of the driving offences within case 4 of the last meeting in order to see whether they may have affected the outcome of the taking without consent offence. It was found that the case of no insurance went to court however, the case was withdrawn as the decision makers did not feel that it was in the public's interest to continue with the prosecution.

5.0 Consideration of theft cases – youth suspects

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

The Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	8
Appropriate with reservations	2

5.1 Observations

Panel Members' observations on each case are detailed below.

Case 1

Members felt that due to the individual only being twelve and the severity of the case being low, with the individual taking sweets from a shop without paying at a value of £9.10 a Youth Community Resolution was appropriate with the offender engaging in support.

Panel's Assessment: Appropriate

Case 2

Panel Members felt that a Youth Restorative Disposal was a suitable outcome. However, it was felt that the individual would have benefited from the Youth Offending Team (YOT) support, but they had not been referred.

Panel's Assessment: Appropriate

Case 3

The Panel expressed no concern regarding the outcome of this case. The individual had taken a selection of food items from a store without paying, however, admitted fully to the offence had shown remorse and had written a letter of apology to the store. The individual was also fully engaged with support from the YOT.

Panel's Assessment: Appropriate

Case 4

Members felt that the outcome of a Youth Restorative Disposal was appropriate for the level of incident; the offender had taken a bike and had removed the brakes and lights before returning it. However, as noted in case 2, individuals were not always referred to the YOT. The Panel felt that this individual would have benefited from YOT support to help identify the reason as to why the individual had committed the crime and possibly preventing any further criminal behaviour.

Panel's Assessment: Appropriate

Case 5

Members felt that the outcome of this case should have been a Youth Conditional Caution instead of a Caution, in order to ensure that the individual received support and that they had to engage with the alcohol support service.

Panel's Assessment: Appropriate with reservations

Case 6

This ten-year-old offender had taken a loaf of bread and a bottle of pop and left a store without payment. Members felt that due to the low level of the incident;

the outcome of Youth Restorative Disposal was appropriate. However, as noted within previous cases this individual was not referred to YOT. The Panel felt that this was a missed opportunity for the individual to receive the necessary support.

Panel's Assessment: Appropriate

Case 7

Members felt that due to the severity of the incident, the outcome of a Youth Community Resolution should have been escalated. The offender had stolen a bank card and had used it on four separate occasions. The Panel also felt that again this individual should have been referred to YOT in order to receive support.

Panel's Assessment: Appropriate with reservations

Case 8

The Panel felt that this case had been appropriately disposed by way of a Youth Caution as the individual had a previous conviction and YOT were involved providing support including relating to their alcohol misuse.

Panel's Assessment: Appropriate

Case 9

The Panel expressed no concern over how this case was disposed. The individual had stolen makeup from a store at the value of £9.00. The Panel felt that a Youth Restorative Disposal was appropriate.

Panel's Assessment: Appropriate

Case 10

The offender had been caught shoplifting an item at the value of 49p. The Panel felt that due to the incident being of a low level a Youth Restorative Disposal was appropriate.

Panel's Assessment: Appropriate

5.2 Consideration of fraud case – youth suspect

The Members' assessment was as follows:

Case 11

Members felt that possibly the outcome should have been escalated from a Youth Caution to a Youth Conditional Caution. The offender had stolen a card from a wallet and had used it on several occasions. Receiving a Conditional Caution would have ensured that the individuals involved in the incident were engaged in support, the Panel felt that support could prevent future criminal behaviour.

Panel's Assessment: Appropriate with reservations

6.0 Consideration of fraud cases – adult suspects

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

Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	7
Appropriate with reservations	2
Inappropriate	2

6.1 Observations

Panel Members' observations on each case are detailed below:

Case 12

Panel Members were undecided as to whether a Conditional Caution may have been more appropriate, in order to ensure that the individual engaged with drug support services. The individual had a history of fraudulent behaviour over a short period of time in order to obtain prescribed drugs. It was not evident from the crime report that the reason as to why the individual had carried out the fraud and their intentions for the large quantity of drugs had been investigated fully.

Panel's Assessment: Appropriate with reservations

Case 13

The Panel found this case had been appropriately disposed of however felt that this was more of a civil matter that possibly should not have required Police involvement.

Panel's Assessment: Appropriate

Case 14

Panel Members felt that this was inappropriately disposed. It was noted that due to the severity of the incident a disposal outcome of a Community Resolution went against guidelines. The offender had obtained details from a bank card and had used them online to purchase goods up to the value of approximately £1,200. Due to the amount this went against policy to issue a Community Resolution. The Panel felt that the case should have been escalated.

Panel's Assessment: Inappropriate

Case 15

Although the individual had no previous convictions, due to the seriousness of the offence, the Members felt that a Community Resolution was inappropriate. The offender had selected items in a store and had swapped the price tickets to that of a lower price, the offender had then tried to return the items at the value of the original price. The Group felt that due to the offender having pre-calculated their actions, this should have been escalated, with a Caution being more appropriate.

Panel's Assessment: Inappropriate

Case 16

The Panel expressed no concern regarding the outcome of this case. The offender had entered a store, had selected a few items and then had taken them to the till for a refund. The individual had no previous convictions and the victim was happy with the given outcome.

Panel's Assessment: Appropriate

Case 17

The Panel felt that the outcome of this case was appropriate and in accordance with policy. The offender had previous convictions and therefore this was a good use of a Conditional Caution.

Panel's Assessment: Appropriate

Case 18

The Panel concluded that this case had been appropriately disposed through a Caution. The individual had no previous convictions, the financial loss was paid and the victim did not wish to take the case to Court.

Panel's Assessment: Appropriate

Case 19

The Panel felt that due to the seriousness of the incident that this should have been escalated from a Caution to a Charge. However, as the offender was subsequently due to be deported by Immigration authorities, the Panel came to the agreement that this outcome was appropriate under the circumstances.

Panel's Assessment: Appropriate

Case 20

The Panel were happy with the disposal of this case. The offender had no previous convictions and the victim did not wish to take the case further, therefore an ... was deemed appropriate.

Panel's Assessment: Appropriate

Case 21

Although this was a minor offence which would ordinarily equate to a lower disposal, due to other linked offences including a breach of a restraining order, the Panel felt that a Caution was an appropriate disposal.

Panel's Assessment: Appropriate

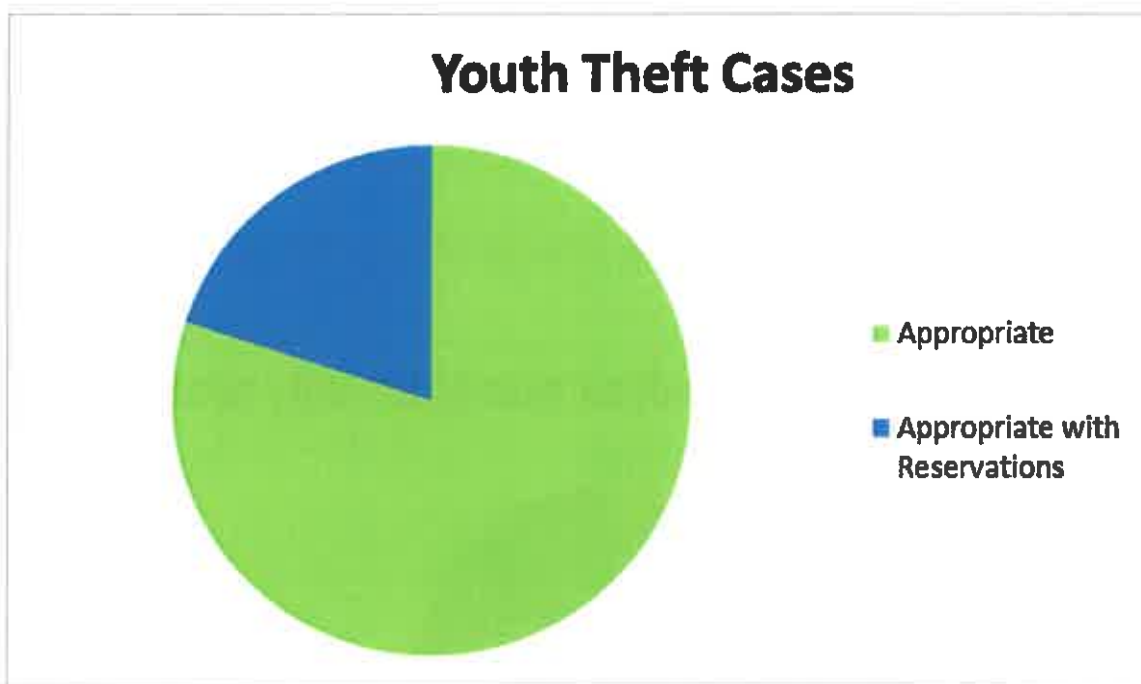
Case 22

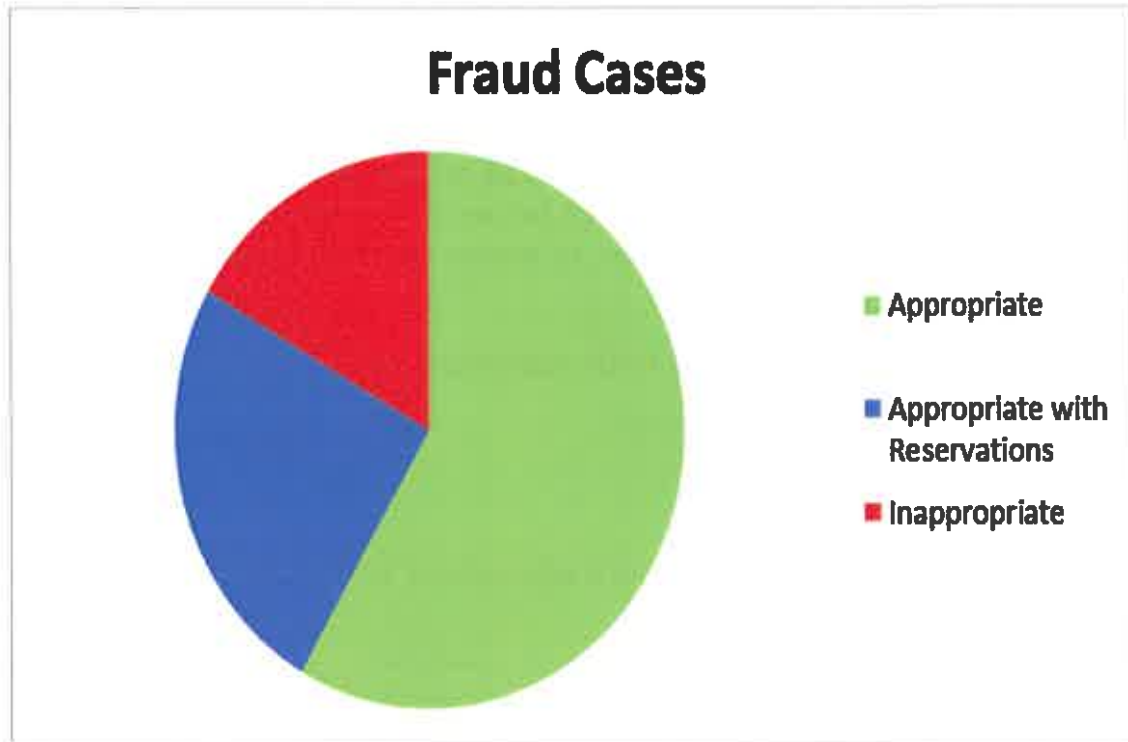
Due to this individual having a long history of theft related convictions, the Panel felt that this individual needed support and should be engaging with a diversionary scheme. The Panel were undecided on the level at which this case should have been dealt at, there was a split between a Charge due to the history of convictions and a Conditional Caution to ensure the individual was provided with support.

Panel's Assessment: Appropriate with reservations

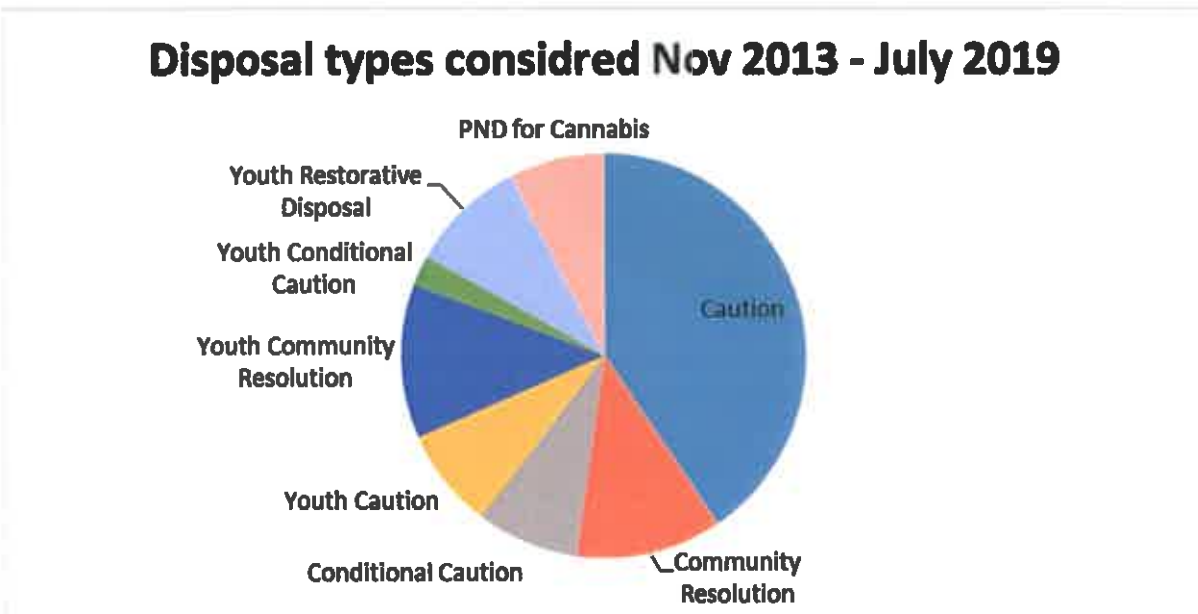
7.0 Panel's assessments to date

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



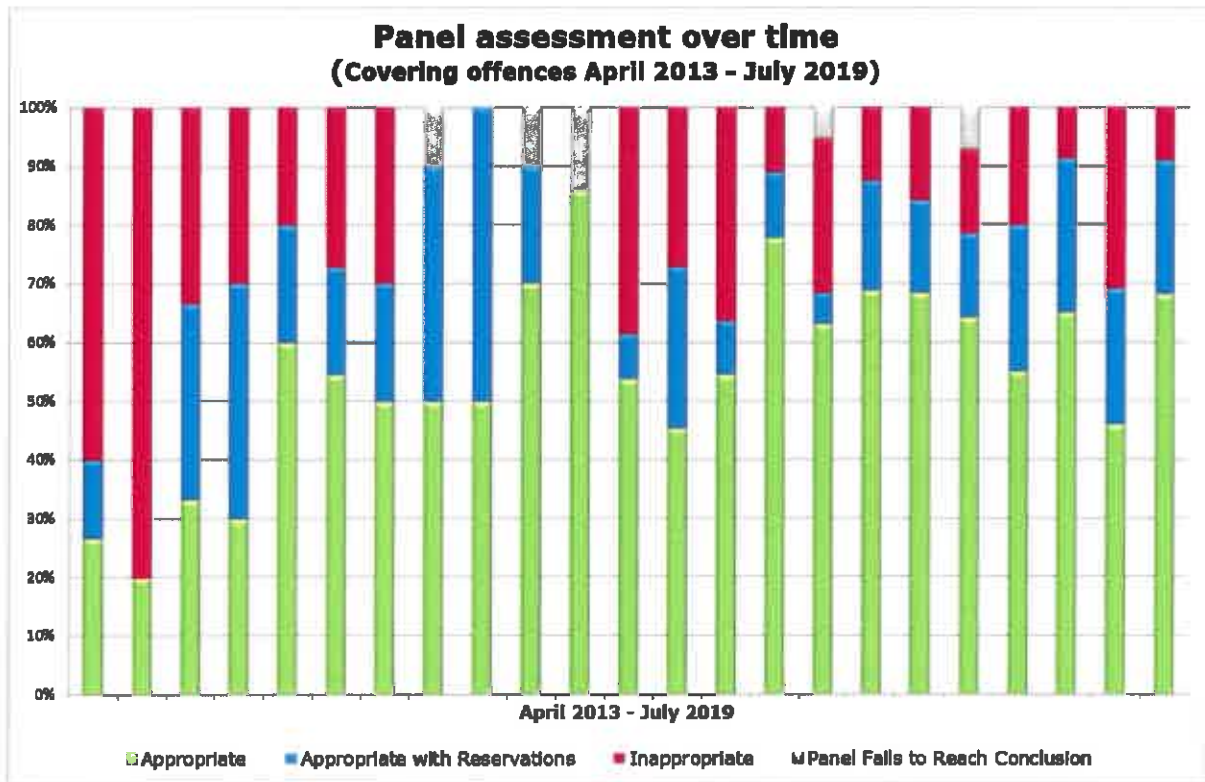


Since November 2013 the Panel has considered a range of disposals, as displayed in the graph below.

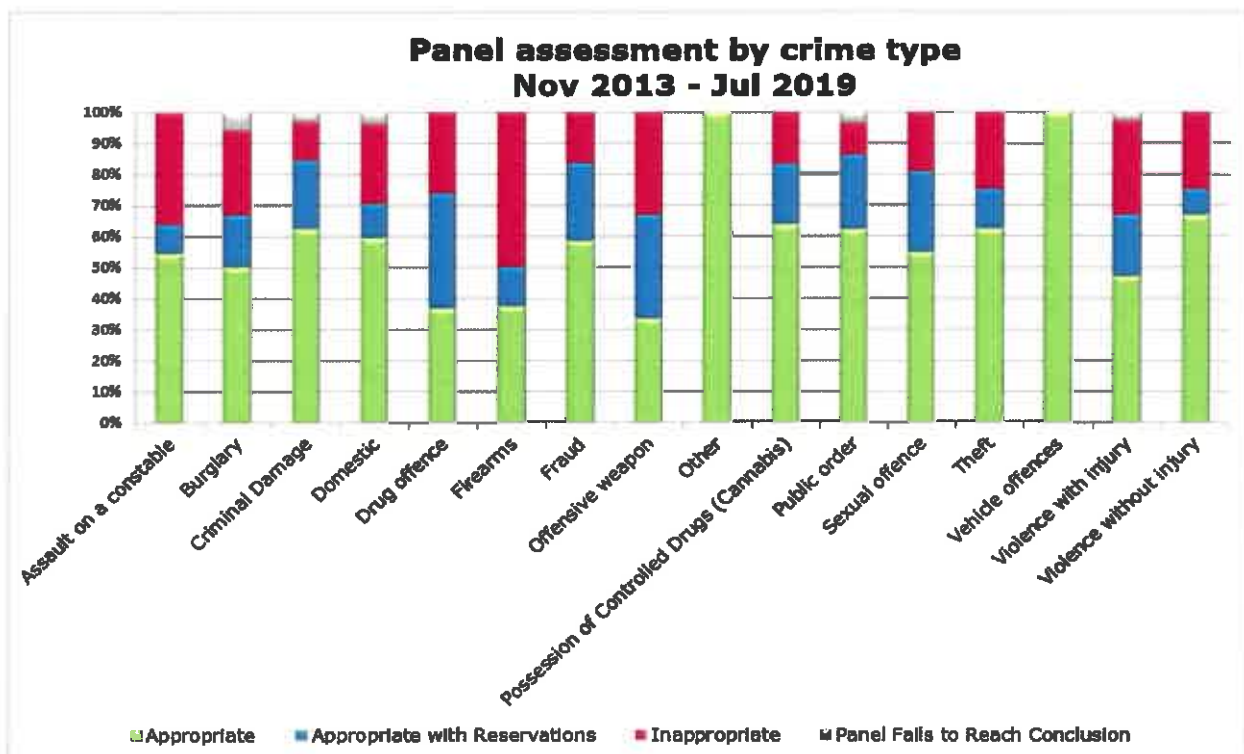


Of the 311 cases examined between April 2013 and July 2019, 57% were assessed as appropriate, 22% as inappropriate, 19% as appropriate with reservations and the panel failed to reach a conclusion in 2% of cases.

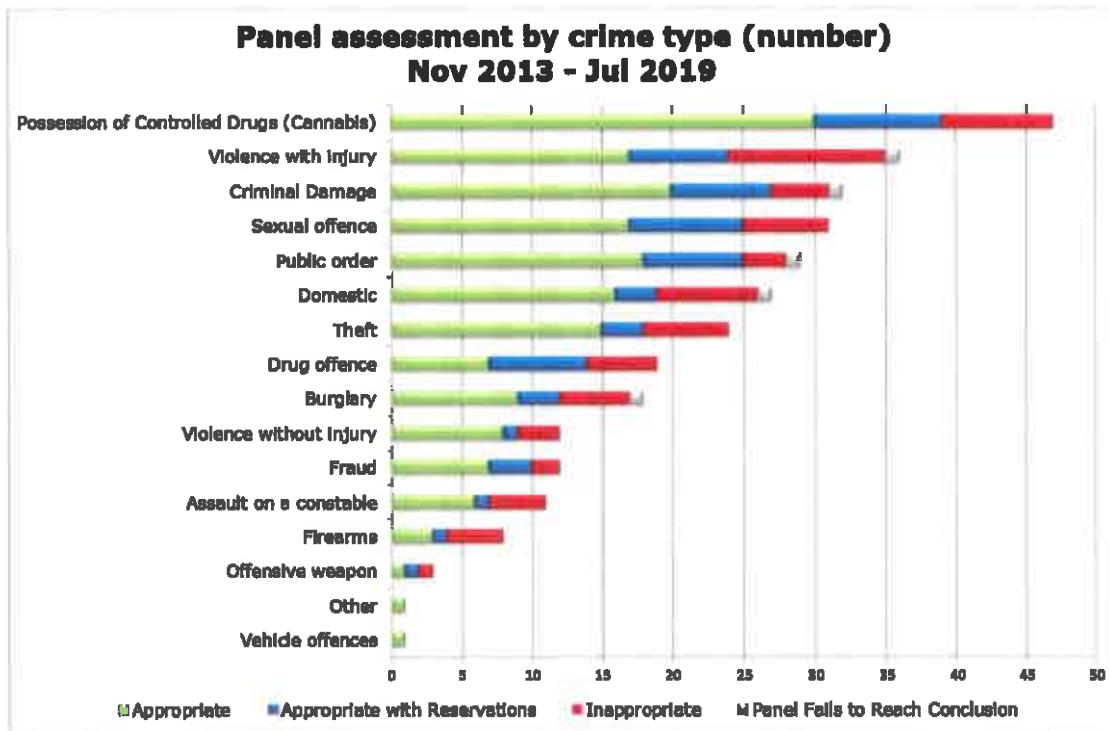
Overall there has been an increase in the number of cases the Panel have deemed as having appropriate disposals. This change over time can be seen in the graph below.



The graph below shows the breakdown by crime type as a percentage of cases considered between November 2013 and July 2019.



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 Jul 2019.



7.1 Good practice

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

- From their review of youth theft cases, eight were found to be dealt with appropriately and two appropriate with reservations. No cases were found to be dealt with inappropriately.

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 Individuals receiving a Youth Restorative Disposal were not always referred to YOT and therefore did not always receive support to alter their behaviour. Currently referring to YOT is not mandatory but deemed as good practice. A discussion took place regarding the need to review the Youth Restorative Disposal Policy in relation to referring individuals to the Youth Offending Team.

Action 1

The Force to review the Youth Restorative Disposal Policy in relation to referring individuals to the Youth Offending Team.

- It was noted that previous Youth Restorative Disposals (YRD) were not always identified by the Police and on occasion young people were inappropriately issued with a second YRD. It was discussed that the YRD app was not always accurate and due to a delay in crimes being recorded on the system. It was explained that the IT department were looking into the possibilities of a new system.

8.0 Other matters arising

- An update was given in relation to the two tier out of court disposal system. From the 1st of November 2019, there will only be two disposal outcomes for adults, the Community Resolution and Conditional Caution.

Action 2

An update / input on the new 2 tier approach to Out of Court Disposals to be given at a future meeting.

- The Chair recommended extending an invitation to the Chair of Merthyr Magistrates (who deal with cases from Powys) in order to get a representative from Powys.

Action 3

An invite to future OOCDD meetings to be extended to Mr Jeff Edwards the Chair of Merthyr Magistrates.

- A discussion took place regarding the roll out of the Pathfinder diversion programme and its effectiveness.

Action 4

An input on the Pathfinder diversionary programme to be given to Panel members within a future meeting.

- The Youth Offending Team have created a new video clip explaining their role.

Action 5

For the Panel to view the new Youth Offending Team video clip on their role at the next meeting.

9.0 Future Panel focus

A discussion took place as to what the Panel could consider next. It was decided that the Panel would like to consider violence with and without injury cases with a focus on incidents involving offensive weapons.

Alricanto. sp.
14-10-19.