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Police and Crime Commissioner for Dyfed-Powys

Scrutiny Panel

Dip Sampling Exercise

Review of Possession of Controlled Drugs (Cannabis) Cases and Youth Sexual Offence Cases

(October 2017 – November 2018)

Out of Court Disposals

Panel Members' Findings & Feedback

January 2019

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1.0 Overview

At a meeting of the Dyfed-Powys Out of Court Disposal Scrutiny Panel held on 28th of January 2019, Members reviewed a selection of possession of controlled drugs (cannabis) cases which had been dealt with by way of a Fixed Penalty Notice (FPN, or PND) and a range of sexual offence cases where the offender was under 18 years of age.

The Panel considered a total of 23 cases, fourteen youth sexual offence cases and nine adult possession of controlled drugs (cannabis) cases.

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:**

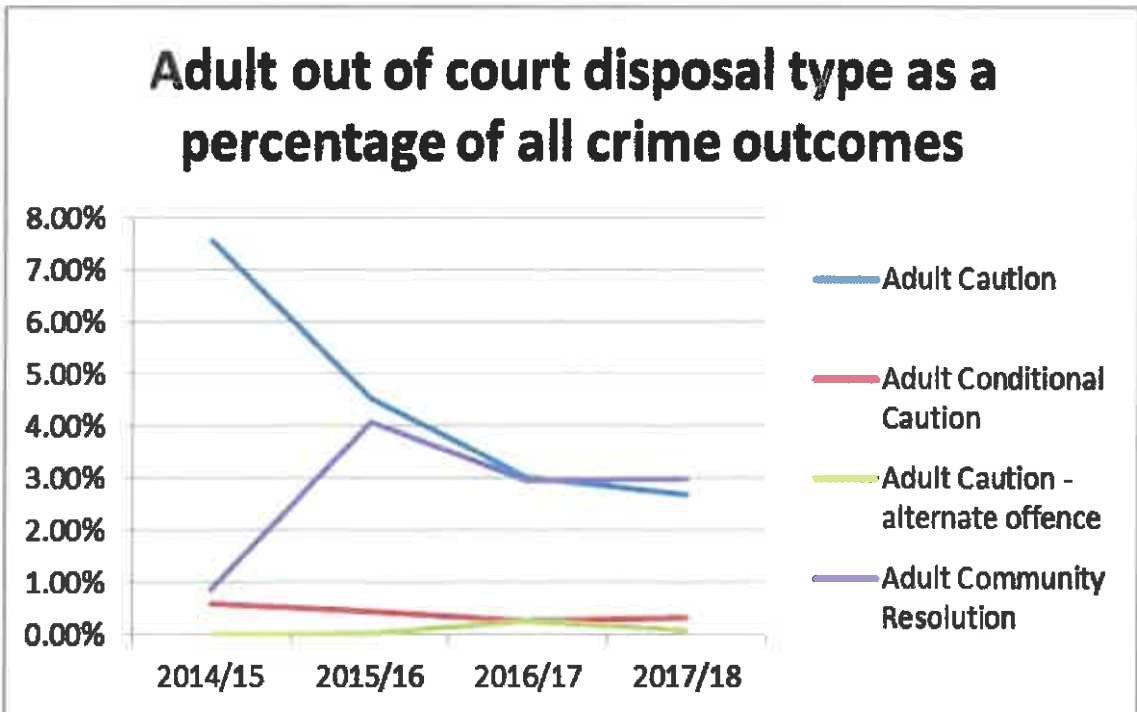
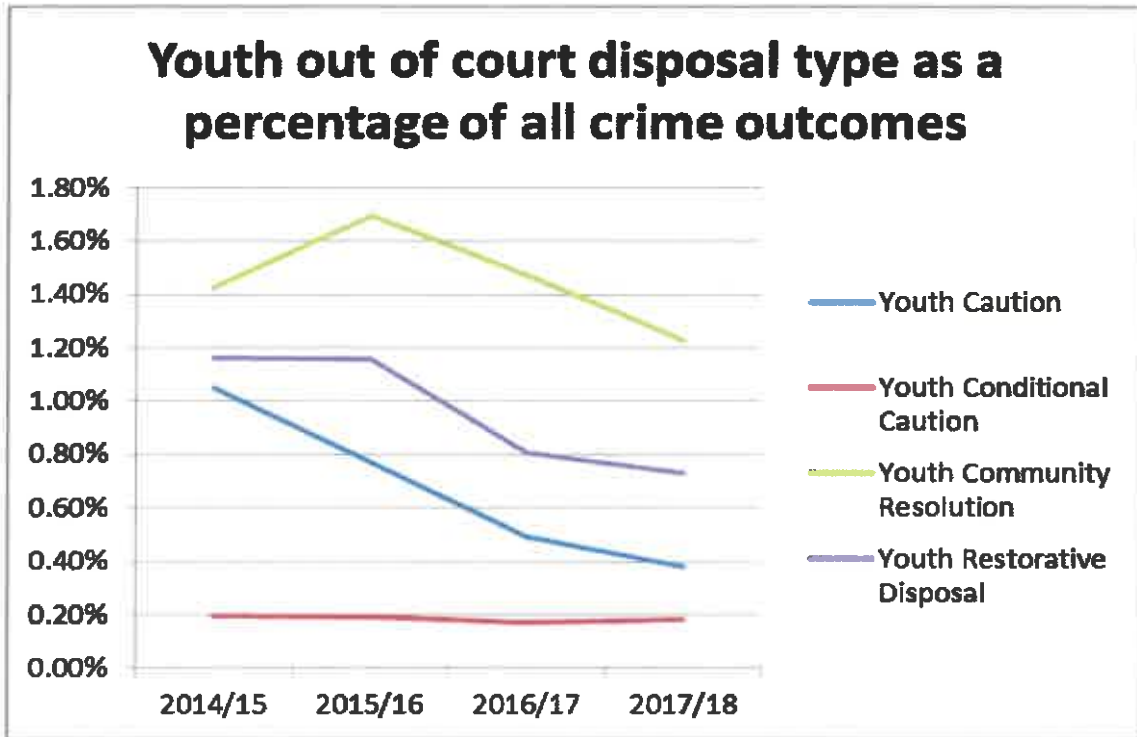
- The views and feedback from the victim and the offender;
- Compliance with force policy;
- Rationale for the decision and outcome;
- Potential community impact;
- Circumstances and seriousness of the offence; and
- Potential alternative options that may have been available.

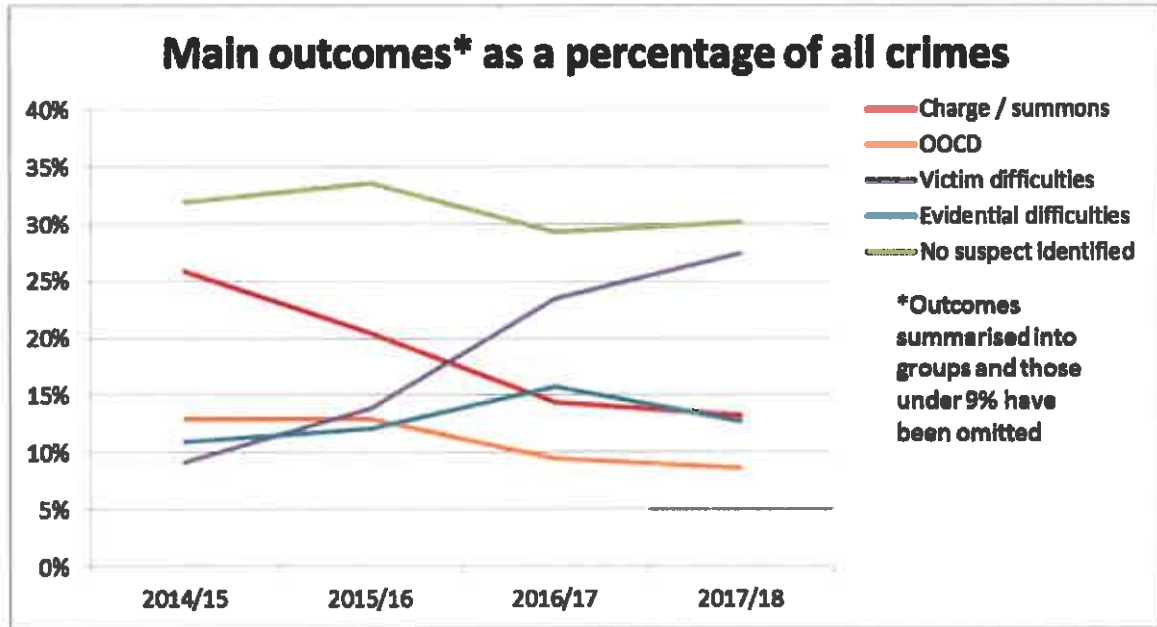
The Panel discuss each case and categorise them as one of the following:

- 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. Picouto. (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 28th January 2019.

Signed: *S. J. Picouto* IP.

Date: 10-4-19.

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:

- The Force reported that the FPN/PND policy was being reviewed. It was discussed within the meeting that a draft had been created and is currently awaiting approval by chief officers. Amendments included the allowance of officers' discretion of within what time frame a second PND may be issued.

5.0 Consideration of Sexual Offence Cases – youth suspects

Four of the youth cases considered had been dealt with by way of Youth Community Resolution, one with Youth Restorative Disposal, two cases a Youth Conditional Caution and seven were finalised with the outcome that formal action was not in the public interest. Whilst the Panel did not routinely review outcomes of this nature, it was considered it would support the Panel's work by being able to compare cases which had not been progressed with those that had received an out of court disposal. Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	10
Appropriate with reservations	4

5.1 Observations

Panel Members' observations on each case are detailed below.

Case 1

Members felt that due to the nature of the offence the disposal was appropriate, however they had some reservations due to the individual having a similar previous offence which had not been addressed.

Panel's Assessment: Appropriate with reservations

Case 2

Members were satisfied with the rationale contained within the case file and the individual fully admitted the offence. The Panel were satisfied that the appropriate support was being provided through the Youth Community Resolution.

Panel's Assessment: Appropriate

Case 3

Members had some reservations with the outcome of Youth restorative Disposal for this case. The Members thought that the outcome was appropriate due to the Individual having previous convictions. However, it was noted that this case had not gone through the Youth Offending Team and therefore the Individual had not received any help or support. Members felt that due to the individual being vulnerable this may have been beneficial.

Panel's Assessment: Appropriate with reservations

Action 1

Case 3 to be reviewed by the Youth Offending Team (YOT) to assess whether the suspect would have benefitted from YOT intervention

Case 4

Members were satisfied with the rationale contained within the case file and felt that the outcome formal action not in public interest was appropriate due to no evidence being present.

Panel's Assessment: Appropriate

Case 5

The Panel felt that this case had been appropriately disposed. The Individual had written a letter of apology and was remorseful.

Panel's Assessment: Appropriate

Case 6

Panel Members came to the decision that this case had been appropriately disposed. The individual had no previous convictions, was remorseful and co-operated well with the Police. All this considered, it was felt that due to the level of the incident and the individual only being fourteen years of age, the outcome Formal action was not in the public interest was appropriate.

Panel's Assessment: Appropriate

Case 7

The Panel felt that the outcome of Community Resolution was appropriate with reservations. It was noted that due to the gravity score of the incident being three, policy stated that the outcome of the case should have been higher. However, the Panel recognised that the victim's family had asked for the case not to be taken further. Members noted positively that support was being given to the suspect as a result of the outcome.

Panel's Assessment: Appropriate with reservations

Case 8

The Panel felt expressed no concern with the given outcome of formal action not in the public interest. The individual had no previous history, had self-confessed and had asked for help and support.

Panel's Assessment: Appropriate

Case 9

Panel Members came to the decision that this case had been appropriately disposed as the victim's family had requested for no further action be taken and that the suspect was receiving support from YOT.

Panel's Assessment: Appropriate

Case 10

The outcome of this case was formal action not in public interest; members felt that this was appropriate and expressed no concern regarding the rationale.

Panel's Assessment: Appropriate

Case 11

Panel Members came to the decision that this case had been appropriately dealt with. They did however note that due to the case having a gravity score of four, the case should have been passed to the CPS first before being dealt with via the YOT. It was noted positively that the individual was working closely with YOT and being provided with support.

Panel's Assessment: Appropriate with reservations

Case 12

The Panel were satisfied with the outcome of this disposal and felt that education and learning and been passed on to the Individual involved.

Panel's Assessment: Appropriate

Case 13

The outcome of this case was formal action not in public interest; Members felt that this was appropriate and expressed no concern regarding the rationale. The individual involved was given support and words of advice.

Panel's Assessment: Appropriate

Case 14

Panel Members came to the decision that this case had been appropriately disposed. The individual had no previous convictions and had written a letter of apology.

Panel's Assessment: Appropriate

6.0 Consideration of Possession of Controlled Drugs (Cannabis) Cases – adult suspects

Panel Members reviewed nine adult cases where individuals were dealt with by way of a Fixed Penalty Notice (FPN) for the possession of controlled drugs (cannabis). Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	5
Appropriate with reservations	2
Inappropriate	2

6.1 Observations

Panel Members' observations on each case are detailed below.

Case 15

Panel Members felt that although the individual had previous convictions, due to the amount of drugs found, this case was appropriately disposed.

Panel's Assessment: Appropriate

Case 16

Panel Members felt that although the Individual had previously received a cannabis warning in the past, due to the amount found and circumstances of the case this disposal was appropriate.

Panel's Assessment: Appropriate

Case 17

Members expressed some reservations with this case. It was noted that this case was recorded as two crimes and should have been recorded as one. It was also noted that although the amount of un-identified powder found alongside the cannabis was small, it was felt that this possibly should have been tested to determine the seriousness of the offence before finalising the outcome.

Panel's Assessment: Appropriate with reservations

Case 18

The Panel felt that although the amount of cannabis found was small, due to the individuals' circumstances of being pregnant and found in possession with young children around, it was felt that further support was needed. No support is given by issuing a PND.

Panel's Assessment: Appropriate with reservations

Case 19

The Panel expressed no concern regarding the outcome of this case as the PND was issued in accordance with policy.

Panel's Assessment: Appropriate

Case 20

Panel Members came to the decision that this case had been appropriately disposed as the suspect had no previous convictions.

Panel's Assessment: Appropriate

Case 21

Members felt that this case was inappropriately disposed. The individual had 70 previous convictions with four of these relating to possession of drugs. The individual fully admitted to the offence and the Panel felt that the individual should have been charged. The Force custody representative present at the meeting confirmed that feedback had been provided to the officer in the case in advance of the meeting.

Panel's Assessment: Inappropriate

Case 22

The Panel concluded that this case had been inappropriately disposed. The individual had previous offences of being in possession of controlled drugs, including Class A. The Panel felt that the case was not appropriately escalated.

Panel's Assessment: Inappropriate

Action 2

PND decision making flow chart to be amended to clarify consideration of previous convictions.

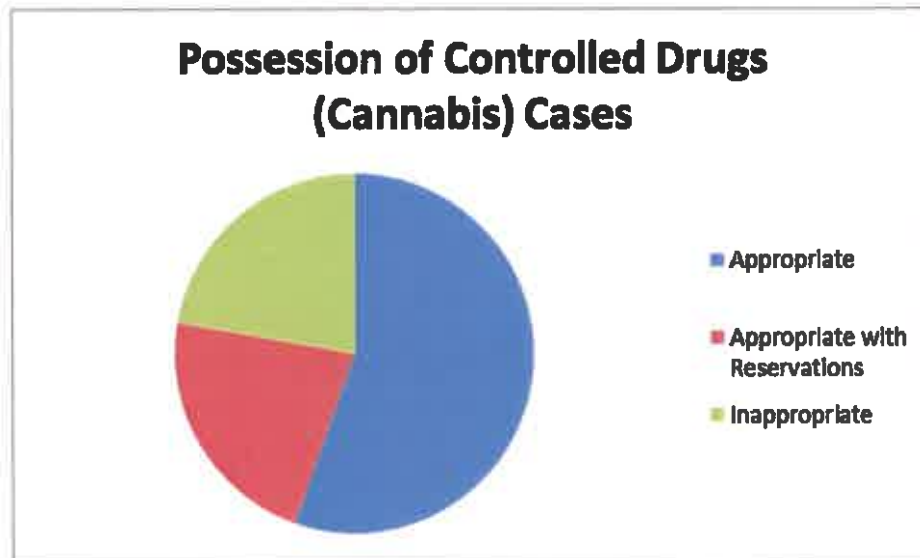
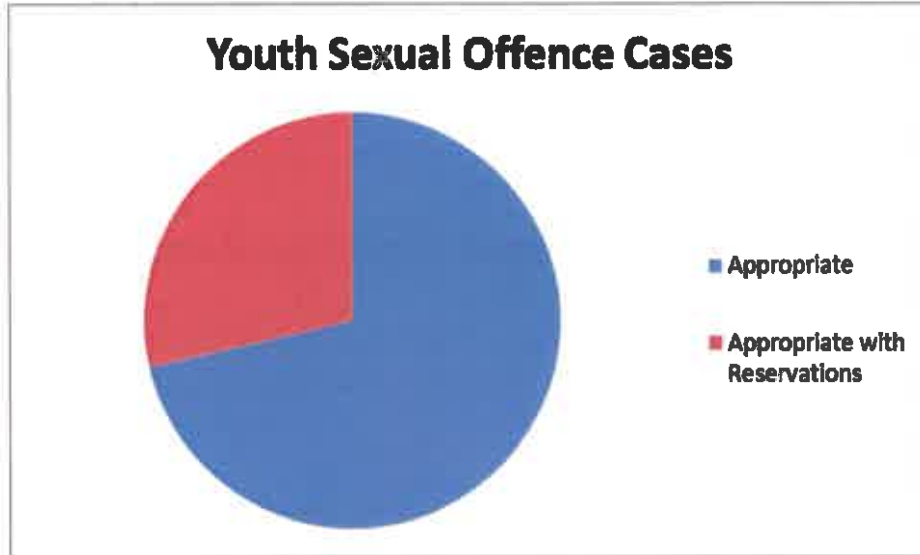
Case 23

The Panel felt that the outcome of this case was appropriate and in accordance with the PND policy.

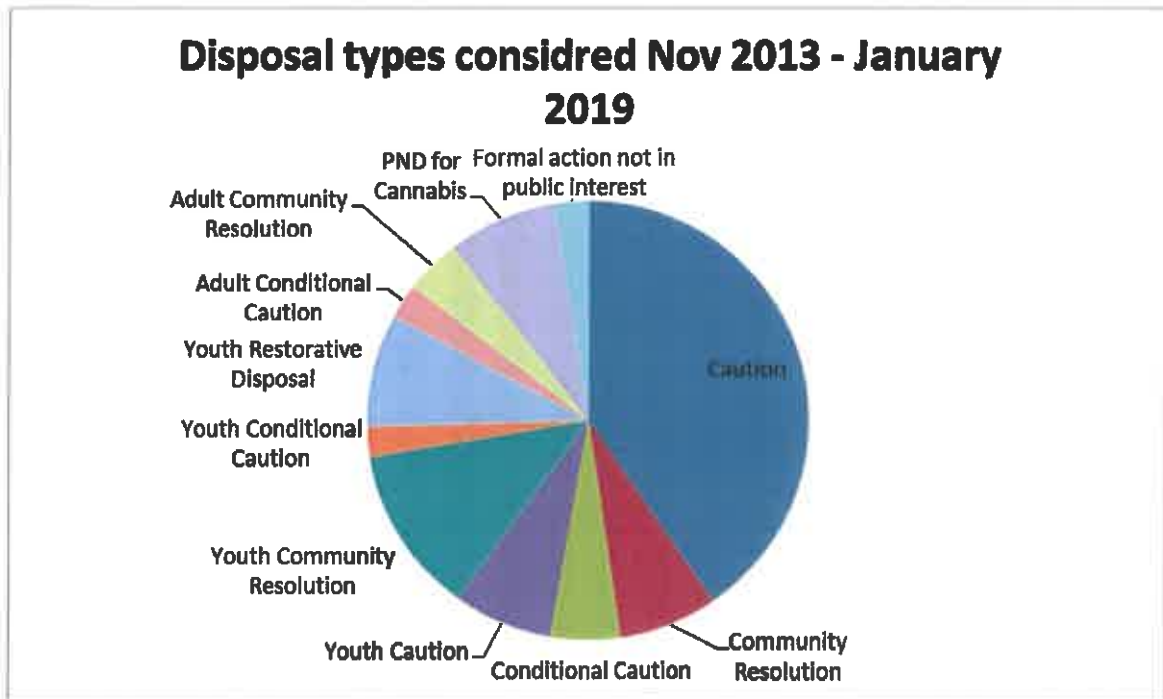
Panel's Assessment: Appropriate

7.0 Panel's assessments to date

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

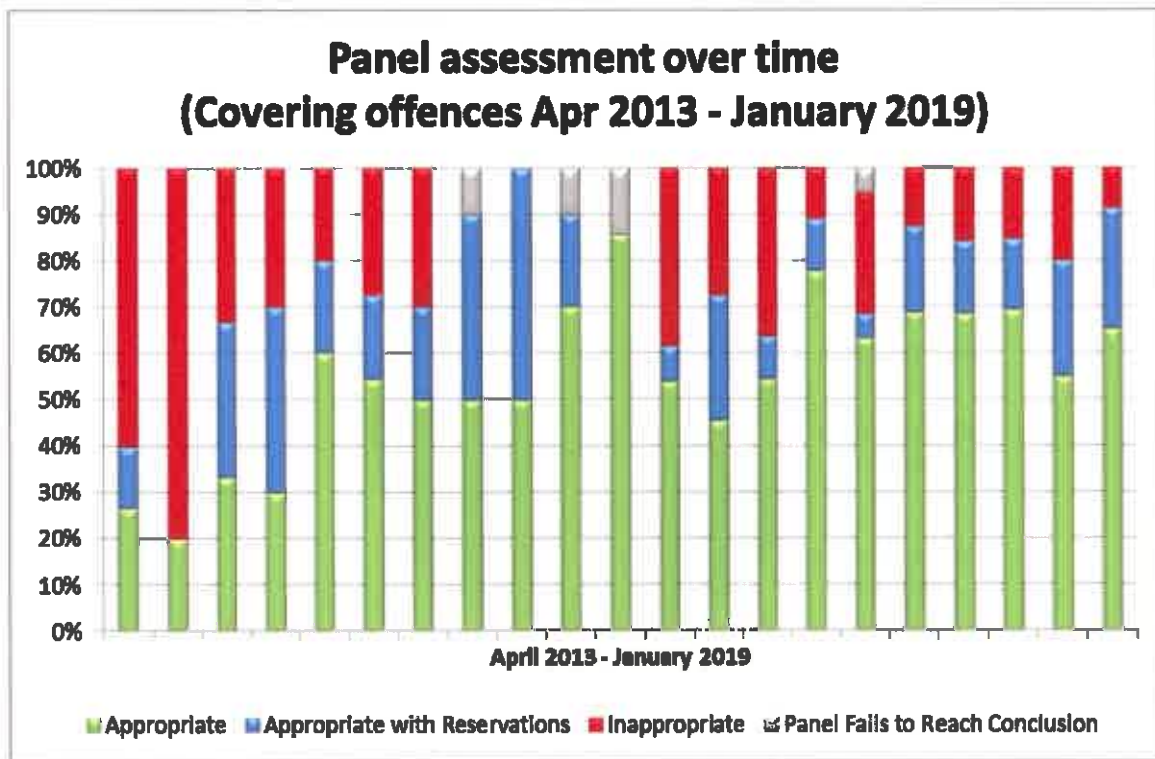


Since April 2013 the Panel has considered a range of disposals, as displayed in the graph below.

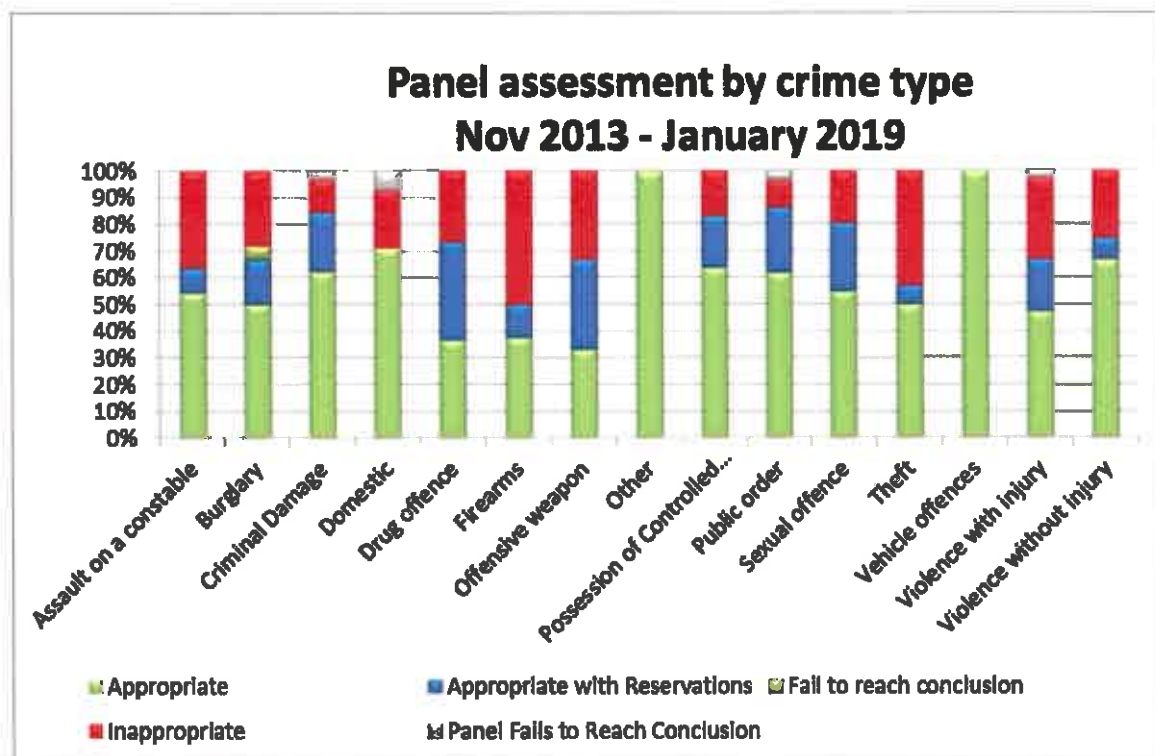


Of the 279 cases examined between April 2013 and January 2019, 56% were assessed as appropriate, 23% as inappropriate, 19% as appropriate with reservations and the panel failed to reach a conclusion in 2% of cases.

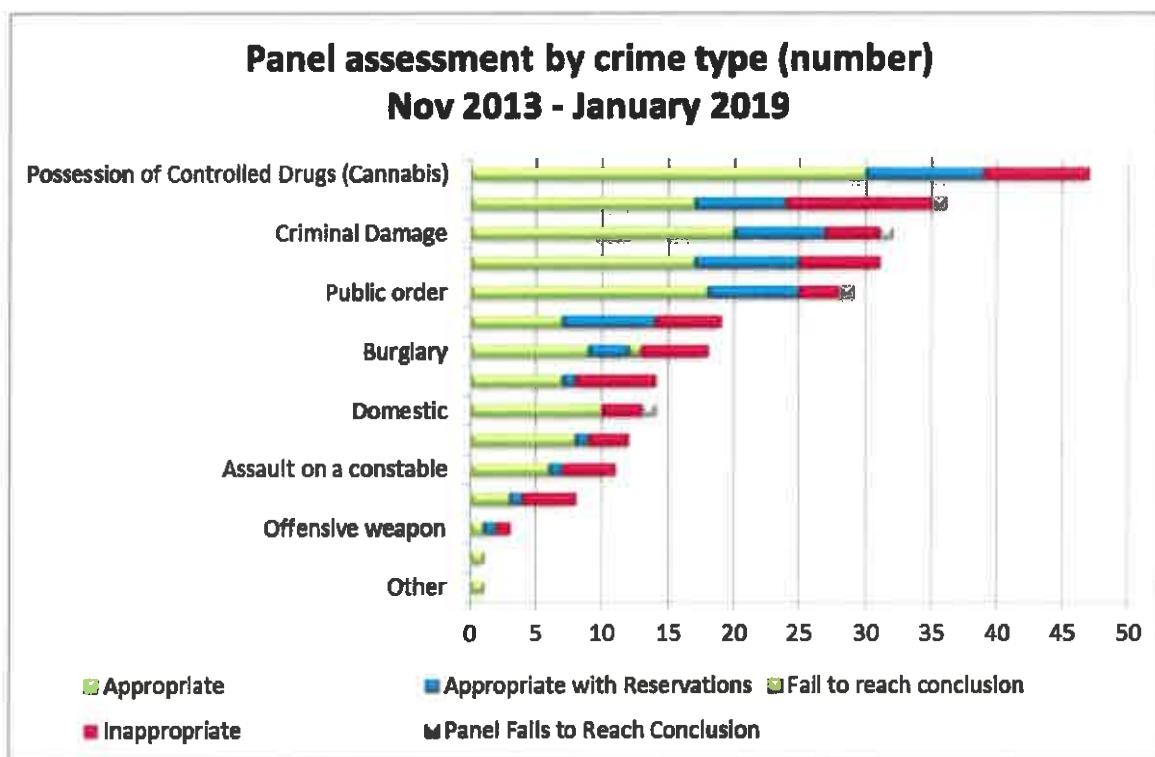
Overall there has been an increase in the number of cases the Panel have deemed as having appropriate disposals. This change over time can be seen in the graph below.



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



7.1 Good practice

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

- The panel noted an improvement in their review of youth sexual offence cases. The panel felt that ten out of the fourteen cases had been disposed of appropriately in comparison to seven out of sixteen when it was reviewed last in January 2017.

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 noted that the PND decision making flow chart is needed to be amended to clarify consideration of previous convictions.

8.0 Future Panel focus

A discussion took place as to what the panel could consider next. As requested in the previous meeting the panel were presented with some knife crime statistics of Dyfed-Powys. As a result of a discussion on the data it was decided that due to the number of cases being low and below the national average, knife crime cases would be reviewed at a later time. The Panel looked at the topics that they had reviewed at past meetings and the percentage of the outcomes that were given, where it was decided that domestic abuse cases will be reviewed at the next meeting.

9.0 Other matters arising

The Panel thanked Nick Powell for his time as Chair and thanked him for his valuable contribution to the work of the Panel. It was decided that Jayne Picouto the elected Carmarthenshire Bench Chair would take over as the new Chair of the Panel.