



Mae'r ddogfen hon ar gael yn Gymraeg yn ogystal â Saesneg.

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**COMISIYNYDD  
HEDDLU A THROSEDDU  
DYFED-POWYS  
POLICE AND CRIME  
COMMISSIONER**

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

**Scrutiny Panel**

**Dip Sampling Exercise**

**Review of vehicle offence, drug supply and possession of a weapon Out of Court  
Disposals**

**(February 2020 - March 2021)**

**Panel Members' Findings & Feedback**

**April 2021**

## Contents

## **1. Overview**

**At a meeting of the Dyfed-Powys Out of Court Disposal Scrutiny Panel held on the 26th April 2021, Members reviewed a selection of vehicle offence cases, drug supply cases and possession of a weapon cases which had been dealt with by way of an Out of Court Disposal. The Panel considered a total of 23 cases, 10 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.**

### **1. 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.**

## 1. Approval by Panel Chair

I Jayne 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 26th April 2021.

Signed: Jayne Picouto

Date: 26/07/2021

## **1. 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:**

- **An action was taken from the last meeting for the OPCC to check with the Force to understand how the figures on Covid-19 Fixed Penalty Notice's noted within the NPCC letter relate to Dyfed-Powys. The Force has assured the OPCC that there are no issues for the Force and enforcement activity has been in relation to the Regulations and not the Act, where primary offences only proceeded to Court. In terms of the accuracy, the Force has a dedicated team undertaking quality assurance and there has not been any feedback to the contrary.**

### **1. Good practice**

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

- **The Panel found that all possession of a weapon cases for youth suspects were disposed of appropriately.**

## **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 found that within two of the adult cases (14 and 21) there were additional drink and drug driving offences that were dealt with as separate incidents. The Panel felt that these offences should have been dealt with together along with the possession of a weapon and vehicle offence.**
- **The Panel found three of the adult vehicle offence cases were dealt with inappropriately. This was mainly due to the individuals having previous convictions and the view that the outcomes should have been escalated.**

## **7.0 Consideration of vehicle offence cases - youth suspects**

**One of the cases had been dealt with by way of a Youth Caution and the other via a Youth Conditional Caution.**

**The Members' assessments were as follows:**

Members' assessment	Number of cases
Appropriate	1
Appropriate with reservations	1

Panel Members' observations on each case are detailed below.

#### Case 1

The Panel had reservations regarding this Youth Conditional Caution disposal due to the individuals' previous history, the offence being planned and the individual showing no remorse. This case was in relation to a 14 year old breaking in to the victim's vehicle. It was positive to note that as part of the Conditions the individual was required to receive some intervention with the Youth Offending Team, however, it was noted that the individual was reluctant to engage with support.

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

#### Case 2

This Panel felt that this case had been disposed of appropriately with a Youth Caution. The suspect had taken the keys of a vehicle and driven down the road driving into another parked car. It was noted that although this was a very serious offence the suspect was only 12 years old, had no previous convictions and had written letters of apology. The Panel felt that this individual would benefit from further emotional support to prevent future offending.

**Panel's Assessment: Appropriate**

### 7.1 Consideration of drug supply cases - youth suspects

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

The Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	3
Appropriate with reservations	2

Panel Members' observations on each case are detailed below.

### Case 3

This individual was given a Youth Community Resolution for an incident where a parcel containing drugs was found at Heathrow Customs addressed to the suspect. The Panel felt that this was appropriately disposed as this was the individuals' first offence; the individual was remorseful and engaging well with support.

**Panel's Assessment: Appropriate**

### Case 4

This individual was given a Youth Community Resolution for an incident where Border Force had seized class A drugs addressed to the suspect's address. The Panel felt that this outcome was appropriate, as the individual had no previous convictions.

**Panel's Assessment: Appropriate**

### Case 5

The Panel had reservations with this case of an individual receiving a Youth Community Resolution for an incident where Border Force have seized drugs addressed to the suspect's address. The Panel had reservations due to the individual having previous convictions for being in possession of a bladed article on school premises. The Panel therefore felt that this disposal should have been escalated.

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

### Case 6



This case involved a 16 year old admitting to dealing drugs after being found in possession of a large amount of cannabis. The Panel felt that a Conditional Caution was appropriate due to the individual receiving intervention and support as part of his conditions.

**Panel's Assessment: Appropriate**

#### Case 7

This case involved a 17 year old being found in possession of six wraps of cannabis. Members had reservations regarding the outcome of a Youth Conditional Caution due to the seriousness of the offence and the individual's history of offending. It was however noted that although the individual had previously received a Youth Conditional Caution, this had now expired as the offence was over two years ago. It was also noted that the individual had previously received a caution for a theft offence.

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

### 7.2 Consideration of possession of a weapon cases - youth suspects

One of the cases had been dealt with by way of a Youth Community Resolution, one via a Caution and another via a Youth Conditional Caution.

The Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	3

Panel Members' observations on each case are detailed below.

#### Case 8

The offender in this case had threatened to stab the victim whilst holding a knife. The Panel acknowledged that although this was the individual's first offence and that the new Dyfed-Powys guidance in relation to knife crime states that not all offenders are required to receive a Conditional Caution, due to the seriousness of this offence and the fact that it took place on a school premises, a Conditional Caution was deemed appropriate.

**Panel's Assessment: Appropriate**

## Case 9

This suspect was found to be in possession of a kitchen knife whilst on school premises. The Panel felt that a Youth Community Resolution was appropriate due to no threats being made.

**Panel's Assessment: Appropriate**

## Case 10

This suspect was given a Caution for taking a kitchen knife to school in their bag. The Panel felt that this disposal was appropriate. The individual had received a Youth Conditional Caution for a similar offence prior to the Knife Crime guidance being changed. The Panel acknowledged that a Community Resolution would have been more appropriate for the individual's past offence and therefore a Conditional Caution on this occasion was appropriate. It was positively noted that the individual was receiving support from agencies for their mental health.

**Panel's Assessment: Appropriate**

## 8.0 Consideration of vehicle offence cases - adult suspects

Panel Members reviewed nine adult vehicle offence cases; two of the cases had been dealt with by way of a Conditional Caution, two by way of a Caution and five by Community Resolution.

Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	5
Inappropriate	3
Panel Fails to Reach Conclusion	1

Panel Members' observations on each case are detailed below:

## Case 11

The suspect in this case has smashed a car window and got into the car. The Panel Members were happy with the disposal of a Conditional Caution for this offence; the

individual had paid £102 compensation, had written a letter of apology and was engaging with the diversionary scheme.

**Panel's Assessment: Appropriate**

#### Case 12

The Panel felt that this case had been appropriately disposed via a Conditional Caution. The offender had taken the victim's phone and caused damaged to their vehicle. The individual had no previous convictions and had agreed to pay for the damage.

**Panel's Assessment: Appropriate**

#### Case 13

This case was in relation to the suspect taking the victim's bank card and withdrawing £380 without consent. The Panel felt that a Community Resolution was appropriate. The suspect had agreed to pay all money back and the victim did not want to take the complaint further.

**Panel's Assessment: Appropriate**

#### Case 14

The suspect in this case had taken the victim's car without consent. The Panel felt that a Caution was an inappropriate outcome for this case as the suspect was also found to be under the influence of drugs at the time. The drug driving offence was dealt with separately. The Panel concurred that both the vehicle theft and driving under the influence should have been prosecuted together.

**Panel's Assessment: Inappropriate**

#### Case 15

The offender in this case was given a Community Resolution for stealing items from a vehicle whilst it was parked and unattended. The Panel felt they were unable to reach a conclusion on this case due to a lack of information linked to the case and the absence of a rationale on the outcome decision being recorded by Officers.

**Panel's Assessment: Panel fails to reach conclusion**

#### Action 1:

For the rationale for the outcome of a Community Resolution to be recorded within the documentation for case 15 and for the case to be brought to the next Panel meeting.

### **Case 16**

The offender in this case had been seen trying the door handles on a number of vehicles that did not belong to them. The Panel felt that a Community Resolution for this offence was appropriate. The offender had no previous convictions and fully admitted to the offence.

**Panel's Assessment: Appropriate**

### **Case 17**

This case was in relation to a car theft, the offender had stolen the victim's car whilst they had popped into a property. The Panel felt that this case had been inappropriately disposed via a Community Resolution due to the seriousness of offence and the offender having a number of past vehicle related convictions. It was felt that this case should have been escalated.

**Panel's Assessment: Inappropriate**

### **Case 18**

The offender in this case had taken the victim's vehicle without consent and was given a Caution. The Panel felt that this was inappropriate and should have been escalated due to the individual showing no remorse, having no insurance and having many previous convictions of a similar nature.

**Panel's Assessment: Inappropriate**

### **Case 19**

The offender in this case was given a Community Resolution for moving the victim's vehicle using a crane. The Panel felt that this was an appropriate outcome as the offender paid all money owed and the victim was happy with this outcome.

**Panel's Assessment: Appropriate**

## **8.1 Consideration of possession of a weapon cases - adult suspects**

Panel Members reviewed four adult possession of a weapon cases; three of the cases had been dealt with by way of a Community Resolution and one via a Conditional Caution.

Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	2
Inappropriate	1
Appropriate with reservations	1

#### Case 20

This case was in relation to Border Force seizing a flick knife addressed to the alleged offender. The offender was given a Community Resolution. The Panel felt that this outcome was appropriate and in line with Policy.

**Panel's Assessment: Appropriate**

#### Case 21

The offender in this case was found in possession of a lock knife following an arrest for drink driving. The outcome given was a Conditional Caution. The Panel had reservations regarding this disposal as the suspect had many previous convictions. It was also noted that the drink driving offence was dealt with separately, it was felt that both offences should have been dealt with together.

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

#### Case 22

The offender in this case was given a Community Resolution for being found in possession of a small amount of cannabis and a knuckleduster. The Panel felt that this outcome was appropriate to the seriousness of the offence. It was also noted positively that the suspect was engaging well with the Diversionary Scheme.

**Panel's Assessment: Appropriate**

#### Case 23

The offender in this case was found in possession of a baton following a stop and search check. The Panel found that there was some inconsistency within the paperwork in relation to this case with the documents at the beginning of the file stating a Community Resolution and the final documents stating a Caution. The Panel felt that this case had been inappropriately disposed, as giving a Caution for a weapon offence is against Policy.

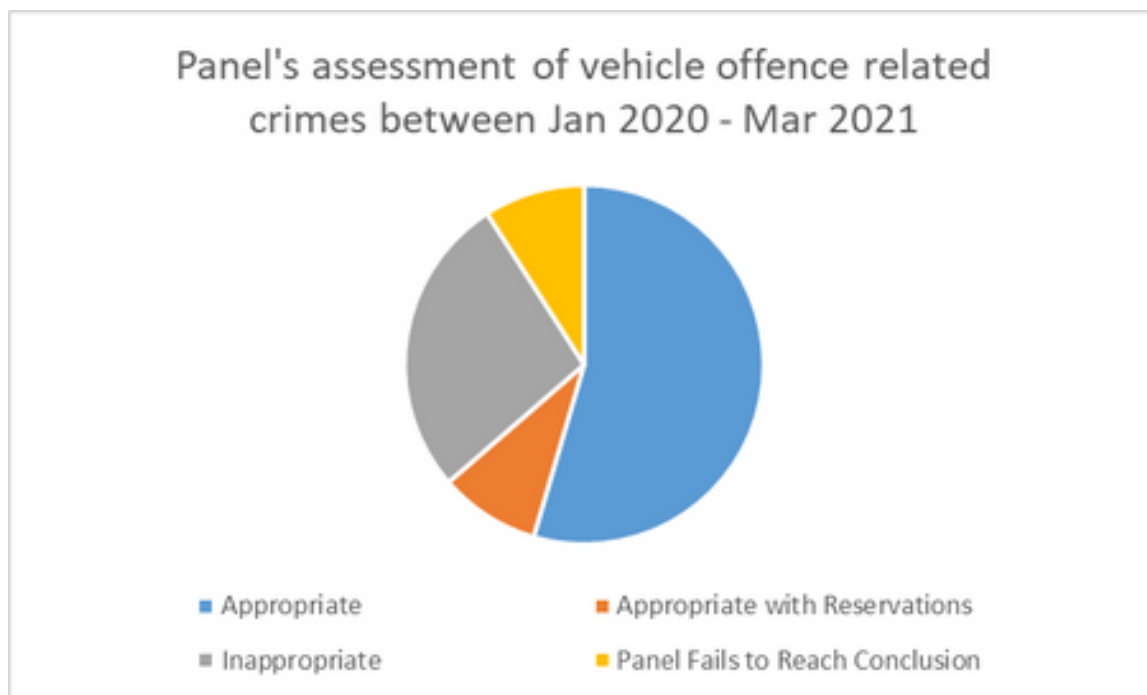
**Panel's Assessment: Inappropriate**

**Action 2:**

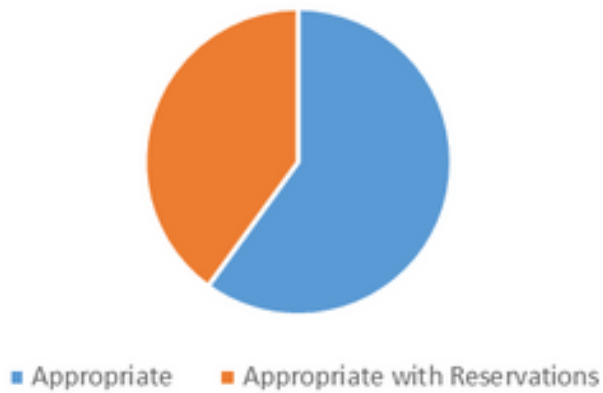
For the outcome of Case 23 to be checked to ensure that the correct disposal outcome was recorded.

**9.0 Panel's assessments to date**

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



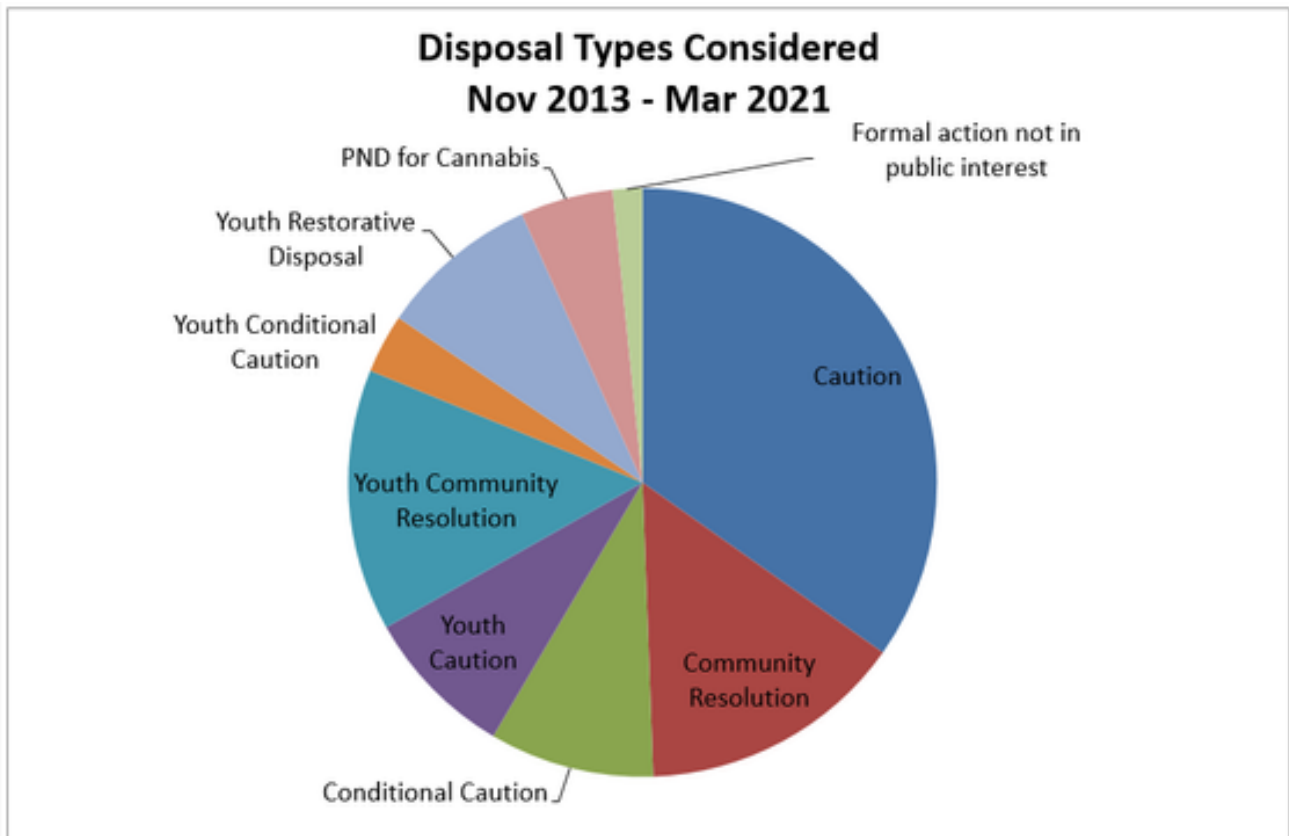
## Panel's assessment of youth drug related crimes between Feb 2020 - Jan 2021



## Panel's assessment of offensive weapon crimes between Nov 2020 - Jan 2021



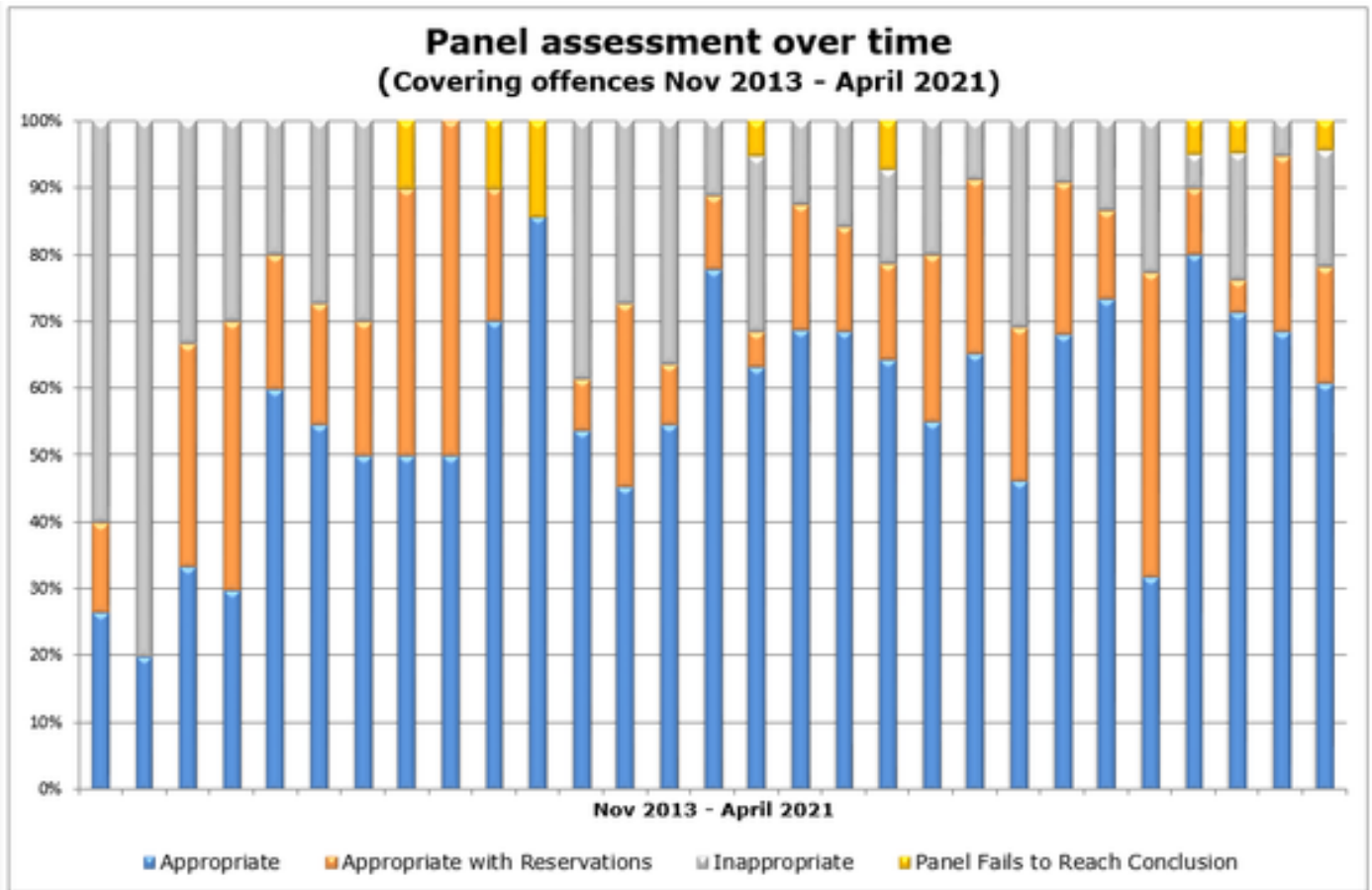
Since November 2013 the Panel has considered a range of disposals, as displayed in the graph below.



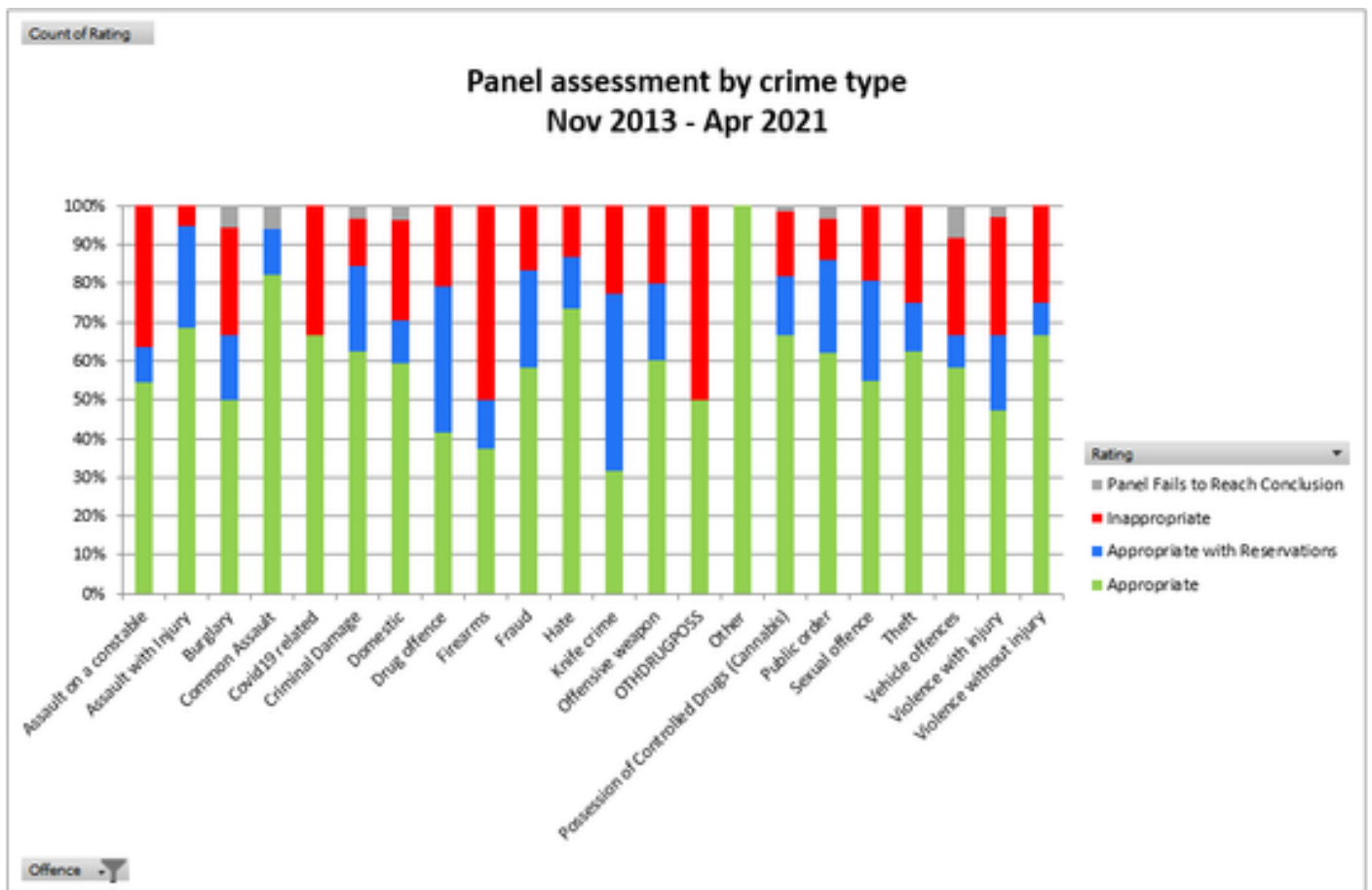
Of the 431 cases examined between April 2013 and April 2021, 58% were assessed as appropriate, 20% as inappropriate, 20% as appropriate with reservations and the panel failed to reach a conclusion in 2% of cases.

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



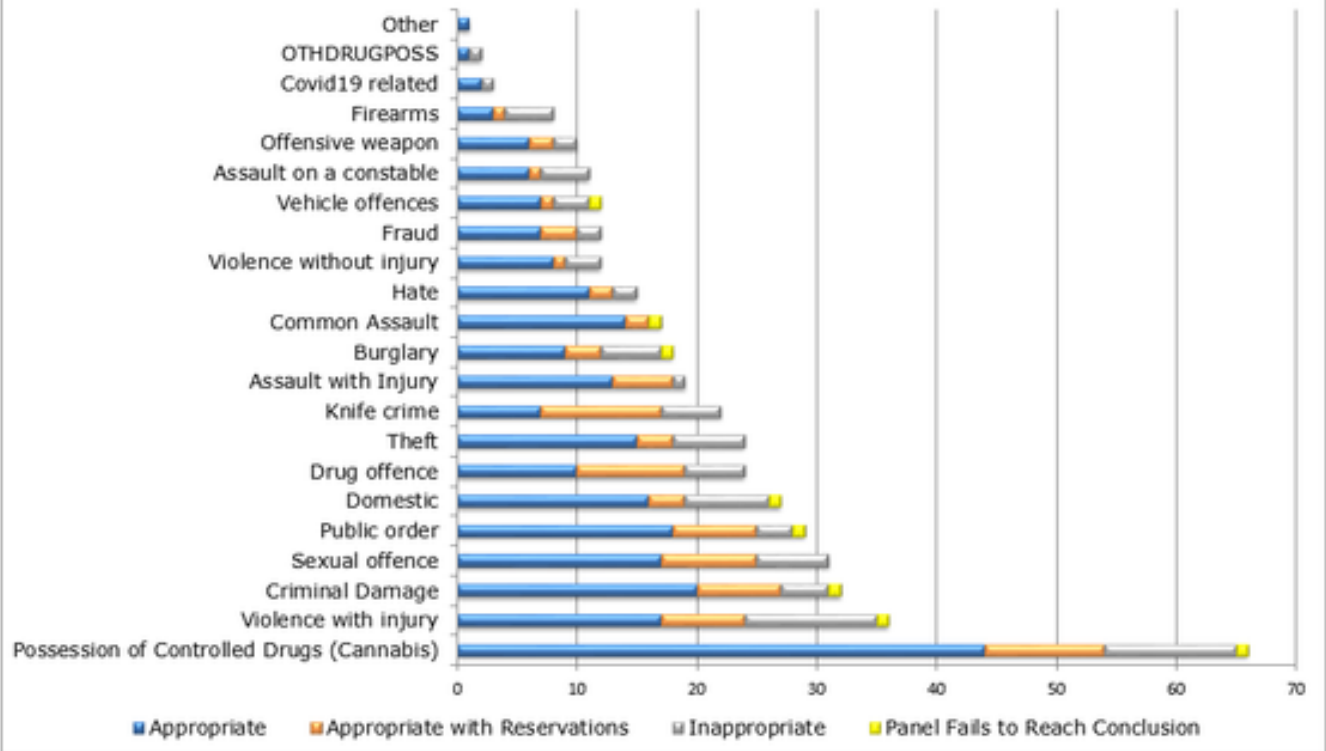


The graph below shows the breakdown by crime type as a percentage of cases considered between November 2013 and April 2021.



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 2021.

## Panel assessment by crime type (number) Nov 2013 - April 2021



### 10.0 Future Panel focus

**Following a discussion, the Panel wished to consider sexual offences and knife crimes at the next meeting.**