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 Hate Crime Cases

(July 2018 - June 2019)

Out of Court Disposals

Panel Members' Findings & Feedback

October 2019

Contents

1.0 Overview

At a meeting of the Dyfed-Powys Out of Court Disposal Scrutiny Panel held on 14th October 2019, Members reviewed a selection of hate crime cases which had been dealt with by way of an Out of Court Disposal.

The Panel considered a total of 15 cases, 8 involving youth suspects and 7 involving adults.

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:**

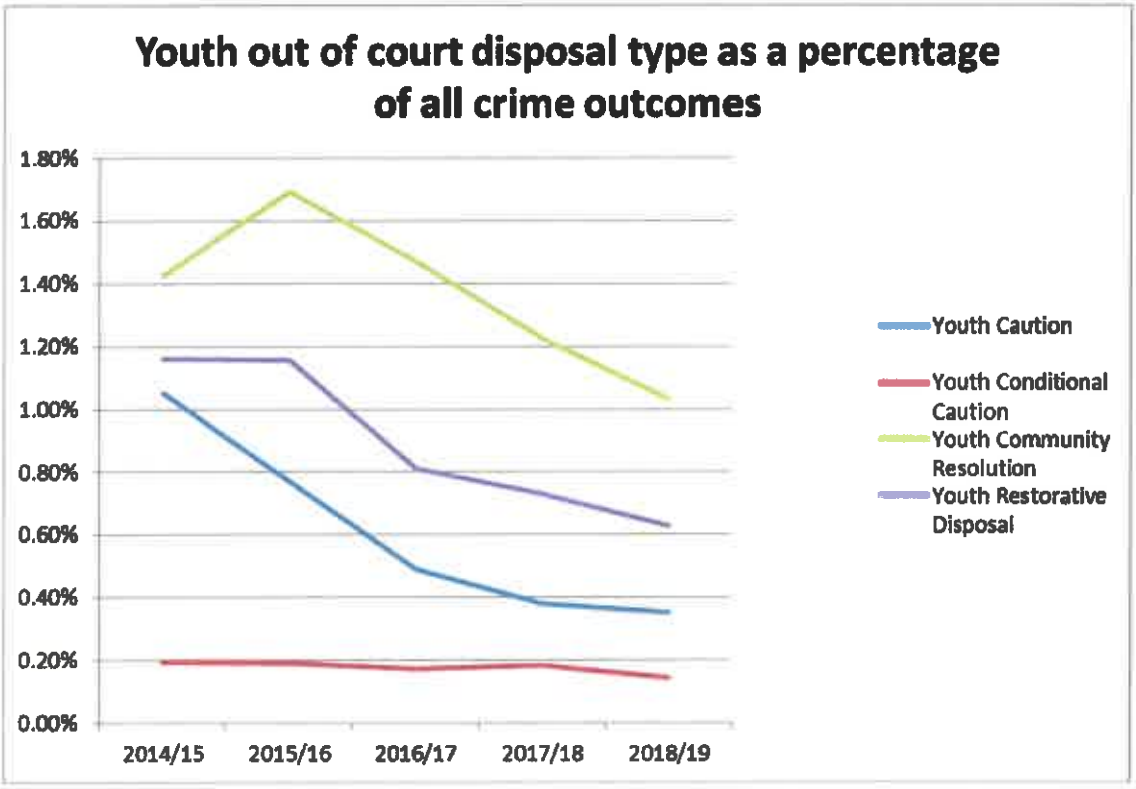
- The views and feedback from the victim and the offender;
- Compliance with force policy;
- Rationale for the decision and outcome;
- Potential community impact;
- Circumstances and seriousness of the offence; and
- Potential alternative options that may have been available.

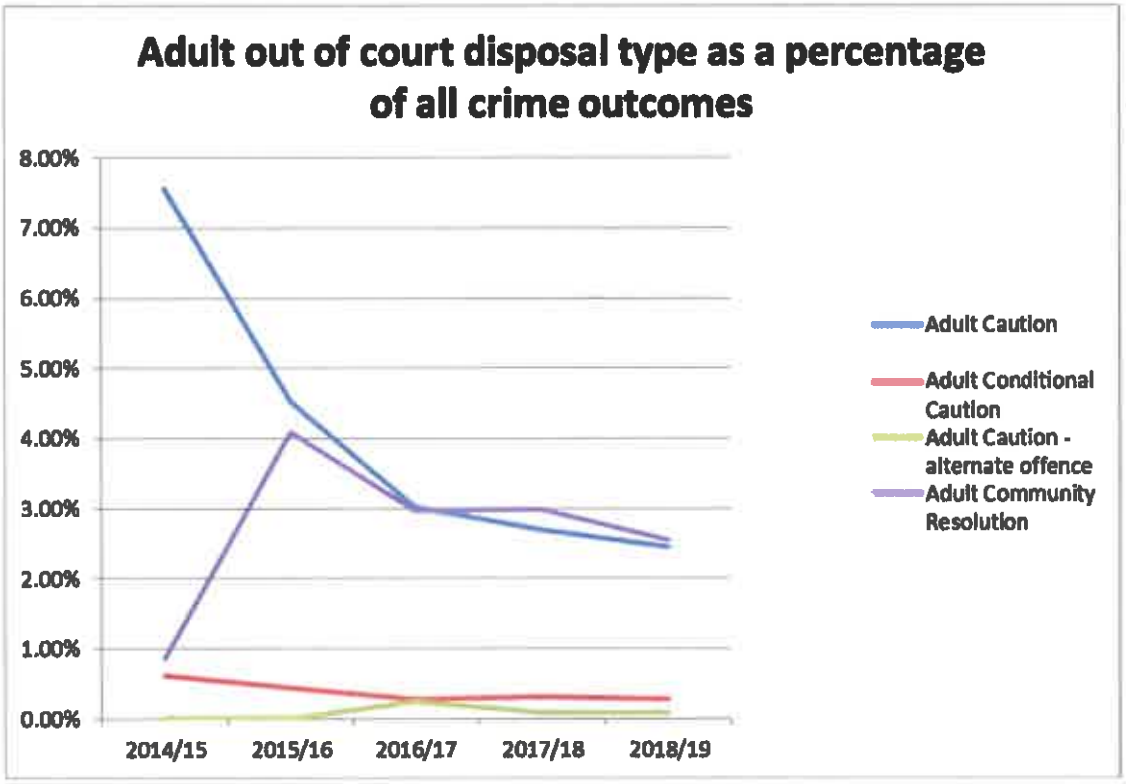
The Panel discuss each case and categorise them as one of the following:

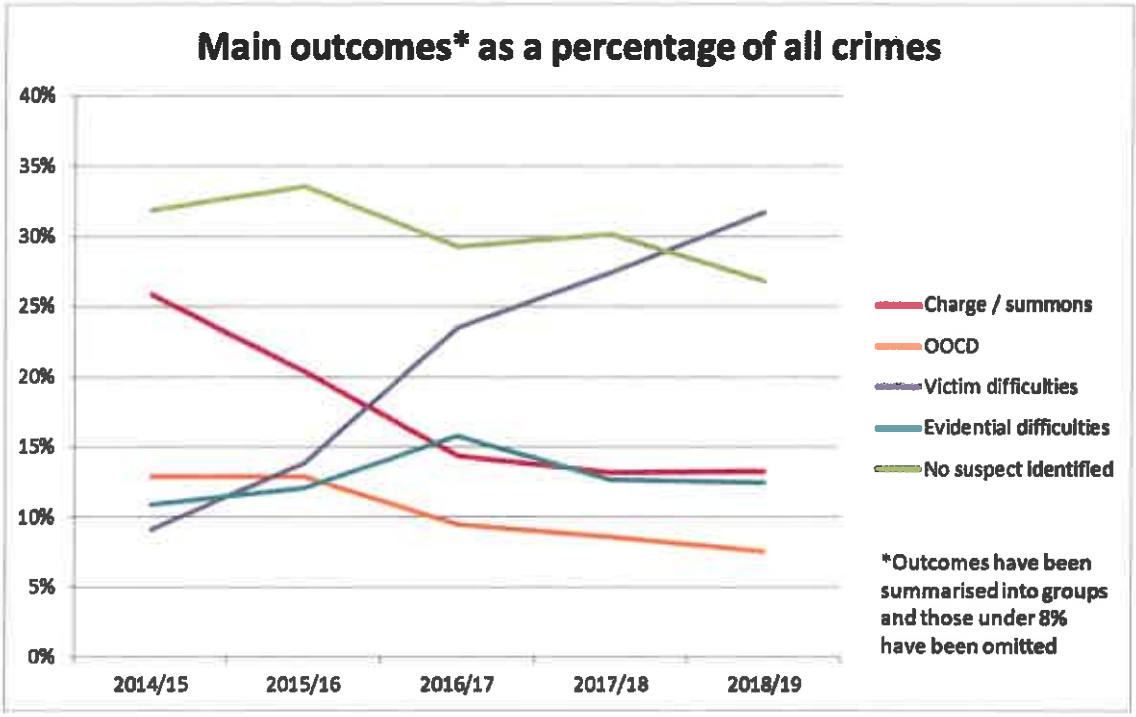
- Appropriate use and consistent with policy;
- Appropriate use with Panel Members' reservations;
- Inappropriate use or inconsistent with policy; and
- Panel fails to reach a conclusion.

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.




Adult out of court disposal type as a percentage of all crime outcomes
8.00%
7.00%
6.00%
5.00%
4.00%
3.00%
2.00%
1.00%
0.00%
2014/15
2015/16
2016/17
2017/18
2018/19
Adult Caution
Adult Conditional Caution
Adult Caution - alternate offence
Adult Community Resolution



3.0 Approval by Panel Chair

I Susan Jayne Ricardo. (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 14th October 2019.

Signed: S Ricardo

Date: 27-1-20

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:

- Discussions between Dyfed-Powys Police Criminal Justice Department and Youth Offending Teams were ongoing with regards to reviewing the current policy on Youth Restorative Disposals and the potential offer of support for recipients.
- The Panel received an input from the Youth Offending Teams via their online video about Youth Bureaus.
- An invitation had been extended for the Chair of Mid Wales Local Justice Area to join the Panel in light of their area of jurisdiction covering parts of the Dyfed-Powys Police area.

5.0 Consideration of hate crime cases – youth suspects

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

The Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	5
Appropriate with reservations	2
Inappropriate	1

5.1 Observations

Panel Members' observations on each case are detailed below.

Case 1

The Panel identified through a well-documented case, evidence of good partnership working resulting in appropriate child protection enquiries being conducted regarding the youth suspect. However, Members felt that due to the suspect's previous alleged threat to shoot fellow pupils, the disposal of Youth Community Resolution was inappropriate for this case of racist comments and assault against another young person. Members considered there was a need to consider preventative work with the individual, which did not appear to occur as a result of the referral to the Youth Bureau.

Members expressed concern over the timeliness of the case's resolution, noting that three months had passed between the offence and the suspect's appearance at Youth Bureau. It was also identified that the previous threat to shoot pupils had not been recorded or investigated. A representative of the Force agreed that this would be looked into as a matter of urgency.

Panel's Assessment: Inappropriate

Actions:

1. **Dyfed-Powys Police crime audit team to review the alleged threat to kill within case 1 to ensure it is appropriately recorded and investigated.**
2. **Feedback to be provided to the Youth Offending Team that the suspect in case 1 may benefit from preventative work.**

Case 2

This case related to criminal damage to a religious building. Members identified that the suspect had positively agreed to work with drug and alcohol misuse services, however expressed concern that the issue of apparent racism was not being addressed. Members were concerned by the suspect's previous offending history and whilst they were satisfied that a Caution was appropriate for the current offence, they discussed that another linked offence of burglary should have also been considered alongside the criminal damage. A delay in achieving the outcome was also identified in this case. It was also discussed that due to the number of incidents linked to this building, there may have been an opportunity for a deterrent sentence.

Panel's Assessment: Appropriate with reservations

Case 3

The Panel remarked that officers has positively identified the victim's vulnerability and provided useful background information on them. The offender in this case received a Caution for racist comments and assault. Members expressed some reservations due to the suspect's previous offences, targeting of the same group of friends and history of not attending Youth Bureau meetings. It was also discussed that the racist element of the crime may have been overlooked and that a victim statement would have been beneficial. The timeliness of resolution was identified as a concern in this case also.

Panel's Assessment: Appropriate with reservations

Case 4

Members identified a number of positive aspects to this case where a young person had made online threats to commit school shootings. There had been good communications between the Youth Bureau and officer to ensure the case was appropriate to be dealt with at Bureau. It was an isolated incident involving a vulnerable young person with no evidence of intention to carry out the threat. A detailed Bureau report had identified relevant issues and the young person had agreed to engage in support programmes. As such, the Panel deemed the resolution of a Youth Community Resolution to be appropriate.

Panel's Assessment: Appropriate

Case 5

Members raised no concerns with this Youth Restorative Disposal in response to a pupil making a homophobic comment and spitting towards another pupil. The Panel acknowledged a history of provocation. The suspect agreed to write a letter of apology, which the victim was in agreement with.

Panel's Assessment: Appropriate

Case 6

This case involved damage and offensive graffiti being caused at a primary school. The head teacher was satisfied with a Youth Restorative Disposal, which the Panel were in agreement with. The Panel noted that there had been a suggestion of the suspects completing restorative work with the school, however there was no evidence of this being completed.

Panel's Assessment: Appropriate

Case 7

Members were satisfied with the outcome of a Youth Caution for this case of homophobic harassment. They did however note an additional crime which had occurred within 6 days of the first crime which could have been dealt with at the same Youth Bureau meeting.

Panel's Assessment: Appropriate

Action:

3. **Dyfed-Powys Police crime audit team to review the additional crime identified within case 7 to ensure it was appropriately recorded.**

Case 8

Panel Members expressed no concerns with the outcome of a Youth Community Resolution for this case of racist comments made during an online gaming conversation between 11 and 12 year olds.

Panel's Assessment: Appropriate

6.0 Consideration of hate crime cases – adult suspects

Panel Members reviewed seven adult cases; three of the cases had been dealt with by way of a Caution, and four by Community Resolution.

Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	6
Inappropriate	1

6.1 Observations

Panel Members' observations on each case are detailed below:

Case 9

The Panel concurred that a Community Resolution was appropriate for a neighbour dispute involving racist comments.

Panel's Assessment: Appropriate

Case 10

It was considered that a number of aggravating factors including the physical nature of the incident and that the victim is persistently targeted through their employment as a taxi driver would have supported a charge to court. However, as the victim was not supportive of further action, the Panel deemed a Caution appropriate. They did note that the victim's lack of support should have been recorded within the witness statement to support the rationale.

Panel's Assessment: Appropriate

Case 11

This crime occurred when a previous carer sent offensive communications to a vulnerable individual who they had previously cared for but was now a friend. Members expressed concern that they had previously been in a position of trust, however acknowledged that the offence occurred within the friendship and not during the course of their employment. It was also noted that the offender was recorded as acting inappropriately when under the influence of alcohol. As such,

the Panel, and victim, were pleased that the suspect had been offered support through the diversionary scheme as part of a Community Resolution.

Panel's Assessment: Appropriate

Case 12

Panel Members concluded that it was appropriate for the offender to receive a Caution for directing racially aggravated abusive language at a restaurant worker.

Panel's Assessment: Appropriate

Case 13

The Panel concurred that a Community Resolution was an appropriate for this case of a neighbour's offensive comments towards the victim. The victim was satisfied with this course of action.

Panel's Assessment: Appropriate

Case 14

Panel Members expressed concern that this domestic-related case of racially aggravated assault without injury had been disposed by way of a Caution. The offender fully admitted to a "low level" assault and the victim was not supportive of police action, however the Panel was concerned that this was a domestic situation with three children present, the offender had a distant history of violence and the case fill suggested there were "no issues raised". The Panel considered this case demonstrated a missed opportunity to intervene and should have resulted in the suspect being charged.

Panel's Assessment: Inappropriate

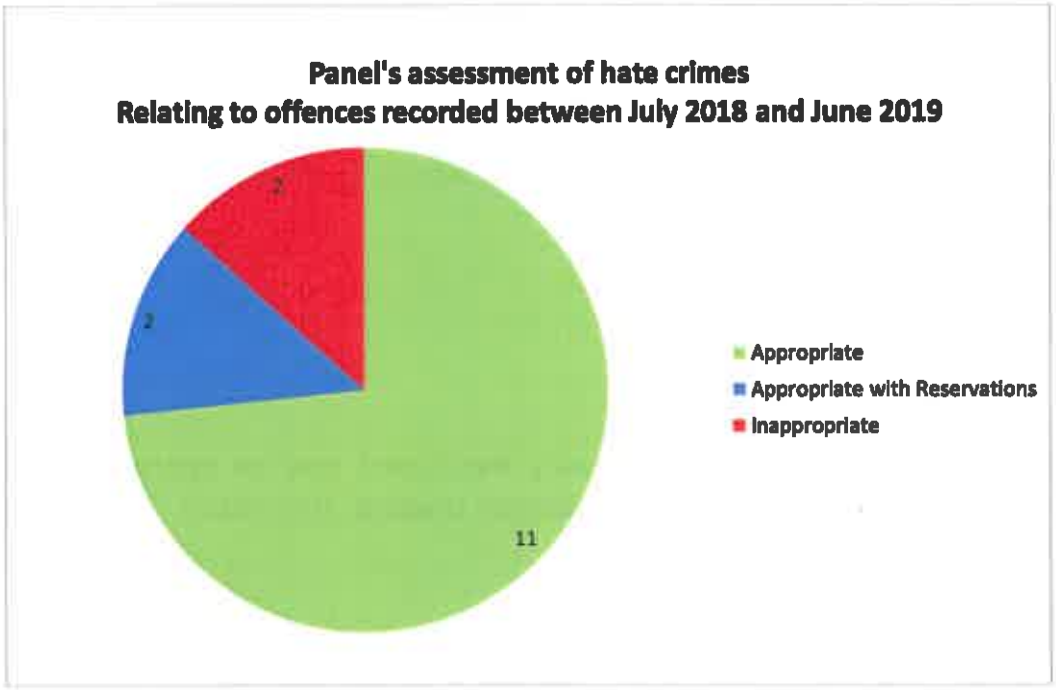
Case 15

This case related to direct social media messages being sent to the victim which were transphobic in nature. Members noted good partnership working had resulted in support for both the victim and offender and commended the well written diversionary scheme's report.

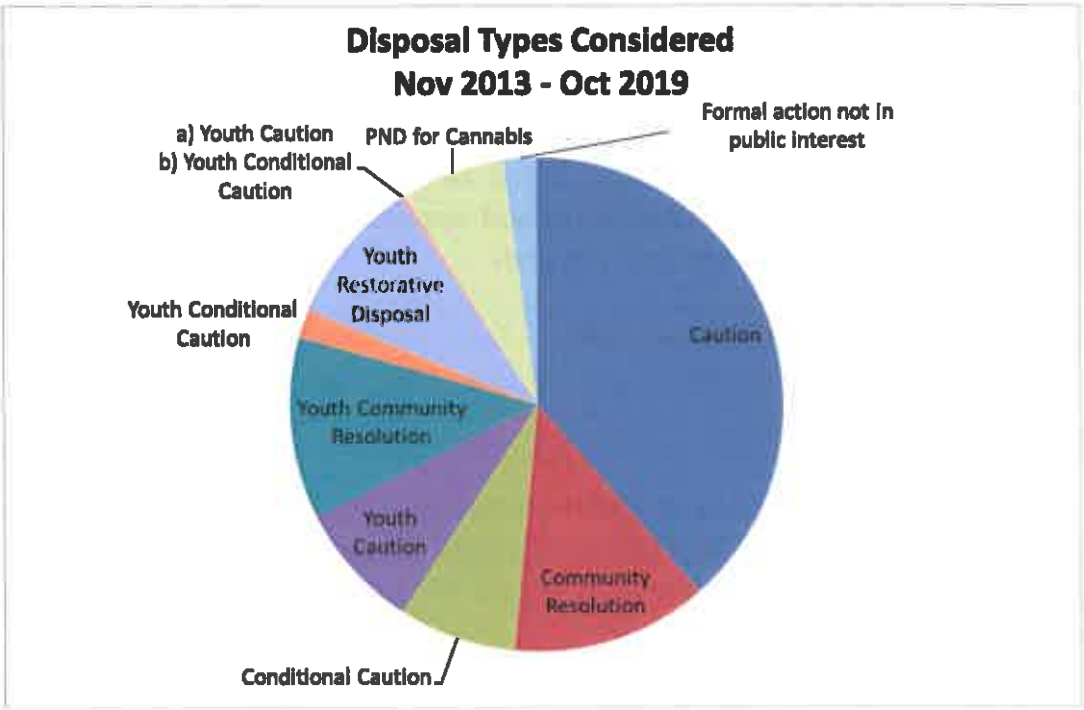
Panel's Assessment: Appropriate

7.0 Panel's assessments to date

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

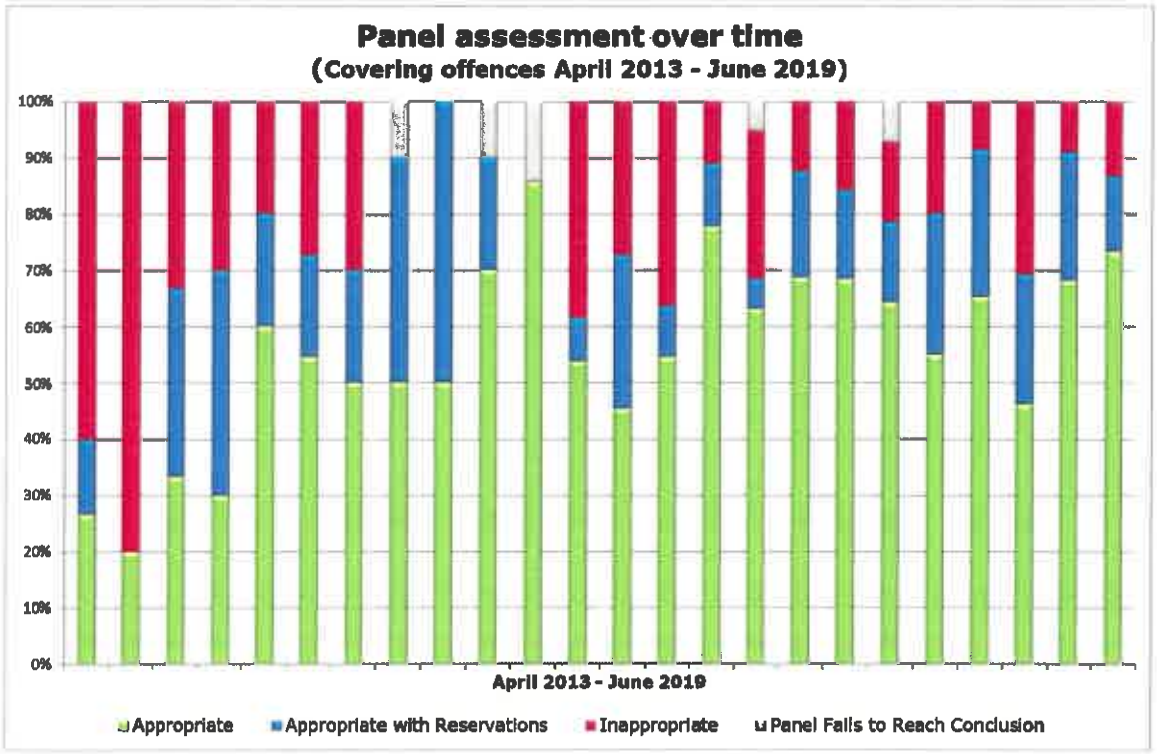


Since November 2013 the Panel has considered a range of disposals, as displayed in the graph below.

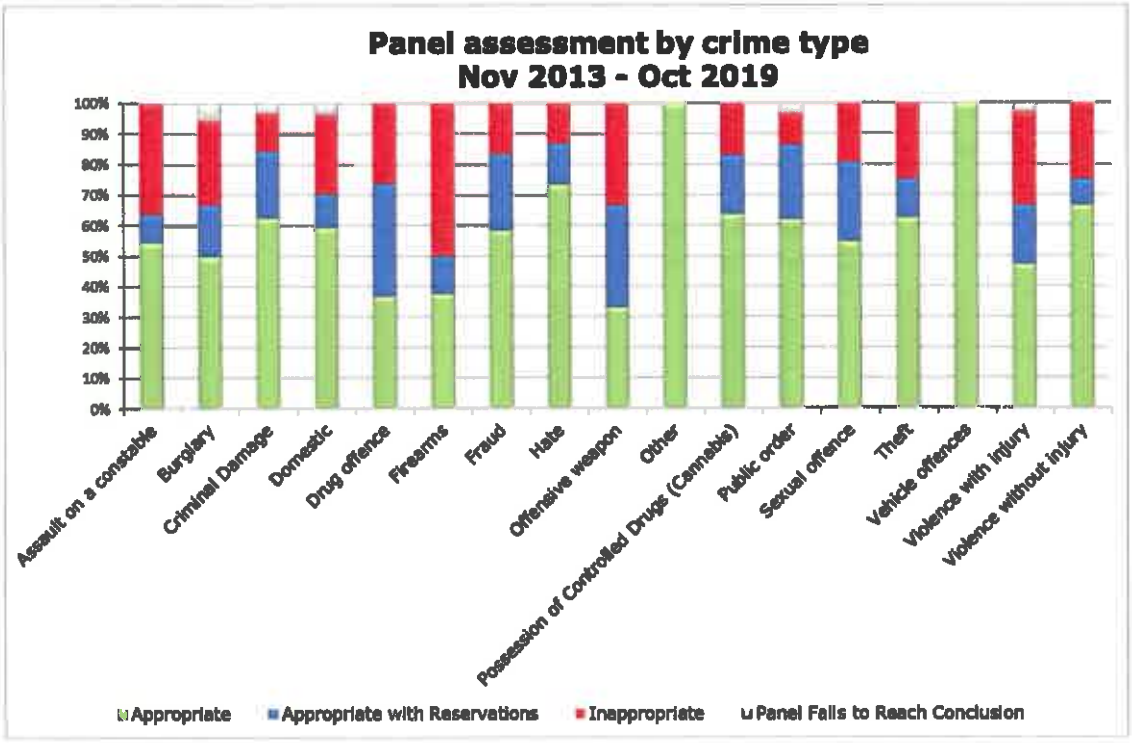


Of the 326 cases examined between April 2013 and October 2019, 57% were assessed as appropriate, 22% as inappropriate, 19% as appropriate with reservations and the panel failed to reach a conclusion in 2% of cases.

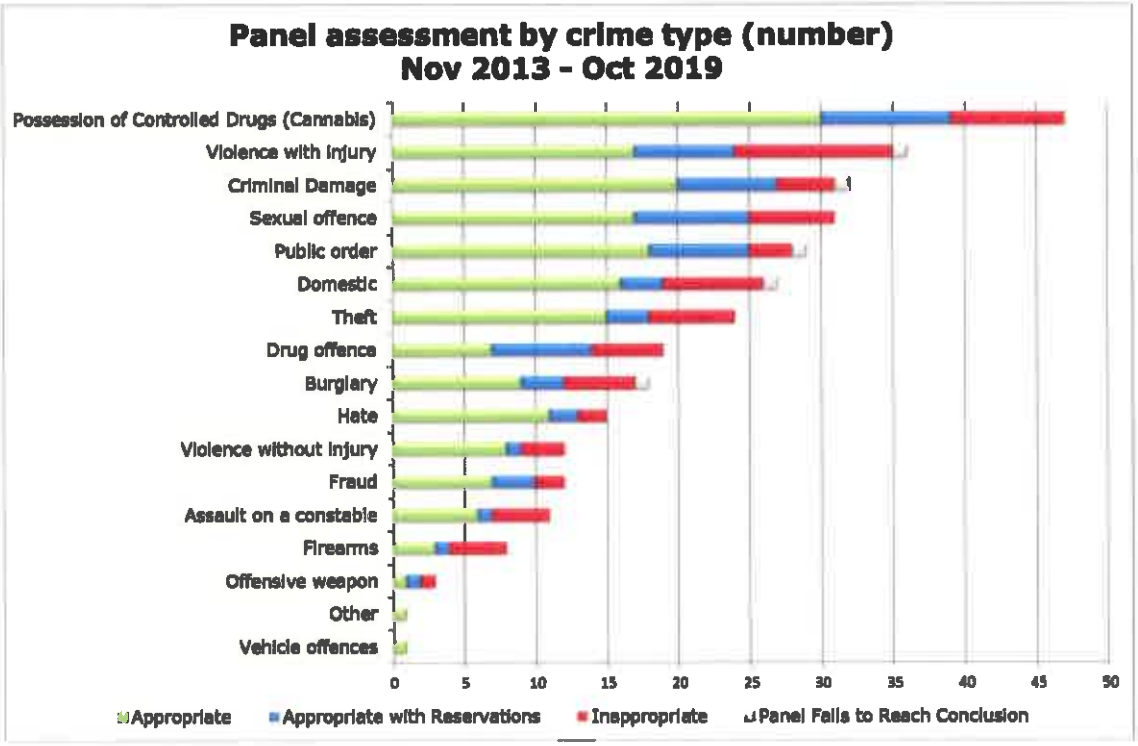
Overall there has been an increase in the number of cases the Panel have deemed as having appropriate disposals. This change over time can be seen in the graph below.



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



7.1 Good practice

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

- A number of examples of good partnership working and use of support and diversionary services to tackle the causes of offending behaviour.
- The vulnerability of both offenders and victims was identified and consideration was given to ensuring they had appropriate support.
- The majority of outcomes were in line with the victims' wishes.

7.2 Areas for improvement

There were two particular areas for improvement identified as a result of the Panel's work this quarter:

- Members suggested that the time taken to issue an outcome was excessive in three of the eight youth cases considered.
- Three of the youth cases involved additional crimes which the Panel concluded could have been considered in the same Youth Bureaus. It was agreed that this required further investigation by the Crime Audit Team to understand how this had not happened.
- Whilst the recorded detail on the whole was found to be good, there were some examples of where the Panel considered it would have been helpful to include evidence of some aspects of cases, including victims' withdrawal or completion of the restorative condition of the disposal.

8.0 Future Panel focus

It had been agreed at a previous meeting that the Panel's next focus would be on knife crimes.