



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

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Police and Crime Commissioner for Dyfed-Powys

Scrutiny Panel

Dip Sampling Exercise

Review of Assaults on Emergency Workers Cases

Panel Members' Findings & Feedback

July 2023

Contents

1. Overview

On the 24th July 2023 Members attended the meeting of the Dyfed-Powys Out of Court Disposal Scrutiny Panel. Members reviewed a selection of youth and adult assaults on emergency workers cases, which had been dealt with by way of an Out of Court Disposal (OCD). The Panel considered a total of 18 cases, 9 involving youth suspects and 9 involving adults.

This meeting was conducted virtually via Microsoft Teams.

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 this, the Panel considers 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.**
- Potential alternative options that may have been available.**

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

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

1. Approval by Panel Chair

I David Evans (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 24th July 2023.

Signed: _

DEVANS

Date: 10/10/2023_____

1. Actions taken following previous panel meeting

As a result of the Out of Court Disposal Scrutiny Panel's work, the following actions have been completed since the last meeting:

- **An action was taken at the last meeting to raise concerns regarding the accessibility of purchasing knives with the Chief Constable. The Panel was informed that the matter had been raised with Border Force as they lead on prevention and interception of banned/restricted goods. The Force get notified of interceptions by Border Force which includes knives, which then leads to the police progressing the necessary investigations.**
- **At the meeting held on the 24th April an action was taken to circulate to panel members the forces matrix which determines when to issue an OOC. The gravity matrix for both Adults and Children was issued to panel members. At the meeting the Panel were informed that the Child Gravity Matrix has been temporarily withdrawn and forces had been advised to revert back to the old Association of Chief Police Officers (ACPO) matrix.**
- **An action was taken at the last meeting for the Crown Prosecution Service (CPS) to mark the Youth Case 6 so that any future offences are brought to court. CPS have informed the panel that this is for the Force to mark not the CPS and have offered to liaise with the Force as necessary. The action has been re-assigned as the responsibility of the force and left open.**

5.0 Areas for improvement

The following area for improvement was identified as a result of the Panel's work this quarter:

- **There is a need to ensure that the cases reviewed are an appropriate balance between male and female. There was an overall split of 56% female cases to 44% male cases, however it was felt that the Adult split was disproportionate with 78% of the Adult cases reviewed at this panel being female.**

6.0 Consideration of assaults against emergency workers cases - youth suspects

Nine assaults against emergency workers cases were considered. The cases were dealt with via: five Youth Caution, one Youth Restorative Disposal and three Youth Community Resolutions.

Members' assessment	Number of cases
Appropriate	7
Appropriate with reservations	1
Inappropriate	1

Panel Members' observations are detailed below.

Case 1

Whilst trying to restrain the alleged offender an officer was kicked to the chest, causing no injury. The individual was given a Youth Caution. Panel members raised some concerns that attempts were made to assault several officers, however taking everything into account agreed that the OOC was appropriate.

Panel's Assessment: Appropriate

Case 2

Whilst being dealt with in custody a youth punched the custody detention officer to the face. The individual was given a Youth Caution. Members agreed that this was appropriate, but had some reservations. Panel members noted that the individual had made an apology, but that there was not a full admission or expression of remorse. Whilst they were aware of how to deal with their emotions, they hadn't been able to in this situation. Given that it was a punch to the face members felt reservations should be expressed.

Panel's Assessment: Appropriate with reservations

Case 3

The police attended a fight between the suspect and their father. Whilst the officer attempted to place the suspect in handcuffs the suspect attempted to struggle, kick and punch the victim. The suspect was given a Youth Caution. The Panel members noted the concerns for the wellbeing and welfare of the alleged offender and noted the history of the family. Putting the suspect's behaviour into context and their need for support they felt that the OOC was appropriate.

Panel's Assessment: Appropriate

Case 4

The suspect assaulted a police officer by pushing, headbutting and kicking. No visible injuries were disclosed. The suspect was ordered with a Youth Caution. Panel members agreed that this was an appropriate use of an OOC.

Panel's Assessment: Appropriate

Case 5

The alleged offender pushed a constable to the chest and was given a Youth Caution. The panel felt that as there were no previous convictions this was appropriate.

Panel's Assessment: Appropriate

Case 6

The alleged offender shoved the injured party and made efforts to slam a door on them. Panel members noted that there was an acceptance of the offence and responsibility taken with remorse shown. The alleged offender was given a Youth Restorative Disposal which the panel thought was appropriate.

It was noted however that this was a gravity 4 offence which precludes it from a street disposal. It emerged that the offender was a resident in a care home, which wasn't clearly stated in the case documentation, but members considered it should have been as it provided justification for the decision. It was identified that a Sergeant should have authorised this disposal as it deviated from policy. Members considered future cases like this should explain this, in line with the All Wales Protocol to reduce the criminalisation of care experienced children.

Panel's Assessment: Appropriate

Case 7

The suspect was spitting in the cage in the back of the police van and was given a Youth Community Resolution. The Panel felt this was a very straightforward case with no specific comments to be made and agreed the OOC was appropriate.

Panel's Assessment: Appropriate

Case 8

The alleged offender was reported as a missing child. When the officer tried to put them into the police van they slapped the officer twice to the face. They were given a Youth Community Resolution. The panel noted that the alleged suspect had accepted responsibility for their actions, shown remorse and apologised and that this was an appropriate use of an OOC.

Panel's Assessment: Appropriate

Case 9

The alleged offender was arrested and upon transportation to the van has kicked out and connected with the injured party's shin. The individual was given a Youth Community Resolution.

The panel expressed multiple concerns in this case, relating to the reported issues with alcohol, hearing voices, drug use, bladed article and nine suicide attempts.

Due to the involvement of a knife, the Panel conclude this was an inappropriate use of an OOC and should have been charged.

The panel therefore concluded that this was an inappropriate use of OOC.

Panel's Assessment: Inappropriate

7.0 Consideration of assaults against emergency workers cases - adult suspects

Panel members reviewed nine cases. One had been dealt with by way of a Caution, four Conditional Cautions and four via a Community Resolution.

Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	6
Appropriate with reservations	2
Inappropriate	1

Case 10

The suspect has spat at the injured party with spittle landing on their arm. The suspect was given an Adult Caution. The Panel felt that this was an appropriate OOC.

During the meeting a member of the Force Strategic Criminal Justice department identified that this was against Dyfed-Powys Police policy as they are a two tier force.

The Adult two tier framework has been in place since 2019 which states that an Adult Caution can only be issued for a hate crime or a domestic incident. In this case therefore an Adult Caution should not have been issued.

Panel members requested that they have consistency of approach and that all officers are reminded of the correct process in line with the Adult two tier matrix.

Notwithstanding that the panel felt that this was an appropriate outcome, albeit that it's against force guidance.

Panel's Assessment: Appropriate

Action 1:

All Officers are to be reminded of the correct process for issuing an Adult OOC. The Adult two tier gravity matrix must be followed

Case 11

The suspect was arrested following a breach of the peace and kicked the constable to the upper thigh. An Adult Conditional Caution was received which the panel members agreed was appropriate, due to the admission of guilt and an apology. Panel members however identified in the case notes reference to a knee to the groin, not a kick to the thigh, which they felt was more serious.

Panel's Assessment: Appropriate with reservations

Case 12

Officers were deployed to the address of the alleged suspect following reports of a female in crisis. Whilst at the address the female in question made an attempt to harm herself. The officer prevented her from doing so, whereby she threw a full glass of water over them and grabbed hold of their Body Worn Video device on their tactical vest. The Panel agreed that this was an appropriate use of Adult Conditional Caution. Panel members noted that the individual was experiencing a mental health crisis and the OOC was appropriate in the circumstances.

Panel's Assessment: Appropriate

Case 13

The suspect who was under the influence of alcohol had been squaring up to a group of youths, threatening to beat them up. Whilst being arrested they started kicking towards officers. The panel agreed that this was an appropriate use of Adult Conditional Caution.

Panel's Assessment: Appropriate

Case 14

Following arrest the police escorted the alleged offender from the address to the police van where they had bitten the officer on the right forearm causing reddening and grazing to the skin. This was dealt with by way of Adult Conditional Caution. Panel members noted that a bite is similar to use of a weapon and the alleged offender has previous for similar offending so should have gone before the court. The panel agreed therefore that this was inappropriate use of OOC.

Panel's Assessment: Inappropriate

Case 15

The alleged offender had tried to swing at the officer and spat at them causing spittle to land on their vest. The Panel felt that as the spittle landed on the victim's vest the risk of disease being passed on was reduced. Had it been a spit to the face it would have been different and potentially a case for court. Given that there were no previous convictions and mental health issues present the Adult Community Resolution was deemed appropriate.

Panel's Assessment: Appropriate

Case 16

The suspect lunged towards the staff member who immediately stopped any escalation of unlawful violence and was issued an Adult Community Resolution.

The Panel commented that this was a succession of violent offences and due to an escalation in behaviour that the OOC was not appropriate. Members felt that this was borderline between appropriate with reservations and inappropriate and agreed to score as appropriate with reservations.

Panel's Assessment: Appropriate with reservations

Case 17

Whilst speaking with a Police Sgt the suspect, through frustration at not getting their own way, has shoved the Sgt to the chest with both palms. The panel members noted that there was no injury, there was no previous history and they had accepted

responsibility and apologised. The panel members agreed that this was an appropriate use of the Adult Community Resolution.

Panel's Assessment: Appropriate

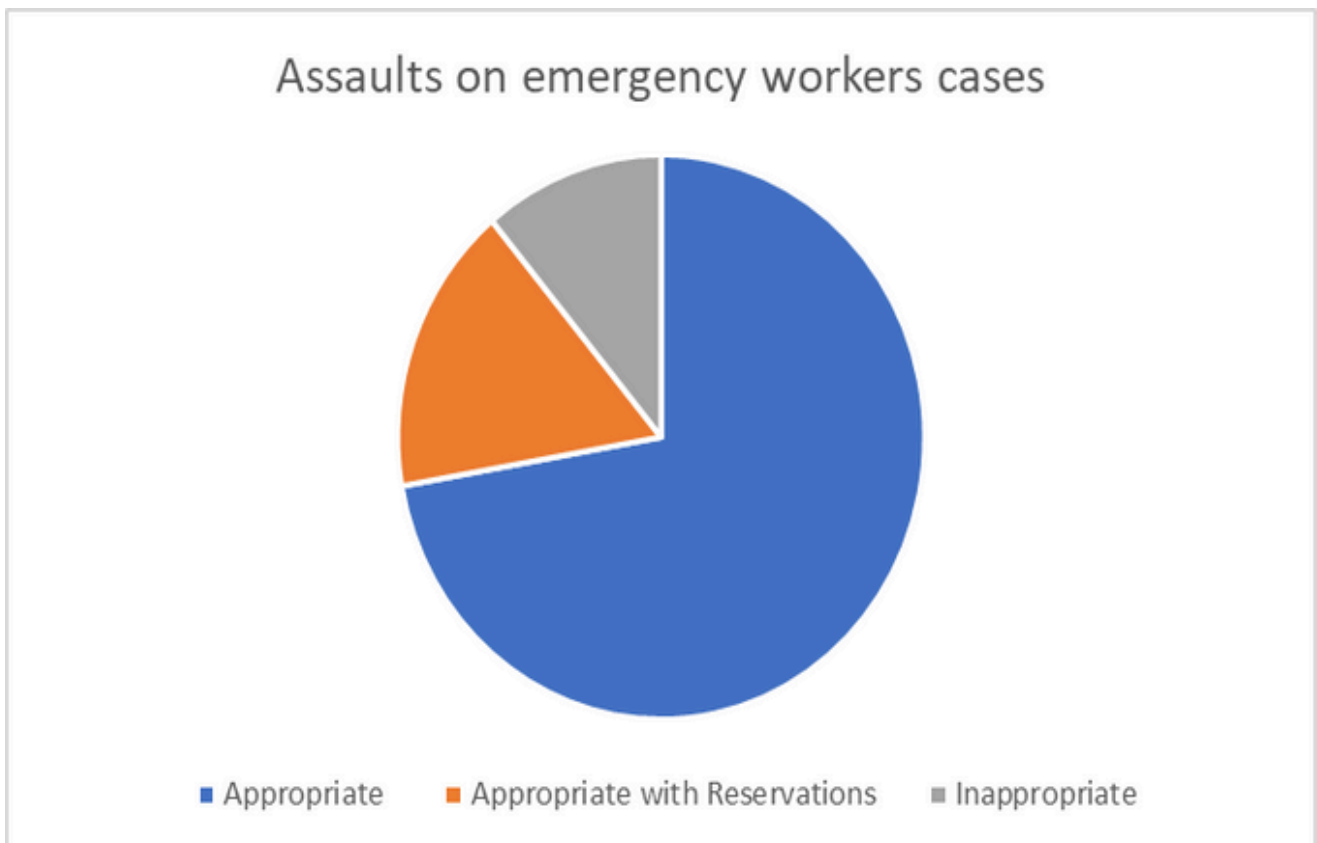
Case 18

A call was made to the police stating that the suspect had tried to jump off a bridge. When officers attended and placed the suspect in the van, following a conversation between the suspect and their partner, the suspect attempted to headbutt the officer. Panel members stated that there was no previous history, a letter of apology was received and remorse was expressed. Panel members agreed that this was an appropriate use of Adult Community Resolution.

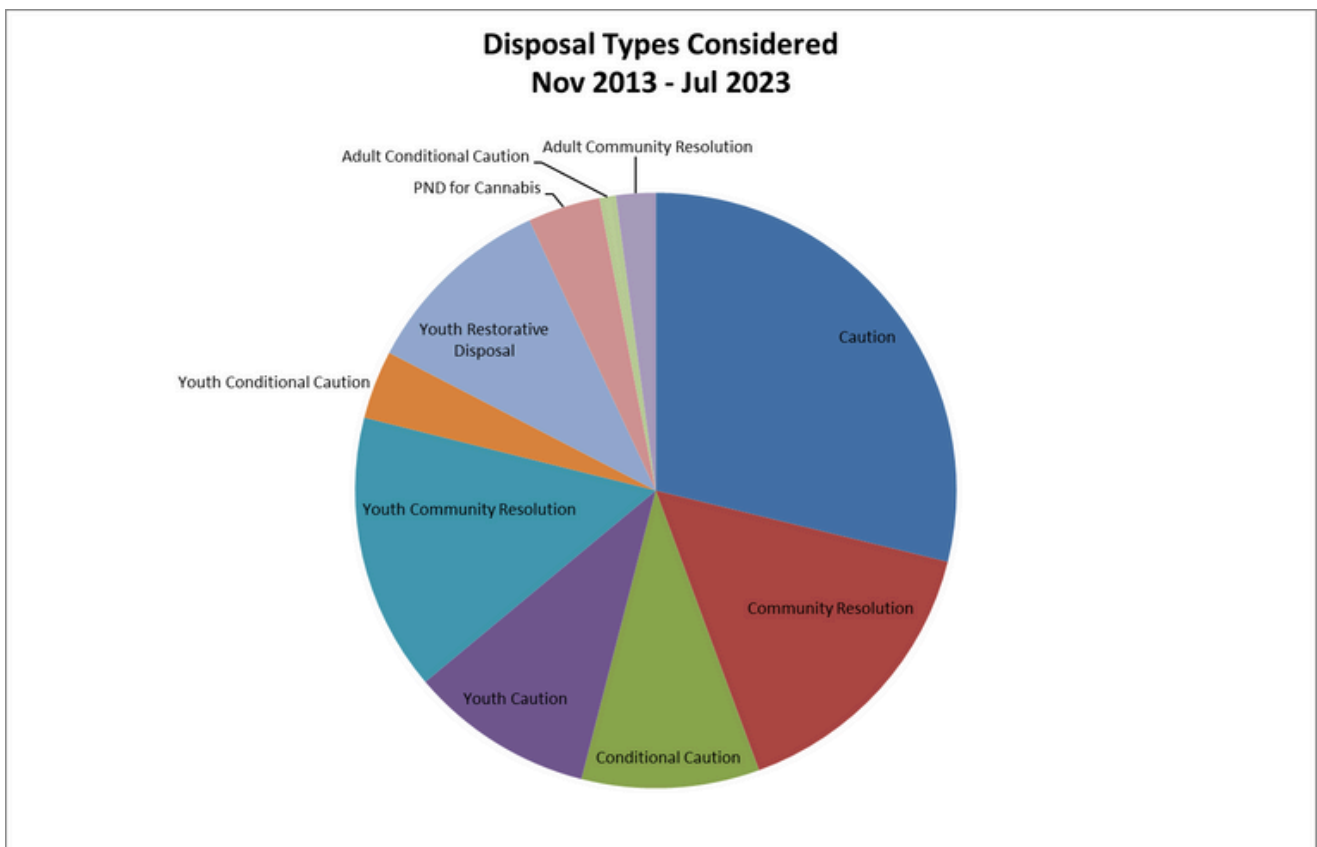
Panel's Assessment: Appropriate

8.0 Panel's assessments to date

The chart below demonstrates the Panel's assessment of assaults on emergency workers cases considered at the most recent meeting:

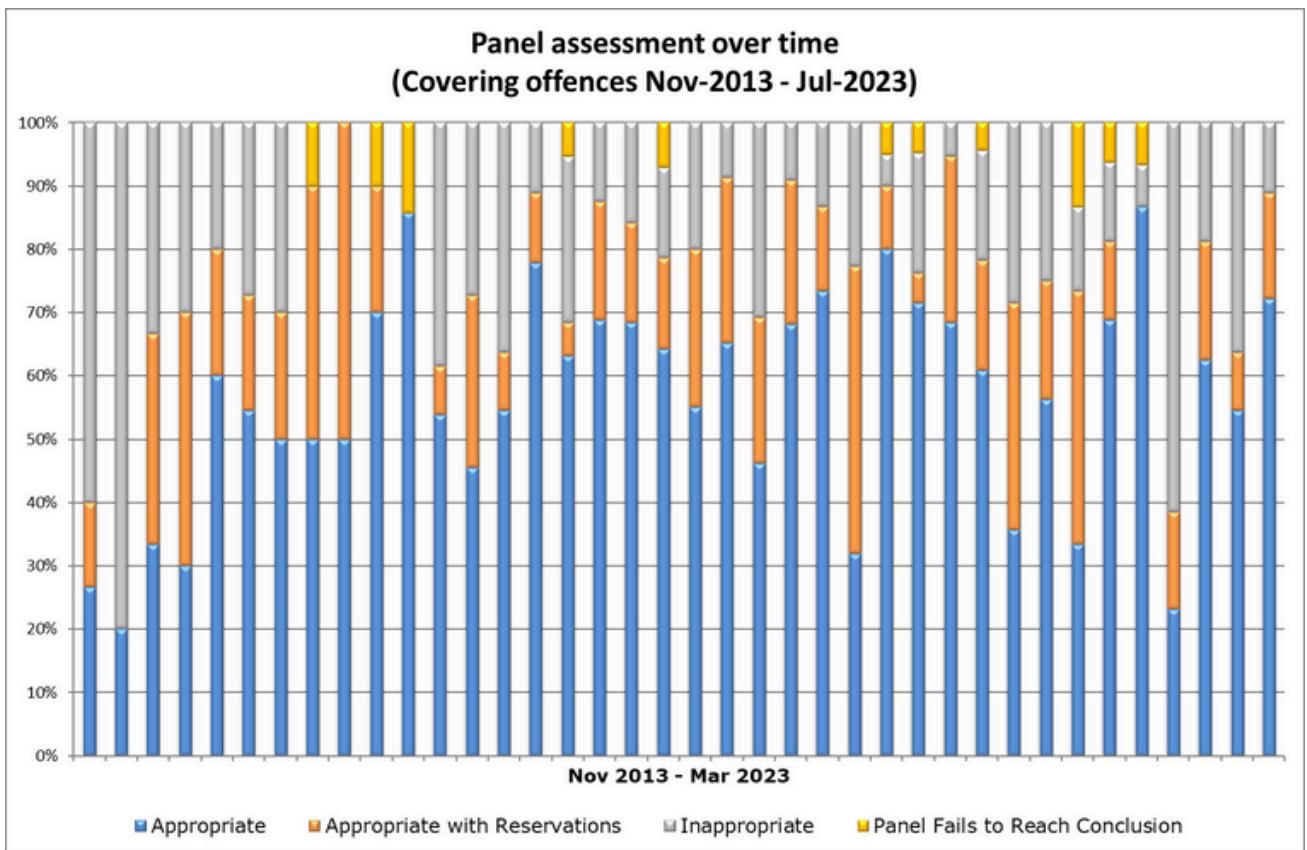


Since November 2013 the Panel has considered a range of disposals, as displayed in the graph below.

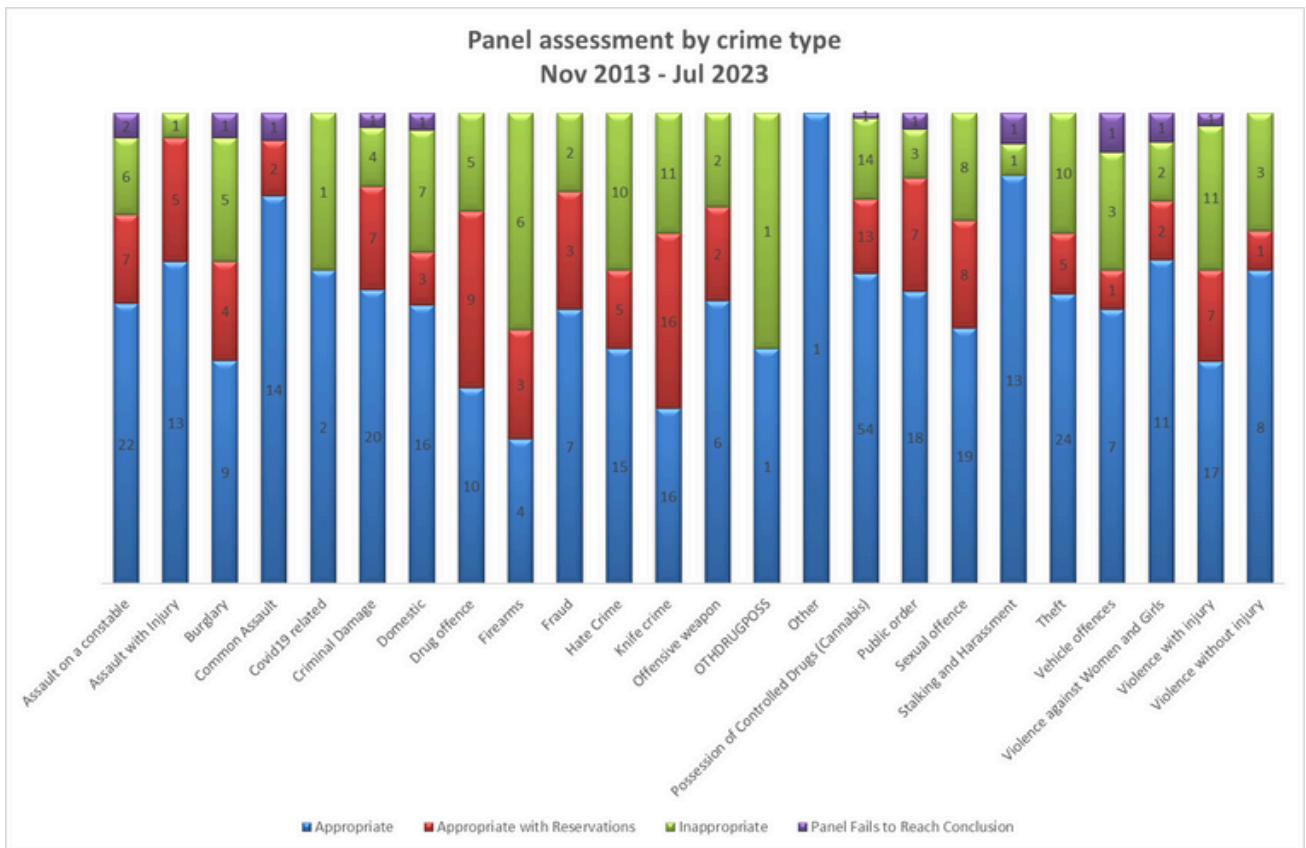


Of the 565 cases examined between November 2013 and July 2023, 58% were assessed as appropriate, 19% as inappropriate, 21% as appropriate with reservations and the panel failed to reach a conclusion in 2% of cases.

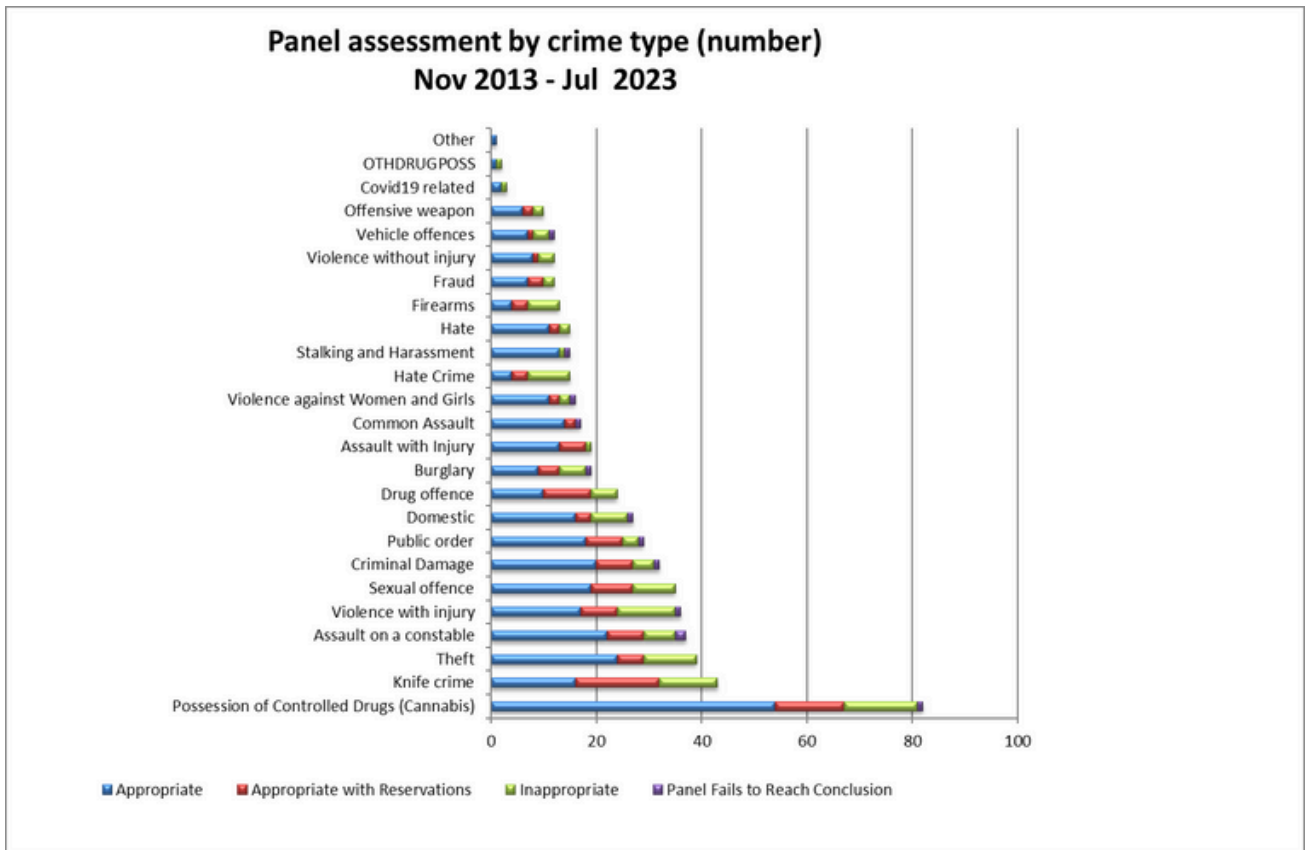
The change in conclusions reached over time can be seen in the graph below



The graph below shows the breakdown by crime type as a percentage of cases considered between November 2013 and July 2023.

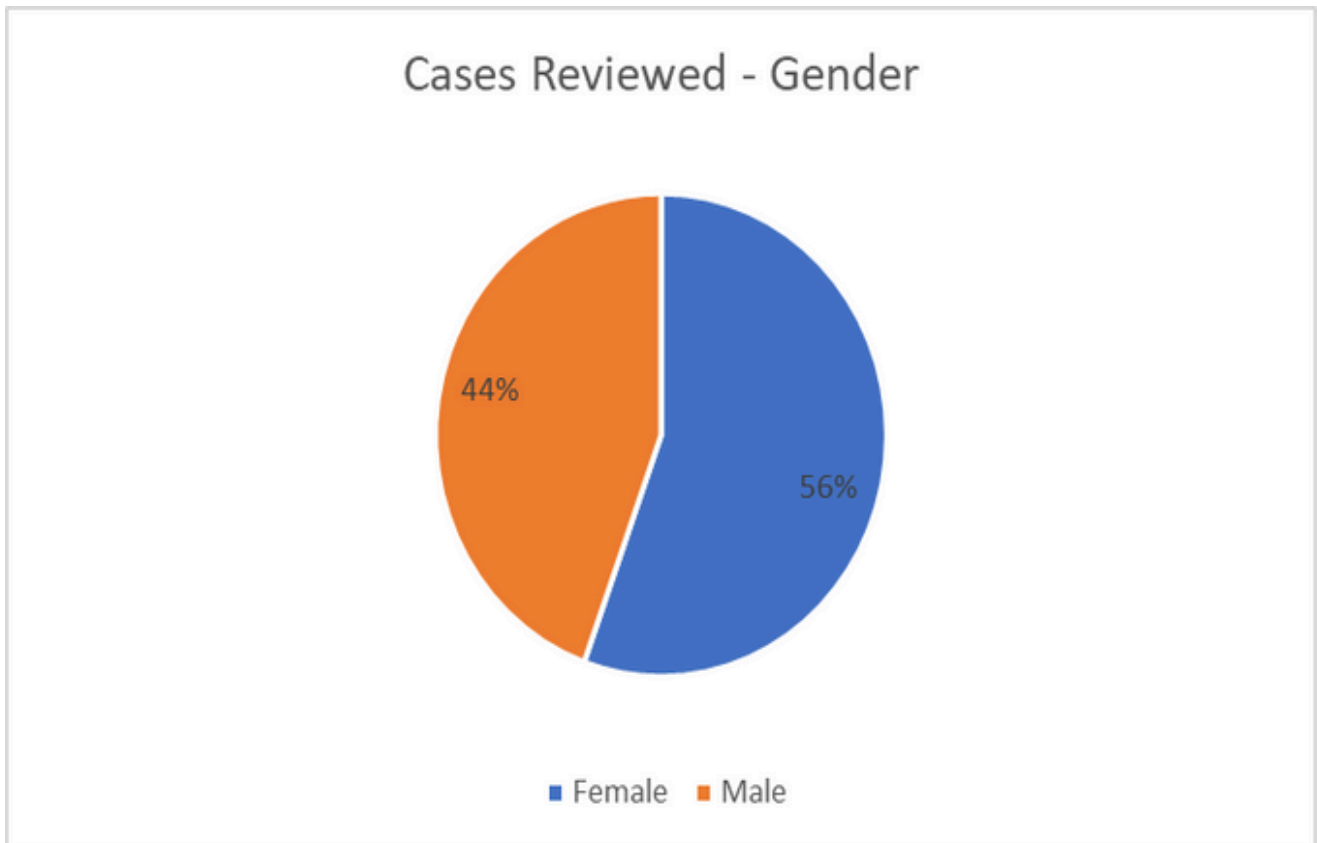


The following graph displays the actual number of cases assessed within each crime type and the resulting Panel opinions at their meetings between November 2013 and July 2023.



9.0 Ethnicity and Gender

The following chart shows the breakdown of cases reviewed within this meeting in terms of their gender:



The following table shows the breakdown of cases reviewed within this meeting in terms of ethnicity.

Ethnicity Noted	Suspect's Self - Assessment	Officer's Assessment
White British	16	0
White - North European	0	17
Mixed - White and Black Caribbean	1	0
Unknown	1	0
Black British	0	1

There were no race or gender equality issues identified as part of the Panel's review.

10.0 Future Panel focus

Following a discussion, it was decided by the Panel that they would like to focus on hate crime/women/disproportionality at the next meeting in October.

Action 2:

Adult matrix to be re-sent to all panel members

Action 3:

Panel request that a Senior Officer be present at every panel meeting, if the designated officer is not available then a representative should attend

