



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 Assault with Injury Out of Court Disposals

(January 2020 - December 2020)

Panel Members' Findings & Feedback

February 2021

Contents

1. Overview

At a meeting of the Dyfed-Powys Out of Court Disposal Scrutiny Panel held on the 23rd February 2021, Members reviewed a selection of assault with injury cases which had been dealt with by way of an Out of Court Disposal. The Panel considered a total of 19 cases, 9 involving youth suspects and 10 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 23rd February 2021.

Signed: Jayne Picouto

Date: 26.04.2021

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:

- **It was identified within the last meeting that further information on whether a Community Resolution was issued was needed for case 18. It was confirmed that no Community Resolution had been issued. The Officer had referred straight to the Diversionary Scheme, which is contrary to the guidance issued by the force. The officer has since been advised accordingly and Crime Recording have amended the outcome on the crime.**
- **Within the last meeting a query was raised as to whether the stop and search record of case 21 had sufficient grounds to carry out the search. The Police and Crime Commissioner's Office has reviewed this record and can confirm that the grounds were considered legitimate.**

1. Good practice

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

- **The Panel made specific comments when reviewing five of the adult cases that it was positive to see offenders and their families being given multi-agency support including referrals to Social Services where children were involved.**

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 had reservations regarding the disposal of 6 out of 9 of the youth cases due to the seriousness of the offence. The Panel also felt that there was inconsistency between the issuing of Youth Restorative Disposals and Youth Community Resolutions for assaults; this was evident in particular for cases 3 and 8.**

7.0 Consideration assault with injury cases - youth suspects

Five of the cases had been dealt with by way of a Youth Restorative Disposal and four via Youth Community Resolution.

The Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	3
Appropriate with reservations	5
Inappropriate	1

Panel Members' observations on each case are detailed below.

Case 1

The Panel had reservations regarding this Youth Community Resolution disposal due to the seriousness of the offence. Whilst the suspect had no previous convictions and was only 12 years old, the assault caused some serious injury to the victim including a broken nose. The assault was also planned and filmed for social media. It was positively noted that the Officers involved had spoken to all children involved, including those who had filmed and shared the footage online. The Panel reviewed the accompanying footage in order to assist their decision with the appropriateness of the outcome.

Panel's Assessment: Appropriate with reservations

Case 2

This Panel had reservations regarding this disposal due to the seriousness of the offence. The Panel reviewed the accompanying footage for this offence and victim was seen to be repeatedly hit to the head by the suspect for a sustained period of time. It was acknowledged that although the suspect had admitted to the offence and that the victim did not wish to make a complaint, a victimless prosecution may have been appropriate due to the footage evidence. A question was raised as to whether the decision of a Community Resolution was given without seeing the footage as the seriousness of the attack was not fully evident from the paperwork and photos provided. The Panel expressed the value of the consideration of video footage prior to reaching an assessment.

Panel's Assessment: Appropriate with reservations

Case 3

This individual was given a Youth Restorative Disposal for an incident where the victim was kicked and punched to the face. The Panel felt that there was inconsistency in the issuing of Youth Restorative Disposals and Youth Community Resolutions. The previous two cases were given Youth Community Resolutions for fighting and assault and the Panel therefore felt that this individual should have been given the same. The suspect had previous history with the victim for bullying and death threats. It was felt that the outcome should have been escalated and referred to the Youth Offending Team, in order for the individual to receive support and intervention.

Panel's Assessment: Inappropriate

Case 4

This individual was given a Youth Restorative Disposal for an incident where the victim had been slapped and kicked. The Panel felt that this outcome was appropriate as the individual was only 11 years old, had written a letter of apology to the victim and the injuries were minor.

Panel's Assessment: Appropriate

Case 5

The Panel felt that the outcome of this case was appropriate with reservations due to this individual receiving a Youth Restorative Disposal for an incident of kicking and punching the victim to the head. The Panel felt that due to the offence being filmed and planned that this case possibly should have been escalated. However, it is acknowledged that the individual was only 11 years old and advice had been sought from the Youth Offending Team on an appropriate outcome.

Panel's Assessment: Appropriate with reservations

Case 6

This case involved a 15 year old individual who had received a Youth Community Resolution for being involved in a fight with two other individuals. The suspect had sent threats to kill and a message to the victim stating that they would be beaten up after school. The Panel noted that due to the threats to kill and planned nature of this offence that it may have been more appropriate to escalate.

Panel's Assessment: Appropriate with reservations

Case 7

This case involved a 15 year old punching another individual to the side of their head. Members were satisfied with the outcome of a Youth Community Resolution, due to the individual being remorseful and having no previous convictions.

Panel's Assessment: Appropriate

Case 8

The offender in this case had punched the victim to the face causing reddening and a chipped tooth. The Panel felt that again this outcome of a Youth Restorative Disposal was inconsistent with previous cases. Members felt that this case should have been escalated due to the seriousness of the assault and that the individual should have been referred to the Youth Offending Team for intervention and support. It was however, noted that the offender was remorseful and only 13 years old.

Panel's Assessment: Appropriate with reservations

Case 9

This was in relation to the offender who was 12 years old hitting another child with a stick. The Panel felt that a Youth Restorative Disposal was an appropriate outcome due to the offenders' age, them fully admitting to the offence and the seriousness of the incident. The Panel noted positively that all the children involved in the incident were spoken to and that a Multi-Agency Anti-Social & Vulnerability Information System record had been submitted in order to ensure that the individual received support. The Panel also noted that it was positive to see that a Hate Crime Support Officer had been deployed in order to deal with the Hate Crime linked to the incident.

Panel's Assessment: Appropriate

Action 1:

Crime Recording to check that the additional Hate Crime linked to the case had been recorded as a Hate Crime incident.

8.0 Consideration of assault with injury cases - adult suspects

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

Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	10

Panel Members' observations on each case are detailed below:

Case 10

The Panel felt that a Conditional Caution was an appropriate outcome for this case, which was in relation to a domestic assault causing significant injuries. It was positively noted by the Panel that the individual would have been referred to the Pathfinder Program as part of his conditions and that a Multi-Agency Referral Form was submitted, including a referral to Social Services for the children that had witnessed the incident.

It was noted that the disposal had been incorrectly recorded as a Youth Community Resolution, however, this had since been amended on the system to show the outcome that had been issued.

Panel's Assessment: Appropriate

Case 11

Panel Members were happy with the disposal of Caution for this individual who had punched the victim to the face. The Panel found this to be in line with policy and the victim was happy with the outcome.

Panel's Assessment: Appropriate

Case 12

The Panel felt that this case had been appropriately disposed via a Caution. The offender had scratched the victims face and had thrown an object at their head. The

individual had no previous convictions and the disposal was found to be in line with policy.

Panel's Assessment: Appropriate

Case 13

This case was in relation to a domestic assault in which the offender was given a Caution. The Panel felt that this disposal was appropriate due to a Domestic Abuse Officer being appointed and a Multi-Agency Referral Form being submitted to ensure that support from Social Services was received.

Panel's Assessment: Appropriate

Case 14

The Panel concurred that a Caution was an appropriate outcome for this case. The victim of had bruising to their legs following punches from the offender. It was noted that the victim did not want to make a complaint, however, support was given following the incident in order to remove themselves from the domestic abuse environment.

Panel's Assessment: Appropriate

Case 15

The offender in this case was given a Caution for attempting to strangle the victim and pushing them into furniture. The Panel felt that this disposal was appropriate due to the seriousness of the offence and the fact that the victim did not want to make a complaint. The Panel did however feel that the offender would have benefited from support but they were not able to be referred to the Diversionary Scheme as it was a domestic-related offence.

Panel's Assessment: Appropriate

Case 16

The offender in this case has assaulted their partner causing minor bruising to their arms. The Panel felt that a caution for this offence was appropriate. It was noted that

Social Services were providing the family with support due to children being present.

Panel's Assessment: Appropriate

Case 17

The Panel felt that this case had been appropriately disposed via a Community Resolution due to the seriousness of the injury and the offender having no previous convictions. This offender had punched the victim to the nose in a public place.

Panel's Assessment: Appropriate

Case 18

The offender in this case had slapped their child, aged 5, leaving a red mark to their face. The Panel felt that this case had been appropriately disposed via a Caution and was in line with policy. It was noted that Social Services were also involved to assess the situation.

Panel's Assessment: Appropriate

Case 19

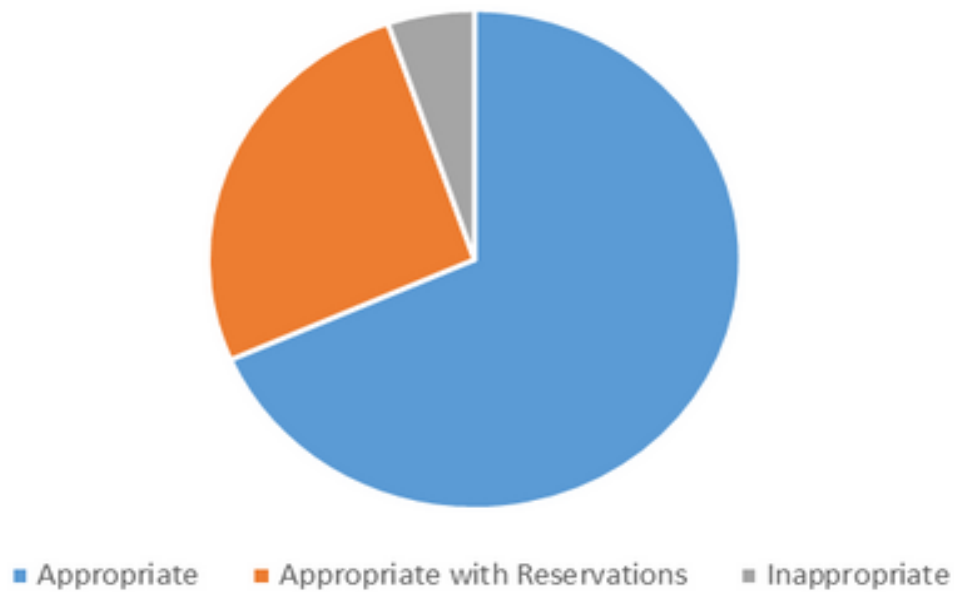
The offender in this case had slapped the victim across the face leaving a red mark. The Panel felt that this case had been appropriately disposed via a Conditional Caution as the offender had admitted to the offence. Social Services were also involved in order to provide the family with support.

Panel's Assessment: Appropriate

10.0 Panel's assessments to date

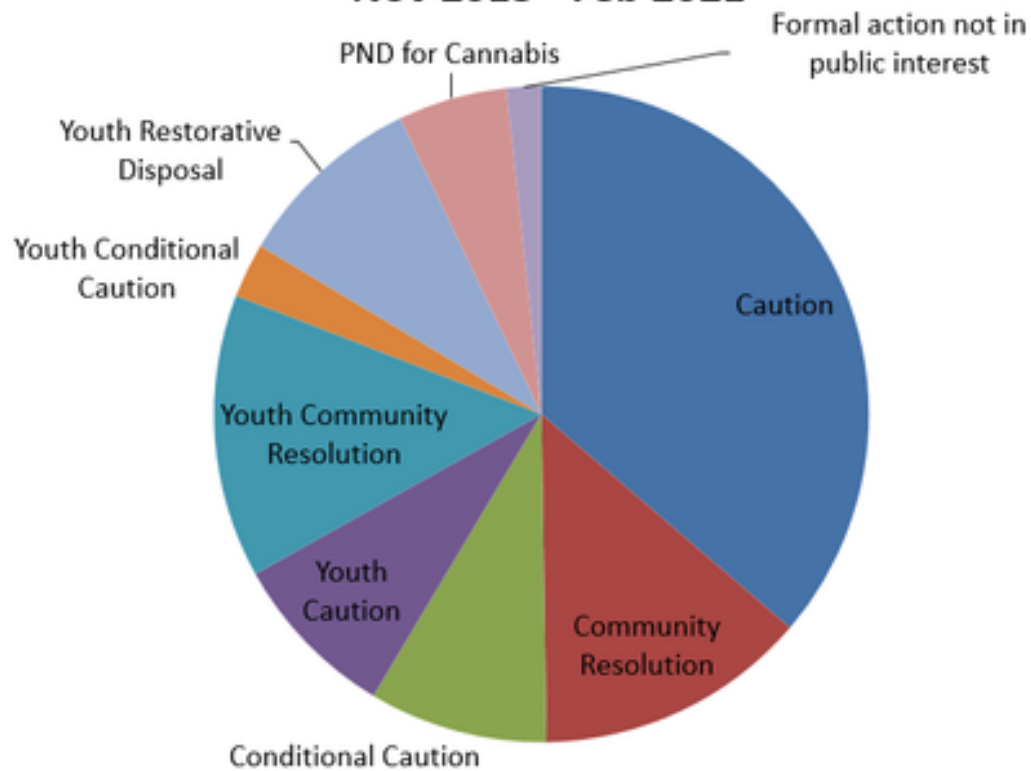
The charts below demonstrate the Panel's assessment of the cases considered at the most recent meeting.

Panel's assessment of assault with injury related crimes relating to offences between Jan - Dec 2020



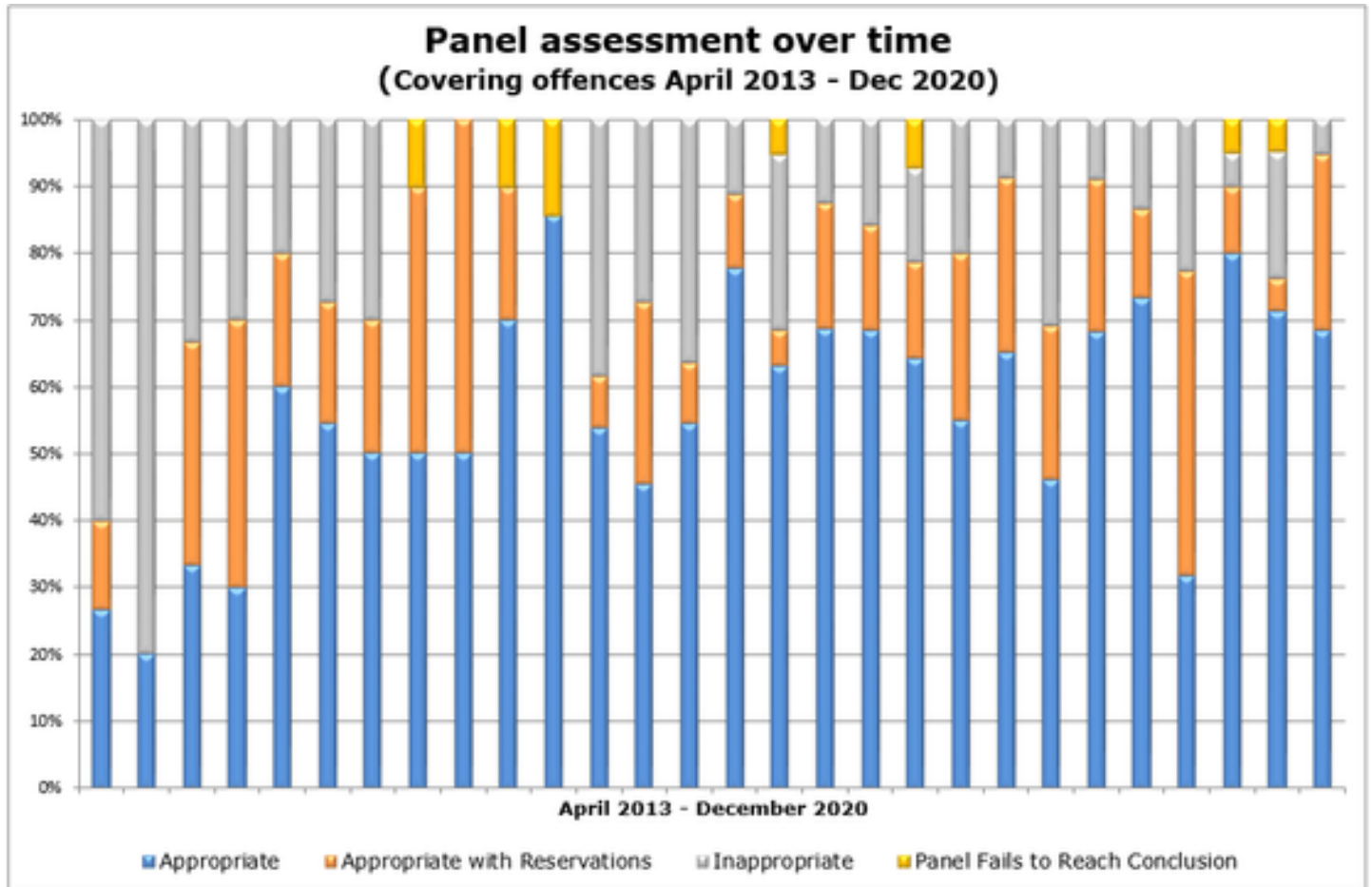
Since November 2013 the Panel has considered a range of disposals, as displayed in the graph below.

Disposal Types Considered Nov 2013 - Feb 2021



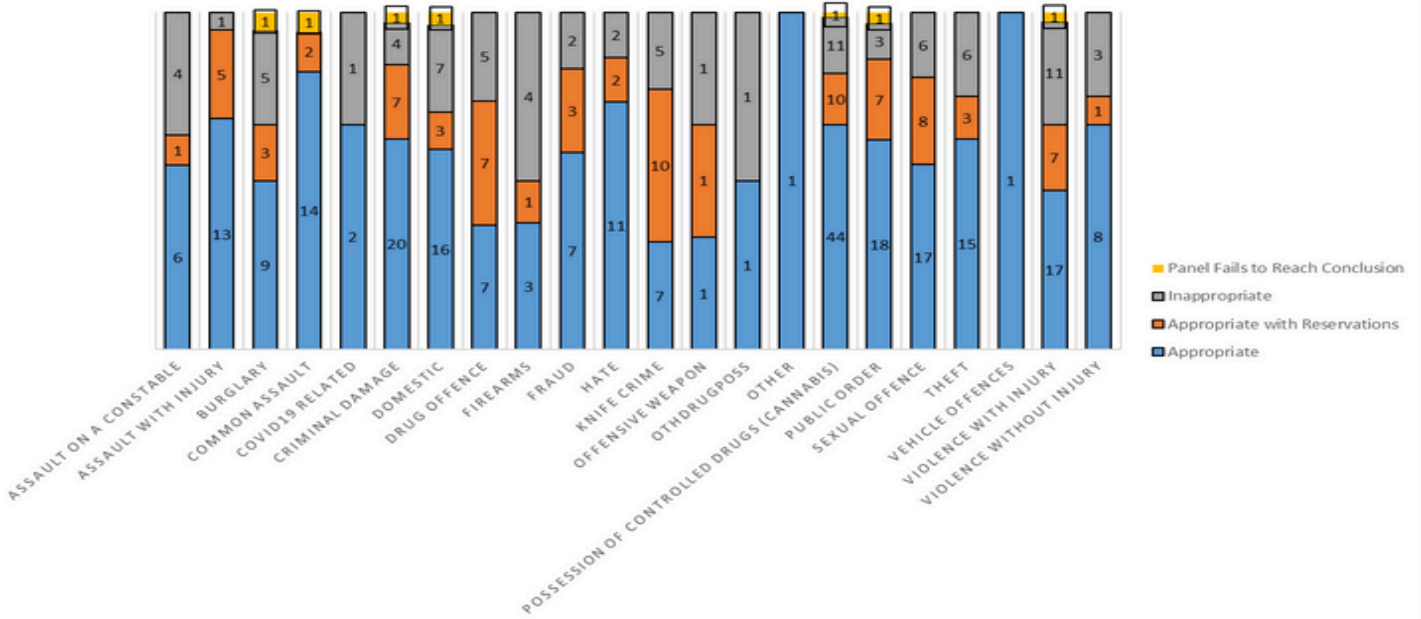
Of the 408 cases examined between April 2013 and February 2021, 58% were assessed as appropriate, 20% as inappropriate, 20% as appropriate with reservations and the panel failed to reach a conclusion in 2% of cases.

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



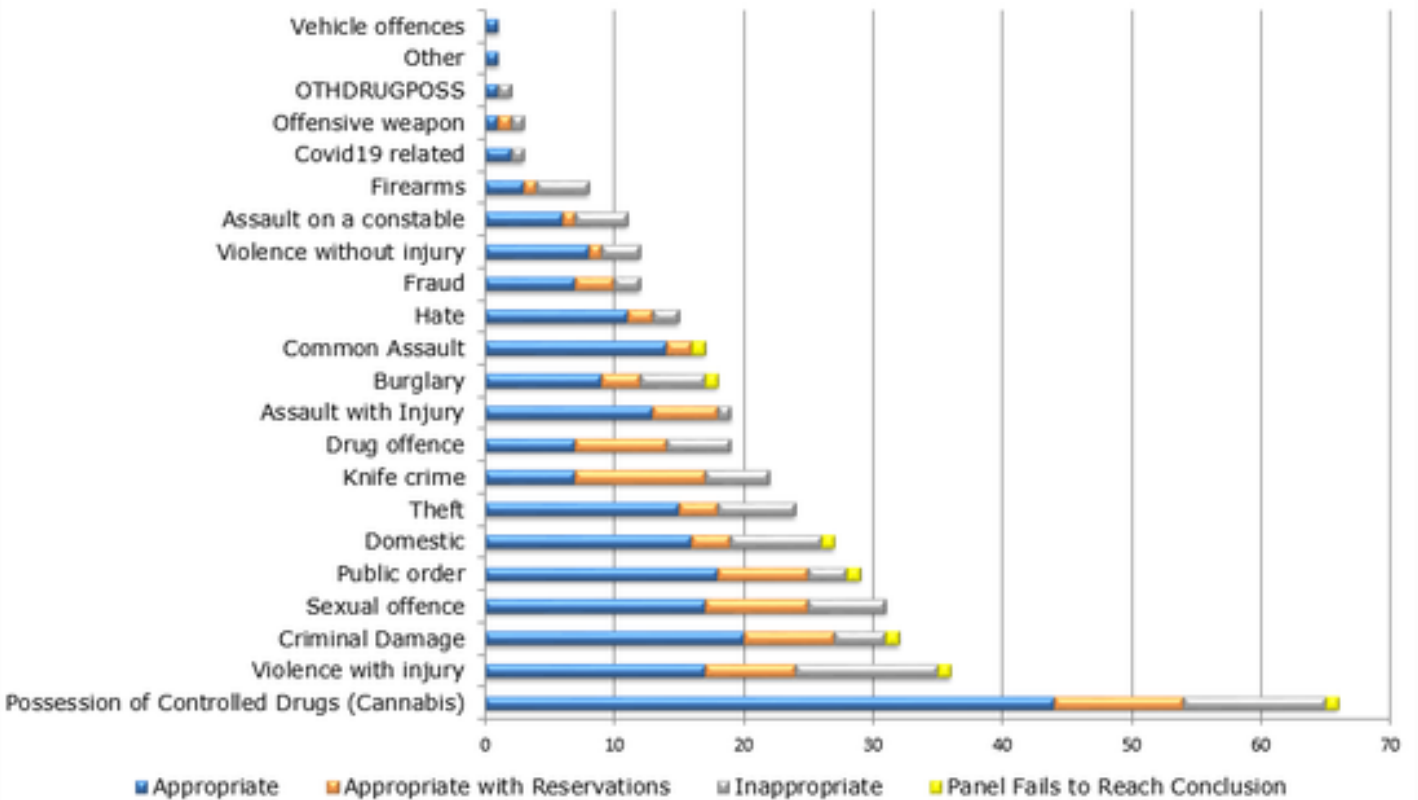
The graph below shows the breakdown by crime type as a percentage of cases considered between November 2013 and February 2021. (Please note that the numbers displayed within the graph columns indicate the number of cases reviewed with that given outcome).

**PANEL ASSESSMENT BY CRIME TYPE
NOV 2013 - FEB 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 February 2021.

**Panel assessment by crime type (number)
Nov 2013 - Dec 2020**



10.0 Future Panel focus

Following a discussion, the Panel wished to consider adult vehicle offences, youth offences relating to drug trafficking, and County Lines at the next meeting.

11.0 Any other Business

A discussion took place in relation to the letter from the National Police Chief Council (NPCC) regarding issuing of Covid-19 Fixed Penalty Notices (FPN's). It was noted by the Panel that the letter stated that 25% of 83 Covid-19 FPN charges were made in error. A question was raised as to whether this figure relates to Dyfed-Powys Covid-19 FPN figures.

Action 2:

OPCC to check with the Force to understand how the figures on Covid-19 FPN's noted within the NPCC letter relate to Dyfed-Powys.