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DYFED-POWYS  
POLICE AND CRIME  
COMMISSIONER

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

### **Scrutiny Panel**

### **Dip Sampling Exercise**

### **Review of Domestic and Firearms Incidents (Nov 2016-Aug 2017)**

### **Out of Court Disposals**

### **Panel Members' Findings & Feedback**

**October 2017**



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## 1.0 Overview

At a meeting of the Dyfed-Powys Out of Court Disposal Scrutiny Panel held on 23<sup>rd</sup> October 2017, Members reviewed a selection of firearms and domestic incident cases which had been dealt with by way of an Out of Court Disposal.

The Panel considered a total of 19 cases, three involving youth suspects and sixteen involving an adult suspect.

## 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 should 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.

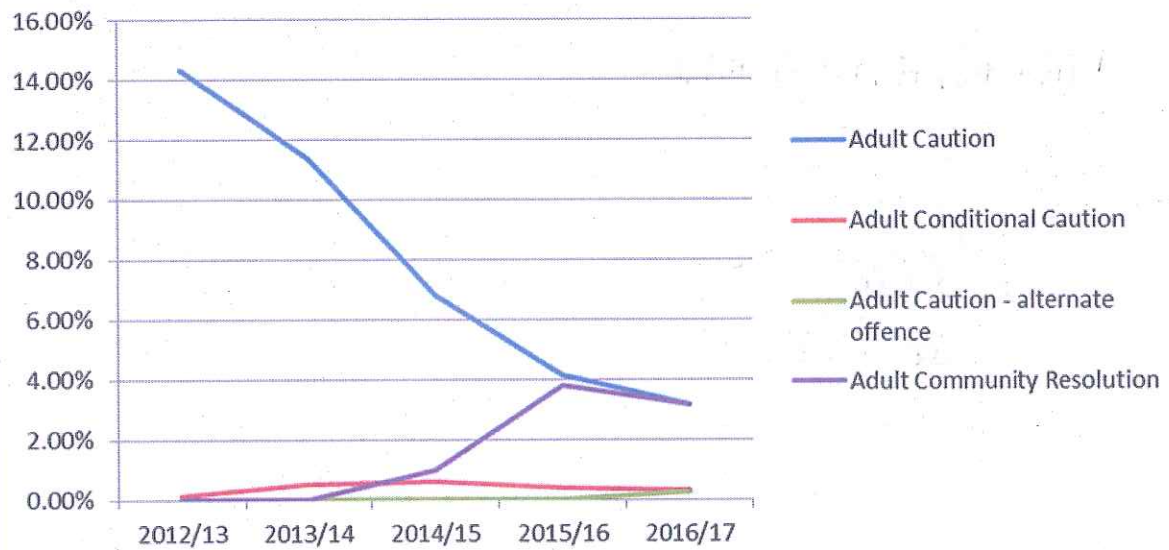
### 2.1 Background data

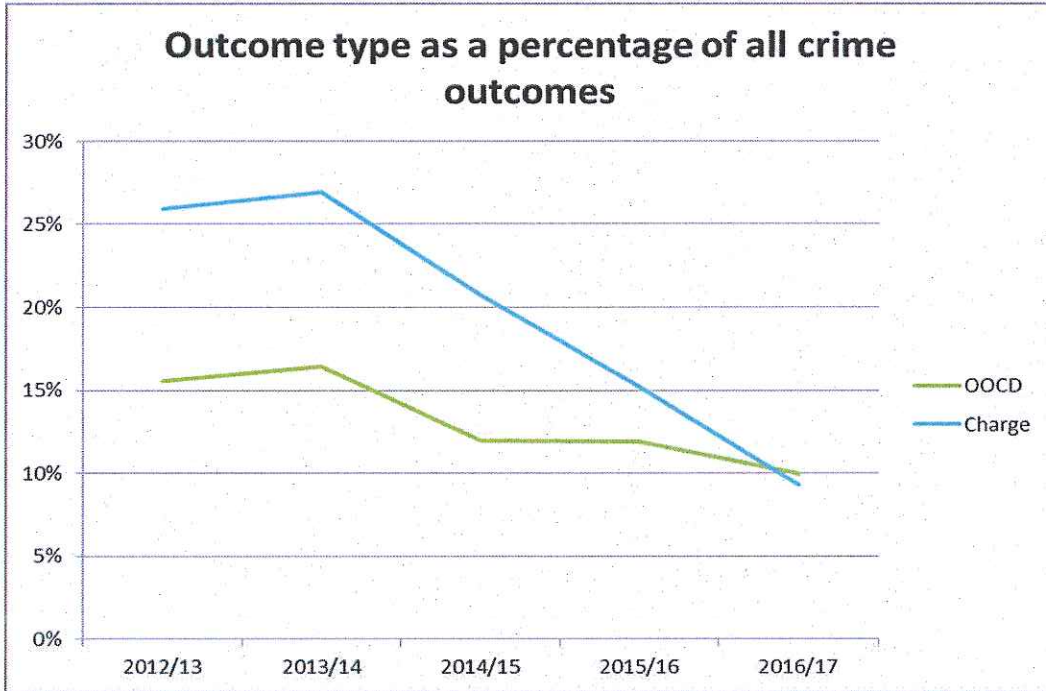
The following graphs show the change of Dyfed-Powys Police's use of different out of court disposal types over time.

### Youth out of court disposal type as a percentage of all crime outcomes



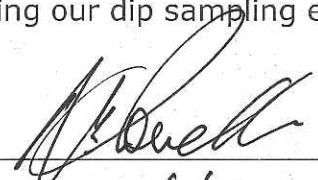
### Adult out of court disposal type as a percentage of all crime outcomes





**3.0 Approval by Panel Chair**

I MR. N. E. POWELL (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 23<sup>rd</sup> October 2017.

Signed:   
Date: 30/1/18

#### 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:

- Officers have been reminded of the need to include decision making rationale and a copy of the caution form within case files.
- Feedback has been provided to all sergeants that "possession of cannabis" is sufficient wording for Cautions, rather than "attempted possession"
- Following the Panel's recommendation at the January 2017 meeting, the Force has conducted an internal review of all out of court disposals for youth sexual offences. Five recommendations have subsequently been made to officers to improve how cases of this nature are dealt with in the future.

#### 5.0 Firearms and Domestic Incidents – youth suspects

Two of the youth cases considered had been dealt with by way of Youth Community Resolution whilst one suspect was issued with a Youth Caution. Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	0
Appropriate with reservations	0
Inappropriate	3

#### 5.1 Observations

Panel Members' observations on each case are detailed below.

##### Case 1

Members felt that the issue of a Youth Community Resolution was inappropriate due to the suspect's limited interaction with the Youth Bureau and admission of guilt. Subsequently, members felt there was a high likelihood of re-offending and therefore, the suspect may have benefitted from a Conditional Caution.

##### **Panel's Assessment: Inappropriate**

##### Case 2

The case was recorded as possession of a firearm with intent which carries a higher gravity matrix score than what was recorded. The suspect denied intent but accepted possession and therefore the Youth Community Resolution (YCR) was issued for the lesser offence of possession of an unloaded air weapon in a public place. Panel Members noted that there was a discrepancy within the case file as to the offence's description and the subsequent gravity matrix recording which shows a lack of consistency with policy. Therefore, a YCR was deemed an inappropriate disposal method.

**Panel's Assessment: Inappropriate**

**Case 3**

Members felt the case met the criteria of a higher graded gravity matrix score and therefore a YCR was deemed too lenient. Rationale documented in the case file previously indicated towards issuing a Caution. Concern was also raised over the limited family support shown by failing to cooperate with the Youth Bureau which resulted in an incomplete assessment, due to the refusal of parent. Panel Members were satisfied, however, with how the case was addressed within the school and that the suspect successfully complied with his YCR by writing an apology letter.

**Panel's Assessment: Inappropriate**

**Action 1**

Guidance to be given to Force and Youth Offending Teams regarding completing and complying with the gravity matrix.



## 6.0 Firearms and Domestic Incidents – adult suspects

Panel Members reviewed 16 adult cases, 11 of which had been dealt with by way of Caution, 1 Conditional and 4 via Adult Community Resolution (ACR). Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	12
Appropriate with reservations	1
Inappropriate	5
Panel Failed to Reach Conclusion	1

### 6.1 Observations

Panel Members' observations on each case are detailed below.

#### Case 4

Members considered a Caution was appropriate in this case where a child had been dragged along the carpet, sustaining injuries to their skin. The suspect fully admitted to the offence and showed genuine remorse. The parents were also fully engaging with Social Services.

**Panel's Assessment: Appropriate**

#### Case 5

Panel Members agreed that a Caution was appropriate for this case as the suspect fully admitted to the offence and had no previous history of offending.

**Panel's Assessment: Appropriate**

#### Case 6

Members were satisfied with the outcome as the suspect's previous convictions were 40 years ago. Members did suggest that due to the allegation of harassment, that the victim may have benefitted from a condition to keep away from them being applied to the Caution.

**Panel's Assessment: Appropriate**

**Case 7**

Members considered a Caution appropriate in this case.

**Panel's Assessment: Appropriate**

**Case 8**

Members were satisfied with the rationale contained within the case file and subsequent outcome decision.

**Panel's Assessment: Appropriate**

**Case 9**

Members considered the Caution to be the correct form of disposal.

**Panel's Assessment: Appropriate**

**Case 10**

It was agreed by the Panel that a Caution was the correct form of disposal as there was no complaint expressed by the victim and previous similar convictions were over 7 years ago.

**Panel's Assessment: Appropriate**

**Case 11**

Members expressed no concerns with the rationale contained within the case file and the subsequent outcome decision as this was the offender's first convicted offence. However, following the meeting, it came to light that Dyfed-Powys Police's policy states that a Conditional Caution is not suitable for any domestic related offences. As a result it was decided that this case would be returned to the Panel for review at their next meeting.

**Panel's Assessment: Appropriate**

**Action 2**

Case 11 to be reconsidered at the January 2018 Panel meeting in light of the policy for Conditional Cautions not being eligible for domestic related offences.

**Case 12**

Panel Members came to the decision that this case had been inappropriately disposed. The full submission was taken into consideration and the willingness to pay for damage, however due to the extent of the damage caused to property which can be seen in the case file it is evident that the suspect's outburst was prolonged and severe. Additionally, as the suspect has a history of offending tracing back 6 years previously, Members felt the offender should have been charged.

**Panel's Assessment: Inappropriate****Case 13**

Members agreed that this case had been appropriately disposed. No concerns were raised over the rationale contained within the case file. The Panel noted that the suspect's PNC record does however need to be updated in order to fully reflect the offences disclosed on the Admission of Guilt.

**Panel's Assessment: Appropriate****Action 3**

Suspect within case 13's PNC record to be updated to correctly reflect the offences disclosed on the Admission of Guilt.

**Case 14**

Panel Members failed to reach a conclusion on this case. Members felt there was an unclear rationale within the case file for disposing as a Community Caution. The suspect had previously been arrested for the exact same offence the night prior to this offence being reported.

In order to fully evaluate the case, the Panel wished to review at the next meeting when further information on the linked case would be available.

**Panel's Assessment: Failed to reach conclusion****Action 4**

Force to gather more information on the linked case relating to case 14 and Panel to reconsider the case at their next meeting

**Case 15**

It was agreed that a Caution was appropriate in this case, as suspects were carrying air rifles in a public place. There had been no threat to members of the public or any previous related convictions.

**Panel's Assessment: Appropriate**

**Case 16**

Panel Members felt that this case was appropriately disposed of. The suspect had no trace of previous convictions and the Panel felt that the offence was purely committed from a lack of knowledge surrounding gun laws. Although some time elapsed awaiting the suspect to attend an interview, full admission was given along with a letter of apology.

**Panel's Assessment: Appropriate**

**Action 5**

Dyfed-Powys Police / Police and Crime Commissioner to consider carrying out an engagement activity regarding gun possession and activity to raise awareness of firearms laws.

**Case 17**

Panel Members identified that the rationale within the case file was useful, however due to the fact that the suspect was an experienced firearms user they should have known the laws surrounding weapon modification. It was taken into consideration that the suspect had previously modified a firearm following legal authority, suggesting that the suspect would have been fully aware of the relevant law.

A strongly worded letter from the firearms licensing department was sent to the suspect and the suspect's firearms licence was currently under review, however the Panel felt that an Adult Community Resolution was not a sufficient disposal. Panel Members felt that it would be beneficial to feed the Panel's judgement back to the officer in case to assist learning.

**Panel's Assessment: Inappropriate**

**Action 6**

Panel's feedback from case 17 to be provided to officer in case.

**Case 18**

Panel Members agreed that this case was disposed of appropriately, however reservations were held with regards to the rationale behind the gravity matrix recorded as it was adjusted outside policy regulation. Members discussed the matter extensively as inconsistencies in the completion of the gravity Matrix is a commonly recurring theme.

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

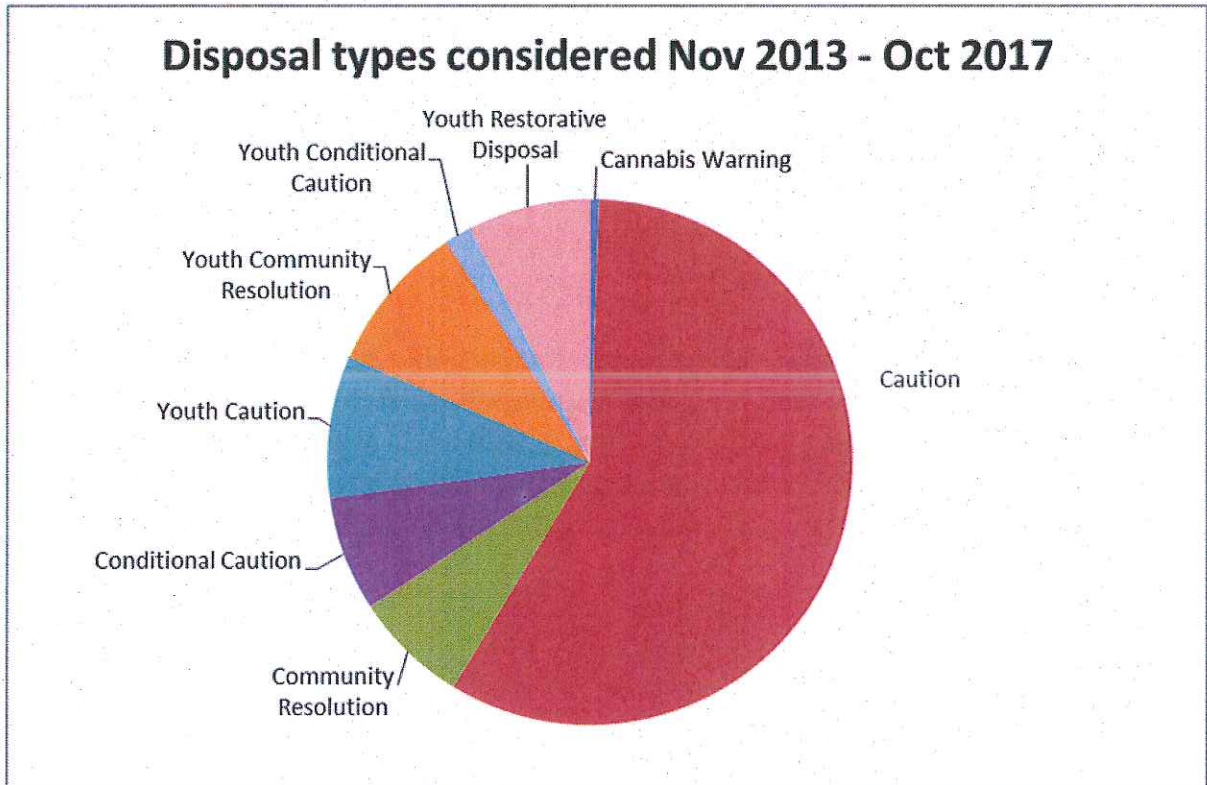
**Case 19**

It was agreed that an Adult Community Resolution (ACR) was appropriate for this case. Although there was an initial reluctance from the suspect to accept the ACR due to refusal to admit to the crime, it was later signed. It was brought to the Panel's attention that there are ongoing disagreements between the victim and offender however this would not affect the rationale for this cases disposal.

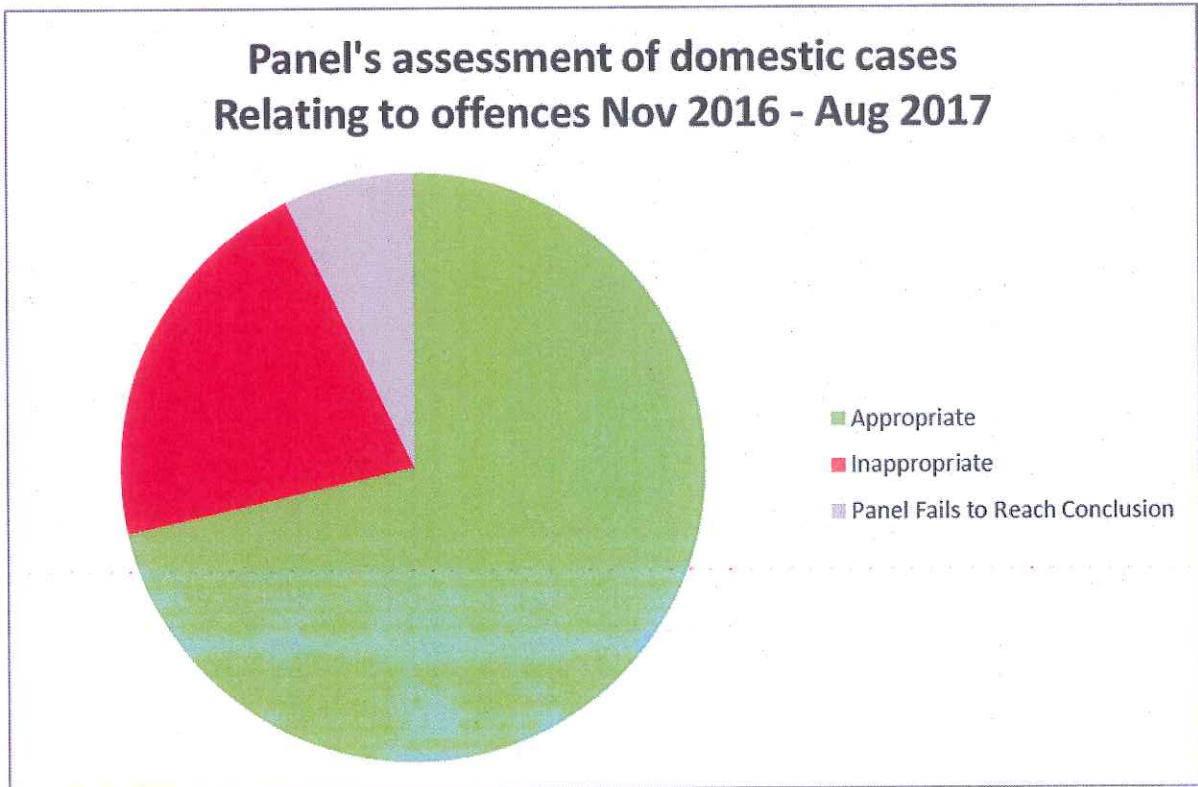
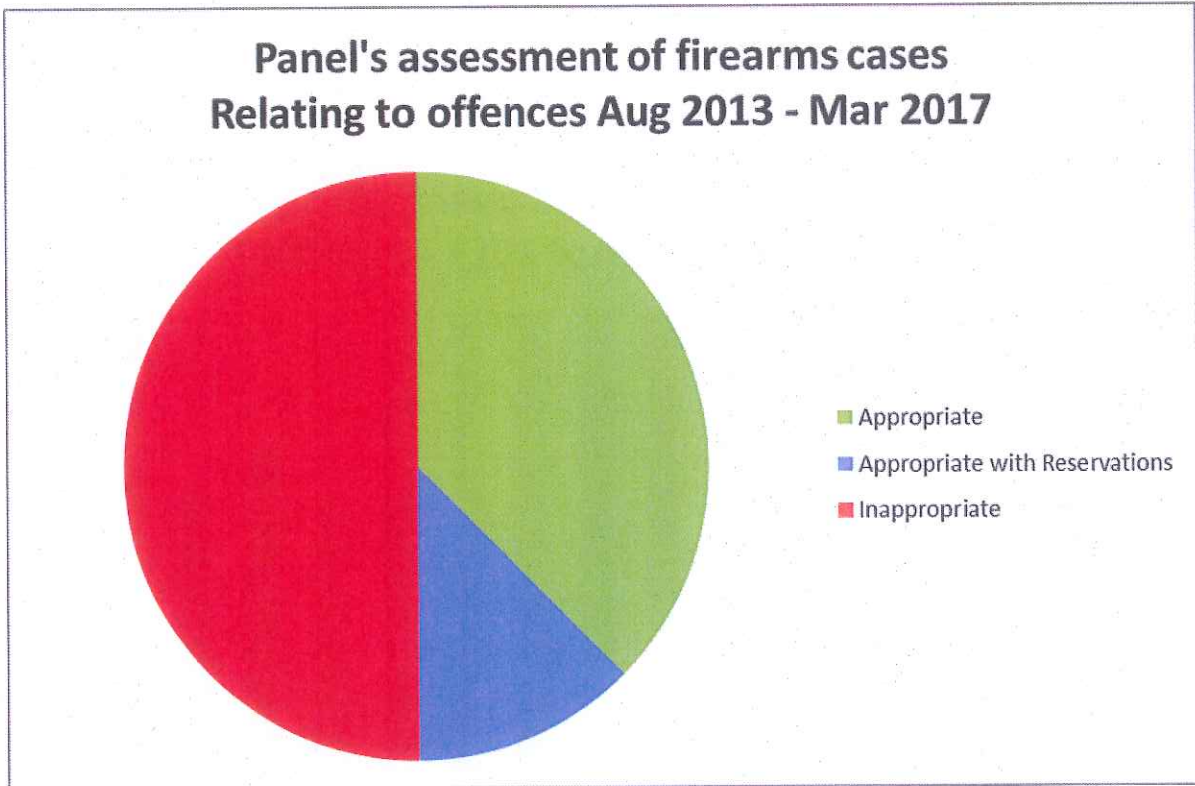
**Panel's Assessment: Appropriate**

### 7.0 Panel's assessments to date

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

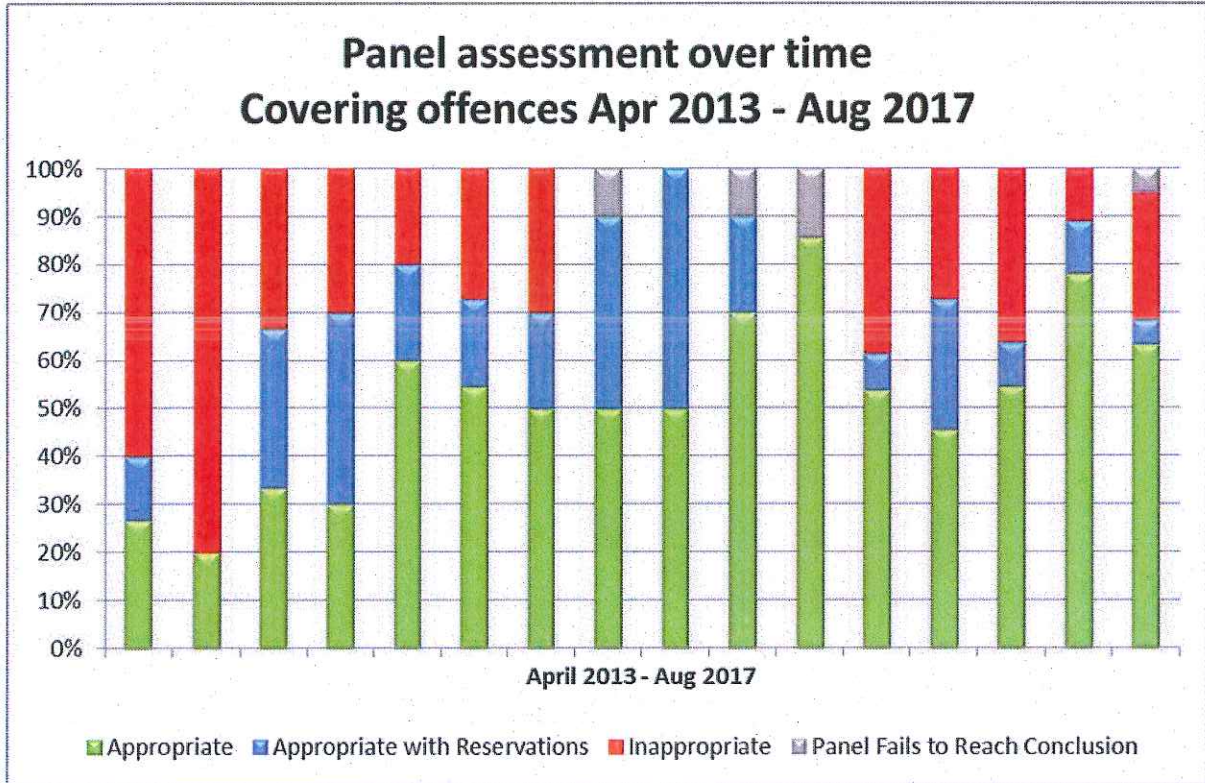


The graphs below demonstrate the Panel's assessment of the crime types considered at the most recent meeting. This may also include data from previous related meetings.



Of the 184 cases examined between April 2013 and August 2017<sup>1</sup>, 52% were assessed as appropriate, 27% as inappropriate, 18 % as appropriate with reservations and the panel failed to reach a conclusion in 2% of cases.

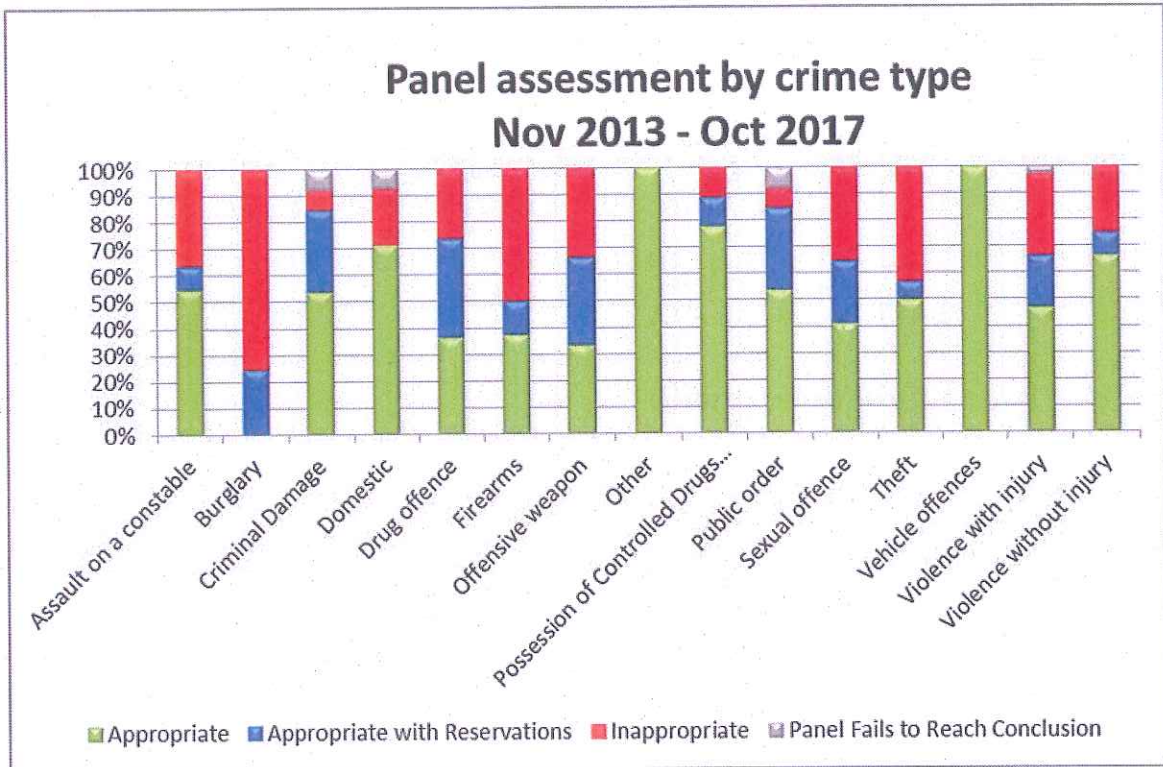
Overall there has been an increase in the number of cases the Panel have deemed as having appropriate disposals. This change over time can be seen in the graph below.



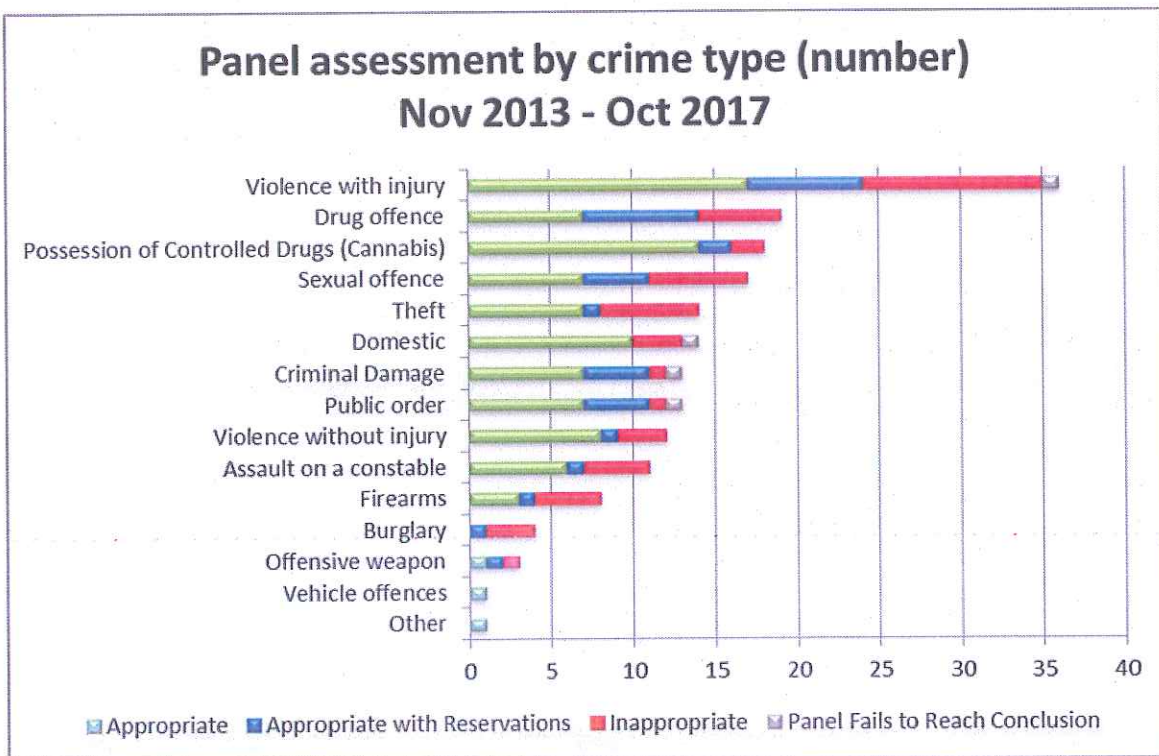
<sup>1</sup> Covering the Panel's activity from November 2013 to October 2017.



The graph below shows the breakdown by crime type as a percentage of cases considered between November 2013 and October 2017.



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 2017.



### **7.1 Good practice**

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

- The work undertaken by Youth Bureaus is thorough in order to support young people to address their offending behaviour.
- Generally, the Panel was satisfied with the rationale noted within the majority of case files, which resulted in the appropriate disposal outcome.

### **7.2 Areas for improvement**

A number of areas for improvement have been identified as a result of the Panel's work this quarter:

- There is a need for greater public awareness and education surrounding firearms laws.
- Further work is required to ensure officers are aware of how to correctly dispose of cases of these nature.
- Panel Members noted concern that lesser forms of disposal were utilised when the suspect didn't fully admit to the original crime.
- The Panel continues to find a number of cases where the 'ACPO Adult Gravity Matrix' completion is inconsistent with policy. This will be addressed through the "Sergeant's Seminars" scheduled to be undertaken from January to April 2018.

### **8.0 Future Panel focus**

On recommendation of the OPCC, Members agreed to consider out of court disposals relating to public order incidents at the next meeting of the Out of Court Disposal Panel.