



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 Possession of Controlled Drugs (Cannabis) Cases

(May 2018 – July 2018)

Out of Court Disposals

Panel Members' Findings & Feedback

October 2018

Contents

1.0 Overview2

2.0 Background, Purpose and Methodology.....2

 2.1 Background data.....3

3.0 Approval by Panel Chair.....4

4.0 Actions taken following previous Panel meeting5

5.0 Consideration of Possession of Controlled Drugs (Cannabis) Cases – youth suspects5

 5.1 Observations.....5

6.0 Consideration of Possession of Controlled Drugs (Cannabis) Cases – adult suspects7

 6.1 Observations.....8

7.0 Panel’s assessments to date.....11

 7.1 Good practice.....14

 7.2 Areas for improvement.....14

8.0 Future Panel focus15

9.0 Other matters arising15



1.0 Overview

At a meeting of the Dyfed-Powys Out of Court Disposal Scrutiny Panel held on 15th of October 2018, Members reviewed a selection of Possession of Controlled Drugs (Cannabis) cases which had been dealt with by way of a Fixed Penalty Notice (FPN).

The Panel considered a total of 20 cases, eight involving youth suspects and twelve involving adult suspects.

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:**

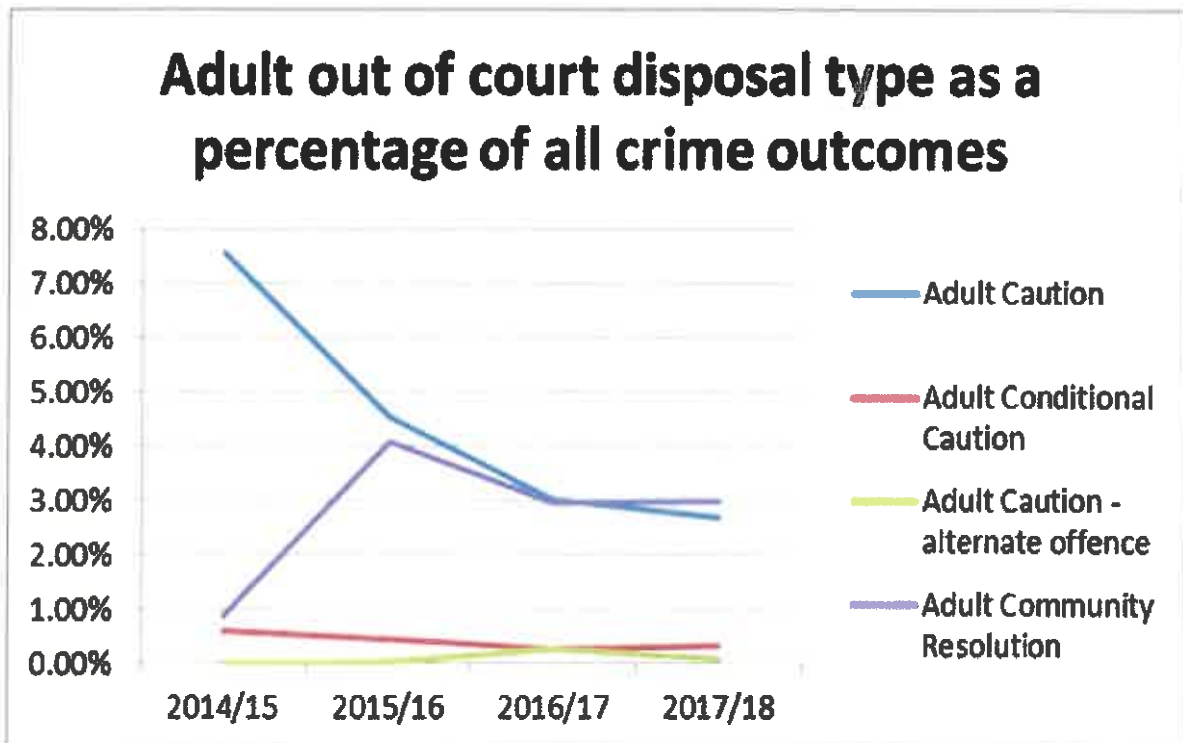
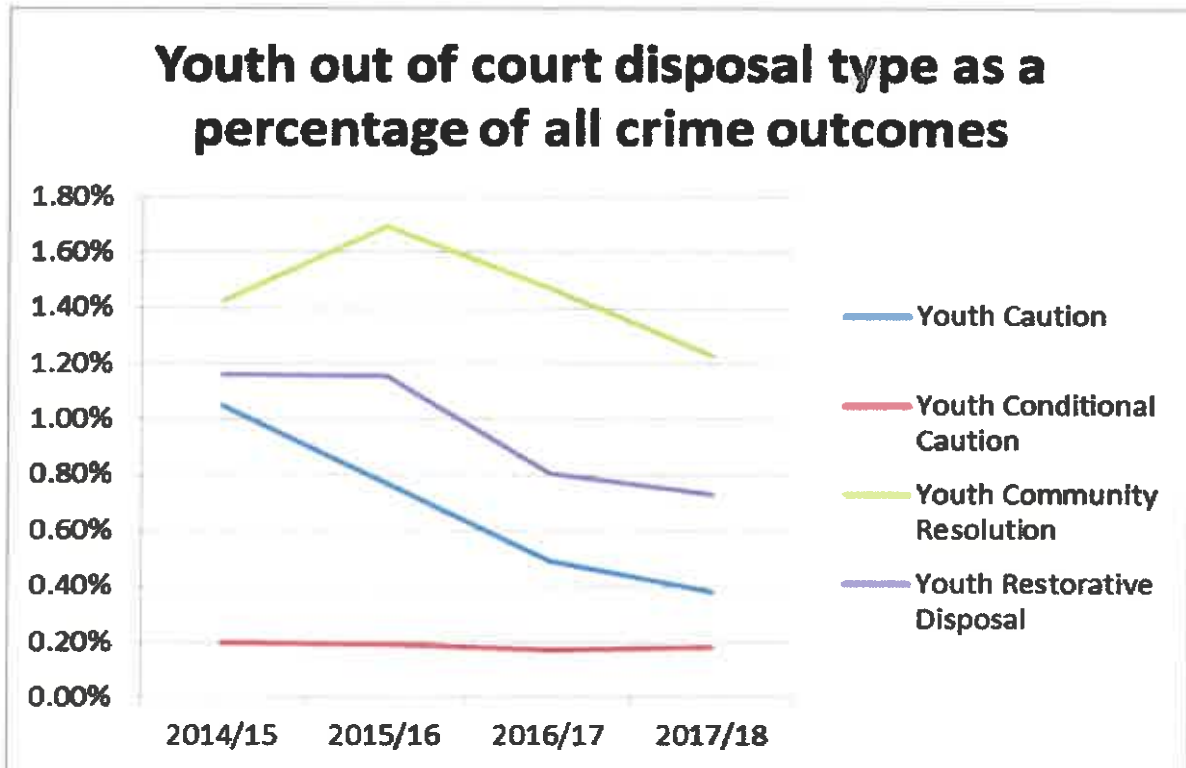
- The views and feedback from the victim and the offender;
- Compliance with force policy;
- Rationale for the decision and outcome;
- Potential community impact;
- Circumstances and seriousness of the offence; and
- Potential alternative options that may have been available.

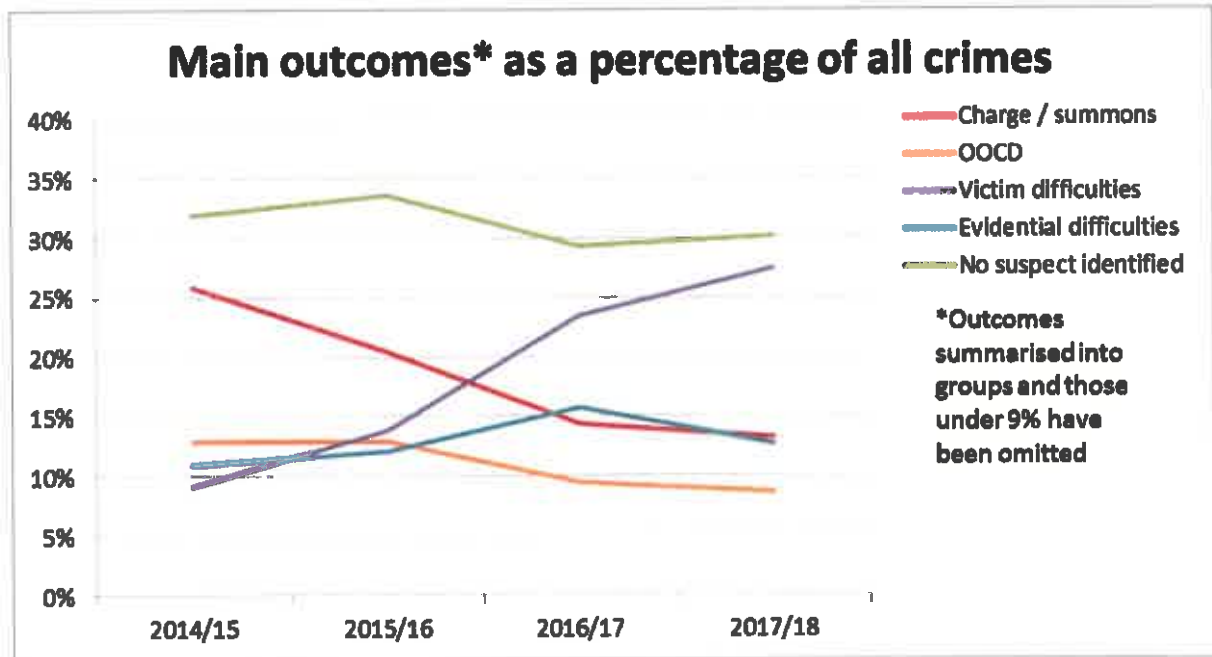
The Panel discuss each case and categorise them as one of the following:

- 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

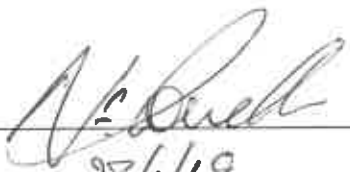
The following graphs show the change of Dyfed-Powys Police's use of different out of court disposal types over time.





3.0 Approval by Panel Chair

I N. E. Powell, JP. (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 15th October 2018.

Signed: 
 Date: 28/1/19.

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:

- Within one of the cases at the last meeting it was discussed that the address of the incident, which was a derelict building, was attracting a lot of antisocial behaviour. This information was passed on to the Chief Inspectors of Territorial Policing in that area to ensure that it sits on their local patrol plan if needed.

5.0 Consideration of Possession of Controlled Drugs (Cannabis) Cases – youth suspects

Six of the youth cases considered had been dealt with by way of Youth Community Resolution, one case by a Youth Caution and one case a Youth Conditional Caution. Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	8
Appropriate with reservations	0
Inappropriate	0

5.1 Observations

Panel Members' observations on each case are detailed below.

Case 1

Members felt that the outcome Youth Conditional Caution for this case was appropriate. The offender had apologised and had no previous convictions.

Panel's Assessment: Appropriate

Case 2

Members were satisfied with the rationale contained within the case file and felt that due to the individual's vulnerable circumstances a conditional caution was an appropriate outcome decision. It was also noted that the individual was in contact with support services, which would hopefully help the individual in the future.

Panel's Assessment: Appropriate

Case 3

Members felt that the given outcome of Youth Community Resolution for this case was appropriate. The Members expressed no concern with the outcome due to the individual having no previous convictions and being vulnerable due to family circumstances.

Panel's Assessment: Appropriate

Case 4

Members were satisfied with the rationale contained within the case file and felt that a Youth Community Resolution was an appropriate outcome decision, with the outcome following criteria and policy.

Panel's Assessment: Appropriate

Case 5

The Panel felt that this case had been appropriately disposed. The individual was vulnerable with Mental Health concerns and was subsequently engaging with support services.

Panel's Assessment: Appropriate

Case 6

Panel Members came to the decision that this case had been appropriately disposed. The offender had been given a Youth Community Resolution; the individual had no previous convictions and was remorseful.

Panel's Assessment: Appropriate

Case 7

The Panel expressed no concern over the outcome of this disposal as it was in line with policy and the suspect had no previous convictions.

Panel's Assessment: Appropriate

Case 8

The Panel felt that the outcome of Community Resolution was appropriate for this case, the individual had no previous history and due to the small amount of cannabis found, it was felt that the outcome was proportionate.

Panel's Assessment: Appropriate

6.0 Consideration of Possession of Controlled Drugs (Cannabis) Cases – adult suspects

Panel Members reviewed 12 adult cases where individuals were dealt with by way of a Fixed Penalty Notice (FPN) for the Possession of Controlled Drugs (Cannabis). Members' assessments were as follows:

Members' assessment	Number of cases
Appropriate	3
Appropriate with reservations	5
Inappropriate	4
Panel Failed to Reach Conclusion	0

6.1 Observations

Panel Members' observations on each case are detailed below.

Case 9

Panel Members noted that in accordance with the PND guidance, issuing the individual with a PND was inappropriate due to their previous convictions. Panel Members did however note that the amount of cannabis found was very small and therefore understood the rationale of the decision maker.

Panel's Assessment: Appropriate with reservations

Case 10

Members expressed a concern regarding the outcome of this case due to the individual having received a previous caution. However, as per case 9, Members noted that although issuing a PND did not comply with policy, the amount of cannabis found was very small to escalate.

Panel's Assessment: Appropriate with reservations

Case 11

An individual should not be given a PND if they have any previous charge, caution, reprimand, final warning or conditional caution for drug production, drug supply or possession with intent to supply. The policy does not state a timeframe as to when previous convictions are discounted. The Panel felt that whilst the outcome of this case was appropriate, due to the individuals' previous conviction being 21 years ago, there were reservations as it did not comply with the PND policy.

Panel's Assessment: Appropriate with reservations

Action 1

Review the PND Policy to consider adding a timeframe or to allow for Officer discretion regarding the appropriateness of issuing a PND to those with previous convictions.

Case 12

In line with the policy, this individual should not have been issued a PND due to having a previous caution. However, it was felt that discretion was needed due to the previous caution being given when individual was under 18, and they had been found in possession of a small amount of cannabis.

Panel's Assessment: Appropriate with reservations

Case 13

The Panel were satisfied with the outcome of this disposal, due to the individual being very young and in possession of a small amount of cannabis. In line with previous cases, the Panel gave this case the outcome of appropriate with reservations, due to the fact that issuing the individual with a PND was going against the policy, as individual had previously been cautioned for possession of drugs.

Panel's Assessment: Appropriate with reservations

Case 14

Panel Members came to the decision that this case had been appropriately disposed as the suspect had no previous convictions.

Panel's Assessment: Appropriate

Case 15

Members were satisfied with the outcome of this case; the offender fully admitted the offence and had no previous convictions.

Panel's Assessment: Appropriate

Case 16

Members felt that this case was inappropriately disposed. The individual had previous convictions, was found to be in possession of a significant amount of cannabis and was awaiting blood results for suspicion of driving under the influence of drugs. Members felt that this case should have been escalated. It was also noted that the suspicion of the individual driving under the influence was being dealt with as a separate case; it was felt that these cases should have been dealt with together and sent to court.

Panel's Assessment: Inappropriate

Case 17

The Panel concluded that this case had been inappropriately disposed. The individual had received a previous PND just 10 days previously. The individual's vehicle was stopped and searched in both incidents and they were found to be in possession of cannabis and was therefore being investigated for driving under the influence. However, members did note that due to the close proximity of the cases, it was possible that the recording of the first incident had not been finalised and therefore was not visible to the officers dealing with the second offence.

Panel's Assessment: Inappropriate

Action 2

Case 17: The timing and recording of cases 17 and 18 to be reviewed to check whether case 18 would have been finalised and recorded within the 10-day gap.

Case 18

This individual within this case was found to be the same individual as the case above, with this offence occurring just 10 days prior to case 17. Members felt that this case was appropriately disposed as the individual had no previous convictions and was therefore appropriate.

Panel's Assessment: Appropriate

Case 19

The Members came to the decision that this case was inappropriately disposed. It was felt that the individual should have been charged with possession of cannabis due to being found with such a large amount.

Panel's Assessment: Inappropriate

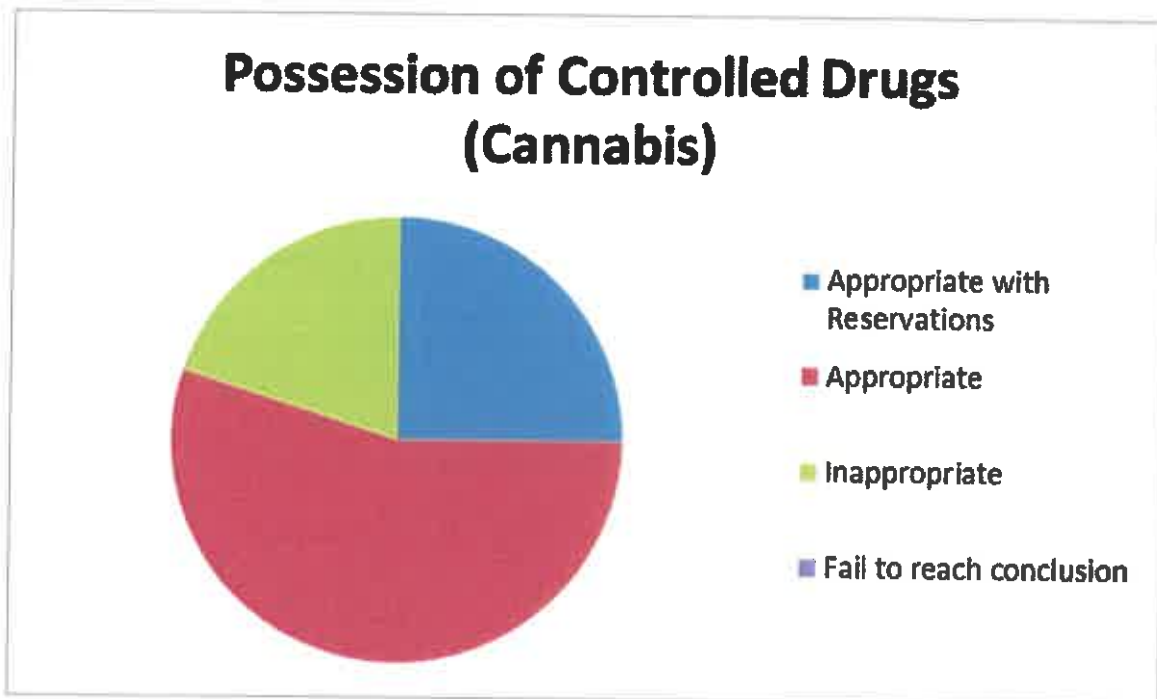
Case 20

This case was found to be inappropriately disposed due to the individual having 76 previous convictions, some of which were relating to drug possession, with the last offence being 5 years ago.

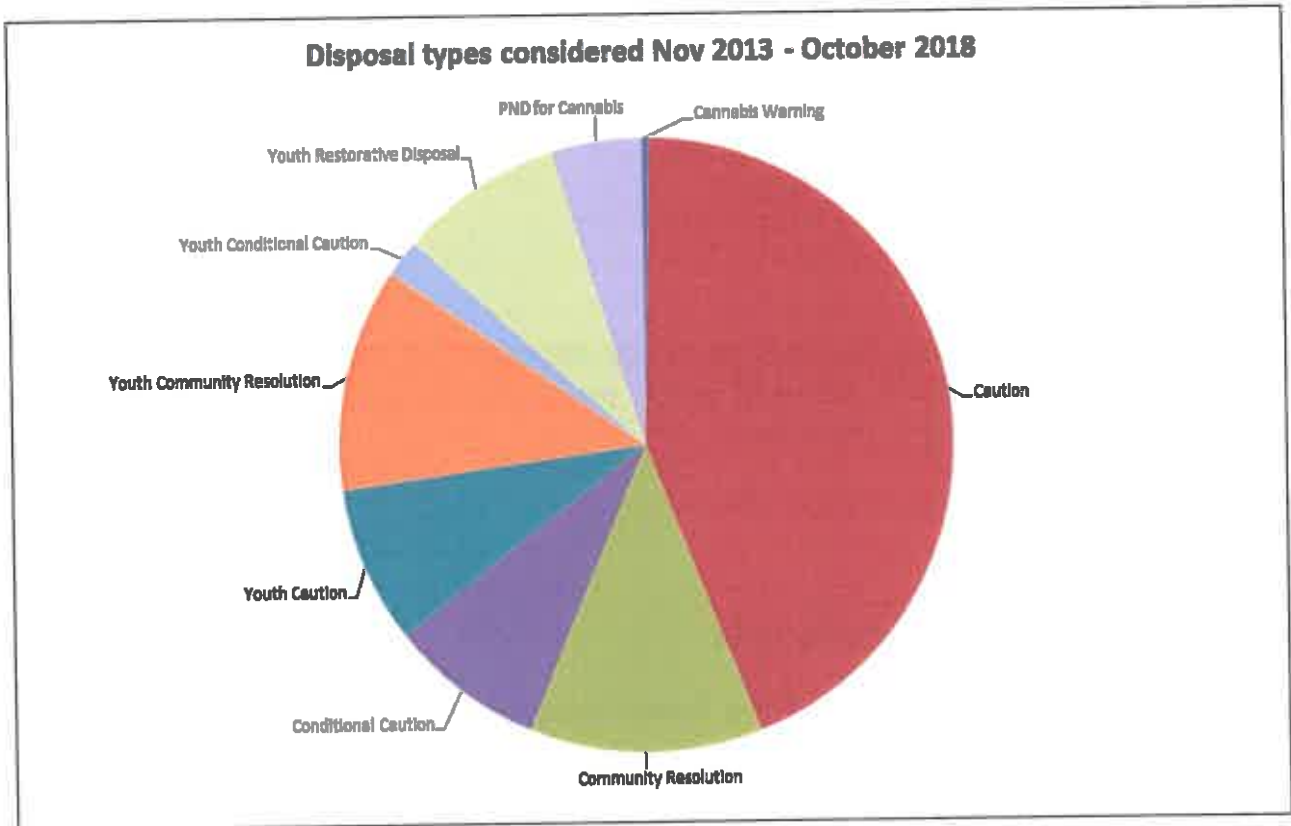
Panel's Assessment: Inappropriate

7.0 Panel's assessments to date

The graph below demonstrates the Panel's assessment of the cases considered at the most recent meeting.

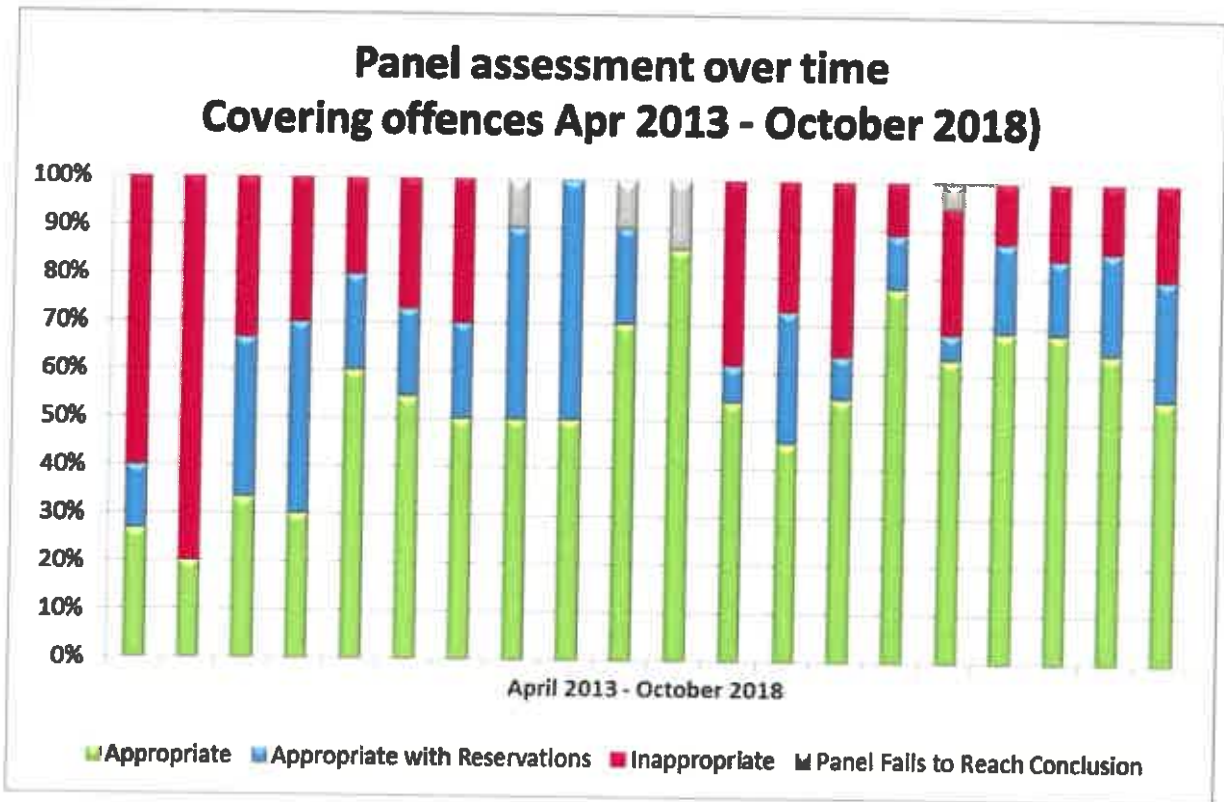


Since April 2013 the Panel has considered a range of disposals, as displayed in the graph below.

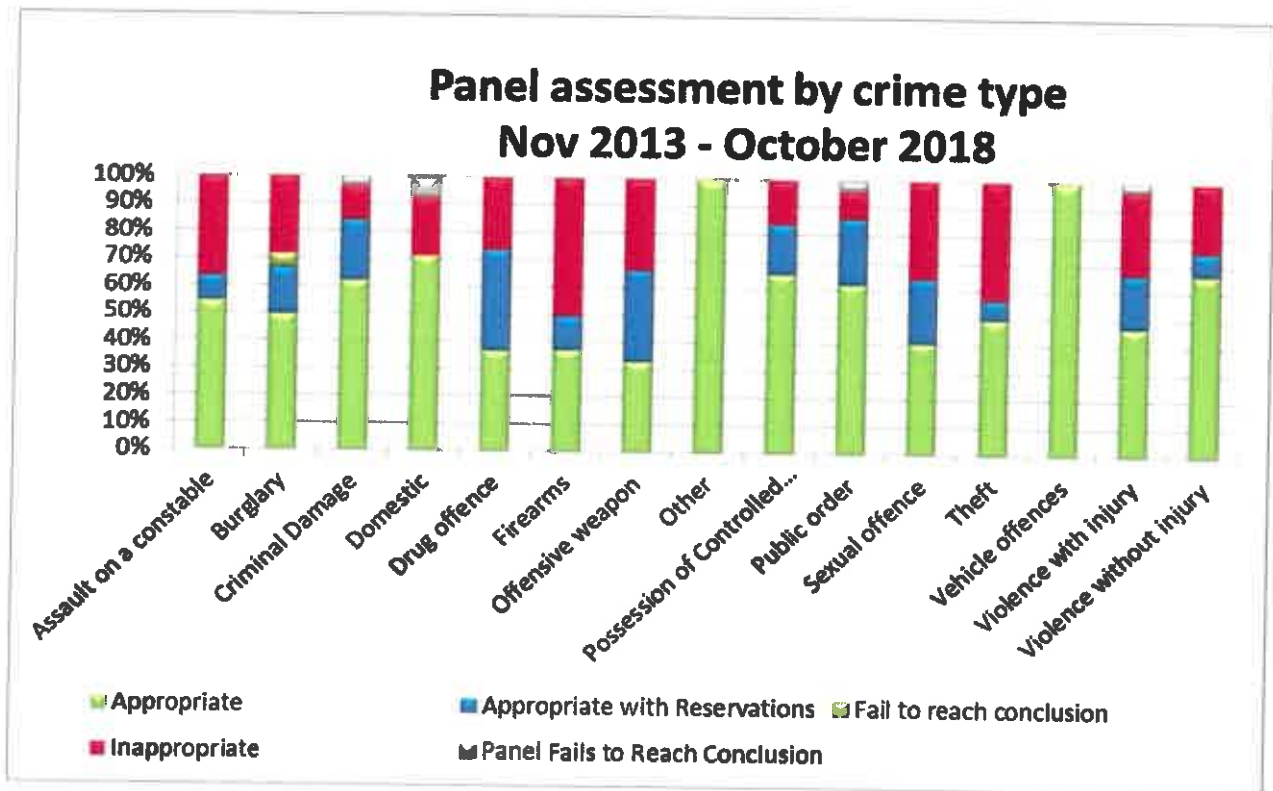


Of the 253 cases examined between April 2013 and October 2018, 56% were assessed as appropriate, 24% as inappropriate, 18% as appropriate with reservations and the panel failed to reach a conclusion in 2% of cases.

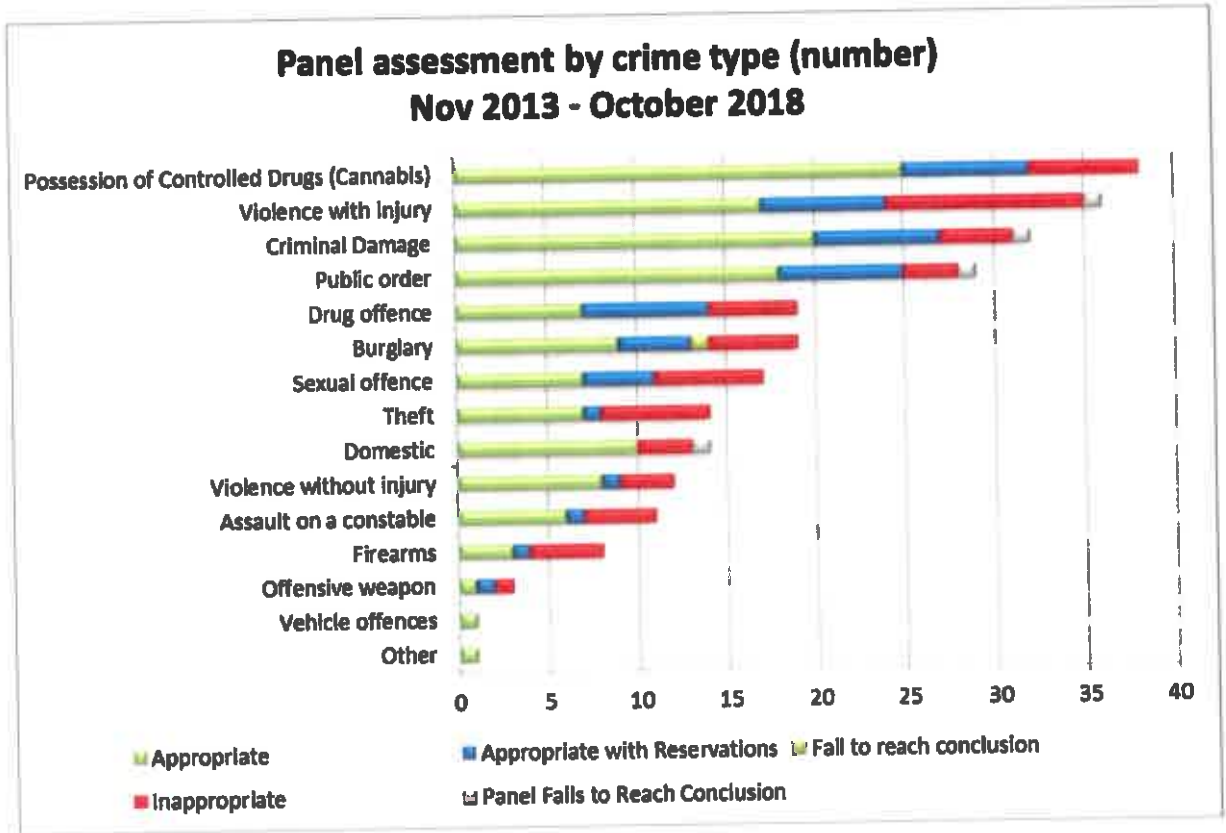
Overall there has been an increase in the number of cases the Panel have deemed as having appropriate disposals. This change over time can be seen in the graph below.



The graph below shows the breakdown by crime type as a percentage of cases considered between November 2013 and October 2018.



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 2018.



7.1 Good practice

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

- Within all eight of the Youth Cannabis possession burglary cases dip-sampled the Panel were satisfied with the rationale noted within the case files, which resulted in the appropriate disposal outcome.

7.2 Areas for improvement

There was one particular areas for improvement Identified as a result of the Panel’s work this quarter:

- It was found that the PND Policy needed reviewing to allow for Officer discretion and to state clearly whether there is a timeframe for how long previous convictions are recognised.

8.0 Future Panel focus

A discussion took place as to what topic the Panel should consider next. Both sexual offences and knife crime were considered as possible options. As a Panel the Members agreed to consider out of court disposals relating to sexual offences, it was agreed that this would be a good opportunity to look at developments since their review of sexual offence cases back in March 2016. It was also agreed that the statistics and data of knife crime in Dyfed-Powys will be researched and brought to the next meeting to discuss whether this would be an appropriate topic to review at a future meeting.

9.0 Other matters arising

Within the last meeting which took place on the 16th of July, members failed to reach a conclusion with case 14. Case 14 had a linked offence, where the individual was found in possession of a substance and was waiting on lab results to identify what it was. Members asked for the case to be brought back once lab results had been received. It was noted that since the last meeting the lab results came back as clear. Due to this development Members felt that the case had been appropriately disposed.

