



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

This document is available in Welsh as well as English.



Police and Crime Commissioner for Dyfed-Powys

Scrutiny Panel

Dip Sampling Exercise

Review of Possession of Drugs Cases

Panel Members' Findings & Feedback

January 2023

Contents

1. Overview

On the 30th of January 2023 Members attended the meeting of the Dyfed-Powys Out of Court Disposal Scrutiny Panel. Members reviewed a selection of possession of drugs cases, which had been dealt with by way of an Out of Court Disposal. The Panel considered a total of 16 cases, 8 involving youth suspects and 8 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 30th January 2023.

Signed: David Evans

Date: 24/04/2023

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 OOCDD meeting noting that all Hate Crime cases should be referred to CPS for advice. Clarity has since been sought that there is no requirement for the police to refer all Hate Crime or Domestic Abuse cases to the CPS for approval of an OOCDD. The sole exception are conditional cautions which are generally inappropriate in Hate Crime and Domestic Abuse cases, and which can only be given in exceptional circumstances with the authority of a CPS prosecutor.

1. Good practice

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

- A discussion took place in relation to the Magistrates Association, December 2022 Report: "Out of court disposals: Fit for purpose or in need of reform?" It was noted that Dyfed-Powys was highlighted as good practice in terms of transparency and the reporting of the OOCDD Panel's findings.

6.0 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 Drug offence outcomes are in-line with policy, and that Youth Restorative Disposals and Cautions are being issued appropriately.

7.0 Consideration of possession of drugs cases - youth suspects

Eight possession of drugs cases were considered, the cases were dealt with via: one Youth Caution, two conditional cautions, three community resolutions and two Youth Restorative Disposals.

Members' assessment	Number of cases
Appropriate	4
Appropriate with reservations	2
Inappropriate	2

Panel Members' observations are detailed below.

Case 1

The suspect in this case was found in possession of 2g of cannabis and was given a Youth Caution. Members felt that this case was appropriately disposed due to the suspect having a good intervention plan in place, being only fourteen years old and being vulnerable. Although the individual's past offence was only two months ago, members felt that this offence was before the individual had the chance to engage in any intervention. It was also noted that there was a good, detailed rationale recorded in the log.

Panel's Assessment: Appropriate

Case 2 and 3

The suspect in this case had been found in possession of a small amount of cannabis and a grinder and was given a Youth Conditional Caution. Members had reservations in relation to this disposal as the offender had several ongoing out of court disposals. Members felt that due to the suspect showing no remorse and the number of previous convictions that this case possibly should have been escalated. Case 2 and 3 are linked and have the same offender.

Panel's Assessment: Appropriate with reservations

Case 4

The suspect in this case was found in possession of 4g of cannabis and was given a Youth Community Resolution. Members felt that this outcome was appropriate as there was a four-year gap since the individual's last conviction. It was queried as to whether this case should have been picked up by the intact Team. It was however, acknowledged that the individual was receiving support by YOT.

Panel's Assessment: Appropriate

Case 5

The suspect in this case was found in possession of a small amount of cannabis and a grinder. Members felt that a Youth Community Resolution was appropriate, as the quantity was small, and the suspect was receiving support and intervention.

Panel's Assessment: Appropriate

Case 6

The suspect in this case was given a Youth Restorative Disposal for being found in possession of cannabis following a search. Members noted that this case was inappropriately disposed as it is against policy for a Restorative Disposal to be given to a drugs offence. Members also noted that the offender would have benefited from support and intervention.

Panel's Assessment: Inappropriate

Case 7

Similarly, to case 6, this suspect was given a Youth Restorative Disposal for being in possession of a small amount of cannabis. This was dealt with inappropriately due to Restorative Disposals being against policy for drug cases.

Panel's Assessment: Inappropriate

Case 8

The suspect in this case had been given a Youth Community Resolution for being found in possession of 1g of cannabis. Members had no concerns in relation to this outcome.

Panel's Assessment: Appropriate

10.0 Consideration of possession of drugs cases- adult suspects

Panel Members reviewed eight cases. One had been dealt with by way of a Caution, two via a Conditional Caution and six via a Community Resolution.

Members' assessments were as follows:

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

Case 9

The suspect in this case had been found in possession of cannabis following a search and was given a Caution. Members noted that this case had been inappropriately disposed due to drug cases not being able to be given a Caution. This disposal therefore went against policy.

Panel's Assessment: Inappropriate

Case 10

The suspect in this case had been found in possession of 10g of cannabis and was given a Conditional Caution. Members felt that this outcome was appropriate for the level of the offence and expressed no concerns.

Panel's Assessment: Appropriate

Case 11

The victim in this case was found in possession of 1.7g of cannabis resin and was given a Conditional Caution. Members noted that this case was thoroughly

investigated. Members felt that this outcome was appropriate due to the low value and due to the suspect having no offences for eleven years.

Panel's Assessment: Appropriate

Case 12

The suspect in this case was given a Community Resolution for being found with controlled drugs in their room. Members felt that this was appropriate due to the individual having no previous drug related offences. However, the offender was found in possession of unidentified tablets and there is no confirmation within the case files that these unknown tablets were formally tested. Members acknowledged the cost implications but felt that the unknown tablets should have been fully investigated.

Panel's Assessment: Appropriate with Reservations

Case 13

This case relates to the suspect receiving a Community Resolution for being found in possession of a trace of cannabis and several grinders. Members felt that this outcome was appropriate for the level of the offence.

Panel's Assessment: Appropriate

Case 14

The suspect in this case was found in possession of a small amount of cannabis in their pocket whilst being stopped for driving under the influence of drink and or drugs and was given a Community Resolution. Members felt that this disposal for the possession of drugs was appropriate. However, a discussion did take place in relation to whether the driving under the influence offence should have been dealt with at the same time, rather than being dealt via a separate crime.

Panel's Assessment: Appropriate

Case 15

The suspect in this case was found in possession of a quantity of cannabis in their garden shed. Members felt that a Community Resolution was appropriate due to the suspect having no previous convictions and the amount of drugs being of a low value.

Panel's Assessment: Appropriate

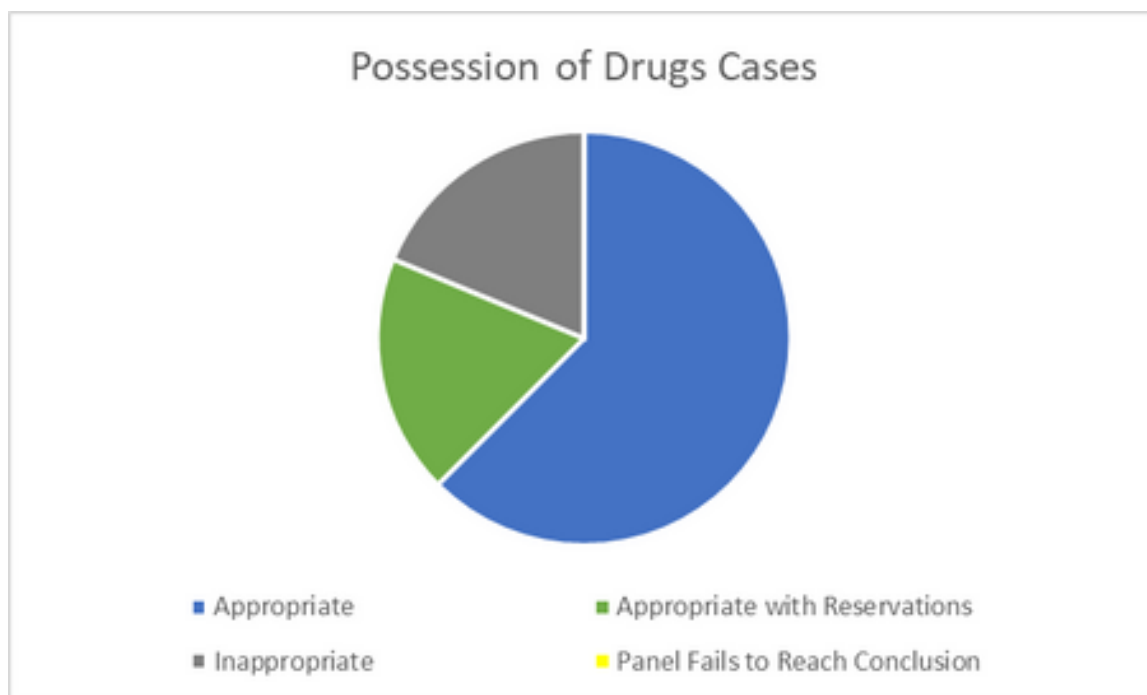
Case 16

The suspect in this case was found in possession of cannabis following a stop and search and was given a Community Resolution. Members felt that this was appropriate and in-line with policy.

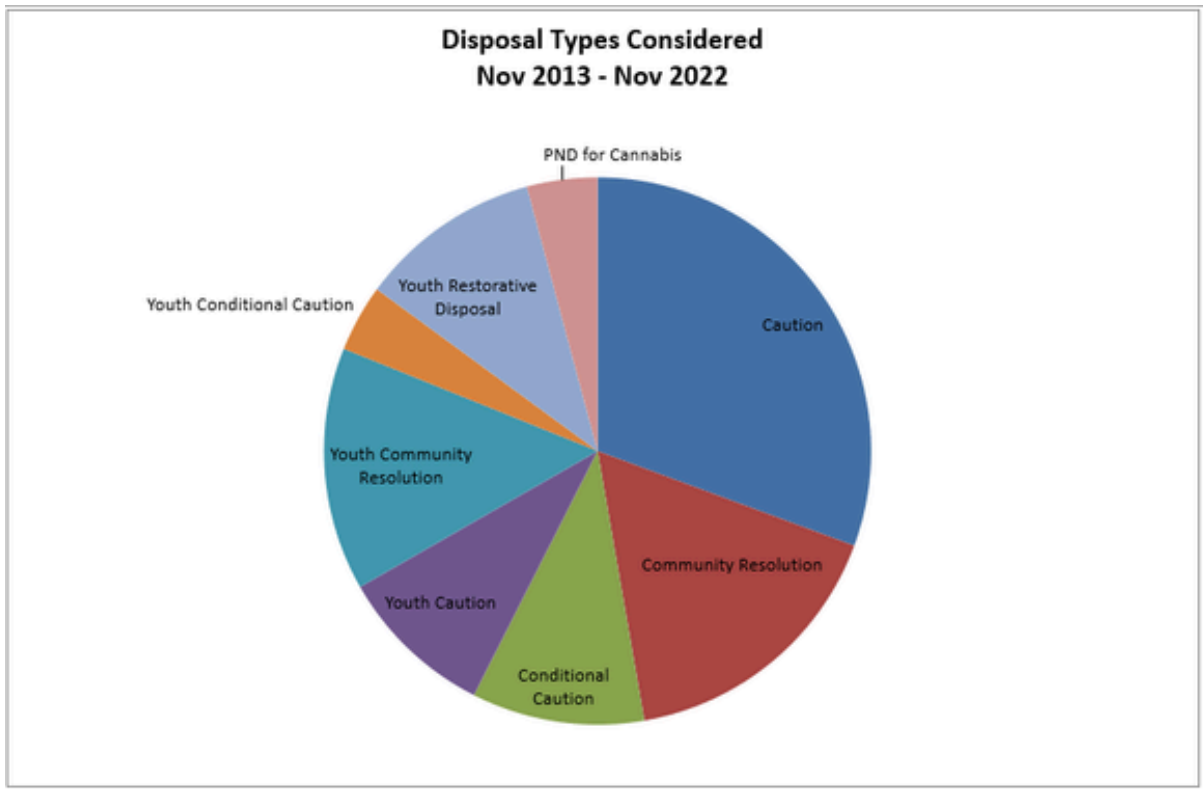
Panel's Assessment: Appropriate

9.0 Panel's assessments to date

The chart below demonstrates the Panel's assessment of possession of drugs cases considered at the most recent meeting:

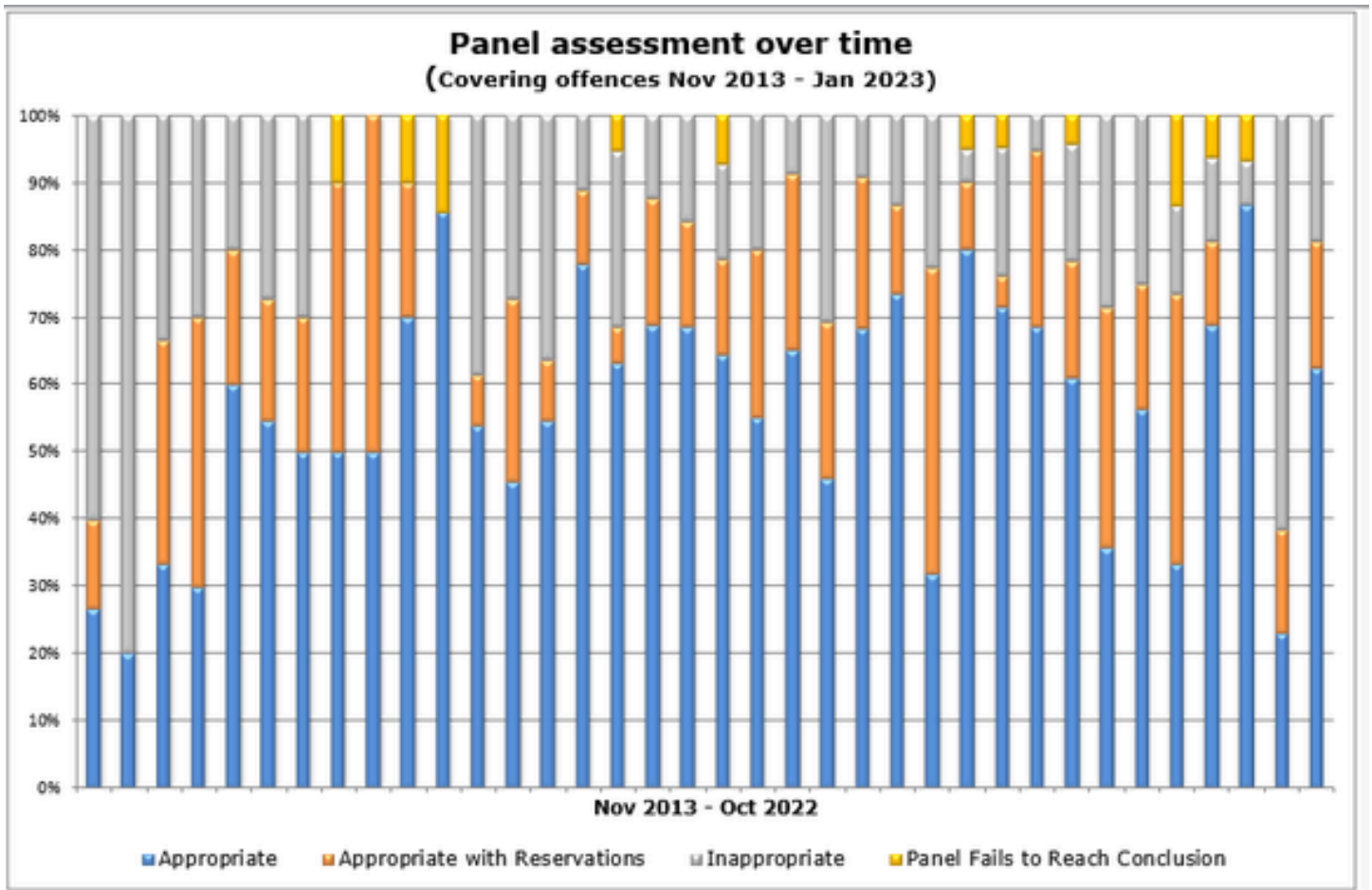


Since November 2013 the Panel has considered a range of disposals, as displayed in the graph below.

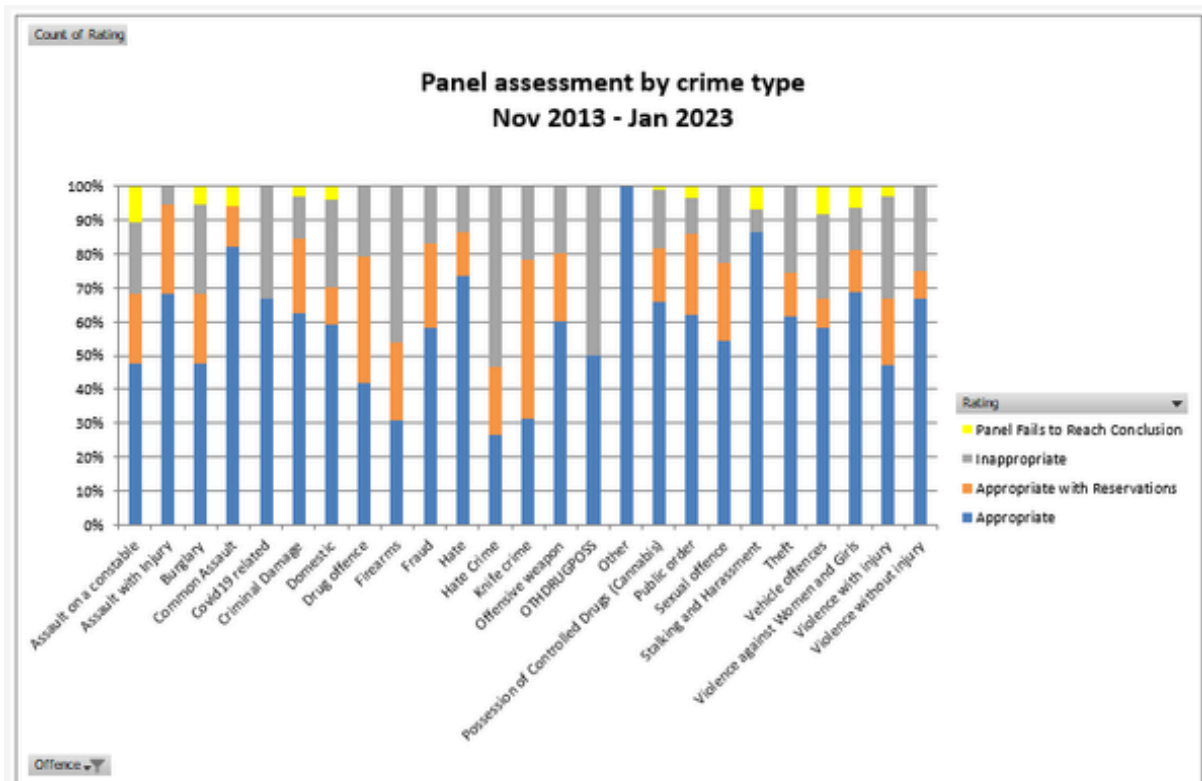


Of the 529 cases examined between April 2013 and January 2023, 57% were assessed as appropriate, 21% as inappropriate, 20% as appropriate with reservations and the panel failed to reach a conclusion in 2% of cases.

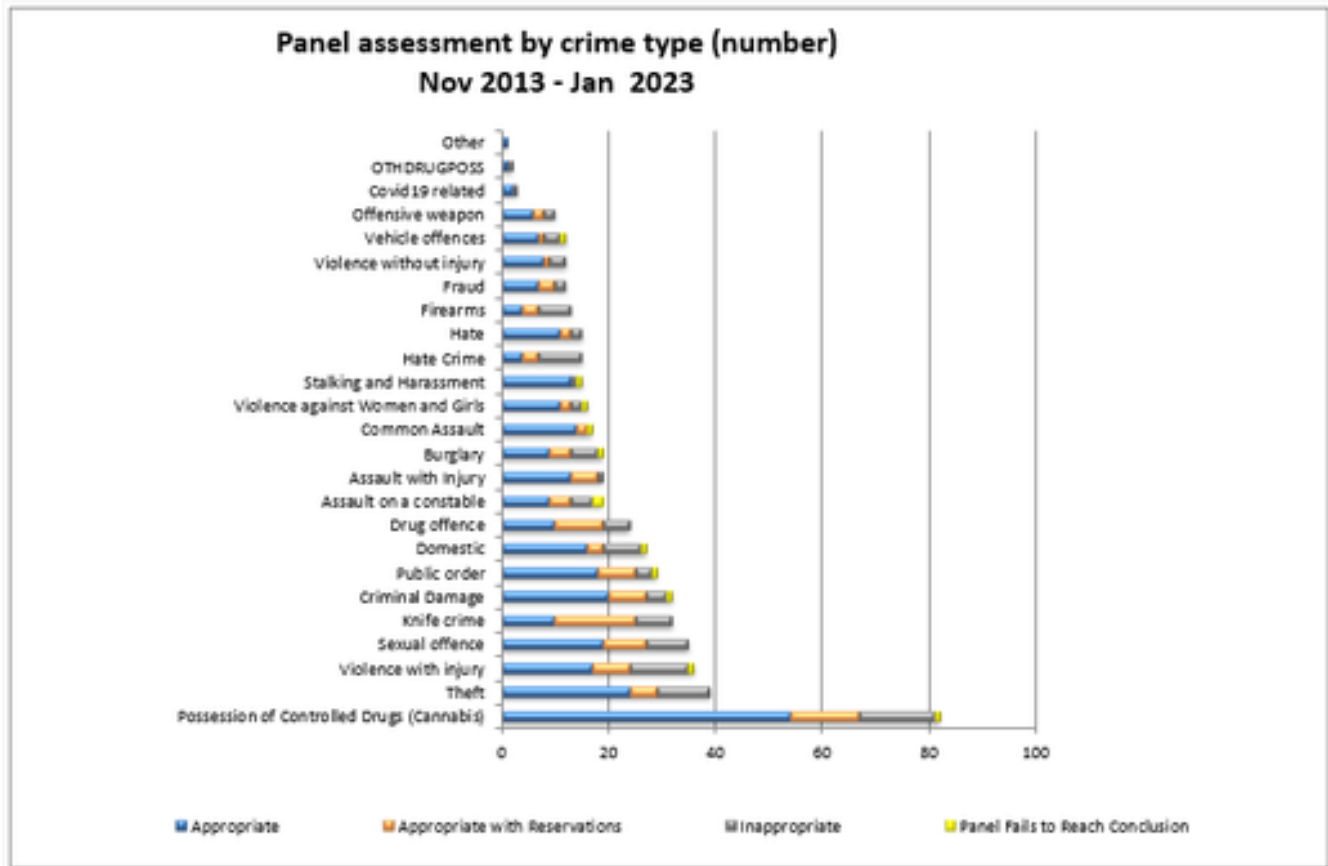
The change in conclusions reached over time can be seen in the graph below:



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

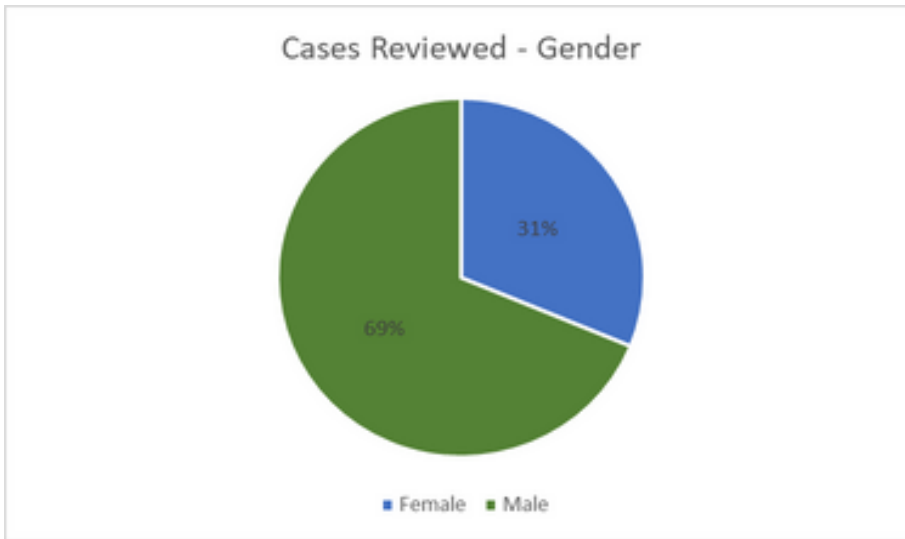


The following graph displays the actual number of cases assessed within each crime type and the resulting Panel opinions at their meetings between November 2013 and January 2023



10.0 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	15	0
White - North European	0	15
Black British	1	1

It was identified that where ethnicity had been recorded, all suspects identified as White - British but officers identified them as mostly White - North European.

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

11.0 Future Panel focus

Following a discussion, it was decided by the Panel that they would like to focus on knife crime cases within the next meeting.

A discussion took place in relation to the Magistrates Association, December 2022 Report: "Out of court disposals: Fit for purpose or in need of reform?". It was noted that Dyfed-Powys had been highlighted as having good practice in terms of the OOC Panel's transparency.

Action 1:For case 4 to be checked to see if the offender should have been referred to the Intact Team for support.

Action 2:A reminder to be circulated to officers in relation to issuing appropriate YRD's.

Action 3:To explore whether a flag can be built into the custody system and the mobile data terminals as a reminder in relation to issuing YRD's appropriately.

Action 4:A reminder to be circulated to officers in relation to Cautions for drug cases going against policy.

Action 5:For a copy of the Magistrates Association, December 2022 Report: "Out of court disposals: Fit for purpose or in need of reform?" to be circulated to the Panel.