



Heddlu Police

DYFED-POWYS

Potentially Dangerous Persons (PDP) Policy

Policy summary:	<i>Policy on the correct handling of Potentially Dangerous Persons.</i>
Policy number:	<i>008/2021</i>
Version control:	<i>Version: 2.0 Date: 20/09/2022 Author: DS [REDACTED] Rationale: Annual review A full version control is available here.</i>
Date implemented:	<i>23/02/2021</i>
Review date:	<i>20/09/2024</i>
Owner/contact:	<i>DS [REDACTED]</i>
Approval	<i>DCI [REDACTED] (OMU Strategic Lead): Date of approval: 20/09/2022</i>
Final Approval	<i>DCI [REDACTED] (OMU Strategic Lead): Date of approval: 20/09/2022</i>
Consultation and approval	<i>Legal Services DCI [REDACTED]</i>
Welsh Translation	<i>Yes</i>



1. Statement of Policy

Dyfed-Powys Police are firmly committed to protecting the public from dangerous offenders who pose a risk of serious harm. Successful delivery of this policing priority is essential in maintaining and enhancing public confidence in our Force and with our partner agencies.

Public Protection is not something that can be achieved alone. Not one single agency has the capacity to protect the public in its entirety and strong and effective partnerships with other agencies are key to protecting the communities of Dyfed-Powys.

The aim of this policy is to ensure that Dyfed-Powys Police has a consistent and professional approach to the management of Potentially Dangerous Persons (PDPs). This purpose is aligned with the College of Policing Authorised Professional Practice for the management of Potentially Dangerous Persons. This policy along with guidance documents will be available on the Force Intranet Site to assist staff with understanding their responsibilities in the early identification of risk and the ongoing management of offenders who pose an imminent risk of causing serious harm. This policy details how Dyfed-Powys will identify PDPs in our community and manage these persons through a structured multi-agency approach.

This will be achieved by:

- Delivering guidance in respect of the management of un-convicted PDPs.
- Key information to be made available to front line officers, clearly defining administrative duties which will assist Dyfed-Powys to support key policing objectives.
- Assisting officers in the recognition of the risks posed by dangerous individuals
- Providing and responding to the identified risk by putting procedures in place to manage PDPs whilst they remain in the community
- Ensuring PDPs are held accountable for their actions, where appropriate through the criminal justice system
- Minimise opportunities for PDPs to commit criminal acts
- Adopting a multi-agency approach in the robust management of PDPs, working in partnership to protect the public, prevent crime and enhance the monitoring arrangements around PDPs



- Improve the volume and quality of information sharing, risk identification and assessment and partnership working.
- All staff, in the adoption of this policy, and in exercise of their daily duties must ensure that:
 - (a) They follow a clearly defined decision-making process by detailing their objectives, assessing all available and relevant information and feasible options, documenting decisions, and reviewing outcomes.
 - (b) They give due regard to the welfare, safety, general well-being and human rights of all individuals
 - (c) They do not unjustifiably discriminate against any individual or groups of individuals;
 - (d) Actions taken are justified, proportionate and the least intrusive and damaging option to be considered in alignment with the risk identified.

Applies (but not limited) to: All categories of Dyfed-Powys Police employees, whether full-time, part-time, permanent, fixed term, temporary (including agency staff, associates and contractors) or seconded staff. Any employee accessing and using Force assets and property must have due regard to the contents of this policy.

2. Policy Scope

This Policy applies to all police officers and police staff and is set to support managers, supervisors and officers and police staff to deal effectively with all aspects in the assessment and management of the risks posed by potentially dangerous persons.

Although not defined in statute, The term Potentially Dangerous Person (PDP) is defined as an individual who has not been convicted of, or cautioned for, any relevant offence but whose behaviour gives reasonable grounds for believing that there is a likelihood of them committing an offence or offences that will cause serious harm.

PDPs due to their definition do not fall within the Dyfed-Powys Local Protocol and Policy document for Multi-agency Public Protection Arrangements (MAPPA) process. There is no statutory process or framework that governs their management. However, the principles of their management are similar in all aspects to the management of offenders within the MAPPA process and there is a clear benefit from utilising this framework.



The requirement and authority to manage PDPs lies in the positive obligations under the European Convention on Human Rights (ECHR), as incorporated by the Human Rights Act 1998. These are Article 2 (the right to life) and Article 3 (the right to freedom from torture or inhuman or degrading treatment or punishment).

Due to the non-statutory nature of this management process, additional procedural issues should be followed for PDPs and a guidance document is available to assist officers to follow the correct process.

Dyfed-Powys Police will work in partnership with external agencies to identify and ensure a robust risk management plan is in place for PDPs.

This policy will be made available for all staff to follow during the course of their duties and officers will be provided specific localised procedure guidance in line with the Authorised Professional practice of the management of Potentially Dangerous Offenders from the College of Policing.

The principles of this policy will be followed by all employees:

- Dyfed-Powys Police will define a PDP as a person who is not eligible for management under the Multi-Agency Public Protection Arrangements (MAPPA) process but whose behaviour gives reasonable grounds for believing that there is a present likelihood of them committing an offence or offences that will cause serious harm.
 - (a) Present likelihood means there is an **imminent risk** of serious harm being caused. The potential event is more likely than not to happen imminently, and the impact would be serious
 - (b) **Serious harm** means *life threatening and/or traumatic, and from which recovery, whether physical or psychological, can be expected to be difficult or impossible*
 - (c) Violent and Sexual Offences recognised as meeting the threshold of serious harm are defined within Schedule 15 of the Criminal Justice Act (2003). Allegations that a person has committed such an offence or exhibits behaviour that indicates they are highly likely to commit such an offence may indicate that a person could be classified as a PDP.

- Identification of a PDP could be via a variety of means, for example :
 - (a) Police officer or staff



- (b) Individual suspected of committing a schedule 15 offence
 - (c) Individual meets classification
 - (d) MAPPA co-ordinator refers a case whereby the individual has been referred into MAPPA but does not qualify under MAPPA, however, meets the criteria of a PDP
 - (e) Individual is no longer subject to MAPPA but meets the criteria of a PDP.
 - (f) Another agency refers an individual they believe meets the criteria of PDP
- Assess, screen and agree a management plan for all identified PDP's followed by a de-registration should it be deemed that person is no longer classified as a PDP.

Failure to identify and efficiently deal with PDPs at the earliest opportunity exposes the community to greater risk of harm. Dyfed-Powys Police takes the management of offenders seriously and ensures robust monitoring provisions are in place in order to successfully manage any identified risk of all offenders, including PDPs who pose a significant risk to our communities.

Whilst this procedure provides a framework for identifying and managing PDP's, it must not act as a barrier to taking immediate action that would be necessary to protect the public from serious harm where circumstances dictate.

3. Powers and Policy/Legal Requirements

The purpose of this policy is to provide guidance to police personnel on the Management of Un-convicted Potentially Dangerous Persons.

The legal basis of the exercise of powers and duties outlined in this policy are:

- Human Rights Act 1998
- Data Protection Act 2018
- Criminal Justice Act 2003
- Crime and Disorder Act 1998

Dyfed-Powys consider that these actions are necessary in the interest of safeguarding the public and to contribute to the prevention of disorder or crime; the protection of public and the protection of rights and freedoms of others.



The effective management of PDPs will require effective information sharing between any agencies that hold relevant information. Information should therefore be shared in accordance with current Information Sharing Agreements within the limitations of Section 115 of the Crime and Disorder Act 1998, the Data Protection Act, and other relevant legislation.

Those responsible for the management of PDPs must be mindful of balancing the human rights of the PDPs, namely an individual's right for a private life (Article 8) and to live free from degrading treatment (Article 3), balanced with the proportionate action that the police are duty-bound to take to protect the public's right to life (Article 2).

4. Options and Contingencies

The policy will be owned by the Head of Protecting Vulnerable People and will be monitored regularly by the Vulnerability Hub for:

- Its effectiveness
- Any changes to HO rules and NPCC guidance
- Changes in policy
- Any identified inefficiencies in relation to implementation

Approval Process: Approval decisions regarding the implementation of this policy will be made by the Head of Protecting Vulnerable People and the Strategic Vulnerability group.

The force policy fully reflects the College of Policing national Authorised Professional Practice on Potentially Dangerous Persons, and operational guidance is held on the Dyfed-Powys police intranet site along with Vulnerability Hub supervisor contact details if advice and guidance is required. The process is robustly and effectively managed by supervisors and managers to ensure continued compliance.

The Policy and guidance provide information on:

- The management of Potentially Dangerous Persons
- Identification of PDP's



- Referral process
- Local Risk Management meetings
- Disclosure
- Information sharing
- Recording and monitoring of cases.
- De-registration of PDP
- Requests under Freedom of Information Act 2000

The guidance and processes identified in the policy are applicable to all police officers and police staff who are involved in any aspects of the identification, recording, investigation and management of potentially dangerous persons.

Guidance is available on the force intranet site along with a link to the APP College of Policing guidance. This enables information to be readily available to all officers and staff within the Organisation. Contact details are also available for the Offender management Detective Sergeant should any advice/ guidance be required.

CODE OF ETHICS

The following Code of Ethics will apply:

- **Accountability** – We will be answerable for the decisions, actions and omissions made in relation to the application of this policy.
- **Fairness** – This policy will be implemented regardless of race, religion, sexual orientation, disability or gender.
- **Honesty** – We will apply the contents of this policy with honesty to maintain the trust of the community we serve.
- **Integrity** – We will apply this policy ensuring we are striving to do the best we can to manage the risks posed by potentially dangerous offenders.
- **Objectivity** – The application of this policy will be based upon evidence and best professional judgement.
- **Openness** – We will be open and transparent in our actions and decisions.
- **Respect** – We will treat all members of the community with respect.
- **Selflessness** – We will act selflessly in the best public interest.



5. Take action and review

Review of the PDP process will be conducted on a bi-annual basis to ensure the policy accurately reflects the force objectives in offender management.

The eligibility of individuals as PDP will be assessed consistently at MAPPA meetings and on a weekly basis at the multi-agency selection panel, where referrals into MAPPA and other Offender Management programmes are screened. The panel meet on a weekly basis at the Vulnerability Hub and consists of the MAPPA co-ordinator, Detective Sergeant, IOM Co-ordinator and Probation Team manager. Referrals are reviewed and information shared between each agency. If an individual is identified as an un-convicted, non-MAPPA eligible offender but the behaviour of that individual demonstrates an imminent risk of serious harm, a recommendation into PDP will be made and actions set for Offender Managers to progress.

The VISOR unit create all PDP records in line with Home Office VISOR Standards. All records of meetings are securely stored on the VISOR record of the PDP.

VISOR also complete data reviews on a monthly basis. The data for PDP's will be collected separately and not incorporated into the data collection of sex and violent offenders, which is included in the MAPPA annual report.

It is expected that successful outcomes will significantly contribute to increased public confidence and satisfaction.

Strategic and operational oversight will be conducted by the Vulnerability Hub and reported quarterly to the Strategic Vulnerability Group to address areas of success or concern.

Complaints made by members of the public to the Professional Standards Department in relation to Offender Management for enforcement will be assessed against the Offender Management policy and procedural guidance.



EQUALITY IMPACT ASSESSMENT

Section 4 of the Equality Act 2010 sets out the **protected characteristics** that qualify for protection under the Act as follows: Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; Sexual Orientation.

The **public sector equality duty** places a proactive legal requirement on public bodies to have regard, in the exercise of their functions, to the need to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is unlawful under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The equality duty applies to all protected characteristics with the exception of Marriage and Civil Partnership, to which only the duty to have regard to the need to eliminate discrimination applies.

Carrying out an **equality impact assessment** involves systematically assessing the likely or actual effects of policies on people in respect of all the protected characteristics set out above. An equality impact assessment should be carried out on any policy that is **relevant** to the public sector equality duty. An equality impact assessment template is available [here](#).



EQUALITY IMPACT ASSESSMENT COMPLETED

Name:	DS [REDACTED]
Department:	Offender Management Unit, Vulnerability Hub
Signed:	[REDACTED]
Date:	5/7/22

HUMAN RIGHTS ACT CERTIFICATE OF COMPLIANCE

This policy has been drafted in accordance with the Human Rights Act and has been reviewed on the basis of its content and the supporting evidence and it is deemed compliant with that Act and the principles underpinning it.

Name:	[REDACTED]
Department:	Legal Services
Signed:	[REDACTED]
Date:	20 September 2022

CODE OF ETHICS CERTIFICATE OF COMPLIANCE

This policy has been drafted in accordance with the Code of Ethics and has been reviewed on the basis of its content and the supporting evidence and it is deemed compliant with that Code and the principles underpinning it.

Name:	DS [REDACTED]
Department:	Offender Management Unit, Police Headquarters
Signed:	[REDACTED]
Date:	5.7.22



Corporate Finance Review

This policy has been reviewed by the Corporate Finance team to ensure the effective use of public spending, maximising value for money.

Name:	[REDACTED]
Department:	Corporate Finance
Signed:	[REDACTED]
Date:	22/09/2022

Freedom of Information Act 2000

Section 19 of the Freedom of Information Act 2000 places a requirement upon the Force to publish all policies on the Force website. Policies are why we do things and procedures are how we do them. A case-by-case review of procedures must be undertaken to protect law enforcement and health and safety considerations. Where a combined policy and procedure document is being produced the Force is legally required to publish the policy section and assess the procedure part to ensure no sensitive information is published. Generally the default position shall be that a policy and accompanying procedure document will be produced separately.

There is a requirement therefore to review this document to establish its suitability for publication. Please identify below whether the document is suitable for publication in its entirety or not. Where it is believed that disclosure will be harmful please articulate the harm that publication would cause and highlight the relevant sections within the document. Where it is perceived that there is harm in disclosure the document should be forwarded to the Disclosure Unit for review.



Suitability for publication

Suitability for publication	Yes/No	Date	Signature
Document is suitable for publication in its entirety	Y	5/7/22	[REDACTED]
Document is suitable for publication in part, I have identified those sections which I believe are not suitable for disclosure and have articulated below the harm which would be caused by publication.			

Outline of any harm identified in publication:

FOI review – to be completed by Disclosure Unit

(Only required if author believes there is any harm in disclosure)

Suitability for publication	Yes/No	Date	FOI Decision Maker
Document is suitable for publication in its entirety			
Document is suitable for disclosure in part and relevant redactions have been applied. A public facing version has been created.			

Once review has been undertaken, FOI Disclosure Officer to return document to policy author and following sign-off document to be published within Force Publication Scheme. Any future changes to the document should be brought to the attention of the Disclosure Unit, as appropriate.



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Full Version Control

Version	Date	Author	Rationale
1.0	23/02/21	DCI [REDACTED]	Update PDP Policy
2.0	20/09/2022	DCI [REDACTED]	Annual Review