

Briefing for Police and Crime Commissioner

Topic: Out of Court Disposals and Diversionary Activity

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Purpose of briefing: to update the PCC on changes to Out of Court Disposal Legislation and to provide a briefing on the Deferred Prosecution Scheme Checkpoint

Background:

National Policy drivers:

The Government committed to making changes to Out of Court Disposal (OCD) policy in its *Sentencing paper: A smarter Approach to Sentencing*. Currently, the Police, Crime, Sentencing and Courts Bill is at Committee Stage in the House of Commons and this will remove the 8 current OCDs, to 2, diversionary and community cautions, both which would need to have at least one condition attached to them. It is expected that this will go live amongst forces by 2023.

The NPCC (National Police Chief's Council) published a national Out of Court Disposal and Charging Strategy which seeks to move policing voluntarily towards the two tier framework for adult offenders prior to legislative changes.

Currently, the Prosecution of Offences Act enables Checkpoint to operate as a community resolution scheme, and not as a conditional caution scheme, meaning that decision making in individual cases falls entirely to the police and as such there is no requirement for CPS approval. There is no exception to the above in cases of domestic abuse either. The Government introduced an additional Home Office outcome (outcome 22-diversionary activities) following the increased use of such schemes across police forces.

Checkpoint:

Checkpoint is a deferred prosecution model for offenders operated by Durham Constabulary which commenced in April 2015 through Home Office Police Innovation Fund and PCC monies. In April 2017 the Checkpoint Programme was expanded into a domestic abuse strand as a result of an agreement between DASVEG and Durham Constabulary.

During this time period a Randomised Controlled Trial has been conducted and examined the effects of a deferred prosecution on a medium risk offender against a traditional criminal justice sanction. Checkpoint is now well established within Durham Constabulary and it is recognised nationally as the most effective way of managing low/medium level offenders. Many national strategies and policies reference Checkpoint and many other forces are emulating on the success of Checkpoint in Durham. Clear governance pathways exist locally and well-established independent scrutiny panels seek to continuously improve the quality and offer organisational learning.

The benefits of the Checkpoint programme can also be extended beyond reductions in reoffending to wider social and economic costs such as criminal costs of prosecution, while maintaining social controls through services aimed at altering behaviour and without allowing the offender to completely escape criminal liability with their actions.

Since the commencement of the project, early successes in the form of reducing reoffending, helping offenders to consider their life options, achieving recognition nationally and winning international awards such as the Goldstein problem solving award all point to a project that is achieving its intended outcomes.

Lessons Learnt:

Results of the RCT are pending publication in the Policing Journal.

Results from the implementation phase are already published here:

<https://academic.oup.com/policing/advance-article-abstract/doi/10.1093/police/paz015/5384508?redirectedFrom=fulltext>

However, there is still a great deal of learning to be undertaken which would benefit policing nationally, however there needs to be an appetite within the Police, PCCs and partners to advance our learning and pilot new opportunities. Many national debates in the House of Commons, House of Lords, and briefings have been done for Ministers and Cabinet. The DPP, Max Hill, is fully supportive.

<https://www.theguardian.com/uk-news/2020/feb/14/durham-pioneering-police-scheme-slashes-reoffending-rates-rehabilitation-programme>

Further research collaborations with academics to evaluate the impact of such schemes on public health outcomes are being explored.

Decisions needed:

None at the minute however the PCC may be keen to explore how other partner contributions can enhance the interventions to support offenders to desist from crime (e.g domestic abuse, drug interventions)

Partnership involvement:

County Durham and Darlington Reducing Reoffending Group

Out of Court Disposal Scrutiny Panel

Checkpoint Domestic Abuse Quality Assurance Group

Police involvement

Since April 2020, police are funding the Checkpoint scheme. All 12 navigators are employed as police staff, and the force manages the scheme.

The force also has a responsibility to review its OOC policy to ensure its alignment with national policies.

People to meet

Detective Superintendent OOC and Checkpoint lead