



Altogether Better Policing

DURHAM CONSTABULARY POLICY

Durham Constabulary Freedom of Information Act Publication Scheme	
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All Durham Constabulary policies are drafted in accordance with Human Rights and Equality Legislation	

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Date	Version	Reason for Change / Update & Comments	Produced / Amended by	Reviewed / Agreed by
<i>August 2020</i>	<i>1.0</i>	<i>Covid 19 interim protocol</i>	<i>DCI 1768 Davies</i>	<i>C/Supt Fuller</i>
<i>October 2020</i>	<i>1.1</i>	<i>Policy reviewed, changes made to CR guidance by SLT/Exec Working Group, slight correction in terminology...</i>	<i>DCI 1768 Davies</i>	<i>ACC Ward October 2020</i>
<i>November 2020</i>	<i>1.2</i>	<i>Policy review with PSLS-To be agreed in FLG/Ethics Board/etc.</i>	<i>DCI 1768 Davies</i>	<i>ACC Ward (pending)</i>
<i>January 2021</i>	<i>1.3</i>	<i>Senior Leadership Working Group Review</i>	<i>DCI 1768 Davies</i>	<i>ACC Ward (pending)</i>
<i>19th March 2021</i>	<i>2.0</i>	<i>Senior Leadership Working Group Review</i>	<i>DCI 1768 Davies</i>	<i>ACC Ward</i>

1.0 Out of Court Disposal Policy

The aim of this policy is to provide a clear and consistent approach to the effective use and management of Out-of-Court Disposals (OCD) within Durham Constabulary, for both **adult and juvenile** offenders.

OCD's are designed to be a fast and effective way of dealing with crime, where it is believed that such use will deter further offending, preventing crime whilst improving victim satisfaction and addressing complex issues. This policy has given consideration to the direction from National Police Chief's Council (NPCC) for a proposed two-tier framework for all out-of-court disposals, which has yet to be defined in legislation. The policy is subject to future reviews as national guidance develops.

The guidance will also ensure swifter justice, encouraging decisions which are proportionate and appropriate. Where there is a realistic prospect of conviction and the Public Interest test has been met, Deferred Prosecution and Community Resolutions will not be used.

2.0 Purpose and Scope

This policy is designed to provide guidance to police personnel and reflects interim guidance published by the NPCC Criminal Justice and OCD lead in response to Covid 19 and delays in the court system. Throughout the pandemic Durham Constabulary will continue to be proactive in managing demand in custody centres, maximising OCD's where appropriate, only seeking Criminal Justice outcomes for those who should not be dealt with via pre-court diversion.

Durham Constabulary will achieve outcome decisions that:

- involve victim engagement,
- are simplified for the public and practitioners,
- are fair and proportionate to the criminality involved,
- are designed to reduce reoffending,
- allow officers discretion within national standards.

3.0 Motivation or Driving Forces

Dealing with crime is a large part of the work that the Police Service do and anything which can be done to prevent reoffending and increase victim satisfaction is vitally important. In the past the options for addressing offending were limited with very few alternatives to prosecution through the courts. The situation has progressed substantially over the years with the introduction of a range of alternative outcomes, initially allowing police to deal with offenders by means of a simple caution (or youth alternative), and then evolving to the position we are in now where options include early intervention,

cannabis/khat warning, penalty notice for disorder (PND), community resolution, simple caution and conditional caution for adult offenders, and for youth offenders, community resolution, youth caution and conditional caution. Youth and adult offenders are rightly treated differently in legislation, which reflects the impact crime and intervention can have on their lives and the way it is managed.

Through the Out of Court Disposals Programme Board, the Ministry of Justice, working with the NPCC and other stakeholders has been actively reviewing the system for adult out of court disposals with the intention of making it more transparent to the public, more streamlined for officers and ensuring offenders always have conditions attached to the outcome, focusing on rehabilitation and victim reparation.

The Out of Court Disposals Programme Board has proposed the two tier framework for adult offenders (youths are unaffected) where the options for out of court disposals are community resolution or conditional caution where rehabilitative, reparative, or punitive conditions are attached to each disposal. This would see an end to those disposals that are simply warnings not to reoffend.

O OCD received mention in the Sentencing White paper announced on the 16th September. The link is below, click within for the further details.

<https://www.gov.uk/government/speeches/lord-chancellors-speech-white-paper-launch-a-smarter-approach-to-sentencing>

The section on 'Other alternatives to custody' formally announces the intention to simplify the O OCD framework with CR and CC.

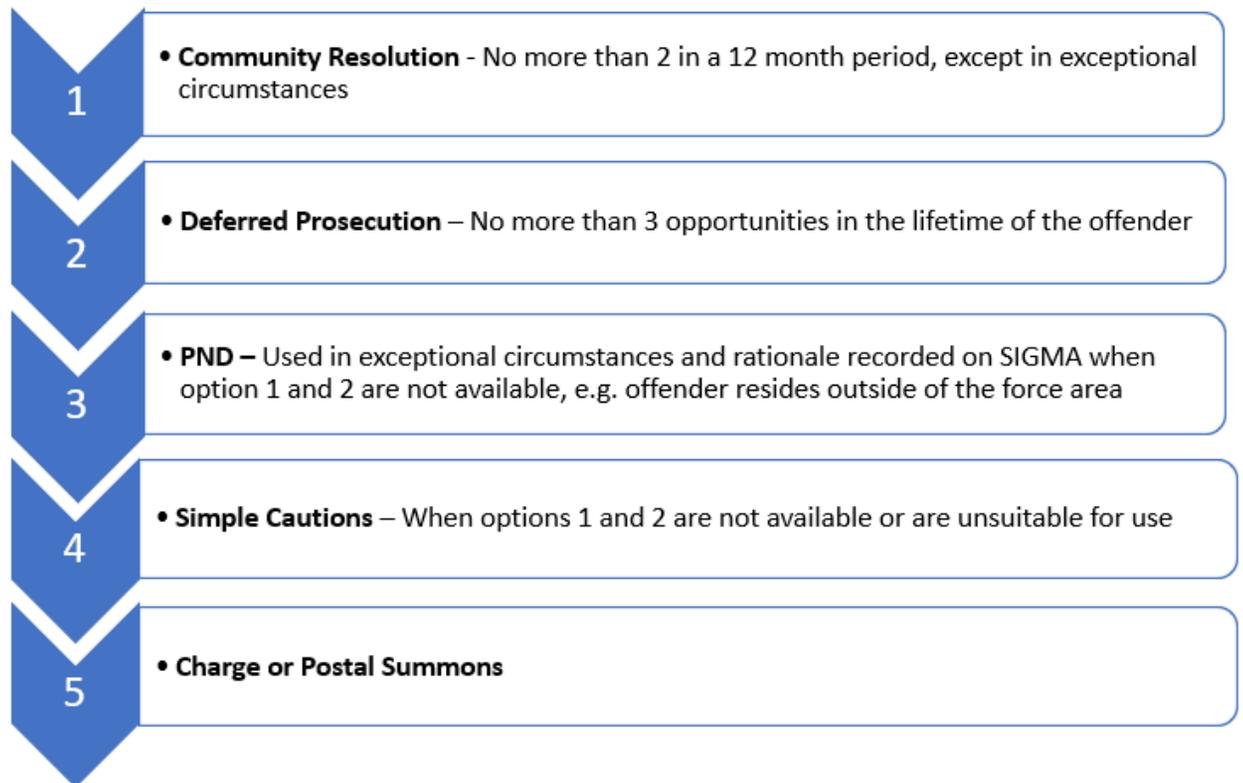
4.0 The Legal Basis and Legitimate Aims

Section 37A of the Police and Criminal Evidence Act 1984 provides that the Director of Public Prosecutions may issue guidance for the purposes of enabling custody officers to decide how people should be dealt with and as to the information to be sent to the Director of Public Prosecutions. This guidance identifies on which cases police can make decisions, and on which the Crown Prosecution Service must make the decision.

The National Police Chief's Council Charging and Out of Court Disposal Strategy has been written to provide a national vision and strategic direction for disposal decision making across England and Wales.

Along with the above, Durham Constabulary has considered guidance from the NPCC Policing Vision 2025, the NPCC Criminal Justice Strategy and the NPCC Custody Strategy throughout the development of this policy

5.0 What will the framework look like for Durham Constabulary?



Community Resolutions

Community Resolutions provide effective and transparent means for dealing with lower level crime and anti-social incidents, offering an alternative to formal Criminal Justice Proceedings but not to divert if it is appropriate to prosecute. Police Officers will use professional judgement to assess an offence, the wishes of the victim, and the offender’s history in order to reach an outcome which best meets the needs of the victim and of the public. Community Resolutions may include punitive, reparative, restorative or rehabilitative actions.

Deferred Prosecution

Durham Constabulary’s Deferred Prosecution programme is designed to offer those eligible an alternative to prosecution. It involves a four month offender management programme, tailor-made to the individual, giving them the opportunity to tackle underlying issues such as their mental health, alcohol and drug misuse with a view to reducing reoffending.

Penalty Notices for Disorder

In anticipation of the NPCC two-tier framework for OOCDD where Penalty Notices for Disorder will no longer be used, Durham Constabulary now limits the use of such a disposal method to the following circumstances by exception;

1. Offender eligible for community resolution or deferred prosecution but resides outside of the policing area.
2. Offender declines deferred prosecution but the offending is of a low level, there is no pattern of offending, the victim does not support a prosecution and prosecution would impact on court delays.

6.0 Brief Description of the Attached Appendices

All procedures, tactics and guidance relating to this policy are included on the Procedures, Tactics and Guidance document which accompanies this policy and is classified as Official.

The NPCC Out of Court Disposal Strategy can be found [here](#);

7.0 Monitoring and Review

Reviewed by the policy lead every 2 years.

This policy has given consideration to the direction from NPCC for a proposed two tier framework for all out-of-court disposals, which has yet to be defined in legislation and will be subject to future reviews as national guidance develops.

8.0 How to Complain

Complaints about the overall policies and procedures of a police force, as well as a number of other issues relating to quality of service or operational decisions should be made to Professional Standards Department.

By Telephone: You can contact us by telephone, the number to dial is 101. Ask to be put through to the supervisory officer on duty in the area where the matter or incident with which you are not happy took place.

In Person: You can attend any Durham Constabulary Police Station and inform Front Office Counter staff that you wish to make a complaint.

By E-Mail: You can E-Mail us at: complaints@durham.pnn.police.uk

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By Post: Write to the following address:-
Professional Standards and Legal Services Department
Peterlee Police Station
St Aidans Way
Peterlee SR8 1QR

Please include your full name, date of birth, address, contact details and explain as fully as you can the nature of your complaint in all your correspondence.

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