

# **Summary Report**

## **Cleveland and Durham Out of Court Scrutiny Panel**

**LCJP** | Cleveland & Durham  
Local Criminal Justice Partnership

**January-December 2021**

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## Foreword

*I would like to thank all members of this OoCD panel for their commitment, contributions to their task of scrutiny and managing learning opportunities and improvements to the systems in which we work. We have continued to meet, over Teams, throughout the pandemic and have been able to continue with the same caseload.*

*This is the only combined Cleveland / Durham Scrutiny panel which promotes great discussion and reflection over the cases we look at. It is the knowledge that group members contribute, that enhances the information provided by the prepared proforma which allows this group to have confidence in the final score given for each case.*

*As covid restrictions relax we may continue to hold hybrid meetings, both in person and over Teams, to reduce travel times to meetings but promote inter agency communication.*

*Special thanks must go to the officers of both PCC teams, Stephanie and Chris for their continued support.*

**Heather Goodwill**

**Chair of the Cleveland and Durham Out of Court Scrutiny Panel  
Chair of the Bench-Teesside Magistrates Court**

## **1. Purpose of the Report**

This is the first summary report of the work carried out by the Cleveland and Durham Out of Court Disposal (OoCD) Scrutiny panel. The purpose of this report is to inform members of the work being carried out in relation to the OoCD scrutiny panel and to report on the findings that have been identified by the Panel to date.

## **2. Background**

Cleveland Police and Durham Constabulary established the joint OoCD panel in 2013, one of the first panels in the country. The intention is to provide transparency and accountability as well as increase public understanding, confidence and trust in how both forces use OoCDs.

## **3. Aim and Purpose**

Its purpose is to support consistent, coherent, and credible scrutiny which results in evidence-based recommendations for positive change. The panel achieves this by independently reviewing a selection of cases that have been resolved by use of an out of court disposal and then determining whether the method of disposal is considered appropriate, based on a review of the information and evidence available to the decision maker at the time.

The aims of the panel are to:

- independently review both youth and adult cases that have been resolved using OoCDs.
- identify and recognise good practice within the Police and Youth Justice Services.
- identify any areas of improvement relating to the use of OoCDs.
- explore the quality of decision making relating to OoCDs based on guidance and force policies.
- make recommendations to those individuals within organisations who have the power to make changes.
- provide a mechanism within the scrutiny process to ensure that victims have their voices heard.

## 4. Methodology

The panel uses a nationally adopted OOCB scoring framework to support its systematic examination of dip-sampled case files in a manner which takes full account of the contributions and perspectives of panel members. In reviewing a case, the Panel will discuss and agree a categorisation against four options:

Score of 1: Consistent with Police policies and the CPS Code for Crown Prosecutors.

Score of 2: Appropriate, but with observations.

Score of 3: Inappropriate and inconsistent with policy.

Score of 4: Panel fails to reach a conclusion. More information is required. In these instances, the case is discussed and scored again at the following panel when more information has been provided

Within this context, Appendix 1 demonstrates the scoring framework used when panel members examine cases.

When feedback is identified, the panel member for that agency will be responsible for bringing this to the attention of the relevant department within their own organisation. Feedback can be written or verbal depending on the circumstances and whatever is appropriate for that case.

If the panel identifies an action or decision taken in a case that they consider to be so poor that an individual's actions may constitute an act of misconduct, then the Panel Chairperson will discuss with the representative of the relevant agency and refer the case to the relevant agencies' Professional Standards department for consideration as to further action if necessary.

Scrutiny panel findings will be recorded in writing and shared with all panel members and Heads of Crime for Cleveland and Durham. Head of Crime will identify operational implications and feedback through appropriate internal mechanisms reporting (by exception) to the Police and Crime Commissioners where appropriate.

Following the Panel meeting a report for publication to internal and external stakeholders will be provided by the minute taker and approved by the Chairperson. Results will be published on the respective PCC websites.

## 5. Membership

Representatives from the following organisations attend the panel on a regular basis:

- Magistrates Courts-both Teesside and Durham (the group was chaired by a Teesside bench representative in 2021)
- Office of the Police and Crime Commissioner for Cleveland
- Office of the Police, Crime and Commissioner for Durham
- Cleveland Police
- Durham Constabulary

- Crown Prosecution Service
- National Probation Service
- Durham Tees Valley Community Rehabilitation Company
- Youth Justice Teams from Durham/Darlington and Teesside
- Victim Care and Advice Service
- Restorative Cleveland
- Restorative Hub [Durham]

## 6. Findings and Recommendations

The body of this section details a summary of findings and recommendations aimed at maintaining a consistent approach in the use of out of court disposals, made considering the evidence gathered during the scrutiny panel meetings which took place on the 19<sup>th</sup> January 2021, 20<sup>th</sup> July 2021 and 19<sup>th</sup> October 2021.

This section has been redacted pursuant to lawful and necessary exemptions within Sections 30, 31 and 38 of the Freedom of Information Act 2000. This is in line with data protection and confidentiality policies and the requirement to protect the public.

This section focuses on the findings, observations and recommendations identified which provide a starting point to allow best practice to be maintained. Equally, further exploration would help to confirm whether any issues identified in this sample are typical and therefore relate to current practice or whether they are specific to the individual cases examined. Any patterns appearing will be identified as the work of the scrutiny panel progresses. The panel also receives assurances through additional briefing requests, internal audits and supervisor reviews as and when required.

During the time frame of this report, there were 110 cases scrutinised by the panel, 50% for each police force. The table below provides the scores for these cases:

	Score				
	1	2	3	4	
<b>Combined</b>					
Total	92	11	1	6	110
%	84%	10%	1%	5%	100%
<b>Durham</b>					
Total	46	6	0	3	55
%	84%	11%	0	5%	100%
<b>Cleveland</b>					
Total	46	5	1	3	55
%	84%	9%	2%	5%	100%

The types of cases that were scrutinised were as follows:

	Cleveland	Durham
Youth Community Resolution	0	7
Youth Pre-caution	0	1
Youth Caution	4	7
Adult Simple Caution	16	9
Adult Community Resolution	0	12
Fixed Penalty Notice	15	1
Diversionary Activity- Checkpoint (Durham) /Divert (Cleveland)	20	18
<b>Total</b>	<b>55</b>	<b>55</b>

The panel noted the main difference in use of fixed penalty notices and community resolutions from the 110 cases scrutinised, which indicate far greater use of fixed penalty notices in Cleveland and greater use of Community Resolutions in Durham.

<b>Good Practice Identified</b>	
<b>1</b>	<ul style="list-style-type: none"> <li>The panel supported the <b>review of OoCD policy</b> in Durham ahead of legislative changes and the amended policy which went live in April 2021. The policy caps how many OoCDs an offender can be given and removed use of cannabis warnings and use of OoCDs for intimate partner Domestic abuse. The panel appreciated the presentation received in July 2021.</li> </ul>
<b>2</b>	<ul style="list-style-type: none"> <li>The panel was satisfied with the <b>joint consultation process</b> between youth justice services and the police for youth cases. There was good evidence of how cases are reviewed jointly to allow decision-making to reflect all information available.</li> </ul>
<b>3</b>	<ul style="list-style-type: none"> <li>Across all <b>diversion cases</b>, the support offered was commended by the panel and some good outcomes were observed for both offenders and victims.</li> </ul>
<b>4</b>	<ul style="list-style-type: none"> <li>Good evidence of identification of criminogenic needs and <b>engagement with other suitable interventions</b> to address these, for example work with Talking Therapies, GPs in relation to Mental Health, veterans' support services.</li> </ul>

Issues/Concerns Identified	
1	<ul style="list-style-type: none"> <li>As part of the process for <b>unsupported prosecutions</b>, police officers should refer cases to CPS to allow the decision to be made by CPS.</li> </ul>
2	<ul style="list-style-type: none"> <li>Concerns regarding police officers offering <b>victim support services</b> for domestic abuse cases.</li> </ul>
3	<ul style="list-style-type: none"> <li>Gaps in <b>information recorded</b> for the panel regarding the victim's views on the decision made.</li> </ul>
4	<ul style="list-style-type: none"> <li>Nearly all the fixed penalty notice disposals in Cleveland were for drunk and disorderly incidents, and whilst consistent with policy, consideration should be given as to the <b>most effective disposal for alcohol-related incidents</b>.</li> </ul>

Recommendations identified	
1	<ul style="list-style-type: none"> <li>The panel recognised the additionality and benefits that <b>diversion schemes</b> bring to offenders and victims who were offered this disposal and encourage their use where appropriate.</li> </ul>
2	<ul style="list-style-type: none"> <li>Opportunities for diversion may have been missed therefore the panel recommends that some <b>additional information is included with regards to the rationale for unsuitability of diversion schemes</b>. Additional fields be added to the case submission template to include if Checkpoint and Divert had been considered, a contextual analysis of the offence and from this a justification as to why a referral had not been made.</li> </ul>
3	<ul style="list-style-type: none"> <li>Durham police force should consider <b>monitoring the impact of the OOC policy change</b>. Any future changes to policies in Cleveland should be presented to the panel.</li> </ul>



4	The panel noted the additionality of support available through <b>youth justice interventions</b> and encourage their continued use.
5	<ul style="list-style-type: none"> <li>• Staff to be reminded of <b>support services available to victims of domestic abuse</b> and offer of victim support at a later stage even when support may have been declined originally.</li> </ul>
6	<ul style="list-style-type: none"> <li>• <b>Increase flexibility in the process</b> to enable the opportunity for professional judgment and review of appropriate cases from the supervisors.</li> </ul>
7	<ul style="list-style-type: none"> <li>• <b>CPS and Magistrates</b> benches should receive inputs from the respective force diversion schemes.</li> </ul>

## 7. Implementation of Recommendations and Future Focus

To ensure that the recommendations made in this report are actioned, the panel is committed to monitoring progress against these recommendations and is seeking relevant partnership groups to consider their implementation. In addition, in Durham, the external strategic scrutiny governance group will receive this report, as well as to the force's Head of Crime.