

Northumbria Research Link

Citation: Biddle, Paul, Bengtsson, Lyndsey and Amankwaa, Aaron (2021) Out of Court Disposals and Diversion. In: An introduction to criminology. SAGE, London, pp. 459-476. ISBN 9781526486851, 9781526486868, 9781529765298, 9781529766127, 9781529766950

Published by: SAGE

URL: <https://uk.sagepub.com/en-gb/eur/an-introduction-t...> <<https://uk.sagepub.com/en-gb/eur/an-introduction-to-criminology/book267388>>

This version was downloaded from Northumbria Research Link: <https://nrl.northumbria.ac.uk/id/eprint/42901/>

Northumbria University has developed Northumbria Research Link (NRL) to enable users to access the University's research output. Copyright © and moral rights for items on NRL are retained by the individual author(s) and/or other copyright owners. Single copies of full items can be reproduced, displayed or performed, and given to third parties in any format or medium for personal research or study, educational, or not-for-profit purposes without prior permission or charge, provided the authors, title and full bibliographic details are given, as well as a hyperlink and/or URL to the original metadata page. The content must not be changed in any way. Full items must not be sold commercially in any format or medium without formal permission of the copyright holder. The full policy is available online: <http://nrl.northumbria.ac.uk/policies.html>

This document may differ from the final, published version of the research and has been made available online in accordance with publisher policies. To read and/or cite from the published version of the research, please visit the publisher's website (a subscription may be required.)

Out of Court & Diversion

Paul Biddle	Research Fellow in Criminology
Dr Lyndsey Bengtsson	Senior Lecturer in Law, with research interests in crime reduction initiatives, discrimination in employment and clinical legal education.
Dr Aaron Amankwaa	Senior Lecturer in Forensic Science, with research interests in crime reduction initiatives, forensic biology, biometrics and forensic science policy.

Learning Objectives

Once you have read this chapter you should be able to:

- List what Out of Court Disposals are available for adults aged 18 and over.
- Describe the circumstances in which each Out of Court Disposal is appropriate.
- Understand the origins of and philosophical justifications for Out of Court Disposals.
- Understand the development of Out of Court Disposal policy and practice and the associated key debates.

Framing Questions

1. What are Out of Court Disposals?
2. Can you describe the difference between a simple caution and a conditional caution?
3. What led to the introduction of the two-tier framework?
4. Can you describe the essential characteristics of the Northumbria Police Conditional Caution Framework and the aims behind it?

Introduction

Alex is a first-year undergraduate student who went out with friends to a night club party as part of fresher's week. At the party, Alex got drunk and was engaged in an affray with another student on the street outside the club. He threw a heavy stone that smashed the windshield of a parked car. The police arrived at the scene and arrested the two students who had no previous conviction or arrest records. Due to the minor nature of the crime and background of the students, the police, in consultation with the owner of the car, decided to resolve the case via a conditional caution. Alex was given a conditional caution to attend an alcohol intervention workshop and compensate the owner of the car. The second student was also issued a conditional caution to attend a victim awareness workshop to learn about the effects of crime. The conditional caution offered an opportunity for the students to be dealt with without registering a criminal record that may affect their future job prospects.

In this chapter you will learn about Out of Court Disposals (OOCs), such as the **conditional caution** example above, for adults aged 18 and over. The chapter will provide you with knowledge and a critical understanding of OOCs and associated policy, practice and debates. You will learn about the scope, origins of and philosophical justifications for OOCs and the development of OOC policy and practice in the subsequent sections. The chapter also includes a synthesis of existing research findings and key debates to help you to understand the effectiveness of, and key issues associated with, OOCs.

As illustrated in the introductory example, OOCs enable early intervention to divert offenders from the criminal justice system to support their rehabilitation. OOCs relate to the critical criminal justice concepts of victim satisfaction effective resolution and the prevention of re-offending (Glen, 2017). These concepts, and other terminology, are explained in the next section in order to aid your understanding of OOCs. As explained below, victims may be involved in both the decision-making in relation to the use of some OOCs and what, if any; conditions can be attached to the OOC. It is important to note that there is an alternative, more critical narrative around the development of OOCs which we discuss later in this chapter.

Mapping the terrain

OOCDs are alternatives to formal **charges** and are designed to allow the police to effectively respond to low-level (and often first time) offending (Ames et al, 2018). They are based on a body of evidence suggesting that certain less severe punishments, which are personalised, can be more effective in reducing **recidivism** (i.e. committing further crimes following a conviction for another crime) than going to trial (Slothower, 2014). OOCDS aim to deliver a simple, swift and proportionate response to low-risk offending, such as minor theft (Office for Criminal Justice Reform, 2010). They also aim to reduce the number of times that courts deal with minor cases, involving crimes where the perpetrator accepts responsibility (however, as discussed later in this chapter, use of some OOCDS does not require admittance of responsibility by an offender) (Criminal Justice Joint Inspection, 2011). On reflection of the above, what do you notice about the nature of OOCDS?

As already illustrated above, OOCDS encompass interventions that are designed as alternatives to prosecution at court. Before we present information about each type of OOCDS, we explain some terminology to help you to understand the operation of OOCDS. Some OOCDS can be used to deal with what are called '**either way**', **summary and non-indictable offences**. Non-indictable or summary offences are less serious offences dealt with in Magistrates Courts either before a judge or magistrates (e.g. most motoring offences and minor criminal damage). The 'either way' offences are triable either on indictment before a judge and jury or summarily before a Magistrate judge (Ministry of Justice, 2015). Indictable offences are more serious offences and are dealt with by Crown Courts. Table 37.1 below summarises the different OOCDS. It is important to remember that some OOCDS discussed in this chapter enable the use of **restorative justice** (RJ). This is because RJ aims to repair damage and harms to victims and to hold offenders accountable in ways that provide an opportunity for making amends

(Zehr and Mika 2003; Johnstone 2011). This is generally achieved through meetings between victims, offenders and other parties (Wood, 2015).

Table 37.1: Summary of OOCs

Type of OOC	Brief Description	Legislation
Simple Cautions	A formal caution given by the police that has no conditions attached, used for summary and some 'either-way' offences.	Criminal Justice Act (2003). Criminal Justice and Courts Act (2015).
Conditional Cautions	A caution for a summary-only offence given by police that has specific conditions attached, which the perpetrator must obey.	Criminal Justice Act (2003) The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012.
Community Resolutions	Community resolutions are voluntary, with both offender and victim agreeing to their use. They enable a range of interventions to be undertaken (including restorative justice) focused on repairing harm caused by the offence.	Anti-Social Behaviour, Crime & Policing Act (2014).
Penalty Notices for Disorder (PNDs)	PNDs give the Police (and other designated individuals) power to levy fines at pre-determined levels for a range of offences.	Criminal Justice and Police Act (2001).
Cannabis Warnings	A warning given by the Police to someone found to be in possession of cannabis with no evidence of intent to supply.	Misuse of Drugs Act (1971).

Khat Warnings	A warning given by the Police to someone found to be in possession of khat with no evidence of intent to supply.	Criminal Justice and Police Act (2001). Misuse of Drugs Act (1971).
Fixed Penalty Notices (FPN)	FPNs are issued by the police and other authorised individuals to deal with a range of offences. Different offences attract different levels of fine.	Fixed Penalty Offences Order (2013). Road Traffic Safety Act (2006). Road Traffic Offenders Act (1988).

This section outlined the definition of OOCs and the different types used in England and Wales. In the next section, you will learn about the characteristics of the different types of OOCs and their applications.

Description of existing types of OOCs

As previously mentioned, the current OOC framework consists of seven different disposal types. This section describes each one in further detail.

Simple Cautions

A simple caution is a formal warning given by the police to persons aged 18 and over when it is not in the public interest to prosecute for low-level, mainly first time, offending. They are given only for non-indictable offences and potentially some ‘either-way’ offences, when a person admits the offence and agrees to accept the caution. A simple caution is given only if the decision-maker is satisfied that there is sufficient evidence to provide a realistic prospect of conviction if the offender were to be prosecuted. Victim views on the use of a simple caution should be sought prior to use, but the decision to impose a simple caution rests with the police and/or the **Crown Prosecution Service (CPS)**. Simple cautions are not generally used in cases

involving domestic violence, unless the alternative would be no further action due to lack of evidence (Ministry of Justice, 2015).

Conditional Cautions

Conditional Cautions (CCs) can be used for summary-only offences dealt with by Magistrates Courts, where the offender is 18 and over, admits the offence and accepts the conditions attached to the caution. Conditional Cautions provide an opportunity to:

- Offer a proportionate response to low level offending.
- Make reparation to victims and communities.
- Divert offenders away from the criminal justice system at an early opportunity into rehabilitative services.
- Punish offenders by means of a financial penalty.

Section 23 of the Criminal Justice Act 2003 sets out the requirements that must be met before a Conditional Caution may be given. Formal guidance on when to offer a conditional caution is contained in the Code of Practice for Adult Conditional Cautions 2013 and the Directors Guidance on Adult Conditional Cautions. There must be evidence that the offender has committed an offence and therefore a prospect of conviction at court. Authority levels for the issue of a Conditional Caution are dependent on the gravity level of the offence. The decision to issue a Conditional Caution for an indictable offence can only be made following authorisation of a police Superintendent and the CPS. For summary and minor either way offences (which are triable at either the magistrates or Crown Court) they are decided upon by a police Sergeant, with serious either way offences decided by a police Inspector. For serious either way offences the decision to offer a conditional caution must be made by the police Superintendent and the CPS. The decision maker must determine that there is sufficient

evidence to issue a Conditional Caution. Where the offender denies the offence or raises a defence it would be inappropriate to offer a Conditional Caution.

Conditional Cautions are so-called because, unlike Simple Cautions, they include specific conditions to which perpetrators must adhere to avoid future prosecution for the offence admitted. Conditions can be rehabilitative (conditions designed to modify offender behaviour that leads to reduced re-offending), reparative (conditions that result in the offender repairing the damage they have done in some way) and/or include an element of punishment. Examples of rehabilitative conditions include attendance at substance misuse services, or engagement with services designed to help offenders to tackle other problems such as gambling addictions or debt problems. Reparative conditions may include an apology, financial compensation and unpaid work. Restrictions can be placed on the Conditional Caution where they contribute towards rehabilitation and these may include limiting who offenders may contact, locations they can visit and activities they can participate in. Punitive conditions may include payment of financial penalties (Ministry of Justice, 2013).

The effect of the Conditional Caution should be explained to the offender together with a warning that a failure to comply with the conditions may result in prosecution at court. The offender must sign a document which sets out the details of the offence and the conditions attached to their caution, their admission that they have committed the offence and their consent to the Conditional Caution.

Victim views on the use of a Condition Caution should be considered in the decision-making and condition setting process. Victim agreement must be obtained in any case where direct reparation or restorative justice (RJ) processes are being considered (where a meeting is arranged between the victim and offender with the goal to discuss the harm caused by the crime) or where the victim is directly involved in some way. Outside of this requirement,

decisions to give a Conditional Caution and the conditions to be attached lies with the decision maker (e.g. relevant police officer). Conditional Cautions can only be used for hate crime or partner domestic abuse in exceptional circumstances and with the CPS authority (Glen, 2017; Ministry of Justice, 2013).

Community Resolutions

Community Resolutions (CRs) are used to deal with lower level crime or incidents for summary-only offences, and are not used for intimate partner domestic abuse. They can be used only for offences that are admitted by the offender. Victims views must be sought about the use of a Community Resolution, but victim consent is not required to proceed if a supervisory police officer agrees to the use of a Community Resolution. The offender must have no relevant offending history and Community Resolution records for the same or similar offences in the last 12 months in most circumstances. Conditions and options available within a Community Resolution include words of advice about the behaviour from a police officer, an apology (in person or in writing), repairing damage, and paying for loss caused. RJ is also an option and this brings those harmed by crime and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward. RJ, within a Community Resolution, is voluntary for both the victim and offender and the offender must have admitted responsibility for the harm caused (Association of Chief Police Officers, 2012; Glen, 2017).

Penalty Notices for Disorder (PNDs)

PNDs are a type of fixed penalty notice that is available to the police, Trading Standards Officers and other accredited persons in England and Wales for a specified range of penalty offences. Offences include wasting police time, some types of misuse of electronic communication, words or behaviour likely to cause harassment, alarm or distress, drunk and disorderly behaviour in a public place, destroying or damaging property (under £300) and retail

theft (under £100). Additional offences also include breach of fireworks curfew, sale or attempted sale of alcohol to person who is drunk, a range of alcohol offences related to those under 18, possession of a Class B or C controlled drug, some forms of trespass and littering. Penalties are either £60 or £90 depending on seriousness of the offence. Admittance of guilt is not required for use of a PND. Victim views on their use should be sought before a decision to a PND is made but the decision to administer a PND rests with the relevant officer (Ministry of Justice, 2014).

Cannabis Warnings

Cannabis warnings are given, as an alternative to arrest, to individuals aged 18 and over, found to be in possession of a small amount of cannabis, when there is no evidence of intent to supply to others (Association of Chief Police Officers, 2007). They are used to deal with adults caught in possession of cannabis, a Class B drug under the Misuse of Drugs Act 1971, where it is obvious that it is in the offender's possession for personal use, not for intent to supply or dealing

Khat Warnings

Khat warnings are available for use with those aged 18 and over who are found to be in possession of a small amount of khat and where there is no evidence of intent to supply this to others (Association of Chief Police Officers, 2014). Khat is a Class C drug under the Misuse of Drugs Act 1971 and is defined in Part IV of Schedule 2 as 'the leaves, stems or shoots of the plant of the species *Catha edulis*'.

Fixed Penalty Notices (FPNs)

FPNs can be issued to deal with a range of offences, including certain minor motoring offences, littering, fly-tipping, dog control offences, noise offences, abandoned vehicles, nuisance parking and some waste offences. FPNs may be issued without an admission of guilt. Different authorities have powers to issue FPNs for specific offences. Those able to issue FPNs include

local authorities, relevant police officers, the Environment Agency and the National Park Authority. Different offences attract different levels of fine that are paid by the perpetrator (The Sentencing Council; 2020; Gov.uk, 2019).

In this section, you learned about the nature of the different types of available OOCs in England and Wales: what does the analysis reveal about the England and Wales criminal justice system? The next section will examine the appropriateness of OOCs.

Reflections on the appropriateness of OOCs

There are different views about OOCs and their legitimacy appears highly contingent (that is support for OOCs is based on specific circumstances and wider views of justice).

OOCs are argued to be an appropriate, speedy and certain response to minor, first time offending. OOCs may enable reparation by an offender, deliver victim satisfaction and reduce un-necessary costs, whilst also reducing re-offending (Ministry of Justice, 2010). Allen (2017) argues that OOCs can reduce labelling, act as a deterrent, and divert offenders into treatment and support which may address underlying causes of their offending.

However, there are criticisms of OOCs. Allen (2017) notes some criminal justice professionals argue offenders may accept a Caution (a type of OOC) when they are not guilty and without understanding the implications for their criminal record. It has been argued that OOCs may marginalise courts roles in the criminal justice process. Concerns have been raised about the development of a ‘cautions culture’, whereby OOCs are used inappropriately widely (including as a response to serious offences and repeat offenders) due to a lack of appropriate police judgement, resources and training (Ames, 2018; Donoghue, 2014; Gibbs, 2017; HMCPSI & HMIC, 2015; House of Commons Home Affairs Committee, 2015; Slothower, 2014). However, a decline in the recent use of OOCs, linked to legislation to limit their use (e.g. the Criminal Justice and Courts Act, 2015) suggests any over-use of Cautions is

being addressed. It has been argued that interventions associated with OOCs are too limited and the extent to which the principles of restorative justice are reflected in OOCs has been questioned (Ames., 2018; Westmarland et al., 2017).

Public opinion about OOCs is based on a variety of interrelated factors including age, gender, level of education, experience of victimisation, perceptions of current crime levels and views of criminal justice policy. Additional important factors are public perceptions of procedural justice (an individual's views of the criminal justice process and their role within it) and police effectiveness (an individual's views about outcomes achieved) (Pfeiffer et al., 2005; O'Sullivan et al., 2017; Spiranovic et al., 2012). This adds further complexity to discussions of the appropriateness of OOCs which requires acknowledgement.

Evidence indicates some public support for less punitive responses, which are found within the OOCs, for certain groups (e.g. juvenile offenders and those with mental health issues), in certain circumstances (e.g. first-time offenders) and for lower level offending (Miller and Applegate, 2015; Mowle et al, 2016). Research studies illustrate public support for some of the interventions associated with OOCs including compensation, restitution, community work and interventions that are seen to act as a warning to offenders to change their behaviour to avoid a future harsher criminal justice response (Roberts and Stalans, 2004). It is nevertheless critical to understand that the public retain an attachment to punitive approaches (Mackenzie et al, 2012; Payne et al, 2004; Roberts and Stalans, 2004).

The diversity of OOCs and their application creates a complex patchwork of options that are delivered in an environment where public opinion on punishment is clearly nuanced, but also inconsistent, ill-informed and which includes both retributive and rehabilitative preferences (Cook and Lane, 2009; Payne et al, 2004). Given the different views of OOCs and evidence suggesting public support for them is highly contingent on a range of aforementioned factors,

it is important that OOCDS are used in ways that the public deem appropriate if they are to be seen as a legitimate and proportionate response. Otherwise they may be seen as interventions resulting in ‘soft justice’, with the public perceiving OOCDS as delivering unduly light outcomes relative to the offence in question, which risks eroding public confidence in them (Allen, 2017).

In this section, you have learned about the supportive and critical arguments associated with OOCDS. In the next section, you will learn about the development of OOCDS in England and Wales.

The case example below (Box 1) illustrates the varied opinions about the application of OOCDS. What are your thoughts on the outcome of the case study?

Box 1 – Case Study

Sarah is a single mum of two who is struggling to pay her bills and provide food for her toddlers. She found the wallet of her neighbour on the street one morning and used the money in the wallet to pay her bills. She also bought groceries from a convenience shop using the contactless card of the neighbour, which was in the wallet. Overall, she spent £500 from the money and the contactless card in the wallet.

Sarah has no previous convictions and following an assessment of the case, she was issued a conditional caution to pay back the money. As part of the conditional caution, Sarah was directed to a Charity for financial support and she was able to repay her neighbour.

Although the conditional caution was completed, the victim felt the conditional caution was not proportionate to the stress and anxiety they felt during the period. On the other hand, Sarah found the conditional caution very helpful and was positive that she will not reoffend again.

Development of the England and Wales OOCDS regime

The last decade (2008-2018) saw a decrease in the number of OOCDS administered by the police from approximately 660,000 to 229,000 individuals (Ministry of Justice, 2018). Cases disposed of by cautions (either caution for summary non-motoring offence or indictable offences declined by 78%, from 350,000 to 75,300). For PNDs, there was a decrease by 88.7%, from 200,000 to 22,700. Cannabis/khat warnings declined from 110,000 to 20,000. Separate

data on community resolutions demonstrate a decreasing trend from 120,000 to 101,000 (Ministry of Justice, 2018). This decline has been attributed to changes in policy and practice around the application of OOCDS, following concerns about inappropriate and inconsistent implementation (Ministry of Justice, 2018; Sosa, 2012; Whitehead, 2009).

At the same time, there has also been concern raised about the perceived overuse of OOCDS and more generally, criticism levelled at the complexity of the framework (Neyroud, 2017). Sosa (2012) highlighted the use of OOCDS for unsuitable offences (for example sexual offences and persistent offenders) and it has been argued that there remains scope to make OOCDS more transparent, streamlined, and more focused on reparations to victims and the rehabilitation of offenders (Glen, 2017). It has been a matter of debate for a number of years as to where the boundary should lie between the use of OOCDS and court prosecution (Steer, 1970). As Neyroud (2017) highlights there are (potentially) competing considerations in reducing re-offending, victim confidence in the criminal justice system, an efficient process and the wider public confidence in the criminal justice system. For the CJII (2011), a strategy is required that “works to improve victim satisfaction, reduce re-offending and provide value for money”. On reflection of the above, what strategy do you think could achieve a reduction in re-offending and increase victim confidence?

Subsequently, between 2013 and 2014, the Ministry of Justice conducted a consultation exercise with stakeholders and practitioners regarding OOCDS (Ministry of Justice, 2014). This confirmed the prevailing view that the OOCDS system was confusing and there was a lack of transparency. A House of Commons Home Affairs Committee report, published in 2015, criticised the inappropriate and inconsistent use of OOCDS, arguing this undermined public confidence. For example, although OOCDS target first minor offenders, there were instances where individuals with previous conviction were given a caution. The report argued for a simplified system of OOCDS, with greater scrutiny provided to ensure the use of OOCDS is

appropriate and consistent across police forces and offences (House of Commons Home Affairs Committee, 2015).

A more recent review of the effectiveness of OOCs suggests they may be more effective in achieving their outcomes than court prosecutions. Neyroud (2018) found effective outcomes among low harm/risk offenders. Further, OOCs with conditions (such as conditional cautions and community resolutions) appeared to have a positive impact on the reduction of harm such as domestic violence. Gaps were identified which included limited data for direct comparison of OOCs with conditions and those without conditions, and a lack of data to demonstrate the effectiveness of gender specific OOC approaches.

Such criticism has spurred the ongoing development of OOC policy and practice towards a more streamlined regime. Given that support for interventions associated with OOCs depends on a range of factors discussed above, it is crucial that these are reflected in OOC-related policy and practice if OOCs are to avoid being perceived as delivering ‘soft justice’.

This complexity, alongside the critique of OOCs, led to the recommendation of a streamlined two-tier framework which is focused on conditional cautions and community resolutions. In November 2013, the Justice secretary announced a trial in three police force areas. This new two-tier approach was underpinned by the following assumptions: cost effectiveness, appropriate condition setting and management, victim satisfaction and just treatment of offenders (Neyroud, 2017). The pilot involved three police forces ceasing the use of Simple Cautions, Cannabis Warnings, Khat Warnings and PNDs and instead, focussing on Conditional Cautions and Community Resolution. The three police forces were also allowed to use Conditional Cautions for offences involving domestic violence and hate crime in limited circumstances where previously Simple Cautions could have been applied. In this section, we

have explored the development of OOCs over the last decade. The next section details the nature of a recent pilot study and its key outcomes.

Pilot of the two-tier framework

This section will provide you with an overview of how the two-tier framework was delivered in a pilot study and its impact in relation to the status quo. The framework was piloted between November 2014 and October 2015 (Ames et al., 2018). As stated earlier, the framework is distinguished from the status quo (i.e. the seven-OOC framework) by the provision of only two types of OOCs: a top tier conditional caution and a lower-tier community resolution. One of the key distinctions between Conditional Cautions and Community Resolutions is that offences under Conditional Cautions must have a prospect of conviction when prosecuted in court. The pilot was carried out to understand the cost and (potential) impact of the framework before rolling it out across England and Wales. Ames et al. (2018) provide an evaluation of the process, impact and economics of the framework against the status quo.

Generally, the evaluation study identified differences in how the two-tier framework was delivered. Three operational delivery models were identified which can be described as:

1. Centrally organised delivery model (CODM)
2. Condition review delivery model (CRDM)
3. Flexible delivery model (FDM)

The first model, CODM, operated under dedicated teams for the OOC types. Secondly, it was governed by locally adapted central guidance on the administration of the disposals. Lastly, there was a system in place to review all conditions under the OOC types. The main difference between the CRDM and the CODM was the lack of dedicated teams. The FDM, on the other hand, lacked all three elements across the police force. In the economic evaluation, Ames et al. (2018) found that the implementation cost for the CODM force (<£0.1m) was lower

than the CRDM (£0.3m) and FDM (£0.5m) forces. This suggests the CODM may be cost-saving. However, the total cost of operating the two-tier framework was found to be ~70% higher than the status quo. This was attributed to an increase in the use of CCs, additional costs of providing interventions for offenders, cost implications of non-compliance and loss of revenue.

In the pilot, four types of conditions were administered under the CCs and CRs:

- Rehabilitative (e.g. alcohol intervention programme);
- Reparative (e.g. compensation or payment for a damaged property);
- Restrictive (e.g. restriction on access to public spaces); and
- Punitive conditions (e.g. a fine).

Ames et al. (2018) found that reparative and restrictive conditions were more common under the two-tier framework, which was attributed to their ease of administration. The qualitative process evaluation (involving 74 interviews with criminal justice professionals and victims) found wide support for the two-tier framework. The perceived benefits of the framework were the enhanced simplification and transparency of the new system, victim engagement and communication, and promotion of desistance. However, a key challenge that was highlighted in the interviews was the lack of resources to support the system.

The impact evaluation analysed quantitative data from the pilot areas. This was compared to data from other selected police forces that operated the status quo (referred to as a counterfactual area/force). Firstly, there was no statistically significant difference in the number of OOCs administered by the pilot areas (13643: 59% CRs and 41% CCs) and the counterfactual areas (13273: 55% CRs, PNDs and Cannabis/Khat Warnings and 45% Simple/Conditional cautions) from November 2014 to October 2015. Secondly, there was no difference between the pilot and counterfactual areas in proven re-offending within three

months. These results suggest the impact of the two-tier framework may be comparable to the status quo. However, this may require further evaluation to make firm conclusions.

Box 2 –Hear from the expert

The current system of seven out-of-court disposals was developed in a piecemeal fashion and therefore not been regulated to the same extent as the formal criminal justice system (Criminal Justice Joint Inspection, 2011). It has also been criticised as unnecessarily complicated and difficult for the public and practitioners to understand (Home Affairs Committee, 2014; Ministry of Justice, 2014). The Ministry of Justice, College of Policing and National Police Chiefs’ Council have therefore developed a new two-tier system of out-of-court disposals to replace the current model. This new structure would reduce the number of out-of-court disposals to two: a community resolution and a conditional caution. This aims at simplifying the system of out-of-court disposals, improving victim satisfaction and providing early intervention to prevent reoffending. It also aims to increase diversion from the formal criminal justice system, reducing the significant costs of court time (National Police Chiefs’ Council, 2017; Neyroud, 2018).

The new approach was piloted between 2014 and 2015 in three police forces: West Yorkshire, Leicestershire and Staffordshire. A process and impact evaluation was published in 2018 and concluded that there was no improvement in reoffending rates for offenders in the pilot areas. The economic evaluation also quantified the cost of operating the new framework as higher than the status quo (Ames et al, 2018). However, there were several methodological issues in the evaluation and so such results must be treated with caution. There has been no definitive government response on whether this new approach will be rolled out nationally. In the meantime, and in the absence of legislative support or central resources, the National Police Chiefs’ Council is encouraging forces to adopt this new model.

Cerys Gibson, *PhD Researcher, Nottingham University*

In this section, the two-tier framework delivered in the pilot study was explored and the key outcomes from the evaluation of the framework were highlighted. In the next section, you will learn about a new and innovative revised Conditional Caution Framework (RCCF) that has been developed by Northumbria Police.

Northumbria Police Revised Conditional Caution Framework

In 2016, Northumbria Police reviewed their OOCDF framework to develop an appropriate strategy to implement the two-tier framework. This separate initiative led to the design of an innovative and simplified OOCDF model called RCCF. The model is mainly focused on the top-tier Conditional Caution OOCDF. The RCCF was piloted between 2017 and 2018 to understand its effectiveness and inform movement to the two-tier framework. In this section, you will learn about the characteristics of this model and its conceptualised benefits to the criminal justice system.

Like the pilot programme, the RCCF administers rehabilitative, reparative, restrictive and punitive conditions aimed at enhancing victim satisfaction and reducing re-offending by addressing the root cause of offending behaviour. Under the RCCF, offenders are referred to programmes called ‘**conditional caution pathways**’ that are designed to address their specific offending behaviour. There are six RCCF pathways:

1. Women’s pathway
2. Victim Awareness
3. Veterans’ pathway
4. Unpaid work
5. Alcohol and Drug Triage Assessment and alcohol brief intervention
6. ABC (alcohol behaviour change)

The Women’s pathway is exclusively designed for female offenders. These are required to attend and complete an assessment at a local women’s hub within 28 days of receiving the caution. The hubs are run by an external partner agency, Changing Lives, who provide motivational interventions to the women. These interventions are designed to be gender-sensitive and trauma-informed. Further, they are tailored to meet each individual woman’s

needs. The aim of the program is to help divert women from further offending. The assessment covers areas such as substance misuse, self-management skills, health, social networks/relationships, accommodation and offending. Box 2 provides an overview of the impact of the Women Specific Conditional Caution Scheme (WSCCS) from a student researcher perspective.

Box 3 – Student researcher experience of the Northumbria RCCF

The scheme gives women the opportunity to get help with other factors present in their lives that may be impacting on their offending. This includes domestic abuse, mental health, drugs and alcohol and financial issues. As needs assessments are carried out by an experienced voluntary sector organisation in a women-only setting, it provides a safe space for women to access any help they may need as an alternative to being dealt with by the criminal justice system. Many women who have accessed the scheme have continued to receive ongoing support after the initial timeframe of the conditional caution has passed.

Sophie Mitchell, *PhD Researcher, Northumbria University*

The Victim Awareness pathway (V-Aware) is a programme for male offenders which must be completed within 12 weeks of receiving the conditional caution. In this programme, the offender participates in a 3.5 hours interactive and scenario-based session where they reflect on the impact of their offending behaviour on the victim and others as well as the consequences of repeat offending. It is aimed at men who have committed a range of lower-level offences who would benefit from an educational and behaviour change programme.

The Veterans' Pathway is a programme for ex-HM Forces involved in the criminal justice system and those at risk of offending. The conditional caution requires the offender to complete an assessment of their offending related needs within 28 days. The programme is run in partnership with an external organisation, Project NOVA, that is specialised in supporting veterans. The assessment covers areas such as substance misuse, housing, welfare assistance, financial advice and support, anger management, domestic abuse, mental health and

employment support. The offenders are referred to specialist agencies based on their specific needs and they may extend their intervention with NOVA on a voluntary basis for up to 12 months on completion of the conditional caution.

The unpaid work pathway requires the male offender to complete a 7-hour session of supervised unpaid work within 28 days of receiving the conditional caution. Unpaid work is also known as Community Payback, which was previously only available through the courts. This programme is also available under community resolutions. It is a punitive condition that benefits the community. However, the offender is expected to learn valuable practical and life skills which can support reduction in re-offending. The types of work under this programme are mainly conservation and environmental work such as cutting back overgrowth, tree planting, litter picking, painting and decorating and garden maintenance for elderly residents.

Under the Alcohol or Drug Triage Assessment and alcohol brief intervention pathway, the male offender must complete an assessment of their substance misuse within 28 days of receiving the conditional caution. For those misusing alcohol, an educational alcohol brief intervention is also required. This and the ABC programme are for those who have committed an offence whilst under the influence of drugs or alcohol. The intervention is administered by locally commissioned treatment agencies that are available in each local authority area. As part of the condition setting, the offender is required to complete an Alcohol Audit Assessment Tool. Those scoring between 0-15 (low or increasing risk) are referred to the ABC course, whilst those scoring 16-20+ (harmful drinking or dependency) receive a triage assessment and alcohol intervention.

The Alcohol Behaviour Change pathway is a self-funding programme (£45) that must be completed by the male offender within 12 weeks of receiving the conditional caution. The programme runs in a similar format to a speed awareness course. It targets offenders who may

benefit from an educational and motivational change course. Topics covered under this programme include the impact of drinking on health, alcohol and the law, individual and community risks.

The RCCF pathways are partly informed by existing research and patterns of offending. Several studies suggest that the needs of female offenders are more complex than male offenders (Bartlett et al., 2015; Gobeil et al., 2016; Rodermond et al., 2016). The substance/alcohol misuse pathways are supported by research evidence that suggests an association between recidivism and substance/alcohol misuse (Hancock et al., 2012; Wheelhouse, 2008). Available statistical data shows that veterans exhibit certain characteristics such as psychological/mental disorders and substance misuse which may lead to offending behaviour (Short et al., 2018). For some specific offences, limited studies have considered the potential of using unpaid work and victim awareness interventions (Gottschall et al., 2015; Pamment, 2016).

The pathway delivery model may be a more structured and simplified OOCF compared to the status quo. However, there is a need for an evaluation of its effectiveness and how it may inform the roll-out of the two-tier framework across England and Wales. An evaluation study was recently commissioned in collaboration with Northumbria University and is yet to be published by the Force. The findings from the study will allow policymakers and stakeholders to make an informed decision about the most appropriate OOCF framework. Box 3 provides insights into the experience of one researcher on the evaluation of the RCCF.

Box 4 – Hear from the expert: Researcher experience

For Researcher A, the streamlined OOCF framework has a positive prospect to address the root causes of offending behaviour:

Our research found positive results for all the evaluation outcomes: efficiency of the implementation process, victim satisfaction, and re-offending rate. One of the biggest challenges we identified from our research is the sustainability of the

framework. There is a need for allocation of adequate resources to support the programme. We observed that, in some cases, offenders may benefit from a more individualised or continuous intervention, but this was not possible due to resource constraints.

When asked about the potential implementation challenges of the streamlined framework, Researcher B wrote that police culture and public (victim) attitudes may affect the success of the programme:

On the one hand the programme may be beneficial, but there are concerns among officers and stakeholders that conditional cautions may be disproportionate to the adverse impact crimes may have on victims, a view that describes out of court disposals as “soft justice”. I think we will need more counterfactual research to clearly demonstrate the actual benefits (and risks) of the streamlined framework. This will help influence police culture and public attitudes to the framework.

Chapter Summary

In summary, this chapter introduced the out of court and diversion regime in England and Wales. There is currently a shift from the seven-OOCD framework towards a more simplified two-tier framework. This shift is due to concerns about the inconsistencies and complexity of the seven-OOCD framework. The characteristics of the new framework is summarised below:

- The two-tier framework is made up of two types of OOCDs: conditional cautions and community resolution.
- The aims of these OOCDs are to enhance victim satisfaction, support minor offenders to change their offending behaviour and reduce the risk of re-offending.
- Available evidence on the two-tier framework shows both positive gains and challenges in implementing the regime.
- Whilst views on the simplicity and transparency of the two-tier framework are encouraging, its cost implications may be higher than the status quo.

- Three models of delivering the two-tier framework have been identified from existing research. Of these, a centrally organised delivery model was associated with lower implementation costs.

In a more recent development, Northumbria Police has developed an OOC model, called the Revised Conditional Caution Framework, which appears to be research-informed and more simplified. Whilst the overall impact of the two-tier framework is yet to be demonstrated, it is anticipated that the proposed OOCs will lead to a revolution of policing and criminal justice towards the promotion of desistance.

Revisiting the framing questions

1. What are Out of Court Disposals?

Out of Court Disposals are interventions that are designed as alternatives to formal charges and prosecution at court.

2. Can you describe the difference between a simple caution and a conditional caution?

A simple caution is a formal caution given by the police that has no conditions attached whilst a conditional caution includes specific rehabilitative, reparative, punitive and restrictive conditions which must be fulfilled by the offender.

3. What led to the introduction of the two-tier framework?

The key reasons for the introduction of the two-tier framework are: 1) concerns about the overuse of the previous out of court disposals; 2) inconsistencies in the use of the different OOCDD types by police forces, including their use for unsuitable offences; and 3) the potential of the two-tier framework to improve victim satisfaction, reduce re-offending and provide value for money.

4. Can you describe the essential characteristics of the Northumbria Police Conditional Caution Framework and the aims behind it?

The Northumbria Police Conditional Caution Framework consists of seven intervention pathway programmes that are aimed at enhancing victim satisfaction and reducing re-offending by addressing the root cause of offending behaviour. The seven pathways include a women specific pathway, victim awareness pathway, veterans' pathway, unpaid work pathway, alcohol and drug triage assessment and alcohol brief intervention pathway, and an alcohol behaviour change (ABC) pathway.

Review Questions

1. Briefly outline and discuss the four types of conditions that may be attached to a conditional caution.
2. Compare and contrast fixed penalty notices and penalty notice for disorder.
3. Discuss the factors that may impact on public opinions about the appropriateness of Out of Court Disposals.
4. Evaluate the pros and cons of the seven-OOCD and two-tier OOCD frameworks.
5. Compare the operational delivery models for the two-tier OOCD framework.

Essay Questions

1. Describe and critically reflect upon the potential benefits and limitations of Out of Court Disposals.
2. Discuss how Out of Court Disposals need to be developed and implemented if they are to be regarded as legitimate by the public, given public attitudes towards sentencing.
3. Out of Court Disposals can be a useful component of the criminal justice system in England and Wales. Discuss.

Go Further

Reports

Ames, A., Di Antonio, E., Hitchcock, J., Webster, S., Wong, K., Ellingworth, D., Meadows, L., McAlonan, D., Uhrig, N., Logue, C., 2018. *Adult Out of Court Disposal Pilot Evaluation – Final Report*. Ministry of Justice Analytical Series.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718947/adult-out-of-court-disposal-pilot-evaluation.pdf

This publication is essential reading to understand what developments have taken place in the area of Out of Court Disposals and the evaluation results of a pilot study of the two-tier framework.

Hoyle, C., Young, Hill, R. (2002) *Proceed with Caution. An evaluation of the Thames Valley Police initiative in restorative cautioning*, Joseph Rowntree Foundation.

<file:///C:/Users/fjgs2/Downloads/1859353819.pdf>

This report presents findings from an evaluation of an initiative that aimed to use restorative justice within cautioning.

Sosa, K. (2012) *Proceed with Caution: Use of Out-of-Court Disposals in England and Wales*. Policy Exchange. London.

<https://policyexchange.org.uk/wp-content/uploads/2016/09/proceed-with-caution-2.pdf>

This publication is essential reading to appreciate key debates surrounding the use of Out of Court Disposals in England and Wales and whether there should be a reform of the criminal justice system.

Ministry of Justice (2013) *Code of Practice for Adult Conditional Cautions*. London.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/243436/9780108512162.pdf

This Code of Practice governs the use of Conditional Cautions in England and Wales and as such is essential reading for the circumstances in which Conditional Cautions are used.

Journal articles

**Braddock, R.A. (2011) ‘Rhetoric or restoration? A study into the restorative potential of the conditional cautioning scheme, *International Journal of Police Science and Management*, 13, 3:195-210.
<https://journals.sagepub.com/doi/pdf/10.1350/ijps.2011.13.3.251>**

This article reflects on the potential to integrate restorative justice interventions into conditional cautions and why integration can be problematic.

Snow, A. (2019) Receiving an on the spot penalty: A tale of morality, common sense and law abidance, *Criminology & Criminal Justice*, 19:2, 141-159.

<https://journals.sagepub.com/doi/pdf/10.1177/1748895817738556>

This article provides a perspective of those who receive alternatives to court.

References

Allen, R (2017) *Less is more – the case for dealing with offences out of court*. Transform Justice. London.

Ames, A., Di Antonio, E., Hitchcock, J., Webster, S., Wong, K., Ellingworth, D., Meadows, L., McAlonan, D., Uhrig, N., Logue, C., 2018. *Adult Out of Court Disposal Pilot Evaluation – Final Report*. Ministry of Justice Analytical Series.

Association of Chief Police Officers (2014) *National Policing Guidelines on KHAT Possession for Personal Use Intervention Framework*. United Kingdom.

Association of Chief Police Officers (2012) *Guidelines of the use of Community Resolutions (CR) Incorporating Restorative Justice*. England.

Association of Chief Police Officers (2007) *Guidance on Policing Cannabis – Use of Cannabis Warnings*. London.

Bartlett, A., Jhanji, E., White, S., Harty, M.A., Scammell, J., Allen, S., 2015. 'Interventions with women offenders: a systematic review and meta-analysis of mental health gain'. *The Journal of Forensic Psychiatry & Psychology* 26, 133–165. <https://doi.org/10.1080/14789949.2014.981563> accessed 07.02.2020

Cook, C.L., Lane, J., (2009). 'The Place of Public Fear in Sentencing and Correctional Policy'. *Journal of Criminal Justice* 37, pp586-595.

Criminal Justice Joint Inspection (2011) *Exercising Discretion: The Gateway to Justice. A study by Her Majesty's Inspectorate of Constabulary and Her Majesty's Crown Prosecution Service Inspectorate on cautions, penalty notices for disorder and restorative justice*. England.

Donoghue, J. C (2014) 'Reforming the Role of Magistrates: Implications for Summary Justice in England and Wales', *The Modern Law Review*, Vol.77(6), pp.928-963.

Gibbs, P (2017) The end of the 'Cautions culture?' The Justice Gap. <https://www.thejusticegap.com/end-cautions-culture/> accessed 7.2.2020

Gobeil, R., Blanchette, K., Stewart, L., 2016. 'A Meta-Analytic Review of Correctional Interventions for Women Offenders: Gender-Neutral Versus Gender-Informed Approaches'. *Criminal Justice and Behavior* 43, 301–322. <https://doi.org/10.1177/0093854815621100>

Gottschall, S., Greiner, L., Brown, S., Serin, R., 2015. 'Value, Challenges, and Solutions in Incorporating Victim Impact Awareness in Offender Rehabilitation: The Results of Qualitative Interviews with Stakeholders'. *Victims & Offenders* 10, 293–317. <https://doi.org/10.1080/15564886.2014.949959>

Glen, S. (2017) *Charging and Out of Court Disposals. A National Strategy*. National Police Chiefs' Council. London.

Gov.uk (2019) *Fixed penalty notices: issuing and enforcement by councils* (<https://www.gov.uk/guidance/fixed-penalty-notices-issuing-and-enforcement-by-councils>) accessed 02/07/2019.

Hancock, J., Fearon, C., McLaughlin, H., Fielden, B., 2012. 'Policing the 'Drugs Intervention Programme' (DIP): An Exploratory Study of the Southern UK Policing Region'. *Policing* 6, 431–442. <https://doi.org/10.1093/police/par059>

HMCPSP HMIC (2015) *Joint Inspection of the Provision of Charging Decisions*.

Home Affairs Committee, *Out-of-Court Disposals Fourteenth Report of Session 2014– 15 Report* (HC 2015, 799).

House of Commons Home Affairs Committee (2015) *Out-of-Court Disposals. Fourteenth Report of Session 2014-15. Report together with formal minutes*. London. The Stationary Office Ltd.

Johnstone, G. (2011) *Restorative Justice. Ideas, values, debates*, Routledge, London and New York.

Mackenzie, G., Spiranovic, C., Warner, K., Stobbs, N., Gelb, K., Indermaur, D., Roberts, L., Broadhurst, R., Bouhours, T., 2012. 'Sentencing and Public Confidence: Results from a National Australian Survey on Public Opinions towards Sentencing', *Australian and New Zealand Journal of Criminology* 45, pp45-65.

Miller, R.N., Applegate, B.K., 2015. 'Adult Crime, Adult Time? Benchmarking Public Views on Punishing Serious Juvenile Felons'. *Criminal Justice Review* 40, pp151-168.

Ministry of Justice (2018) *Criminal Justice Statistics quarterly, England and Wales, July 2017 to June 2018 (provisional)*. Ministry of Justice. London.

Ministry of Justice (2014) *Out of Court Disposals: Consultation Response*. Ministry of Justice, London.

Ministry of Justice (2015) *Simple Cautions for Adult Offenders*. London.

Ministry of Justice (2014) *Penalty Notices for Disorder*. London.

Ministry of Justice (2013) *Code of Practice for Adult Conditional Cautions*. London.

Ministry of Justice (2010) *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*. The Stationary Office, London.

Mowle, E.N et al ., Edens, J.F., Clark, J.W., Sorman, K. (2016) 'Effects of Mental Health an Neuroscience Evidence on Juror Perceptions of a Criminal Defendant: The Moderating Role of Political Orientation', *Behavioural Sciences and the Law*, 34: 726-741.

National Police Chiefs' Council (2017) *Charging and Out of Court Disposals, A National Strategy*, www.npcc.police.uk/Publication/Charging%20and%20Out%20of%20Court%20Disposals%20A%20National%20Strategy.pdf Accessed 30 January 2020.

Neyroud, P. (2018) *Out of Court Disposals Managed by the Police: A Review of the Evidence*. National Police Chief's Council. <https://www.npcc.police.uk/Publication/NPCC%20Out%20of%20Court%20Disposals%20Evidence%20assessment%20FINAL%20June%202018.pdf>

Office for Criminal Justice Reform (2010) *Initial Findings from a review of the use of Out-of-Court Disposals*.

O'Sullivan, K., Holderness, D., Hong, X.Y., Bright, D., Kemp R. (2017) 'Public Attitudes in Australia to the Reintegration of Ex-Offenders: Testing a Belief in Redeemability (BiR) Scale', *European Journal on Criminal Policy and Research*, 23: 409-424.

Pamment, N., 2016. Realising the Potential: 'The Research Evidence Base for Unpaid Work', in: Pamment, N. (Ed.), *Community Reparation for Young Offenders: Perceptions, Policy and Practice*. Palgrave Macmillan UK, London, pp. 29–55. https://doi.org/10.1057/9781137400468_3 accessed 7.2.2020

Payne, B.K. Gainey, R.R. Triplett, R.A. Danner, M.J.E., 2004. 'What Drives Punitive Beliefs? Demographic Characteristics and Justifications for Sentencing'. *Journal of Criminal Justice* 2, pp195-206.

Pfeiffer, C. Windzio, M., 2005. 'Media Use and Its Impact on Crime Perception, Sentencing Attitudes and Crime Policy'. *European Journal of Criminology* 2, pp259-285.

Roberts, J.V., Stalans, L.J., 2004. 'Restorative Sentencing: Exploring the Views of the Public', *Social Justice Research*, 17, pp315-334.

Rodermond, E., Kruttschnitt, C., Slotboom, A.-M., Bijleveld, C.C., 2016. 'Female desistance: A review of the literature'. *European Journal of Criminology* 13, 3–28. <https://doi.org/10.1177/1477370815597251>

Short, R., Dickson, H., Greenberg, N., MacManus, D., 2018. 'Offending behaviour, health and wellbeing of military veterans in the criminal justice system'. *PLOS ONE* 13, e0207282. <https://doi.org/10.1371/journal.pone.0207282>

Slothower, M. (2014) 'Strengthening Police Professionalism with Decision Support: Bounded Discretion in Out-of-Court Disposals', *Policing*, 19 (4): 353-367.

Spiranovic, C.A., Roberts, L.D. and Indermaur, D. (2012) 'What Predicts Punitiveness? An Examination of Predictors of Punitive Attitudes towards Offenders in Australia', *Psychiatry, Psychology and Law*, 19 (2): 249-261.

Sosa, K. (2012) *Proceed with Caution: Use of Out-of-Court Disposals in England and Wales*. Policy Exchange. London.

Spiranovic, C.A., Roberts, L.D., Indermaur, D., 2012.' What predicts Punitiveness? An Examination of Predictors of Punitive Attitudes towards Offenders in Australia'. *Psychiatry, Psychology and Law* 19, pp249-261.

The Sentencing Council (2019) 5. *Penalty notices – fixed penalty notices and penalty notices for disorder*, (<https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/out-of-court-disposals/5-penalty-notices-fixed-penalty-notices-and-penalty-notices-for-disorder/#>). Accessed 02/07/2019.

Westmarland, N.; Johnson, K.; McGlynn, C (2017) 'Under the Radar: The Widespread Use of 'Out of Court Resolutions' in Policing Domestic Violence and Abuse in the United Kingdom' *The British Journal of Criminology*, Volume 58, Issue 1, January 2018, 1–16.

Wheelhouse, P., 2008. *Intervention with Drug Misusing Offenders and Prolific and other Priority Offenders*, in: Resource Material Series No.74: Work Product of the 135th

International Senior Seminar: Promoting Public Safety and Controlling Recidivism Using Effective Interventions with Offenders: An Examination of Best Practices. United Nations Asia and Far East Institute, Tokyo, pp. 65–82.

Whitehead, T. (2009) *Repeat offenders are escaping court with on-the-spot fines*, <<https://www.telegraph.co.uk/news/uknews/law-and-order/6048581/Repeat-and-serious-offenders-are-escaping-court-with-on-the-spot-fines.html>> accessed 01/07 September 2019.

Wood, W.R (2015) ‘Why Restorative Justice Will Not Reduce Incarceration’, *British Journal of Criminology*, 55: 883-900.

Zehr, H. and Mika, H. (2003), ‘Fundamental Concepts of Restorative Justice’, in E.

McLaughlin, R. Fergusson, G. Hughes and L. Westmarland, eds, *Restorative Justice: Critical Issues*, 40–3. Sage Publications.

Glossary

CPS – the CPS is the organisation that prosecutes criminal cases investigated by the police in England and Wales.

Charge – when an individual is formally accused of an offence under the law.

Summary Offence – an offence triable only in the magistrate court.

Either Way Offence – an offence triable either in the magistrate court or crown court.

Indictable Offence – an offence that is triable in the crown court.

Conditional Caution- is an out of court disposal that requires an offender to comply with a condition in order to avoid prosecution at court.

Community Resolution – is an out of court disposal that is used for low level offending, allowing police officers to use their professional judgement when dealing with such offenders in a proportionate way.

Conditional caution pathway- is where an **offender is referred to particular programme designed to address the specific cause of the offending behaviour and increase victim satisfaction.**

Recidivism – committing further crimes following a conviction for another crime.

Restorative justice – criminal justice interventions that seek to repair damage and harms to victims and to hold offenders accountable in ways that provide an opportunity for making amends