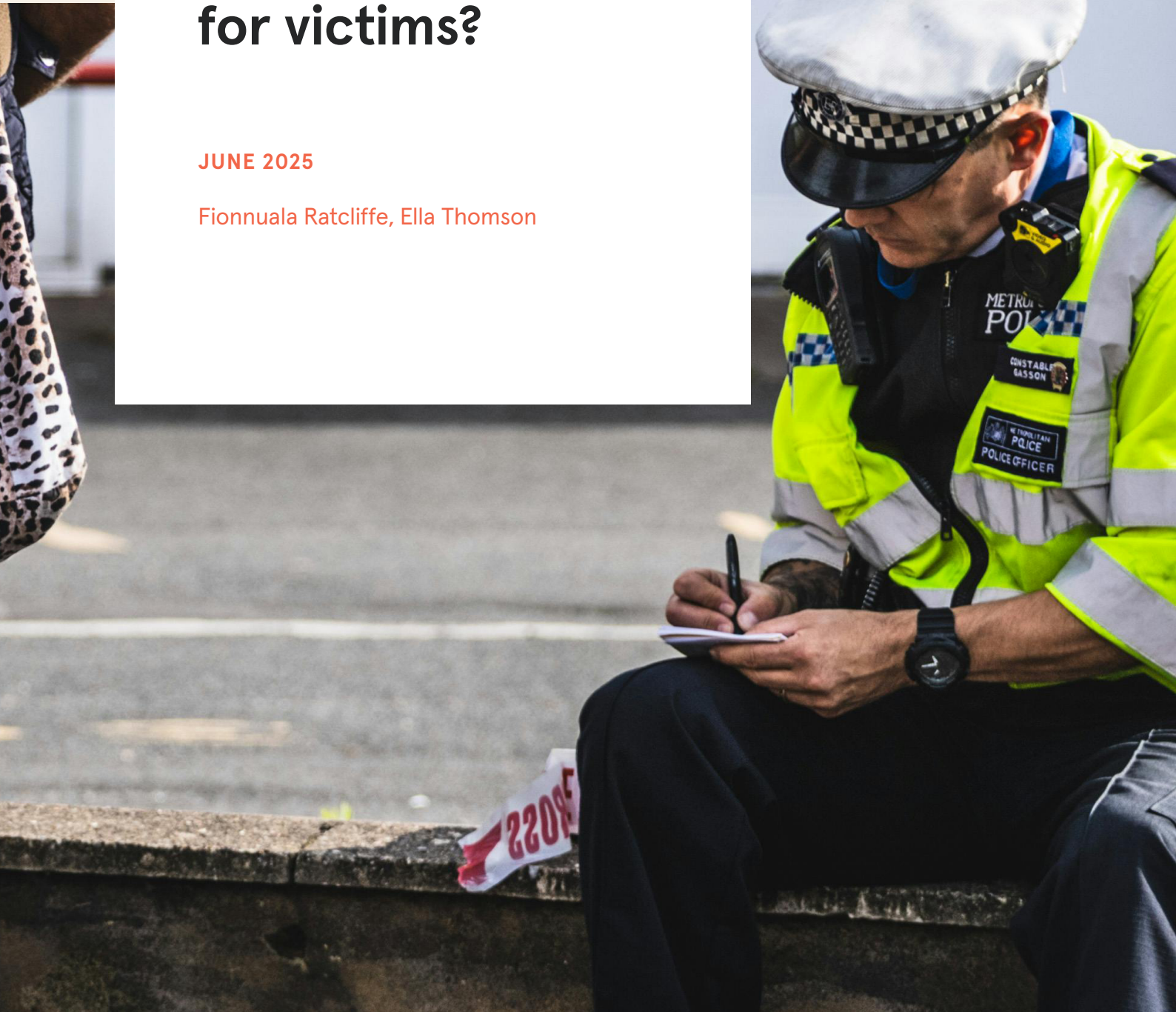


Beyond the courtroom: do out of court resolutions work for victims?

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Fionnuala Ratcliffe, Ella Thomson



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Foreword

Nearly 25 years ago, I chaired the programme to develop a conditional caution. I was the chief constable of Thames Valley Police and the national lead for out of court disposals. The policy was intended, above all, to reduce the use of court for minor offences, but I also wanted to see a greater use of restorative justice (for which my own force was a pioneer) and more opportunities for victims to have a say in the way that their crimes were resolved. When we launched the idea, I was accused by the Sun of being “an apology for a Chief Constable” for supporting restorative justice rather than punishment.

However, I was pretty confident, after working on cautions for more than 20 years, that many victims would be happy to trade a court case for speed and a focus on preventing future offending. Even then the courts were slow. In 2025, slow has become glacial and the need to find better solutions has become even more urgent.

This report adds important evidence to my professional intuition. Overall, most victims say that they want the person who harmed them not to do it again. That priority matches what Dr Molly Slothower and I found from the victims whose crimes were included in Operation Turning Point, an experiment testing deferred prosecution in Birmingham. We also found, as here, that they wanted the crime resolved quickly. This report emphasises the need for the police to acknowledge what happened and take it seriously.

This timely and important report lends support to the momentum towards greater use of properly implemented out of court resolutions.

DR PETER NEYROUD

Associate professor in evidence-based policing

University of Cambridge

Executive summary

What do victims want? This research by Transform Justice, based on a poll of 1,235 victims and in-depth interviews with 25 victims whose cases were resolved out of court, finds victims have three main priorities when a crime occurs. Most of all, they want the person who harmed them not to do it again. They also want the crime resolved quickly, and for the police to acknowledge what happened and take it seriously.

Victims had varied ideas about how to stop the person doing it again, with punishment being one of the most favoured. They saw punishment as a deterrent; a way to hold people accountable and to make them understand the consequences of their actions. Some victims felt warnings and reprimands could help educate people about the impact of their actions and deter them from doing it again. Victims did not place a high priority on the person being prosecuted in court, nor did they think it was particularly important to rehabilitate them.

Almost as important to victims was for the police to take their report seriously, to acknowledge that what happened was not acceptable, and to take action to address it. For some, this meant investigating the crime thoroughly. Others sought reassurance that they were right to report what had happened. They looked to the police for solutions to repair the harm, by speaking with the person who did it, getting an apology, or practical action like returning property or compensation.

Our research found that resolving crime out of court can, and often is, meeting many of these priorities for victims. Victims whose cases were resolved without going to court were more likely to say the justice system was supportive, just, easy and healing than those whose crime went to court or was unresolved. In particular they saw it as a sensible and proportionate response and were grateful to avoid the stress and hassle of court and to get a quick resolution. Many also liked how it gave them a say over how the issue was dealt with. When it worked well, victims felt supported, acknowledged and understood.

Although victims had more positive than negative things to say about their case being resolved out of court, many felt there had been at least some downsides of their experience. The primary concerns were that it was too soft on the person who did it, or that it wasn't effective at addressing the harm caused or stopping the person doing it again. A significant minority found the experience frustrating and slow. Some of the victims we interviewed were annoyed at having their case passed between several police officers, or having to wait a long time for an update on progress. Some were still in the dark about how their case was eventually resolved.

Overall the victims in our survey were supportive of resolving more crimes without going to court (53% were supportive versus 20% not). They felt that too much court time is wasted on

minor offences, for which court should be the last resort (62% agree vs 18% disagree), and that many crimes can in fact be resolved by the police instead (64% agree vs 19% disagree). Particularly for cases like shoplifting motivated by drug addiction, victims saw a conditional caution with referral to a drug rehabilitation programme as a better use of justice system resources, and a better way of stopping the person doing it again, than a court fine.

In light of this positive evidence for out of court resolutions, our report ends with recommendations for how criminal justice policy makers can increase their effective use. It also suggests ways for the police to improve its engagement with victims – a topic that will be explored more in a separate report.

Introduction

Methodology

This report is based on a survey of 1,235 victims, commissioned by Transform Justice and conducted by Public First between 15 November and 20 December 2024. The term ‘victim’ refers to poll respondents who said they were the victim of a crime within the last four years, whether they reported the crime to the police or not. The sample does not include victims who only selected online or phone fraud.

The survey gathered demographic information of respondents such as gender, age, socioeconomic background and education. It asked whether the respondent is from an ethnic minority background, is a religious minority, identifies as LGBTQIA+, or has a disability - referred to in the report as people with protected characteristics.

The survey comprised mostly quantitative questions, but included in our analysis are responses to two open-text questions on what was important to respondents for the justice system to do after the crime occurred, and, for those victims whose case was resolved without going to court, what their experience of the process was.

The survey findings are supplemented by 25 phone interviews with victims whose cases were resolved out of court. These interviews focused on victims’ experiences of the crime and how it was dealt with, and their attitudes to out of court resolutions more generally. Victims were reached via six police forces. Where victims’ stories are shared as case studies in this report, pseudonyms are used.

A second report, focused on how police can improve victims’ experiences of out of court resolutions, will be published at a later date.

What are out of court resolutions?

The criminal justice system is like a manual car, with different gears for different situations. Courts and imprisonment - the highest gears - may be appropriate for the most serious crimes. But as with a car, overuse of these gears will reduce the system’s efficacy, efficiency and cost-effectiveness.

The police can instead resolve many crimes without going to court, using ‘out of court resolutions’. These lower gears of the justice system – including cautions, community resolutions and deferred prosecution – have proved effective in reducing reoffending¹ but their use has declined significantly in the past decade. Just over one third of resolved crime is dealt with using out of court resolutions, although this varies significantly between police forces, and for children versus adults². All police forces use cautions and community resolutions, with some forces having a wider range of options available (see figure 1).

FIGURE 1: What out of court resolutions are there?

Diversion from the criminal justice system	For many low-level and first-time crimes, it's being caught by the police that makes the difference, regardless of the sanction applied. The best approach may be to refer someone to services and take no further action.
Community resolution	Used for crimes which are most effectively dealt with swiftly and informally, often ‘on the street’. The person who committed the crime agrees to make amends in some way – whether by apologising or clearing up any damage done. Does not require a formal admission of guilt but the person must accept responsibility for the crime.
Simple caution	Given to people who admit to committing relatively low-level offences where prosecution would not be effective or proportionate. A formal criminal justice sanction that includes a criminal record. Currently being phased out in favour of cautions with conditions.
Conditional caution	Like a simple caution, but including conditions that must be met, such as taking part in a behavioural change course or paying compensation for damage.
Penalty notice for disorder	A quick way of dealing with low-level, anti-social and nuisance offending by issuing a fine. Currently being phased out and use has dropped significantly in recent years.
Deferred prosecution	An approach available in a growing number of police forces, where prosecution is deferred if the accused agrees to undergo a rehabilitation programme. If they do not complete the programme, they may be prosecuted. Does not require a formal admission of guilt.

¹ The Centre for Justice Innovation produced an [evidence briefing on pre-court diversion](#) which concludes there is strong international evidence and moderate evidence from the UK that, when implemented properly, pre-court diversion can reduce reoffending. In published government statistics, the best reoffending rates are for cautions: according to the most recent government data (from 2021), 13% of those who received a caution reoffended, compared to 23% of those who were asked to pay a fine by the court. Out of court resolutions also avoid a long criminal record which can be a barrier to employment, housing and education.

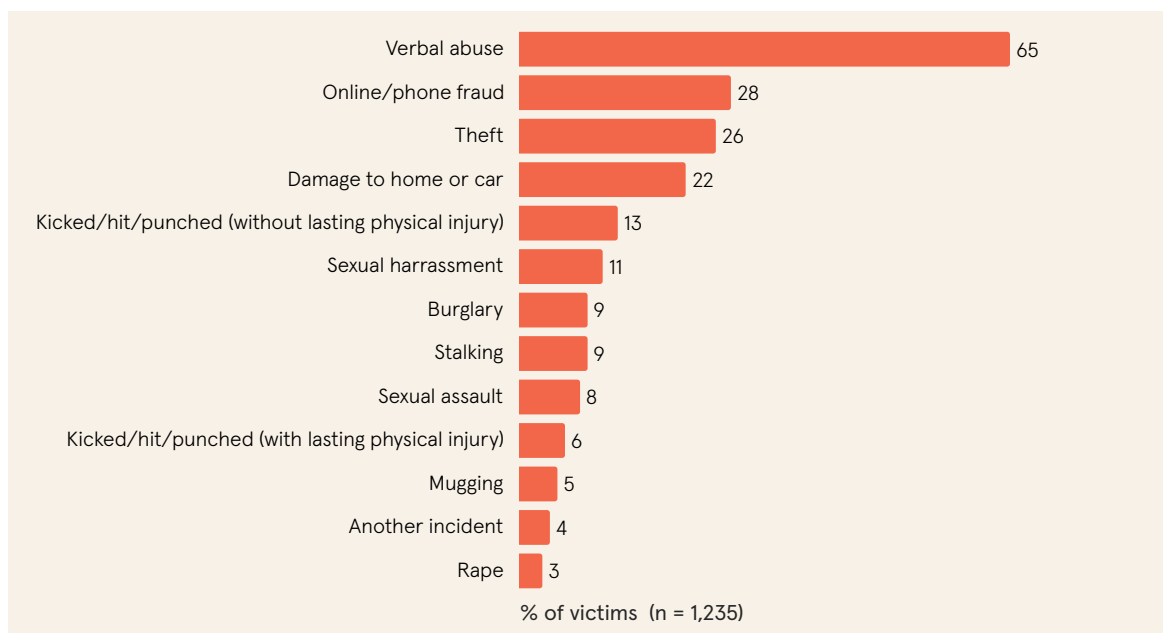
² Our [crime resolution tracker](#) compares police forces’ use of out of court resolutions versus charge each year.

About the victims

Victims in our survey had experienced a wide range of crime, from verbal abuse to mugging to sexual assault (see figure 2).

The most common incident was being verbally abused, although two thirds of these victims had also experienced at least one other type of crime. Of the remaining third who had experienced verbal abuse only, half (52%) said they thought the crime was motivated by who they were, such as their ethnicity, faith, disability, or sexuality.

FIGURE 2: Which crimes did victims experience?



About Transform Justice

Transform Justice is a national research and campaigning charity working for a fair, open and compassionate justice system. We use research and evidence to show how the system works and what needs to change - then we persuade politicians and policy makers to make those changes. Through our work we hope to reduce crime and the harm that can be caused by the criminal justice system.

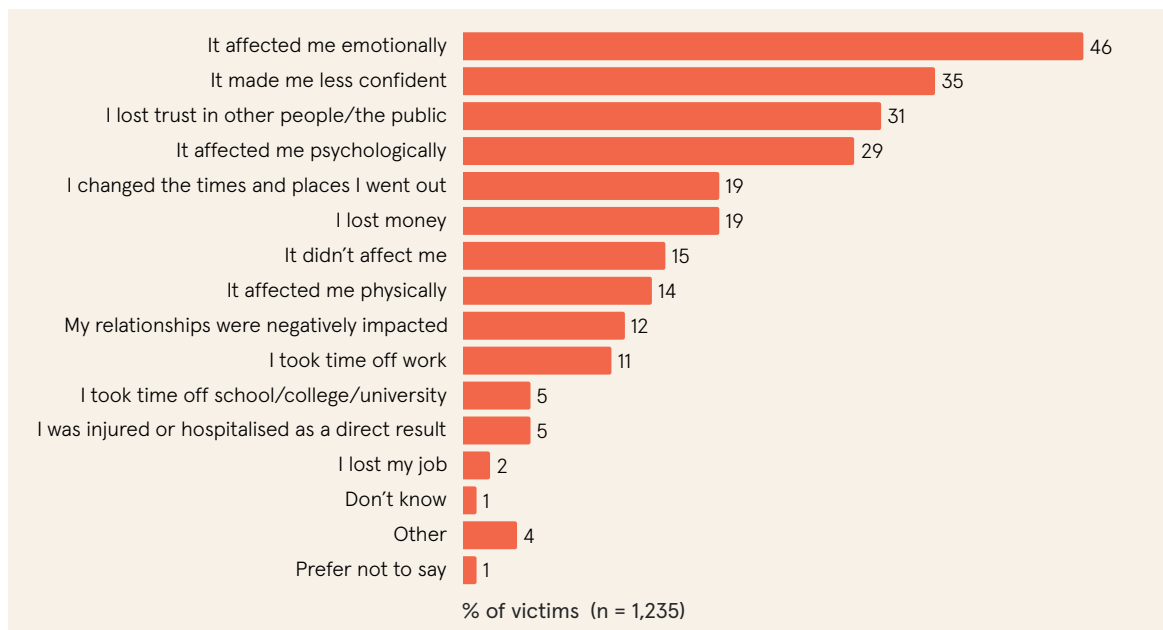
Acknowledgements

This research has been kindly supported by the Hadley Trust and Lloyds Bank Foundation. We would like to thank the victims we interviewed for sharing their stories and reflections with us, the police forces who facilitated this, and Mark Yin who conducted some of the interviews.

“The trauma still comes back to me”: how does crime impact victims?

Most victims are negatively impacted by crime. Out of the 1,235 victims in our survey, only 15% said that the incident hadn’t affected them at all. Nearly half said it had an emotional impact—they felt things like anger, sadness, or shock. About a third said it knocked their confidence or made them trust other people less. Nearly 3 in 10 said it affected them psychologically, causing issues like anxiety, depression, panic attacks, or trouble sleeping. A smaller group (12%) said it had a negative effect on their relationships with others.

FIGURE 3: What impact did the crimes have on victims?

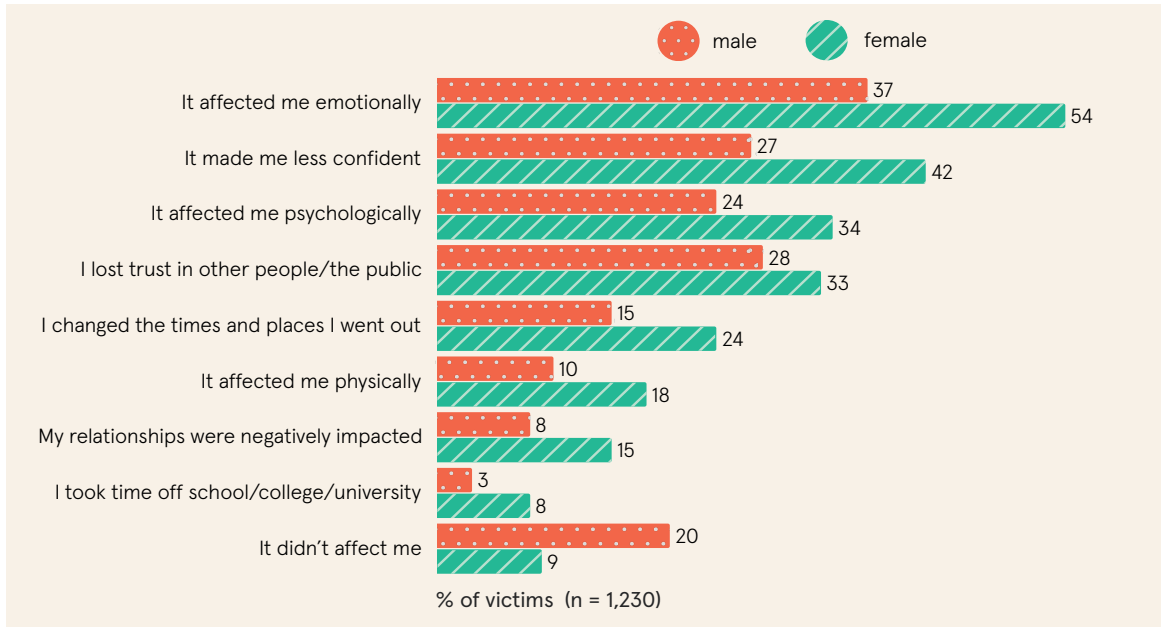


Victims experienced physical and financial impacts too, although these were less common; 14% experienced physical symptoms such as headaches, changes in appetite and muscle tension, with 5% being injured or hospitalised. 19% lost money because of the crime they experienced, while others ended up taking time off work (11%) or education (5%), and 2% lost their job.

Women were more likely than men to say they were negatively impacted by the crime they experienced (figure 4 shows impacts with the biggest difference by gender). They were more likely to be affected emotionally or psychologically, to feel less confident, and for their

relationships to be negatively impacted. They were also more likely to have taken time off education as a result of what happened, compared to male victims. Men were more than twice as likely to say that the crime didn't affect them.

FIGURE 4: What impact did the crimes have on victims? (by gender)



The impacts of crime also tended to be felt more strongly by younger victims than older ones. They were more likely to have their confidence knocked, to lose trust in others, for their relationships to worsen, and to change the times and places when they went out as a result of what happened.

People with protected characteristics, and disabled victims in particular, were also more likely to say they experienced negative impacts following what happened, particularly feeling less confident and being affected psychologically.

“I needed the validation”: what do victims want?

Victims in our survey told us that what mattered to them most was that the person who harmed them didn't do it again, to them or anyone else. They had different ideas about how to achieve this, with punishment being one of the most popular and rehabilitation one of the least. Getting the crime resolved quickly was a high priority too.

Victims also wanted the police to acknowledge the harm they had experienced, take it seriously and assure them that what happened was unacceptable. They looked to the police for solutions to repair the harm: by speaking with the person who did it or taking practical action like getting payment for damages or returning property.

FIGURE 5: What were victims' priorities after experiencing a crime?



“Make sure it doesn’t repeat itself”

The two biggest priorities for victims were for the person who did it not to do it again to them or anyone else. Many looked to the police and criminal justice system to intervene so that what had happened didn’t repeat itself. They wanted the person to be found and stopped. This was sometimes accompanied by a desire to feel safe from the person who had harmed them through practical action by the police: “find the stalker and put on restrictions and warnings” and “I would have liked an apology from the man and orders for him to stay away from me.”

“Above all the offender gets punished”

Many victims wanted to see the person punished; two thirds of victims said this was important to them. Some saw strong punishment as deterrence; necessary to avoid the crime recurring: “the perpetrator needs to know that actions like this will be punished and the punishment will increase for repeated offences.”

Others saw punishment as an important way of making the person accountable for their actions. They felt that bad behaviour should be punished so that the person understands there are consequences for their actions and learns they can’t get away with it: “to punish the person who thinks it’s ok to do this kind of thing.”

While for a few, punishment meant prison (“lock them up”; “jail the criminals” and “longer sentences”), most did not specify what it should involve. What mattered was holding people responsible: “I wanted her caught. I didn’t want to ruin her life, but I didn’t want her to walk away freely.”

Warnings and reprimands

Whereas some victims put their faith in punishment, others felt a police warning was the best route to change their behaviour. Some wanted people informed about the consequences if it kept happening. Others hoped the police would educate the person or explain to them the impact their actions had on the victim.

“It was most important to me that the police talk to the assailant and scare them off from doing it again. The assailant is only young so perhaps not doing anything that could harm their future prospects is needed, they just need the right support.” (Victim who had been verbally abused and had their home or car damaged/defaced)

“I wanted the woman to be spoken to by the police about her actions and how this can impact people negatively to deter her from doing it again.”

The “court gives justice”?

Going to court was the lowest priority for victims; only 27% said that it was important to them. Some did want the person to be caught and prosecuted and saw court as a form of deterrence. Others felt the courts could administer justice more even-handedly than the police: “most police will not be fair in their judgement, cause most of them still have some atom of racist in them, me I’ll still prefer to take my chances in court” and “police helps to solve this on the spot but court gives justice.”

Rehabilitation not a prime concern

Rehabilitation was not a high priority for victims; just over half (53%) said it was important to them. It was also rarely mentioned in victims’ written comments; one victim suggested social services support or “a course of rehab”; another said it was important “to get this person help but not before prosecuting them.”

Beyond the justice system

Some victims did not see the justice system as an effective route to addressing or preventing further harms. They felt the problem lay in public attitudes, and would be better rectified through education rather than criminalisation.

“I would prefer men are taught from a younger age how to respect other people, particularly women.” (victim of sexual harassment)

“I don’t think [the justice system] could have affected the societal attitudes towards Muslims, as it is more a result of media brainwashing and misinformation.” (victim of verbal abuse and theft)

“I had homophobic slurs shouted at me because I was with my partner. However, criminalising this type of behaviour is not the solution because it will just reinforce negatives, i.e. this person will perceive gay people as the cause of their criminalisation. The justice system needs to think about structural causes of crime, and why people hold certain views, and aim to address those.” (victim of verbal abuse)

“I needed the validation”

“Not ignore me and tell me it was not a reportable crime! It was a crime and I have lost all faith in the criminal justice system in this country.” (victim of verbal abuse)

Taking action to stop the person causing further harm was the top priority for most victims. But almost as important was how the victim was dealt with by the police and wider justice system. Two thirds of victims said it was important to have the crime acknowledged by the police.

Victims wanted the police to take their report seriously and to take action to address it.

For some, this meant a proper investigation of the crime, for example attending the scene, looking at CCTV and trying to catch the culprit. Some described negative experiences of reporting to the police where they felt they had been fobbed off.

“Handle the case seriously without making me feel like I was annoying them. Their reaction made things worse for me mentally and emotionally.”

“They do not even turn up the majority of the time and when you phone up you get questioned about the incident and they decide if you are important enough?”

One victim described their frustration after reporting criminal damage to their property: “To even acknowledge the crime - the police were not interested at all. I was given a crime number and told the police would not be coming down. I tracked down evidence and they still weren’t interested. They tried to deter me by telling me ‘but you’ll have to go to court’ as though that would get rid of me quicker. Only after pushing and pushing did a police officer come down, I gave him a list of evidence and he basically looked at two things on the list and we never heard from them again. They just do not care.”

Others wanted reassurance that they were right to report what had happened. They wanted the police to have their back, to recognise them as victims and acknowledge that what happened wasn’t acceptable.

“Being heard by the police was important to me, I needed the validation that I’d been a victim of crime and that it wasn’t all in my head.”

“There is nothing worse than reporting a crime, only to be made to feel like you are wasting the state’s time and resources.”

Victims also wanted to feel listened to and understood, to be kept up to date, even if the news wasn’t positive, and to have a say in what happened next. A few described experiences where this hadn’t happened.

“They should be easy to contact and stick to appointment times rather than cancelling and rescheduling...there is nothing worse than being injured and then being made to feel like your right to justice is not important or a pain in the (A) for asking about it.”

“What is important is for the police to be honest with me and acknowledge the crime, even if it is a slim chance of justice or retrieving my item back.”

A quick response and practical solutions

Getting the crime resolved quickly was a common priority for victims; 70% said it was important to them. But speed came up rarely in victims’ written responses; just a few sought

“immediate justice” or wanted the person who committed the crime to be dealt with swiftly: “they should punish the criminal immediately.”

More common was a desire for practical action to address the harm done; often paying for damage, but also retrieving stolen items or making reparations in some other way. Few victims prioritised compensation: just over a third said this was important to them, and it was rarely mentioned in written responses.

Apologies and answers

Approximately half of victims prioritised getting an apology from the person who did it, or answers about why they did what they did. Victims wanted the person to recognise the harm they caused and in some cases to feel contrition: “to make the person who did it understand what they did to me and to feel remorseful.”

“I knew nothing could be done”

A few victims did not want or expect the police to take further action. They accepted that the police’s powers were limited due to a lack of evidence or witnesses, or that the minor nature of the crime meant a police response wasn’t warranted. Some simply wanted to report the crime to the police so they could make an insurance claim.

“Nothing the police or anyone else can do to stop people mouthing off at people.”

“Not much tbh as it was such a small incident but it really annoyed me.”

Almost two third of victims said that forgetting the whole thing had happened was important to them.

“Nothing anyone could do”: why don’t victims report crimes?

Half of the victims in our survey said that their crime was not reported to the police or any other organisation. The reporting rate was similar for men and women, but younger victims (18–24 year olds) were much less likely to report what had happened to the police than any other age group (19%, vs 38% for 55–64 year olds, for example).

People with protected characteristics were less likely to report it to the police than those without (27% vs 37%), although they were slightly more likely to report it to another organisation (10% vs 7%) or to say someone else had reported it to the police (9% vs 5%).

We asked victims who didn’t report the crime to the police, why not?

FIGURE 6: Why didn’t victims report the crime to the police?



“Just a drunken idiot mouthing off”

Some victims just felt that what happened wasn't serious enough to involve the justice system; they were annoyed by the behaviour but didn't believe it justified police intervention. Almost half of victims who didn't report to the police said they didn't think it was worth reporting, and 15% said they didn't think it was a crime. One victim of verbal abuse said “it was just a drunken idiot mouthing off”; two theft victims reflected “I just resolved to be more careful in future” and “I concluded that since I wasn't hurt I'd got off lightly; I was just a little poorer. I didn't want any more time spent thinking about it.”

Over a quarter of victims who didn't report the crime to the police said they dealt with it themselves by changing their own behaviour or fixing the damage themselves: “I sorted it myself by having no contact with the person” (victim of verbal abuse).

A small minority of victims (5%) said they didn't report it because they didn't think the person was responsible for their actions: “I did not consider it a police matter as the person quite obviously was suffering from alcohol abuse and reporting them would not have made any difference.”

“Nothing they could have done”

Others may have liked the authorities to intervene, but believed the police wouldn't be able to do anything about it. They supposed that there was no evidence to investigate the crime, or that the police did not have the powers to reprimand the person or stop them from doing it again.

“Would be nice for some quick form of compensation or resolution - but with the person doing it out of view then nothing could be done and wasn't worth reporting.” (victim of criminal damage)

“Very little really as there was no CCTV and a hard crime to prosecute.” (victim of theft)

“There was nothing they could have done. Someone was abusive because of my political beliefs. I don't see that being treated as a hate crime.” (victim of verbal abuse)

“Police are not interested”

Over a third of victims who didn't report their crime to the police said it was because they believed the police wouldn't take it seriously. This sentiment was particularly common amongst victims of verbal abuse, and victims with protected characteristics: 41% said they didn't think the police would take it seriously vs 28% of victims without protected characteristics.

“It would have been nice to have the police deal with this but there's no point reporting such an incident because they won't respond to this type of crime.” (victim of verbal abuse)

“You aren’t going to get the police to care about people yelling at you in the street.”
(victim of verbal abuse)

“The police no longer take any notice of small crimes.” (victim of theft)

One victim described her uncertainty about how the police would respond to a report that her mother (with whom she had cut contact with) was stalking her: “Ideally I would want the police to warn this person to stay away from me and impose this legally, but I haven’t pursued this as I believe the police won’t take it seriously as it is a female family member (mother) who I believe has a mental health problem. I don’t believe that the behaviour will be seen as potentially a crime because of our relationship.”

“I would feel more vulnerable”

A significant minority (14%) of victims said they didn’t report it because they were worried it would make matters worse. This sentiment was much stronger amongst women than men (18% vs 9%) and amongst younger 18-24 year old victims (21% vs an average of 14%). Victims were concerned that reporting to the police would damage their relationships with others in their communities, or compound the impact of the crime.

“I didn’t report it as I just don’t think they would do anything and as it’s a small town and the venue is one we go to all the time then I didn’t want to make it worse.” (victim of verbal abuse)

“There was nothing anyone could do, because it wouldn’t be investigated, and if it was, I would feel more vulnerable.” (victim of criminal damage)

“Not much - it was a fairly minor thing. Making a legal issue of it may have been counter-productive in the wider scheme of things. It’s a close community.” (victim of verbal abuse)

Court as last resort: are victims on board with out of court resolutions?

If court is not a high priority for victims, what do they think of the 'lower gears' of the justice system – out of court resolutions? Victims in our survey were overall supportive of these options. They felt that too much court time is wasted on minor offences, for which court should be the last resort, and that many crimes can in fact be resolved by the police instead.

FIGURE 7: Victims' views on prosecuting minor offences

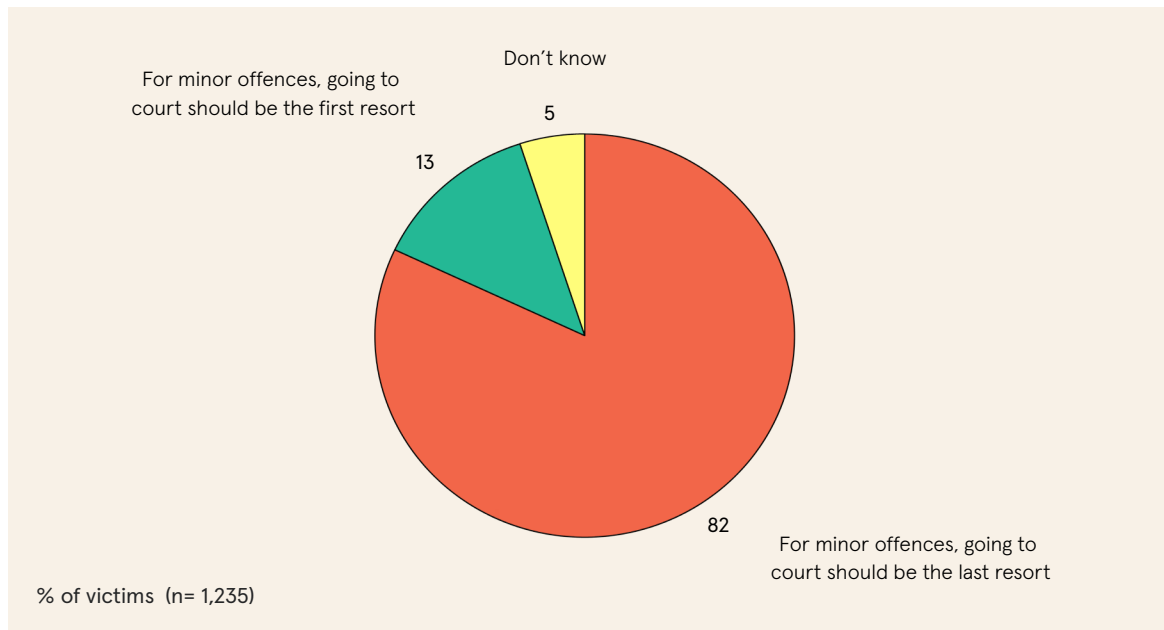
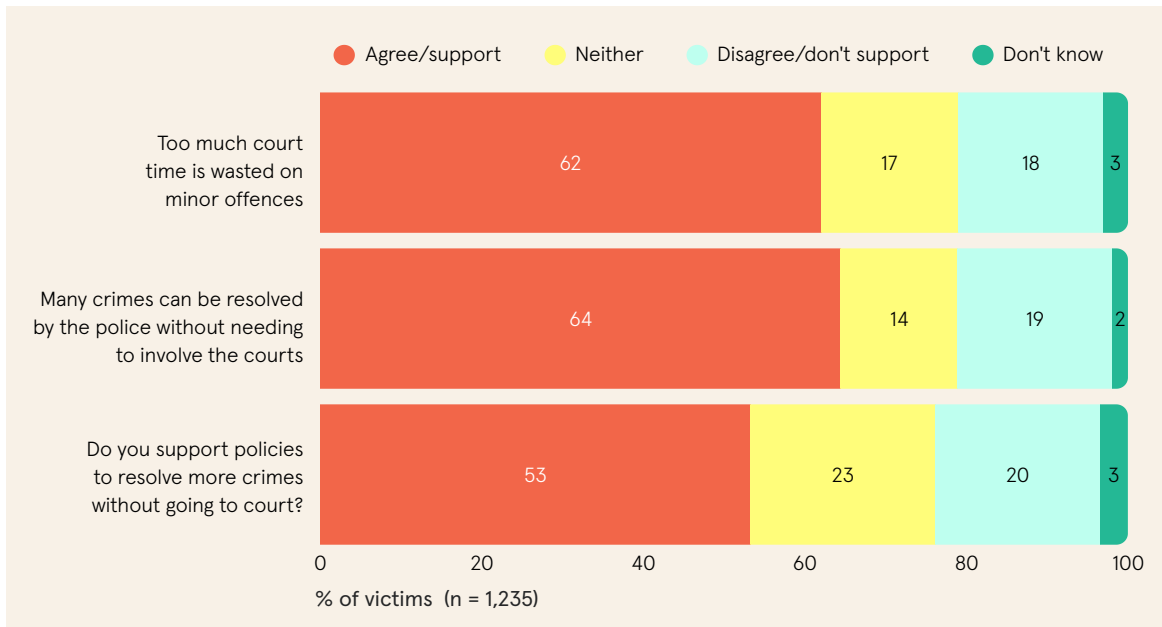
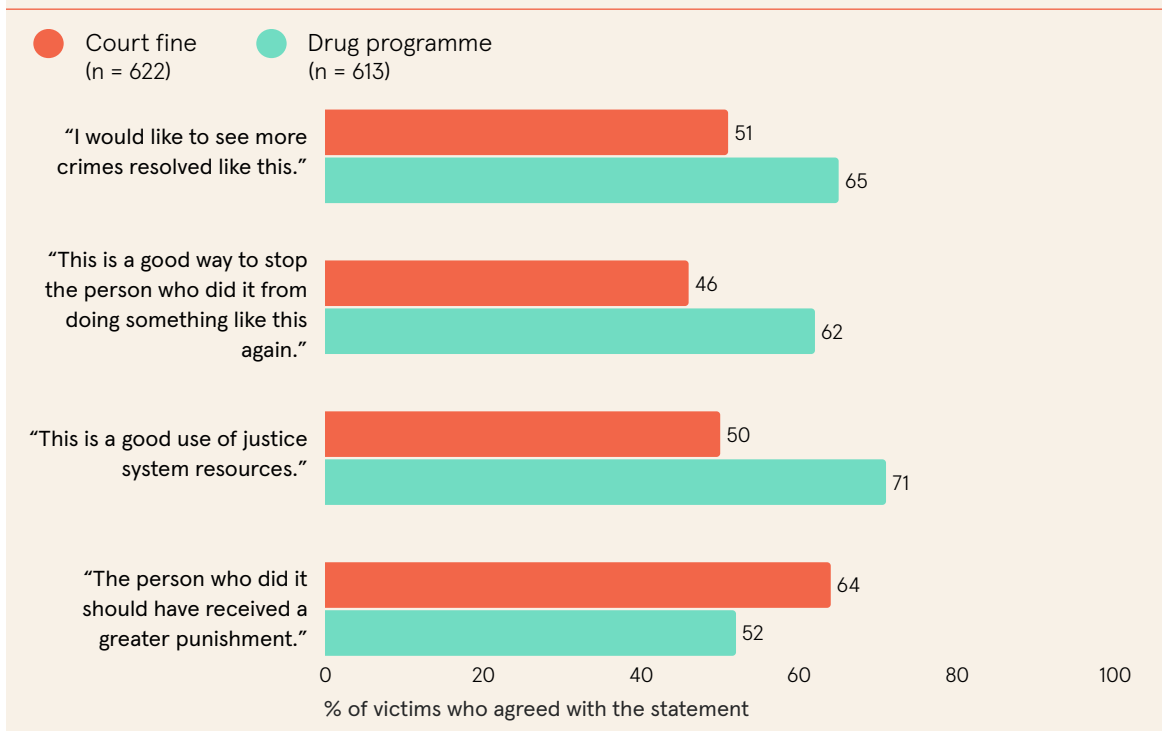


FIGURE 8: Victims' views on how crime should be resolved**FIGURE 9: Shoplifting scenario**

'Imagine someone is arrested for repeatedly shoplifting. They sell the stolen items and use the money to buy drugs and support their substance use.'

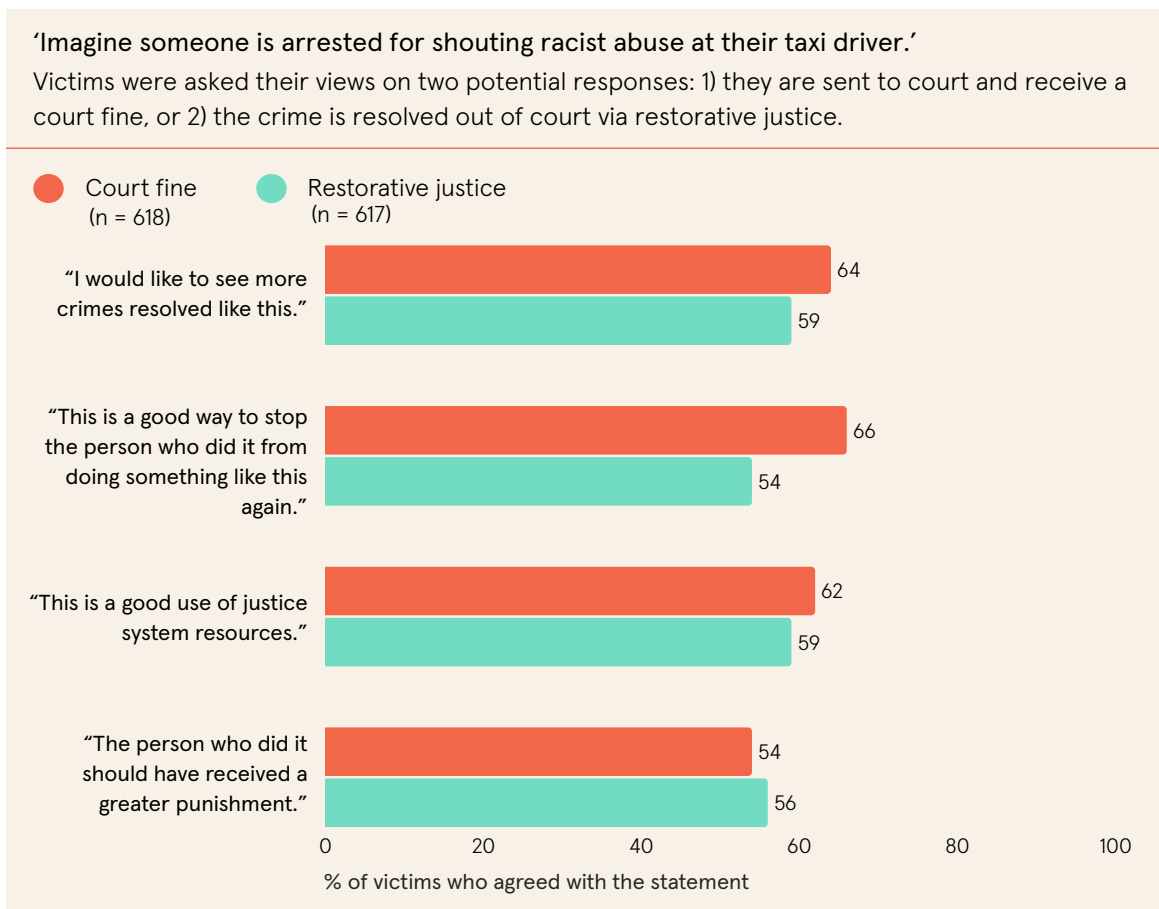
Victims were asked their views on two potential responses: 1) they are sent to court and receive a court fine, or 2) the crime is resolved out of court via a drug rehabilitation programme.



Particularly for cases like shoplifting motivated by drug addiction, victims saw a conditional caution with referral to a drug rehabilitation programme as a better use of justice system resources than sending them to court. Not only that, it better met victims' desire for punishment, too. Victims were more likely to say that a conditional caution with a drug rehabilitation programme was sufficient punishment, than they were for a court fine.

This support for resolving more crime without going to court didn't apply in every situation, though. We showed victims a scenario of someone being arrested for shouting racist abuse at their taxi driver. In this context, victims were more supportive of prosecution resulting in a court fine than they were of resolving the crime without going to court using a restorative justice process (where the taxi driver agrees to meet with the person who did it, ask them questions, explain the impact of the crime and discuss how to make amends). Although more victims agreed than disagreed that resolving the crime through a restorative justice process was a good use of justice system resources and a good way to stop the person doing it again, and that they would like to see more crimes resolved like this, they were even more supportive of dealing with it in court. Victims also felt that neither resolution provided adequate punishment for the person who did it.

FIGURE 10: Racial abuse scenario



“Answer I was looking for”: do out of court resolutions work for victims?

The previous chapter describes victims’ ‘in principle’ views on court and out of court resolutions. But what do victims who have actually been through an out of court resolution process think about how their crime was dealt with? How does this compare to the experiences of those who went to court?

Of the 494 victims in our survey who reported their crime to the police, a quarter (25%) had their case resolved without going to court. Just over a fifth (22%) had their case go to court. The remainder’s cases were unresolved (42%), they didn’t know what happened (8%), or they preferred not to say (3%). We asked victims whose cases went to court, or were dealt with via an out of court resolution, to choose which words best described their experience of the justice process (see figure 11 below). We also asked victims whose case was resolved out of court what they liked and disliked about the process (see figures 12 and 13), and to tell us more about their experience in their own words. This chapter summarises these findings alongside those from 25 phone interviews with victims whose cases were dealt with out of court.

FIGURE 11: What words did victims use to describe their justice experience?

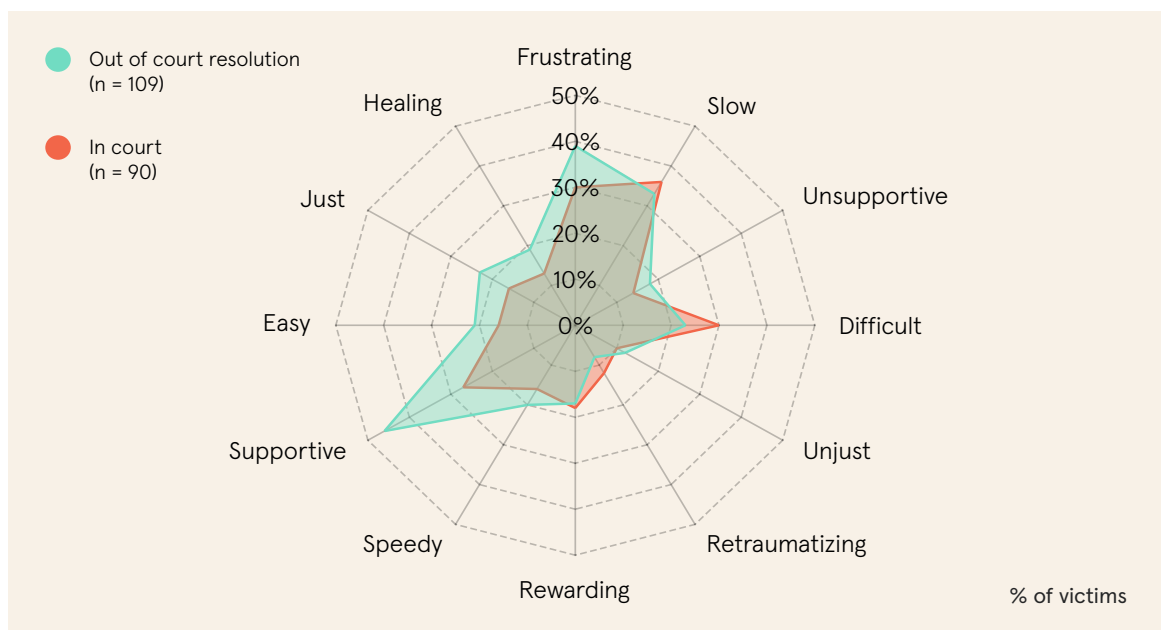


FIGURE 12: What did victims like about having their crime resolved out of court?

“Less stressful than court”

The best thing about out of court resolutions, according to victims who’d experienced them, was that it avoided the worry of going to court. They saw going to court as a distressing ordeal and were worried about having to relive the experience of the crime. A victim who was punched in the face during a road rage incident was relieved to resolve it out of court, as he “didn’t really want to go through the court process because that’s quite traumatic. I’ve done that before and it’s not a very nice process.” We asked victims who went to court and those whose cases were resolved out of court about their experiences of the justice system. Victims whose cases were resolved out of court were more likely to find the process easy and less likely to describe it as retraumatising than victims whose cases were prosecuted.

“Why go to court, why have to stand up and give a witness statement...Why go through that process? None of that is nice for either side. ...This (out of court resolutions) is a great way of doing these things.”

“It was swift”

Many victims liked having their crime resolved out of court as it was dealt with quickly – 45% said that it being quick was a benefit. This meant they could move on from the incident faster. The average duration for a case from receipt to completion in the magistrates’ court is 182 days, whereas a conditional caution must be completed within 16 weeks of the crime.³

³ [Code of practice for adult conditional cautions, MoJ](#)

Not all victims found the process swift, though; some found it slow and frustrating. In two cases dealt with out of court, both where a dog bit the victim, the vastly different time it took to resolve the case (under two weeks vs 18 months) left the victims feeling very differently about their experiences. Despite this, both victims were still supportive of out of court resolutions being used more often.

“The communication was really well done”: Sarah’s story

Sarah’s case was resolved in less than two weeks. She was bitten by a dog when she put her hand through a letterbox to deliver leaflets. The bite required hospital treatment – stitches, antibiotics and a tetanus jab. Sarah was concerned that the same thing may happen to other people, especially children, as Halloween was around the corner. She reported it to the police and was phoned a few days later by an officer, who went through Sarah’s options with her and invited her to the station to discuss in person.

Although my injuries were not great, I didn’t want to take anyone to court, I didn’t want to go through that, or put anybody else through that. My main concern was safety for other people. Taking the man to court wasn’t going to resolve a safety issue, I don’t think. But he (the police officer) gave me the options of what to do if I didn’t want to take him to court.

Sarah and the officer agreed on a community resolution that required the owner of the dog to get a metal box around the letterbox to catch letters and protect people’s hands.⁴ The officer gave the owner a week to abide by the resolution, which he did.

I was kept fully informed. A week later, the PC called me back and he’d been back to the property and the man had bought a letter guard for the letterbox and it was fitted and so yeah, it was all followed through.

I’m quite happy with the whole thing. You know, if something like that happens again, I wouldn’t hesitate to go through the same process because I just think it worked.

4 [The NPCC’s guidance on charging and out-of-court disposals](#) (pg3, 16) states that dog bites where serious injury has occurred should normally result in a charge. A community resolution is ‘rarely suitable’ but can be used if the decision maker can ‘fully justify’ the outcome.

“From pillar to post”: Nick’s story

Nick’s case took 18 months to be resolved. Nick was bitten by a dog while on a walk with his wife and granddaughter. He was on blood thinners at the time, so the bite bled a lot. Treating the injury required multiple hospital visits and treatment, including scans, X-rays and plastic surgery. Nick was worried the dog would bite someone else in the future, as the owner had told him the dog had done this before. Nick reported the incident to the police, who followed up with him a few days later. Nick was passed from officer to officer for over a year; officers would call him to say they were going on a course or on holiday, and that they would be in touch when they were back, but nothing ever happened. He found waiting such a long time for a resolution retraumatising.

Every time I got a phone call [from the police] it brought it back. I thought bloody hell here we go again. Course it brings it back and you start thinking about it.

After over a year an officer called him, apologised, said they were handling the case and organised an interview with the owner of the dog. A week later the officer phoned Nick to inform him there would be a community resolution that required the owner to go on a dog awareness course, the dog to be muzzled and to be on a lead of a certain length.

He said, ‘are you happy with that?’ I said yes I am happy with that, that’s what I wanted. I think the time it took was appalling. 18 months... I mean they’ve got other things to worry about, I accept that, but you get to a point after 12/18 months you think they’re not bothered... To be fair the last officer was brilliant. He got it resolved within 3-4 weeks. That’s what should have happened in the first place.

Despite Nick’s drawn out experience, he supported the police using out of court resolutions more often to resolve crime.

Not everything needs to go to court for a magistrate to sit there and say yes put the dog in a muzzle. The police should have the authority in this particular case to say that the dog shouldn’t be doing what it’s doing... It should never need to go to court.

Sensible, fair and appropriate

Over a third of victims surveyed liked having their crime resolved out of court as it was the sensible thing to do. Some didn't view the crime as serious enough to warrant prosecution and saw out of court resolutions as a more proportionate response. Others felt the person who had committed the crime had acted irrationally, and that the conditions available via out of court resolutions, such as a letter of apology or victim compensation, were most suitable. One victim (a civil enforcement officer), was verbally abused and threatened after giving a man a parking ticket and was happy with a letter of apology as part of a community resolution: "I just figured that the guy had time to reflect on what he'd done...it was a spontaneous reaction. So I thought the letter of apology was appropriate." Victims who had their crimes resolved out of court were more likely to say the process was just than those who went to court.

Many victims saw out of court resolutions as a first port of call for low-level crime. Some also recognised the police and courts were overstretched and saw these lower gears of the justice system as a way to free up resources, de-clog the system, and be more cost-effective.

"I'd rather that (resolving out of court) than we spend loads of taxpayers money taking people to court for petty crime...that's a good way of dealing with a crime like that."

"Small incidents like that, you don't want to go and waste court time. Why would I want to give somebody a criminal record, possibly, when it can be resolved a different way and free up the courts to deal with the more serious stuff?"

"My voice was heard"

Victims liked that out of court resolutions gave them a say in how the issue should be dealt with. They appreciated being listened to by the police and being asked what they wanted to happen. One dog attack victim said of the police officer who came to her house to discuss options: "She said what do you want to happen now? Which I thought was really good. She didn't say this is what's going to happen now. I felt like she really listened." A quarter of victims felt the support they received was a particular benefit of the out of court resolutions process. A victim who was verbally harassed described their experience as "first class. I felt very supported." This support was mainly from the police - victims appreciated officers who were empathetic, understanding and communicative - and, in a few cases, from victim services.

Not all victims felt listened to; a fifth felt they had no say over how the issue should be dealt with. Some victims weren't necessarily opposed to the out of court resolution itself, but wanted to choose the terms. Others felt their wish for the issue to be dealt with more severely was not listened to by the police. In one case a victim, who was assaulted at work by an ex-employee, told the police he wanted the ex-employee to be prosecuted but instead the crime was resolved out of court with a community resolution, specifically a letter of apology. The victim was still frustrated at the outcome: "I still cannot understand how she wasn't arrested." He felt it seemed that "the only realistic thing that could be done was the community resolution order. It just felt like it wasn't for me."

“I wish I’d reported him sooner”: Georgia’s story

Georgia’s ex-husband started to harass her after she divorced him. He would show up outside her house, knock on the windows and shout at her, come to her business, call her multiple times a day and leave her nasty voice messages, and also contact her family members. Georgia reported it to a helpline who informed her it was ‘domestic stalking’ and notified the police.⁵ When the police came to Georgia’s house to take her statement, she asked them not to arrest her ex-husband, instead her main priority was for the harassment to end. Georgia also didn’t want to attend court herself.

Court wasn’t something that I would have looked forward to... I didn’t want it to come to that.

Based on a risk assessment, the fact Georgia’s ex-husband had not committed a crime before and that she didn’t want him prosecuted, the police gave her ex-husband a conditional caution. This required him to undergo counselling, not to contact Georgia anymore and not to go near her workplace or home.⁶ Her ex-husband fully complied with the terms. The conditional caution lasted for 16 weeks but he was warned that if he started to harass Georgia again after this, he would be arrested and charged.

The lady that told me about it (the conditional caution) being sixteen weeks, she said that’s how long it takes to form new habits. So if they’ve not been able to contact you or ring you for sixteen weeks, they form a new habit that after sixteen weeks he’s not going to want to message you or ring you.

Georgia was happy that the out of court resolution provided a less punitive way to resolve the crime.

It was a softer option, wasn’t it... I think it’s a good thing. He’s not necessarily in life a bad person, it was just the situation that made him the way he was.

Georgia was also very pleased with the police’s communication throughout her case.

Everybody was amazing, I was kept totally in the loop. I even had a booklet with a number if anything happened. Everything was explained. They had lots of empathy – they didn’t make me feel like I was stupid or being a nuisance. I felt a massive sense of relief.

⁵ It is not known how the police ultimately recorded the offence.

⁶ Per [Conditional Cautions: Adult – DPP Guidance 14.1, 14.2](#), conditional cautions for more serious offences, such as stalking, can only be given in very exceptional circumstances where risk levels, likelihood of custodial sentence and victim wishes have been taken into account. Since this incident happened, [joint NPCC and CPS guidance](#) on conditional cautions in domestic abuse cases was updated forbidding use of conditional cautions for stalking and harassment cases.

Although victims felt better supported through the out of court resolutions process than in court, a significant minority still found the process ‘unsupportive’ (18%). These victims felt that the police didn’t care about them and that they and the crime they experienced were not a priority. The lack of support had a negative impact on them and caused some to lose faith in the police. Poor communication from police also left victims feeling dissatisfied with the outcome of their resolution. This was felt by one victim who was harassed by their ex-partner’s new partner at a children’s sports match. The crime was resolved through a community resolution – specifically a behavioural agreement that the new partner should not “do anything like this again in public” or he’d be arrested. The police did not explain the details of the order to the victim, leaving him feeling confused and unprotected: “I said, what is the deal with the community resolution? What does it do to protect me, the children or whoever? What is it? And he’s just like, we don’t really know, we fill in the paper, we send it across to another team... and they deal with it.”

“Don’t promise what you can’t deliver”: Sandy’s story

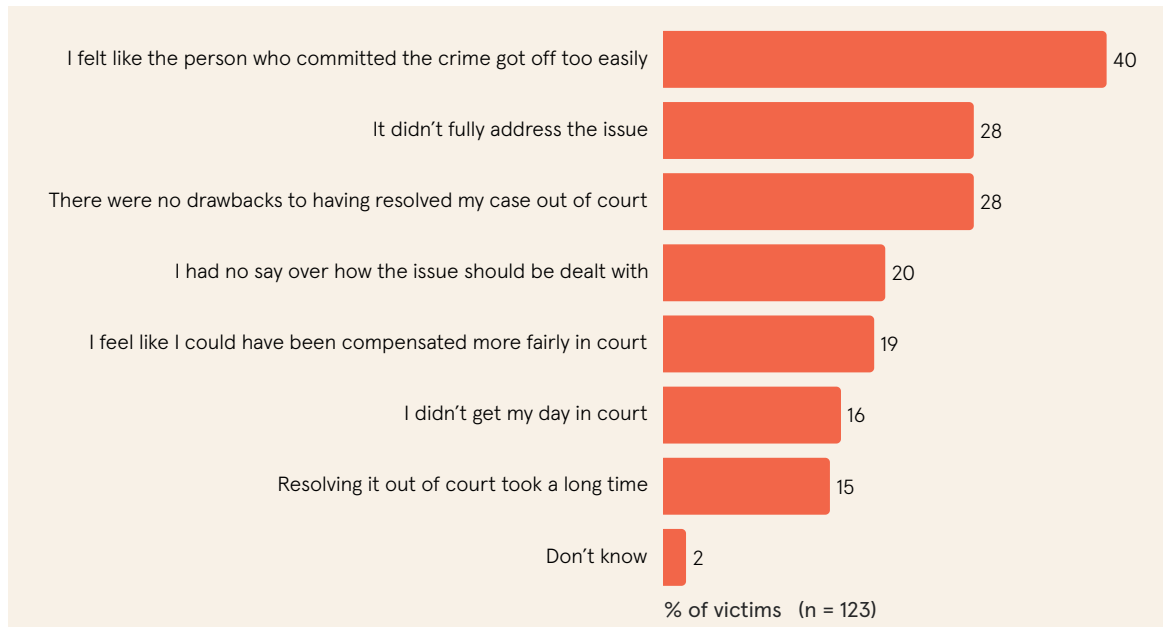
Sandy’s ex-husband’s ex-wife turned-up at Sandy’s house, shouting abuse at her and her children, and damaging her van that she had bought a few days beforehand. The incident was video-recorded by Sandy’s neighbours. Sandy reported the incident to the police, who came to her house to take a statement. Her main priority was to be repaid for the damage to the van. She also wanted answers from the ex-wife as to why she did what she did. They informed her that they would arrest the ex-wife, and she would be made to pay for the damage to the van, thanks to the neighbour’s video evidence. But two weeks later, the police came to Sandy’s house with a letter of apology, telling Sandy that the crime had been resolved through a community resolution. Sandy felt disappointed that the police had promised something they didn’t deliver, which impacted her trust in the police.

If anything happened – I don’t know if I’d ever phone the police again, what’s the point?

She felt it would have made a difference to her experience if the police had told her to expect this outcome from the start.

I thought about even restorative justice. I’d like to sit in a room with her and ask her why, to explain exactly why she did it...but (I) was ostensibly not given a say in the outcome.

Sandy was not happy with how she was communicated with, but she said the community resolution had been successful in stopping the ex-wife from contacting Sandy again.

FIGURE 13: What did victims dislike about having their crime resolved out of court?

Soft justice?

One of the biggest concerns for victims whose cases were resolved out of court was that they felt the person who committed the crime got off too easily. Their reasons for this were varied – not all victims necessarily wanted more punishment. Some victims felt the way the resolution was enforced did not go far enough. One victim was attacked by a dog and the owner received a community resolution that required the dog to wear a muzzle and suggested the dog attend a behaviour class. They were generally happy with the resolution, but would've preferred for the behaviour class to be compulsory.

Other victims felt that the out of court resolution left the person who committed the crime unaccountable for their actions. One victim, who was shouted at, threatened and punched four times in the chest with a key by an ex-employee while at work, whose crime was resolved by community resolution said "I got nothing out of it...I don't feel like they were going to have any accountability for their actions...The whole thing felt hollow." A handful of victims were disappointed the person wouldn't be charged and taken to court. One victim, whose car was damaged by a pedestrian during an altercation and whose crime was resolved by community resolution said: "I would have liked him to have actually faced the judge and the court and actually...a more thorough...this is not acceptable behaviour." Their experience also put them off such resolutions being used more widely in the justice system: "I may have actually said yes until I was put into the situation. Because I almost feel as if it was a slap on the hand from like a teacher."

However, some victims appreciated that resolving their crime outside of court was less punitive for the person who committed the crime. In several cases this was because they did not feel the person was truly at fault. In the case of a dog attack, the victim felt that the owner

would not have known the dog would bite them. Other victims simply favoured a less punitive outcome, especially one that would not necessarily result in a criminal record. A victim who was harassed via phone calls and text messages by someone she knew, and whose crime was resolved via community resolution, said: “I wouldn’t mind [community resolutions being used more], because it gives some people time to rethink their actions, and they’re not defined by a mistake they made.”

“Doesn’t get to the root of the offender’s problem”

Over a quarter of victims surveyed felt that a drawback of resolving crime out of court was that the resolution didn’t fully address the issue. Many felt the resolution didn’t address the cause of the crime and were worried that the person would do it again. In one case of a dog attack, the victim felt that the community resolution’s requirement for the dog to wear a muzzle would not prevent the dog from biting people in the future. They instead wanted a resolution that specifically addressed the dog’s aggressive behaviour.

For a handful of victims, resolving the crime out of court was clearly not effective as the person involved did not abide by the resolution. In a case where a victim was bitten by a dog that had escaped from the owner’s back garden: “I still hear the dog yapping in the garden, and I know that boundary is not secure... I just want to make sure that dog can’t get out onto the street and bite someone else – but the community resolution has not assisted me with this.” She felt that other out of court resolutions such as a caution or a conditional caution had a better chance at getting the people to stick to the resolution:

“I couldn’t recommend community resolutions because it doesn’t support victims of crime, and it doesn’t bring offenders to justice... It may not have to go to court, but you can use a caution or conditional caution, because that is recorded and that is enforceable.”

Some victims were frustrated that the out of court resolution didn’t address the financial loss they experienced as a result of the crime. A victim whose car was damaged by a pedestrian during an altercation received some compensation, but not enough to cover the full cost of damage to their car: “I just would have liked the whole thing to have been paid off... you shouldn’t be leaving the victim out of pocket.” Of these victims, some felt they had a better chance of being compensated fairly in court: “I would have preferred to have gone to court to get that money back.” However, the victim would have been unlikely to secure full compensation through the courts either.

Some victims did see the potential for rehabilitation as a benefit of out of court resolutions. Victims felt that they gave the person who committed the crime the best chance at change. A victim whose parcel was stolen from their doorstep felt that the conditional caution could help the person “change their ways.” A victim who was verbally harassed felt that the anger management course would be helpful: “I think to be given the chance and the opportunity to reflect on the sudden outburst and maybe think why they acted like that, I think it is a good thing.” In many instances the resolution stopped the person committing the crime again. A victim who was harassed via multiple texts and phone calls by someone they knew, and

whose harasser received a community resolution including 100 hours of unpaid work and a behavioural course, was not contacted by the person again. Victims who felt out of court resolutions provided a chance for change also supported them being used more. One victim viewed them as preventing people getting swept up in the system:

“I think if we can deter as many people as possible and stop them before they get to the point where we take them to court, down that prosecuting route, then I think it’s a good thing.”

Conclusion and recommendations

Our research shows victims are supportive of resolving more crime without going to court, in principle. They recognise that the justice system's resources are stretched and that too much of everyone's time is wasted by too many minor crimes going to court. In practice, many victims had positive experiences of out of court resolutions, and overall found them more straightforward, more just, more supportive and more healing than court.

Victims in their interviews shared stories of some relatively serious crimes, such as harassment and dog bites, which they did not want to take to court and were pleased that another option was available to stop it happening again. All victims are different and some crimes need to be dealt with in court. But victims listed many downsides to prosecution, not just for them but for the person who caused them the harm, and showed a high tolerance for doing things differently.

But for out of court resolutions to work for victims, they need to be done properly, as shown in our tale of two dog bites. One victim was happy that a practical solution was arranged quickly to stop it happening again. Another was passed from pillar to post for 18 months before a similarly straightforward solution was put in place. This example illustrates why victims sometimes described out of court resolutions as more frustrating than court.

Our report focuses mostly on victims' experiences of out of court resolutions and, to a lesser extent, court. But it's worth noting that despite most victims experiencing various negative impacts of crime, half don't report it to the police at all, and even fewer see a resolution. Most victims are negatively impacted by crime, but many don't look to the justice system to solve it.

When victims do report to the police, their priorities are for the harmful behaviour to stop, to get a quick resolution, for the person to be held accountable through punishment, and to be taken seriously by the police. Our research shows that out of court resolutions, done right, can and often are meeting these needs. Below are some recommendations for how more crime can be resolved out of court, and more importantly how it can be resolved effectively.

Recommendations:

- 1 The police should improve victims' experiences of out of court resolutions by:
 - A Gathering regular feedback from a substantial sample of victims on their experience of out of court resolutions
 - B Sharing learning from this feedback at local out of court resolution scrutiny panels, local criminal justice boards and youth justice partnership boards to allow the delivery of out of court resolutions to be scrutinised at a senior level
 - C Providing victims with a clear explanation of how their case was resolved which includes details of what conditions or requirements were attached, and whether the person complied with them
 - D Improve monitoring of case time limits to ensure victims are not kept waiting for months for a resolution
- 2 The Crown Prosecution Service should encourage consideration of out of court resolutions by producing guidance for prosecutors on how to identify and divert appropriate cases from the magistrates' courts back to the police for resolution out of court. This is due to be published for children but a similar piece of guidance should be produced for adults.
- 3 The Home Office and Ministry of Justice should significantly improve its data on reoffending and out of court resolutions. This includes gathering reoffending data for community resolutions, deferred prosecution, and the different conditions which may be attached to a caution. Conduct a comparison of reoffending rates for court sanctions vs out of court resolutions using a sample of similar cases.
- 4 The Ministry of Justice and Home Office should mention out of court resolutions when speaking publicly about the ways the police can resolve crimes for victims. Our messaging guide outlines how a positive message about these options is not only possible but effective in building support.
- 5 The government should publish an out of court resolutions strategy, led by a cross-departmental Ministry of Justice and Home Office team, and the National Police Chief's Council, with the aim of increasing effective and appropriate diversion from prosecution.
- 6 HMICFRS should adopt a more supportive tone towards out of court resolutions in its police force inspection reports, given these options are providing overall more positive experiences for victims than court and have lower reoffending rates. Specifically, remove graphs in PEEL reports which depict "Proportion of victim-based crimes assigned a 'charged/summonsed' outcome", or include other positive outcomes in the graph such as community resolutions, cautions and deferred prosecutions.

Transform Justice

Transform Justice
43 Lawford Road
London NW5 2LG

policy@transformjustice.org.uk

www.transformjustice.org.uk/focus-areas/resolving-crime-out-of-court