

Resolving crime without court: lessons from police practice

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Overview

How can the police resolve more crimes effectively, without resorting to the courts?

There are many benefits to resolving more crime without going to court: for victims, for the justice system and for people who commit crime. So why has the use of out of court resolutions reduced in recent years? And how can police forces reverse this trend?

Transform Justice interviewed nine police forces whose use of out of court resolutions versus charge was high. These forces shared common factors that influenced their usage of out of court resolutions:

- Police officers and staff are busy people with many competing priorities. How long something takes to do inevitably affects their decision-making. Many forces we spoke to had taken steps to simplify the out of court resolution process for frontline officers. Most had centralised at least some of the administration of out of court resolutions and were looking to consolidate further. Some used apps or software tools to ease the burden on frontline officers.
- Police leadership that recognises the value of out of court resolutions and diversion is crucial for setting a culture that trickles down to officer decision-making. Senior leadership can support the use of out of court resolutions through their communication, funding decisions and performance measures. Out of court resolution leads struggling to change force culture should identify someone on their senior leadership team who could act as a champion for this work, and supply them with the evidence and reassurance they need to champion effectively.
- The fact that deferred prosecution schemes are not counted as a positive outcome is putting off some senior officers from approving the introduction of these schemes, despite evidence that they are effective at reducing reoffending, satisfying victims and addressing disproportionality.
- It is a mammoth task to build awareness, understanding and support for out of court resolutions amongst a police workforce. Training new recruits and guidance on the police intranet is not enough. The forces we spoke to deployed a range of methods to change attitudes towards these options amongst colleagues, including: a network of 'out of court champions' across the force, involving other teams in the scrutiny of out of court resolutions, and out of court resolution team staff being on the ground in police stations to engage with officers at the point of decision-making.

- Scrutiny of out of court resolutions tends to focus on compliance with local and national guidance and overlooks other measures of success, including the impact on victims, reoffending and racial disparities. Opportunities were also being missed to consider whether more cases could be diverted from court.
- Police forces did not usually consider a person's vulnerability when deciding how to resolve a case, potentially missing opportunities to divert vulnerable people from the court system. Some forces used a needs assessment to help set appropriate conditions for out of court resolutions. But there is a risk of setting the most vulnerable people up to fail, if police forces load them with interventions which they then struggle to comply with.

This report includes recommendations for how out of court resolution leads, senior officers and the government can help police to effectively resolve more crime without going to court.

Introduction

There are a raft of ways the police can resolve crime without going to court (see table below). The most common are out of court resolutions (community resolutions, cautions and to a lesser extent penalty notices for disorder), used by all police forces. Many forces also make use of what is called outcome 22. This outcome technically counts as the police taking no further action, but involves either referring someone to a deferred prosecution scheme or signposting them to an educational activity, intervention or service.¹

Table 1: How can the police resolve crime without going to court?

Out of court resolutions	Community resolution	Used for crimes which are most effectively dealt with swiftly and informally. 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.
	Cautions (simple or conditional)	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. Can have conditions attached, 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.
Outcome 22	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.
	Diversion to educational activity or intervention	For many low-level and first-time crimes, it's being caught by the police that makes the difference, rather than the sanction applied. The best approach may be to refer someone to services and take no further action. Not technically an out of court resolution.

¹ While some other 'no further action' codes such as outcome 20 (handled by another agency) and outcome 21 (further action not in the public interest) are used to good effect by some forces to divert people, particularly children, from the criminal justice system, we do not cover them in this report or in our crime resolution tracker.

Just over a third of resolved crime is dealt with using out of court resolutions or outcome 22, although this varies significantly between police forces, and for children versus adults. The rest are charged.

This report summarises findings from interviews with nine police forces from the top of Transform Justice's [crime resolution tracker](#), which ranks police forces by the proportion of out of court resolutions and diversion they use to resolve crime versus charge.² The interviews were part of a research project which sought to understand how police forces can effectively resolve more crime without going to court.

The police forces we interviewed were broadly reflective of English and Welsh forces overall, in terms of populations and area size covered. The majority (eight out of nine forces) cover a mix of rural areas and large towns and cities, although none cover a large metropolitan city. All but one force either use a two-tier framework (community resolutions and conditional cautions) or are transitioning to one. The majority also use outcome 22 for children.

Interviews took place online between August and December 2025. Forces are not named except where they gave us written permission to do so as part of a good practice case study.

This work was supported by the Vulnerability & Policing Futures Research Centre, thanks to funding from the Economic and Social Research Council (ESRC) (Grant reference number: ES/W002248/1).



² The police force at the top of our tracker, Dyfed-Powys, was not able to participate in the research.

“Making it easy”: streamlining out of court resolutions

One barrier to greater use of out of court resolutions (OOCR) is that frontline officers view them as difficult, time-consuming and bureaucratic to administer. The OOCR leads we spoke to recognised this. For them, making out of court resolutions easy and simple to use was considered crucial for increasing use amongst frontline officers. One lead told us this was singlehandedly the most important factor for increasing use. Streamlining the process of administering out of court resolutions was also important to ensure they’re being used appropriately.

“The team’s worth their weight in gold”: benefits of centralising administration

All except two forces had a central team that administered out of court resolutions. These teams communicated with the person who committed the crime, liaised with intervention providers, tracked compliance and notified the relevant officer of any issues. Usually, frontline officers decided whether an OOCR was appropriate and referred the case to the central team to deal with. In three forces, this decision could be made by the central team themselves. Having a central team made it easier for officers to use out of court resolutions: “it’s nice and easy... and absolutely that is a key element to why police want to do it.” Forces felt that it also brought consistency to decision-making. Recognising the benefits, other forces we spoke to were planning to shift more decision-making responsibility from frontline officers to the central team.

Even where officers decided suitability and issued out of court resolutions, a central team could still ease the process. The team provides guidance to officers, saving them time and hassle: “they’re [the officer] not having to make all the decisions, they’ve got somewhere they can consult or send it to have a look over.” Central teams can also monitor resolutions issued by officers to ensure they are appropriate and follow national guidance.

The power to charge

A fairly novel but potentially impactful move to increase OOCR use and improve consistency is either delaying or taking away charge decisions from frontline officers for low-level offences.

Wiltshire is planning to introduce one such scheme in youth justice. The force previously took away officers’ and sergeants’ power to issue and administer an out of court resolution, to address a ‘postcode lottery’ in the way children’s cases were resolved (one local authority used a caution clinic, while the other would charge children or take no further action (NFA)). Instead, Wiltshire introduced a youth restorative intervention programme, where officers and sergeants can recommend an out of court resolution, but the ultimate decision is made by a multi-agency panel that includes the youth justice board and partner agencies: “there was a real drive to not criminalise children and [instead] find diversionary intervention processes.” Wiltshire’s OOCR lead is planning on introducing a youth deferred prosecution scheme where officers delay making a charge decision and the child is instead offered an intervention through outcome 22. Where they don’t complete the intervention, the officer can then go ahead with the charge.

Leicestershire is looking to introduce an internal pilot to take charge decisions for summary-only or lower-level either-way offences away from officers, instead going to a centralised diversion hub,³ unless the suspect completely denies committing the offence. “[Within the pilot area] All decisions will come into the hub unless there is full denial or you need to seek a CPS decision for domestic abuse, hate crime or an indictable-only offence.”

“Handholding from start to finish”: simplifying OOCRs via tools

Forces have created tools to make it easier for officers to choose and issue out of court resolutions. Three forces have created apps that allow officers to issue community resolutions on the go: “it can be done in 5-10 minutes maximum, and it’s done and dusted.” In another force, officers use a Microsoft form to issue all out of court resolutions. The form links to the latest guidance, making it simple for officers to issue resolutions: “it hand-holds them from start to finish.” Forces also use apps and accessible information pages on their intranet to allow officers to easily look up guidance around out of court resolutions and their use.

³ Leicestershire’s ambitions rely on introducing their diversion hub in early 2026, subject to funding.

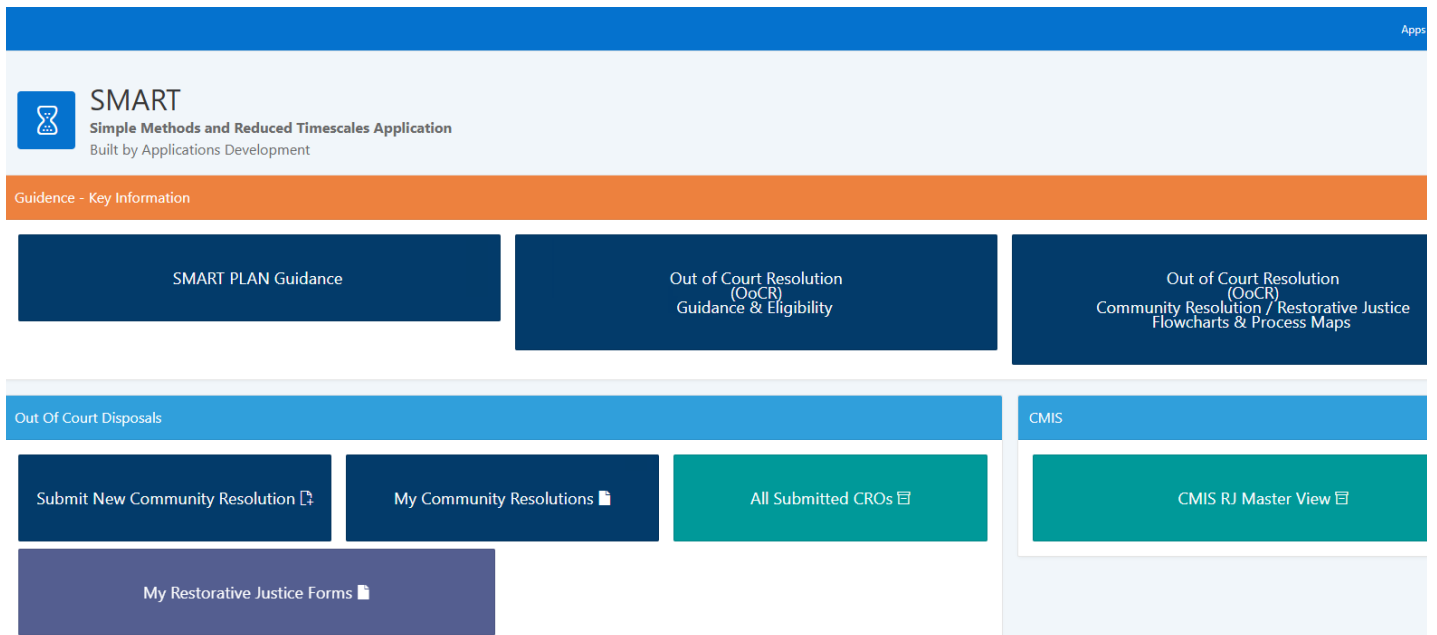


Image: Smart App used by Gloucestershire for community resolutions

Recommendations:

OOCR leads and senior officers:

- 1 Introduce a central out of court team to administer out of court resolutions and provide officers with support around guidance. It is helpful if the central team also has power to make decisions on OOCR suitability and issue suspects with them.
 - This can look different in different forces, depending on local contexts: some central teams were responsible for issuing conditional cautions and community resolutions, in others frontline officers could still issue either or both with support from the central team.
 - Think about what can work and is realistic in your local context.

OOCR leads:

- 2 Introduce tools that streamline the out of court process and help officers use out of court resolutions.
 - Understand what barriers are preventing officers using different out of court resolutions and create tools to address them.
 - The simpler the issuing process and more accessible the guidance, the more officers will use out of court resolutions.

“Charge does not necessarily equal success”: leadership and culture

“It’s interesting the concept that an effective police force is one that prevents crime and yet we are never rewarded for crime stats going down.”

“Every outcome has its place”

Charge rate is a dubious indicator of how good a police force is at tackling crime, building community confidence and providing resolution for victims. Most court convictions result in a fine or a conditional/absolute discharge, neither of which involve rehabilitation or making amends. Victims often don’t receive anything in the way of compensation as a result of the court process. A prosecution in a magistrates’ court is likely to take much longer than an out of court resolution.

Nevertheless, charging is still seen by many as the best way to tackle crime. It takes a brave chief constable to be willing to resist the pressure to charge more, as one interviewee said: “the chief officers that we’re getting it from, they’re obviously getting it from even higher and from the government.” This pressure flows down to frontline officers, making it hard to persuade police officers that out of court resolutions are effective and should be used more frequently.

Forces can also be under pressure to increase positive outcomes overall (in policing, a ‘positive outcome’ is either a charge or an out of court resolution). This may lead to people who might be best diverted entirely from the justice system being given an out of court resolution instead, which may come with a criminal record attached.

There are good reasons why the police might want to resolve more crime, especially if this would offer solace to victims. However, one interviewee felt that pressure to increase positive outcomes (‘detections’) could lead to use of out of court resolutions that were not in the public interest: “I don’t think there is a fantastic culture of seeing [out of court resolutions] as a good tool to give a great service to victims and reduce reoffending in suspects. I think it’s ‘that’s quick and we’ll get [a] detection’... There’s slightly too much of a push towards getting

those detections at the moment, when some of the cases aren't necessarily suitable, it's not necessarily the right thing to do."

The use of targets in policing is controversial – seen as too blunt a tool at a time when policing needs more nuance. Many still shudder at the memory of the 'offenders brought to justice' policy of twenty-five years ago, in which the government introduced targets for police to solve more crimes with a formal outcome (i.e. charge or caution). Intended to increase the quality of investigations and make the police more effective, instead it incentivised the police to arrest and caution many more people (including children) for minor misdemeanors. This resulted in 'net-widening' – sweeping more people into the criminal justice system for minor crimes, simply to meet targets, rather than for rehabilitative or restorative outcomes.

Targets: approach with caution

Targets were not often used by the forces we interviewed to drive up out of court resolutions, but two forces did apply them. One had a target for OOCRs to make up 5-7% of their total crime outcomes and the other 7-9% – if use fell outside this, it prompted a review to investigate further.

Another force set a more unusual target, introduced by the assistant chief constable. This was for all police officers to use at least one out of court resolution per month. The target aimed to familiarise the wider workforce with how to use out of court resolutions, without setting perverse incentives which might lead to overuse. The OOCR lead said of the approach: "it was never meant as 'you're going to chase a target', but there were investigations that lent themselves to a low-level resolution, that were just being submitted using outcome 16 [victim does not support further police action], whereas the victims weren't at all unwilling or unsupportive. It's just we weren't giving them options that were available. I think there was a tendency to say, well, the victim doesn't want to go to court, so the police don't do anything. And I say, well, they don't have to go to court. There's an awful lot of things that we could do if we just offered it to them." The out of court resolution lead acknowledged that this amounted to a 'tick box exercise' but believed it had worked to increase use of out of court resolutions.

Many of the forces we interviewed had managed to adopt a broader definition of what counted as a 'good' crime resolution: "We are very much focused on, from 'no further action' all the way up to charge, every outcome has its place in relation to the system." At the very least, forces had started to think differently about children: "We've got a really good children's youth team, and I think everyone else is catching up very much with the idea of not criminalising children unnecessarily. I think we have a really good strong message on officers being sensible and seeing what other outcomes we can use...I think there's some quite brave decisions being made saying when we're going to NFA this and let the right people deal with it because it's not something they should be criminalised for."

The “rubber stamp” of senior support

Many forces attributed their high ranking in part to a supportive senior leadership team that resists the pressure to charge and endorses a more nuanced approach to crime resolution: “We were very lucky that our chief constable’s management team saw how significant this was going to be within the world of policing and the criminal justice system and have allowed us to make changes to how we deliver adult out of court resolutions to make sure that we are more person focused rather than outcome focused. Rather than just looking at getting an outcome in the bag, we’re making sure that it is actually suitable for caution rather than just charging everything.”

Supportive senior officers can help set the right tone and direction through their force-wide communications and management hierarchy, “basically putting a rubber stamp [of approval]” on out of court resolutions. A supportive senior leadership team is also more likely to approve funding, for example for OOCR central teams. In a couple of areas, senior officers set targets to drive up the use of out of court resolutions, although the use of targets in policing needs to be considered carefully (see box on page 11).

Support for greater use of OOCR doesn’t need to come directly from the chief constable. In two areas we spoke to, it was assistant chief constables who championed out of court resolutions amongst the senior leadership team. In one force, the out of court resolutions lead was senior enough to have regular access to senior officers to influence them directly.

Another force purposefully elevated their out of court resolutions department (called prevention and youth justice) within the structure of their force, placing it at a higher level than other departments. Their department is the only one that sits with the deputy chief constable, all the others sit with the assistant chief constable. This restructuring has provided the team with influence, buy-in and the ability to deal with pushback against out of court resolutions.

What gets senior officers on board?

If your police force has a strong charging culture, getting senior leadership support for out of court resolutions can seem like a daunting task. Interviewees agreed that senior officers can take some convincing. One force described the ‘leap of faith’ by senior officers to support and fund the creation of a central team to manage out of court resolutions, which they now see as paying off.

Interviewees shared the arguments that had worked to get chief officers on board with out of court resolutions:

- Addressing the court backlog. Interviewees told us that senior officers see out of court resolutions as a way to relieve pressure on the court system, avoid adding to the court backlog and minimise long wait times for cases to be resolved.

- Victim satisfaction. One interviewee reasoned that out of court resolutions meant a greater range of options to offer to victims, especially those who don't want to go to court. [Our recent research](#) found that victims' biggest priorities are: for the person who harmed them not to do it again; for the crime to be resolved quickly; police acknowledgement; and accountability. Resolving crime out of court can and often does meet many of these priorities for victims. When it worked well, victims felt supported, acknowledged and understood.
- Cost-saving. Police forces are under pressure to do more with less. A [cost analysis by Make Time Count](#) has found that diverting cases from court and resolving them out of court instead can save police forces money. One force had successfully made the case that greater use of out of court resolutions would save the police money by reducing crime. However, others are finding it difficult to make a cost-based argument for out of court resolutions while uncertainty remains around the implementation of the new OOCR framework. Senior officers are loath to invest in operational changes that might need to be undone down the line if government policy changes.⁴
- Is it a positive outcome? Deferred prosecution schemes are currently recorded as 'outcome 22', which is not considered a positive outcome. This put off some senior officers from approving the introduction of these schemes, despite the evidence that they are effective at reducing reoffending, reducing costs and satisfying victims.

Transform Justice has many [online resources](#) setting out the evidence in support of out of court resolutions.



- 4 The government's PCSC Act 2022 paved the way for a new cautions framework which would abolish the simple and conditional cautions and replace them with community cautions and diversionary cautions, both of which must have conditions attached. Draft national guidance was published for consultation in 2023 but two years later there has been no timeline set for implementation.

Recommendations:

Police out of court resolution leads:

- 3 Find a chief officer to 'own' out of court resolutions who could act as a champion amongst senior officers in your force.
- 4 If you have a supportive member of your police force's senior leadership, meet with them to discuss how they can be more involved in promoting out of court resolution use across the force. Talk to them about what evidence and data they need to help make the case to other chief officers.

Ministry of Justice and Home Office:

- 5 Give clear positive messaging about resolving crime out of court so that senior police leadership are supported to find other, more productive ways to resolve crime besides prosecution. This is in line with the Independent Courts Review which recommended increased diversion from prosecution.
- 6 Publish a decision on whether the new [cautions framework](#) will be implemented, so that police forces aren't left in limbo and can plan improvements to their out of court resolution delivery without fear that the policy landscape will change substantially.
- 7 Give deferred prosecution schemes their own Home Office crime outcome code and count them as a positive outcome, reflecting the academic evidence that they are successful at reducing reoffending, satisfying victims and saving costs.

“We communicate, we listen, we change”: training and communication

“Ultimately, it’s been a case of saying right now I’m going to visit every response team, I’m going to deliver training to every investigation team.”

Poor awareness among frontline officers about what out of court resolutions are and how to use them is a big barrier to increasing their use. Good training and communications about out of court resolutions can tackle this, although the work required should not be underestimated. The OOCR leads we spoke to were both imaginative and relentless in their efforts to improve awareness and understanding of out of court resolutions across their forces.

“How can we improve it?”: responsive training and communications

“I think it’s what always keeps us quite high up on the out of court resolutions [tracker], because we have that communications loop going on and then officers can see that we listen, we change.”

It’s important to make sure your communications around out of court resolutions are responsive to your intended audience, be it frontline officers, team leaders, superintendents or very senior officers. What do and don’t they know about out of court resolutions? Do they have any concerns around their use? Think about what information they need and make sure your communications provide it.


Aware that frontline officers are typically strapped for time (“officers are under the cosh, they’ve got a hell of a lot of crimes to investigate”), forces we interviewed aimed to keep their communications short and snappy, and suited different learning styles. Forces used 10-minute videos, 5-minute vlogs and virtual drop-in sessions to get information out to officers.



Image: Gloucestershire’s online learning resource on community resolutions

Messaging was tailored to respond to officers’ concerns about their use. For example, communications may highlight how out of court resolutions can save frontline officers time and resources: “you have to make it worthwhile for the officer.” Reoffending statistics were also a powerful way of reassuring officers about the effectiveness of out of court resolutions. One force used reoffending data from their domestic abuse intervention programme (CARA) during training: “the first slide new sergeants and new inspectors see is ‘did you know that there’s a 96% non reoffending rate for CARA?’ and that really resonates with them. They can see that what they are doing is effective, it is useful, it is working, so then the rest of the information that’s getting passed to them, they really soak up because they know that actually it does work.”

What are the benefits of Out of Court Resolutions



Implementing OoCR's can save you money

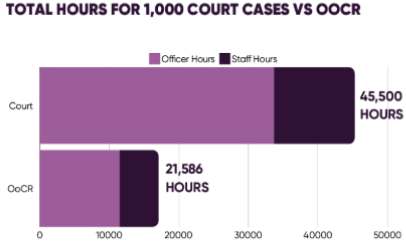
75% of the 500,000 annual court cases* analysed resulted in fine/compensation of under £250. Equivalent penalties available via OoCR.

Durham “Crime Complexity” study estimated Police time per simple court case. This was compared to OoCR demand modelling form Project Fulcrum (Kent, MPS, Leics, City BTP)

Save £1.2m per 1,000 cases diverted.

More than sufficient to fund OoCR's.

TOTAL HOURS FOR 1,000 COURT CASES VS OOCR



4 POLICE STAFF FREED UP
+
15 OFFICERS ABLE TO BE DEPLOYED ELSEWHERE


Total potential saving of **£600,000,000**

Image: Slide from Gloucestershire’s training on out of court resolutions for officers

Training was also used to respond to specific needs: one police force provided ad-hoc refresher trainings when requested by specific teams, while another used ‘mop-up trainings’ to address a force-wide dip in out of court resolution use. OOCR leads gathered and responded to feedback from officers. For example, one force conducted a survey of officers to understand how they could make an intranet tool (pictured on page 17) on out of court resolutions more accessible: “we’re always trying to look at how we can improve it, streamline it for officers.” Another force used a scenario-based knowledge test at the beginning and end of

a live online training to test officers and see if the training had been helpful. They also collected feedback from officers at the end of the training which they used to improve it.

Using this Guide :

Selecting the  icon will return you to the Start

The guide covers:

1. Previous offending and OOCR suitability.
2. When Sergeant or Inspector authorisation is required.
3. Which outcome is most suitable for your case and list of condition options.

- Please do not ‘scroll’ through as it will not provide the correct information.
- For further Information visit the [‘Outcome Buddy’](#) on the intranet.

Click here to start

Image: Hampshire’s online guide on out of court resolutions for officers

Doing training in person also meant that officers had the chance to ask questions and have open discussions about out of court resolution use: “it needs to be face to face and then you can actually say to officers, ‘what do you think about this?’ Get their ideas behind it. Prompt them to ask some questions. It’s the only real way of doing it.” One force also aims to keep their training as informal as possible, to encourage engagement.

“They can’t move without us”: having a presence at the station

Having an in-person presence at police stations is a good way to provide officers with information about out of court resolutions, promote their use and answer officer questions and concerns.

One OOCR lead sends out caseworkers to different police stations on a monthly basis to provide impromptu refresher training. Another OOCR team makes sure they have an in-person presence in stations (‘floorwalkers’) after new out of court resolution guidance has been communicated to teams, to answer questions and address concerns. Another lead uses their team’s in-person presence in custody suites to promote the use of out of court resolutions: “Honestly, once they [officers] come into the police station, they can’t escape. If they bring someone into custody, my team are there in the custody suite going, ‘right what have you got for me today? Is anyone suitable for a caution?’ They can’t move without us.”

Sharing the load: delegating communications

Communicating to a whole police force about out of court resolutions is a big task. Savvy out of court leads share the load by delegating communications to officers throughout their force. One lead identifies officers who are interested in out of court resolutions and gives them extra training, so they can become an informal champion within their team. Another lead provides out of court resolution training to the victims’ care hub, so when hub staff talk to different teams they’ll also bring up out of court resolution use and direct them to relevant guidance: “it’s that golden thread, they also mention out of court resolutions and about how that impacts the victim ...we spread it [info relating to OOCRs] out to different departments to empower them to spread that.”

Case study: ‘out of court champions’ in Sussex

Sussex uses ‘out of court champions’ to spread the word about out of court resolutions:

“We have an out of court resolution champion network. Champions promote the use of out of court resolutions within their own spheres of influence. As a minimum, we want them to speak positively about out of court resolutions and be able to show people where to go. So someone on their team says, ‘oh, I don’t know about this’. [The champion] can say ‘OK. Are you aware of this page? Have you used it? This is where you need to look.’”

The central OOCR team uses a Teams ‘champions’ channel to communicate any updates about out of court guidance and receive any feedback about how out of court resolutions are working on the ground.

“It’s two-way feedback. So it’s asking them what challenges are they seeing, what barriers that we might not see because we’re not the ones actually practising the process.”

Recommendations

OOCR leads:

- 8 Understand what information officers need to start using out of court resolutions and address this via communications and training.
- 9 Understand what concerns may be stopping officers from using OOCRs and address them.

- 10 Get feedback from officers on your communications and training, and make necessary changes and tweaks to reflect any feedback.
- 11 Have a rota-based in-person presence in police stations (e.g once a month, every other month) to provide officers with information, answer concerns and promote OOCR use.
- 12 Delegate communications and training around out of court resolutions:
 - This can be to officers in different teams who are interested in their use (e.g. out of court champions).
 - Or different teams that also have inputs with frontline officer teams (e.g. victims care hub).

Scrutiny and reassurance: what's success and how do you measure it?

How do police forces reassure themselves that they are using out of court resolutions effectively and appropriately? How do they reassure others? Beyond complying with guidance, police forces sometimes lacked clarity on what success looked like for the use of out of court resolutions, and how that success should be measured.

Scrutiny focused on compliance with guidance

Most police OOCR teams had robust systems for ensuring out of court resolutions abided by national and local guidance. This usually involved dip-sampling OOCR cases to assess whether they were being used appropriately, although one force reviewed every single out of court resolution at the point of submission.

Six of our nine forces had scrutiny panels in place (a seventh was in the process of setting one up). These panels, composed of representatives from other criminal justice agencies and partners, met regularly to review a list of cases that had been resolved without going to court. They then sent feedback to the officer involved or, if appropriate, prompted updates to force-wide training and guidance.

Some areas drew on expertise elsewhere in the force to support their scrutiny of OOCR use, for example:

- A one-off review by a force's audit team of the area's use of community resolutions. The review looked at whether procedure was followed, who was being given OOCRs and whether conditions were appropriate, as well as whether officer training in the use of community resolutions had made a difference to use.
- An annual review of 100 OOCR cases by a force's corporate analysis team. The findings helped the OOCR team understand what was working well and less well in their processes.
- Involving other frontline teams in the dip-sampling process. This takes some of the resource burden off OOCR teams, while also building understanding and support for OOCRs amongst the wider workforce (see case study).

Case study: scrutiny through dip sampling

Hampshire's out of court resolutions team uses a novel scrutiny mechanism to build awareness and support for out of court resolutions in other teams. Every quarter, they invite eight representatives from different specialist teams across the force (e.g. investigations or neighbourhood policing) to help with dip-sampling 150 out of court resolution cases. Their involvement means those team members go away with improved knowledge about good practice in the use of out of court resolutions and their effectiveness to pass onto their own teams. Learning from the dip-sampling process is also communicated force-wide and influences current and future training packages.

Appropriate use of out of court resolutions is about more than whether or not their use complies with guidance. But forces were lacking data, structures and expertise to answer questions like: are some groups more likely to be diverted from court than others? Do victims have a positive experience when their case is resolved without going to court? Do out of court resolutions reduce the likelihood of that person committing another crime?

“The attention is on the suspect”: what do victims think about out of court resolutions?

While police officers must seek victims' views before deciding whether to give an out of court resolution, it was much rarer for police forces to monitor how victims actually experienced these options: “We certainly don't survey our victims. The attention, to be honest, is on the suspect.”

Most areas saw victim feedback as too time-consuming: “We don't particularly want to go out and say to every victim after we've dealt with it, how was that for you? Then [it] becomes quite a large task.”

Our [recent research](#) with victims found that many police forces, not just those we interviewed here, could say very little about how victims in their area experienced out of court resolutions. This can lead to incorrect assumptions being made. For example, our research found that a sincere letter of apology can provide meaningful resolution to victims, but one force's OOCR lead was dismissive of this option: “[An officer] sent in a referral saying, can you do an apology letter with this person? And we said, it's probably not going to mean much to the victim. How about we do some other kind of diversion work with them instead?”

Police forces could do more to understand how victims experience out of court resolutions, so they can reassure themselves (and others) that resolutions are working well, and learn and adapt if not. Transform Justice has a guide for forces on how to [improve out of court resolutions for victims](#).

“Tricky to do”: evaluating reoffending

While some forces recognised that evaluating reoffending was important (“that’s where I think the real success is”), interviewees saw evaluating reoffending as “tricky to do” and only a handful tracked their own OOCR reoffending rates.

Some were hampered by IT software that didn’t allow them to easily review reoffending data. Even those who could access reoffending data lacked confidence in its validity: “It’s really difficult to understand if they haven’t reoffended again because yes, they haven’t come to our attention. How do we know they haven’t moved out of the area and committed an offence that doesn’t appear on their records because it’s been NFA’d? So I find it a difficult measure of success because of those variables.”

The government publishes reoffending data for cautions and court sanctions but not for community resolutions. There is also no published data on reoffending by condition or intervention (e.g. paying compensation to the victim, or completing an anger management course) except in rare cases where academic studies have been done. So there is a big gap in our understanding of how well lower-level out of court resolutions are working to reduce reoffending. We know cautions have a lower reoffending rate than court sanctions but we don’t understand how this varies by police force, suspect demographics, conditions or compliance with conditions.

Given the benefits of reducing reoffending, it is crucial that we build a better picture of how effective different types of out of court resolutions are at reducing reoffending. Police force OOCR leads are keen to do this, but lack the data, skills and sometimes the confidence to proceed.

“We can explain that”: identifying and addressing disparities

Diversion provides opportunities to keep people out of the formal criminal justice system and provide them with support to address any factors contributing to offending. But are the benefits of diversion experienced equally? While data is poor, there are indications that ethnically minoritised communities encounter barriers to accessing diversion. This can exacerbate racial disparities in the criminal justice system.⁵ While forces said they wanted to identify and address disproportionality in use of out of court resolutions, there were limited efforts to do so.

Where reviews of disproportionality had been done, they rarely led to any substantive change. Potential race disparities were not always met with curiosity. One force had previously “had a little look” but “it all looked OK, you know, there wasn’t any sort of great disparity.” One scrutiny

5 An [HMICFRS inspection of race disparity in police decision-making](#) found racial disparity in how cautions were used in 11 of the 17 forces it reviewed.

panel flagged that their police force offered proportionately fewer conditional cautions to ethnically minoritised groups, to which the OOCR lead explained: “they will have all been looked at in relation to the gravity matrix and offending history.”

Another force had conducted a “huge” review of their ethnicity and out of court resolutions data and concluded “we’ve looked into various areas that have given us concern and satisfied ourselves that we don’t have massive issues. We do still have slight disproportionality, but it’s not widening. In fact it’s narrowing and where there seem to be high levels, we think we understand why and we accept and can explain that.” The review discovered different out of court resolution rates for ethnically minoritised people versus White people, which on investigation they attributed to differing treatment of residents versus visitors to the area (who were more likely to be Black boys and young men): “There is this slight disproportionality, so we’re not breaking out the bunting and going, oh, we’ve got no disproportionality. But then when you take into account non-residents, we can see where that’s driving it up...the key thing is if somebody comes to you with a number and points at it aggressively on a sheet of paper you can go actually we can explain that and this is the explanation.”

One force was doing more than others in this area. They had identified that Black children and adults were being overcharged and were introducing ‘blind marking’ of disposal decisions, where the central team reviewed decisions relating to out of court resolutions with details of the person’s ethnicity removed. They were planning to introduce a deferred prosecution scheme for adults (a similar scheme was already in place for children), based on evidence indicating that high charge rates for people from Black communities may partly be down to historic distrust of the police amongst these communities and thus a lower likelihood of admitting an offence. Deferred prosecution schemes allow police to divert even if the person does not provide an admission of guilt.

There is renewed interest in disproportionality in policing at the moment through the Police Race Action Plan - but many OOCR teams we spoke to were not connected to this work. Forces need guidance and support in scrutinising and interpreting data on disparities (regarding race, and otherwise), and working out how to take action on what they find. There is also a need for a national piece of research on disparities in OOCR use with recommended good practice and solutions that all police forces can apply.

“There are significant opportunities here”: can we divert more cases from court?

Despite evidence that reoffending and victim satisfaction can be better addressed without going to court, few police forces review whether they could divert more cases from charge.

One exception is Leicestershire, which conducted a review of charged cases, particularly the low-level offences which might be on the borderline of going to court: “Upon review, we realised that 20% of cases reviewed were eligible for an out of court resolution, so would’ve been diverted from charge. I’ve done a lot of work to try to push that narrative back into the wider organisation, saying ‘listen, there are significant opportunities here.’ There is a significant

cost [to charging] and we're looking at potential savings in time and effort by reducing missed opportunities regarding rehabilitation with individuals."

Out of court resolution teams could do more to identify opportunities to divert more cases from court, for the benefit of everyone involved. Scrutiny panels could also include charged cases in their review, rather than just scrutinising whether out of court resolutions were always used appropriately.

Recommendations:

OOCR leads:

- 13 Involve other teams in your scrutiny processes as a way to increase understanding and support for out of court resolutions amongst the wider workforce. It will also increase your own team's understanding of how OOCRs are perceived by frontline officers and staff.
- 14 Ask your audit/data analysis team to conduct a more detailed review into a particular aspect of out of court resolution use you may have concerns about.
- 15 Introduce a way to keep track of how victims experience out of court resolutions – this could be conducted by your own team or in partnership with your victims team. It could start with a one-off detailed review and be followed by lighter-touch regular monitoring.
- 16 Conduct a monthly review of cases sent for prosecution to identify cases that could instead potentially be resolved without going to court. Where cases that might merit an out of court resolution are identified, inform the officer involved, and identify more general learning to incorporate into your training and communication.
- 17 Work with your force's data analysts to put a mechanism in place for tracking reoffending – start simply and just look at whether anyone given an out of court resolution was given another police sanction by your force within the subsequent 12 months. You can go on to increase the sophistication of analysis; for example trying to establish whether reoffending rates differ by disposal, condition, demographic group, or compliance.

Ministry of Justice, Home Office and HMICFRS:

- 18 Conduct research into disproportionality in police charging and out of court resolution use and produce guidance for police forces on how to identify and address it.
- 19 Gather and publish more detailed data on reoffending following out of court resolutions to enable police forces to make more evidence-based decisions about the appropriate disposals and conditions to use.

“Are we setting them up to fail?”: vulnerable suspects and OOCRs

Many suspects coming before the police have vulnerabilities such as mental health difficulties, substance use, homelessness, financial issues and experiences of domestic abuse. It's important that these vulnerabilities are identified before a resolution decision is made. Identifying vulnerabilities also helps with choosing the right conditions and interventions for a disposal, if any. But forces need to be cautious that they are not overprescribing (giving too many) interventions, and recognise that sometimes other agencies are better at supporting vulnerable people.

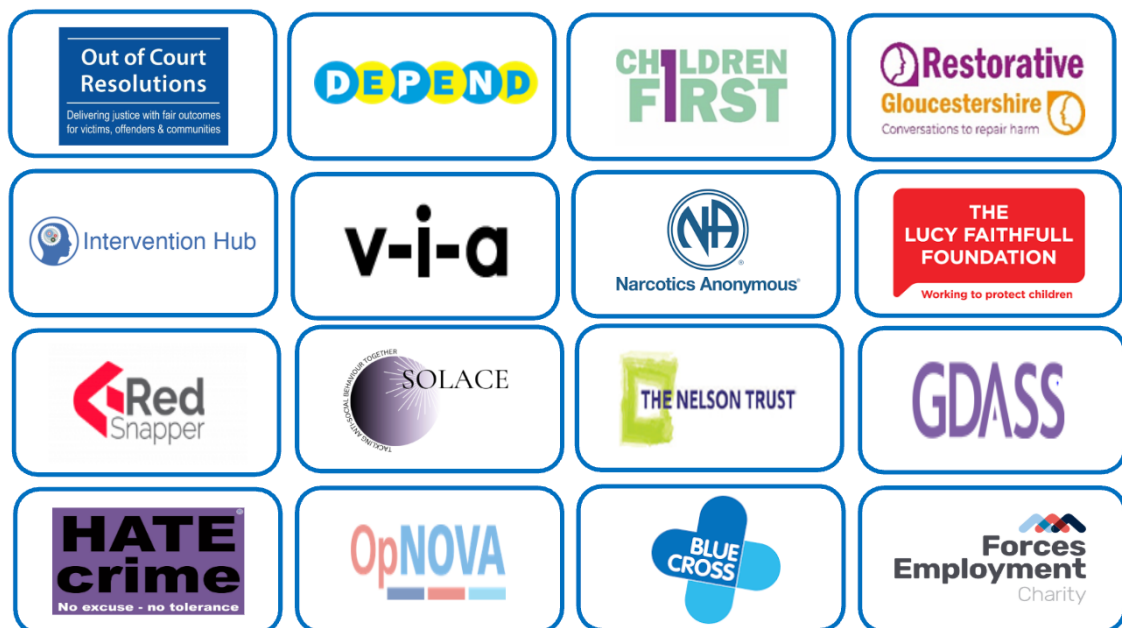


Image: Gloucestershire intervention providers

Lack of suspect needs assessments

Needs assessments are tools which can be used by the police to identify underlying causes of behaviour. These causes could relate to health problems, housing issues, drug use, poverty, learning disabilities or other factors. The majority of forces we interviewed did not have a

suspect needs assessment in place to identify someone’s vulnerabilities. Some forces are in the process of introducing one into their conditional caution processes. Other forces relied on police database flags and custody risk assessments, which can alert officers to the need for an interpreter or an appropriate adult, but usually don’t identify more complex vulnerabilities. Most forces also did not have dedicated training on identifying suspect vulnerability and how this impacts disposal decisions. Having this needs assessment in place, and training officers in how to do it, will enable better identification of, and support around, vulnerabilities. For a detailed guide on introducing vulnerability assessments, take a look at [RAND’s report](#).

Caution clinic needs assessment	
This Needs Assessment is designed to enable the Police to identify any opportunities to deter reoffending. The higher the quality of the information gleaned from the subject, the higher the probability of success. If possible, securing this information through conversation as opposed to strict Q&A’s would be the preferred option. Referrals are available through the Out of Court Resolutions Team. This is a Criminal Justice outcome and it is unlikely the referrals available will be able to resolve all issues identified. If formal referrals are not available for the identified need then consider signposting and/or empowering the subject to help themselves in the identified area.	
General	
Was there anything specific going on in your life that affected your decisions / actions?	
What support network do you have? (Who would you turn to in difficult times?)	
Who do you provide support to?	
Have you lost anyone close to you (passed away)?	
What motivates you to be the best person you can be in the future? What is likely to get in the way of this?	
Notes Click or tap here to enter text.	
Employment, finance and housing	
Are you currently employed? Who do you work for? What do you do?	
Are you receiving any benefits?	
Do you have a bank account in your name?	
Do you gamble or have any addictions that affect you financially?	
How would you describe your current financial situation? Are you in debt?	
Does any third-party exercise control over your financial situation or circumstances? (Does anyone have access to your finances where you don’t want them to?)	
Who do you live with/where (living situation)? Are you able to travel?	
How many dependants/children under the age of 18 are currently residing with you?	
On a scale of 1-10 (1 low impact – 10 high impact) how do you feel your financial situation is negatively impacting on your life currently?	
Notes	

Image: Thames Valley caution clinic needs assessment form

Choosing wisely: using needs assessments to decide the appropriate resolution

A few forces did use needs assessments to understand if a suspect had any vulnerabilities before issuing a conditional caution. At Thames Valley’s ‘caution clinic’, civilian caseworkers conduct a voluntary needs assessment (see above) with the suspect to identify issues such as mental health needs, substance use or financial difficulties. This helps the caseworker understand what conditions to set in order to “**get under the offending behaviours of that person and why they have come to us in the first place.**” The needs assessment also helps identify what barriers the suspect might face in complying with the conditions: “**are we setting them up to fail?**”

However, forces may be missing opportunities to ensure the resolution given to a vulnerable suspect is appropriate in the first place. Needs assessments should ideally be carried out earlier in the process, to help inform which resolution is chosen. In Thames Valley, the assessment did sometimes prompt staff to find an alternative to conditional cautions for vulnerable suspects. For example, someone who is homeless would struggle to comply with some interventions attached to a conditional caution, such as an online course on drug use. The caseworker might therefore consider using a simple caution (despite these not normally being used) or a community resolution instead, as well as signposting to support: “if the person is homeless and there’s absolutely no way they’re going to be able to do any of the conditions, then we will choose a simple caution.” This is great practice, but introducing the needs assessment earlier could have avoided the need to change the caution.

The phasing out of the simple caution in preparation for the new cautions framework leaves forces in a tricky position for cases where a simple caution is the most appropriate resolution for people with certain vulnerabilities.

Less is more: are police overprescribing interventions?

It’s important to identify suspect vulnerability and make sure out of court resolutions address a suspect’s needs and can be complied with. But forces need to be careful they’re not overprescribing interventions.

Most forces we spoke to were keen to introduce more interventions to address suspects’ different vulnerabilities and needs: “If we had more interventions, we could probably do more.” One force, for example, had a one-off drug awareness workshop in their suite of interventions, but nothing to support someone to tackle more entrenched drug addiction. But it is not necessarily helpful to mandate vulnerable suspects to complete interventions under the threat of prosecution if they don’t comply. Vulnerable suspects face barriers to engaging with interventions and can struggle to comply with conditions. By overprescribing interventions, police forces may be unintentionally setting vulnerable suspects up to fail. Especially where their vulnerabilities are overlapping and deep-rooted. With out of court resolutions, less can be more.

Other services and third-sector organisations are better equipped than the police to provide appropriate support. The most effective action the police can take is to refer or signpost people to this support as part of their conditional caution. A condition could require the suspect to attend an assessment or first appointment with the service, and then end there. Sussex police refers vulnerable female suspects to a women’s centre as part of a conditional caution:⁶ “It’s a female-only programme where they have that wrap-around support. We will refer women who need extra help with housing, substance abuse, they might be domestic abuse victims or all of these things that make their lives a little bit chaotic and very difficult

⁶ Unfortunately we understand that this programme may be discontinued in the next financial year due to funding restrictions. Sussex Police tell us that feedback and learning from the programme has demonstrated its efficacy, and they hope to run similar programmes in the future.

to deal with day to day. So we refer them in, our condition is that they go to their first appointment or they have their first appointment. After that, the interventions they have are between them and the provider, so our condition is met once they've done that first appointment.”

Mental health diversion panels

Lancashire uses ‘mental health panels’ to decide the best outcome for suspects with mental health vulnerabilities while ensuring meaningful justice for victims: *“This isn’t about criminalising people, it’s about giving them the help they need to prevent it from happening and continuing to happen.”* When a suspect is identified as having a mental health condition – via assessment or being known to the officer – they are referred to a mental health panel. The panel is made up of mental health professionals and the police, who can decide on a range of outcomes including OOCRs, restorative justice, reparations, diversion or charge if it is deemed necessary.

Recommendations:

OOCR leads:

- 20 Introduce a suspect needs assessment before OOCR decisions are made, to inform decision-making. It doesn’t need to be for all suspects, but where there is potential vulnerability – see RAND’s three-stage model for more details.
- 21 Introduce training for officers and staff on identifying vulnerability, suspect needs assessments and how these can impact disposal and intervention decisions.
- 22 Be realistic about what interventions vulnerable suspects can actually complete. If there are vulnerabilities that need to be addressed, consider referring or signposting vulnerable suspects to external services or third sector agencies. This can be an intervention in itself or voluntary.

Conclusion and recommendations

Police forces can resolve more crime without going to court by introducing centralised teams of expertise, cultivating supportive senior leadership and using extensive workforce communications and engagement. These approaches are already being used to good effect by several police forces – our recommendations capture how that learning can be applied in any police force. We also highlight areas that even the top-ranking forces could improve, such as understanding how out of court resolutions impact reoffending, victim satisfaction and disproportionality.

Police forces can't be expected to move on this alone. They are sensitive to the signals (or lack of) from the government, the police inspectorate and other national policy stakeholders. Stronger national leadership, building on the positivity of Sir Brian Leveson's independent courts review, would make a huge difference to police willingness and confidence to take evidence-based action to resolve more crime without going to court, for the benefit of victims, communities, and the criminal justice system.

Summary of recommendations for police forces:

- 1 Set up a central out of court team to administer OOCRs.
- 2 Introduce tools that streamline the out of court process and help officers use OOCRs.
- 3 Find a chief officer to 'own' and champion OOCRs amongst senior officers in your force.
- 4 Meet with senior OOCR champion and provide them with relevant evidence.
- 5 Find out what information officers need to use OOCRs and provide.
- 6 Understand what concerns may be stopping officers from using OOCRs and address.
- 7 Get feedback from officers on comms and training, and make necessary changes.
- 8 Have a rota-based in-person presence in police stations to promote OOCR use.
- 9 Delegate communications and training about OOCRs.
- 10 Involve other teams in your OOCR scrutiny processes.

- 11 Ask your audit/data analysis team to conduct detailed reviews into OOCR use.
- 12 Introduce a way to keep track of how victims experience OOCR.
- 13 Conduct monthly review of cases sent for prosecution to identify ones that could potentially be resolved by OOCR.
- 14 Work with your force's data analysts to put in place a mechanism to track reoffending.
- 15 Use a suspect needs assessment before OOCR decisions are made.
- 16 Introduce training on identifying vulnerability and using suspect needs assessments.
- 17 Be realistic about what interventions vulnerable suspects can actually complete.

Summary of recommendations for the Ministry of Justice, Home Office and HMICFRS:

- 18 Give clear positive messaging about diverting cases from court.
- 19 Make a decision on whether the new [cautions framework](#) will be implemented.
- 20 Give deferred prosecution schemes their own Home Office crime outcome code and count as a positive outcome.
- 21 Conduct research into disproportionality in police charging and OOCR use.
- 22 Gather and publish more detailed data on reoffending following OOCRs.



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