

Criminal justice and you

An essential guide for victims and witnesses

Out of court resolutions

By Sarah Carlsen-Browne

Hello, my name is Sarah Carlsen-Browne, and I'm here to explain about out of court resolutions.

Some crimes are resolved successfully without the need to go to court. These have been referred to as out of court disposals, although nationally we are moving towards the term out of court resolutions. The reason for this is that the word disposal has given people the impression that they're done away with or got rid of, when the reality is that out-of-court resolutions are an effective way of accessing swift justice for victims without the need to go to court and early intervention in terms of making offenders address the underlying roots of their offending.

Out-of-court resolutions have been used for a long period of time in British policing and in the last decade we have seen an unprecedented period of activity culminating in the Police, Crime, Sentencing and Courts Act in 2022. This means there will be two new resolutions that will be introduced in the future: the community caution and diversionary caution. Both cautions, will have conditions that need to be complied with.

The adult simple caution will cease. The new framework will be community resolution, community caution and diversionary caution. Community resolution is the lowest sanction. Diversionary caution sits below a summons to court. It is a caution that has conditions and failure to comply with those conditions means that an offender will be processed to court for the original offence.

The implementation of this new framework designed to provide clarity and consistency across the out of court resolution landscape across England and Wales was delayed by the Ministry of Justice in 2023. The expected new go-live date is sometime in the beginning of 2024, but yet remains unspecified.

Conditions attached to out of court resolutions have been proven to be an effective way of addressing the underlying reasons for offending and reducing further criminal

Criminal justice and you

An essential guide for victims and witnesses

activity. There is a strong evidence base, both nationally and internationally, that for low level offences there is a significant reduction in harm and offending from diversion as opposed to the levels of reoffending for similar offences that have been progressed to court. Such offences in court often result in a fine or conditional discharge, whereas diversion offers a four-month contract designed to make sure there is swift reparation to the victim and conditions set to address or limit the offender's harmful behaviours.

In Devon and Cornwall Police a diversion scheme has been in operation. It's based on the evidence that a contracts of conditions and a centralised team of specialists provides the best model for delivery of out of court resolutions. The contracts last for a four-month period in order to prepare for the changes to the out of court resolution framework that each offender has a needs assessment, that conditions are set to meet those needs and that there is a robust contract management of offenders.

Pathfinder is in the process of being rebranded to the Out Of Court Resolution Centre, where a dedicated team of evidence review officers and specialist workers will check eligibility for an out of court resolution and ensure robust monitoring of offenders' compliance.

The decision to issue an out of court resolution is a police decision. It is the responsibility of the police officer that has been investigating the crime to update the victim of the outcome of the investigation. It is important that the victim is consulted and that their views are recorded. This applies across each type of out of court resolution. An offender who is eligible for deferred prosecution is offered the option of engaging in the programme.

If they choose to engage, they will be required to complete the mandatory conditions that are set. These can include: To not re-offend during the contract, if they re-offend, this is an automatic breach; to pay compensation if that's applicable; if the victim wants to engage in restorative justice, then the offender must have a conversation with our commissioned RJ service to come to an informed decision about engaging further or not; to abide by restrictive conditions if applicable, for example, not entering a certain area or making contact with the victim; to engage with rehabilitative conditions designed to tackle some of the underlying issues linked to offending, for example,

Criminal justice and you

An essential guide for victims and witnesses

engaging with drug and alcohol services and where applicable, there is an emphasis placed on the offender volunteering their time for the benefit of their community.

The out of court resolution staff will always endeavour to contact the victim at the beginning of engagement. This will usually take place over the phone or by written communication. They will make sure that the victim is provided with information about the scheme and asked if they want regular updates about whether the offender is complying with their contract. If a condition directly applies to, for example, that the offender is to have no contact with the victim, then this will be made clear and what to do if this happens.

All victims are informed when the contract is completed unless they've stated that they do not want any further contact. It is also an opportunity for the worker to listen to the victim and ensure that they are referred into the Victim Care Unit or victim services if further support is needed. The victim can also access a survey to provide their feedback on the process. Out of court resolutions offer a proportionate response to low level crime on the basis that we know that the data on further engagement with the criminal justice system actually accelerates offending more rather than reduces it. This is especially true for youths and young adults. The diversion scheme has a high compliance rate and pulls together other statutory partners and the third sector to provide interventions designed to reduce further harm. Because of the nature of out of court resolutions, victims are not left for long periods of time waiting for justice to be served or waiting for crimes to go to court that would often result in a small fine being issued. It is not a soft option, but requires considerable input from the offender to address the impact of their crime so they do not cause future harm. Thank you for watching and I hope this was helpful.

Useful links

[Out of court resolutions](#)

Glossary

Out of court resolution (OoCR) – is the new term used to describe what were

Criminal justice and you

An essential guide for victims and witnesses

previously named out of court disposals. In certain circumstances the police can make a decision to resolve a matter without going to court. This tends to be for less harmful offences. They may include issuing of a caution, a letter of apology, or agreement for restorative justice.

Restorative Justice (RJ) – is an approach to justice that seeks to repair harm by providing an opportunity for those harmed and those who take responsibility for the harm to communicate about and address their needs in the aftermath of a crime.

Rehabilitative conditions - Rehabilitative conditions can include attendance at a treatment course. Reparative conditions can include apologising to the victim, paying compensation and repairing any damage caused. The conditions must always be appropriate, proportionate and achievable.

Victim Care Unit – If you have reported a crime to Devon and Cornwall Police, there is a Victim Care Unit (VCU) which is partly funded by the Police and Crime Commissioner. This unit helps victims to understand the impact of the crime and the support options available. Support might include practice advice information, signposting or a referral to an appropriate independent support service. They can also provide advice and information in relation to rights as a victim of crime. Support is free and confidential and there is no time limit when this support can be accessed. The unit is available to help even if you initially said you didn't want support, or your case is already at court.