

Out of court disposal (O OCD) is presented as a method of solving investigations on anti-social behaviours and low-level crimes, mostly in cases where the offender is known and has admitted to their crimes (Wong, 2015). An O OCD can only be utilised in specific situations. Reducing re-offending by enabling restorative and reparative justice is a motivating principle for O O C D s (Neyroud and Slothower, 2015). This section reviews various literatures relating to these effectiveness of out of court disposals on re-offending, with a focus on the restorative justice approach. The Restorative Approach is something that can have positive outcomes in relation to the effect it can have on victims, it allows the victim to show the suspect or even explain in person the effect their crime has had on them and can possibly detour these people to not reoffend.

According to Neyroud (2018), who conducted an empirical literature review on the suitability of the use of O O C D , it is provided that the police, in collaboration with the victim, may consider an out of court disposition as the offender's preferred alternative. Similarly, while the victim's wishes will be explored, the publication done by Cochrane et al. (2021) highlighted that they are under no duty to participate in the process, and the officer investigating the matter will have the final word on how the perpetrator is dealt with. The officer in charge of this incident must consider the impact of this process on both the victim and the offender. It is further noted that the perpetrator must also plead guilty and consent to an out-of-court resolution of the offense. In consideration Neyroud and Slothower (2015) note that the officer in charge of the case must make every effort to acquire the victim's opinion on whether the perpetrator should be sentenced outside of court. The study by Neyroud and Slothower (2015) has also highlighted that O O C D works well with low-harm, low-risk offenders, but they may also work with moderate-risk

offenders. Also it is provided that the wishes of the victim will always be respected and considered it is the officer investigating the case that still plays a significant role in this determination since they must also consider the seriousness and circumstances surrounding the crime (Neyroud, 2018; and Cochrane et al. 2021). Other considerations include, the impact of the crime on the victim, the offender's previous history, and the appropriateness of any potential conditions attached to the disposition (Neyroud, 2018). As a result, the officer's professional judgment must be used to make the ultimate decision. The other studies that agree with these findings included Cochrane et al. (2021), who highlighted that OOCs are more effective, compared to court prosecution, at reducing harm and reoffending while also maintaining victim confidence and satisfaction. OOCs were also found to be more effective for juvenile criminals, and young adults (Cochrane et al., 2021). The strengths of these findings are that they provide consistent ideas and positive results on the applicability of OOCs from different jurisdictions, which confirms the reliability of the research methodologies. The main weakness is that the studies do not give the pros and cons of this strategy when used as sole means of arbitration for petty offenses and they do not highlight areas of success and failures.

In terms of the effectiveness of the OOC, Weir et al. (2021) noted that OOCs accompanied with specific regulatory conditions must be implemented well to make them effective. Alongside this study conducted by Weir et al. (2021); and Sturrock and

Mews (2018) highlighted a number of areas in that would require attention in the implementation of the OOCd eligibility screening of offender specific needs assessment to match conditions of the offender and the appropriateness of the OOCd setting and tracking of conditions; OOCds with conditions tailored for women appear promising but require further testing OOCds with conditions appear to be cost effective when compared to court prosecution the two-tier OOCd approach as piloted did not work. A study which was conducted Sturrock and Mews (2018) highlights that a According to the Government's September 2020 White Paper it was concluded that while fixed penalty notices will remain in place, the other OOCds will be consolidated into two options: the community resolutions (for less serious offenses/offenders with limited offending histories) and conditional cautions (for more serious offenses/offenders with more significant offending histories) (De Pelecijn, Decoene and Hardyns, 2021). In the same manner, the study based on the analysis of the application of restrictive conditions of the OOCd and its impact on re-offending conducted by Underwood and Washington (2016) noted that there is a statistically significant interaction between having a certain limiting condition and having two prior offenses. Restrictive circumstances were linked to lower reoffending for individuals who had committed two previous offenses and higher reoffending for those who had committed no prior offenses. The linkage between the restrictive circumstance and the rate of re-offending is the major strength of the studies by Underwood and Washington (2016); and De Pelecijn, Decoene and Hardyns, 2021), since they highlighted applicability of OOCd in distinct groups and thus, provides the basis for recommendations of the strategy. Those with two prior offenses, for example, had a 132 percent higher chance of reoffending with no restrictive condition

than those with no prior offenses (Underwood and Washington (2016). Those with two prior offenses were 2% less likely to offend with a restrictive condition than those with no prior offenses (Underwood and Washington, 2016). Further studies need to focus on the same variables to different sets of populations categorised in terms of gender, age groups, residence and other demographic characteristics.

The study by Neyroud (2018) divided the circumstances of effectiveness into four distinct categories: restricted reparative, punitive and rehabilitative. In the finding of the study by Neyroud (2018) it was noted that rehabilitative conditions were the most common, followed by reparative, restricted, and punitive conditions. A similar study done by Neyroud and Slothower (2015) conducted a multivariate analysis within similar pilot locations to come up with an evaluation of differences in the rates of reoffending after a caution between people having different types of conditions. As a result the focus of Neyroud (2018) was narrowed down to the differences in reoffending between individuals who had at least one type of disorder and those who did not. In view Neyroud (2018); and Neyroud and Slothower (2015), their major strength is the application of quantitative approaches to quantitatively test the significance in the relationship of variables and show the gaps in terms of the effectiveness of OOC strategies. Studies by Neyroud (2018); and Neyroud and Slothower (2015), are mainly case studies, they had a limited scope and this reduces the reliability of its findings. There is need for the application of mixed methods as to come up with more objective comparative data and to assess credibility of the findings. The use of mixed method of research would give a more comprehensive outcome drawn from different data sets.

On the possibility of reoffending, a multivariate analysis was utilised to investigate reoffending in the study by Kasinathan (2015). Kasinathan (2015) focused on the likelihood of reoffending after a caution. In its area it appeared the chances of reoffending in the pilot were compared over the one-year follow-up period. The results of the rates of reoffending was determined using logistic regression, which generates an odds ratio, which sums up the chances of one reoffending result compared to another. The likelihood of reoffending is calculated using all of the odds ratios in this situation. In a similar study that focused on the frequency of reoffending, Haines et al. (2012) noted that during a one-year follow-up period, negative binomial regression was used to determine the number of proven re-offences following a caution. In this case, if the dependent variable is a count variable, negative binomial models were utilised. In their findings the two studies conducted by Kasinathan (2015); and Haines et al. (2012) highlighted that there were no statistically significant changes in the chance of reoffending for individuals who received a caution in quarters one, two, three, or four. Both Kasinathan (2015); and Haines et al. (2012) concluded that there were no statistically significant changes in the proportion of people who reoffended after receiving a caution in the pilot study Kasinathan (2015) compared to the counterfactual areas. These findings were inconsistent with the findings of Neyroud (2018), who highlighted that there were no statistically significant changes in the chance of reoffending following a caution for persons with various types of conditions. In the same manner, the study by O'Brien (2019) noted that there were no significant differences in the chance of reoffending between individuals who had one, two, or three conditions of one specific condition type against those who did not have any of those symptoms. In

view of Kasinathan (2015); Neyroud (2018); and Haines et al. (2012) the strong relationships that were gotten in the relationship of dependent and the independent variables gives clear information of the validity of the outcome. The studies were based on primary sources, which gives an indication of its depiction of a true state of a particular population at the time of the research. However, the studies have not focus on the concept of OOCd from the restorative justice approach point of view.

Summary-

This section reviews various literatures related to the effectiveness of out of court disposals on re-offending, with a focus on the restorative justice approach. In terms of the suitability of the use of OOCd, the reviewed literatures have not highlighted pros and cons of OOCd when used as sole means of arbitration for petty offenses, and fail to highlight areas of success and failures. There is need for further studies on the applicability of this method as a restorative justice approach in diverse jurisdictions as a way of assessing its efficacy. In terms of the applicability of OOCd to different population groups with different demographical characteristics, further studies need to focus on the same variables to different sets of populations categorised in terms of gender, age groups, residence and other demographic characteristics. Similarly, there is need for the application of mixed methods approaches so as to come up with more objective comparative data and to assess credibility of the findings. The use of mixed method of research would give a more comprehensive outcome drawn from different data sets. Further studies need to emphasise the concept of OOCd from the restorative justice approach point of view.