

An investigation in to the effectiveness of out of court disposals on reoffending rates

Introduction

The purpose of this dissertation is to investigate and discuss the effectiveness of out of court disposals as a pose to arresting and attending court. I aim to outline different methods of disposals and explain what they are and their purpose. I am going to focus specifically on adult/youth conditional cautions, cannabis warnings and restorative justice. I am going to look at how effective out of court disposals are, whether they are proven to reduce reoffending and if victims are satisfied with the service provided when offenders area dealt with in ways which are more personable to them. I will refer to research conducted, statistics of my findings and look for ways in which to improve services to victims.

Literature review

Out of court disposals are used by police forces as an alternative to prosecution to deal with less serious offences, anti-social behaviour and for offenders with little or no previous offending history. The main aim of these disposals is to repair the damage caused to victims and the communities in a more personable approach. The importance of these is for them to be rehabilitative and proportionate to the offence committed. Out of court disposals seek to find a resolution to the person or community effected by the actions or crime of the offending person. One of the aims of out of court disposals is to encourage offenders to face the reality of the crime they have committed and the impact their behaviour has had on its victims and communities.

This approach gives the victim the opportunity to have their say and also consider what action they believe should be taken. Out of court disposals are a more victim focussed approached and police forces are victim led. Police forces are striving to involve victim's wishes and needs in the outcome of crime. Police forces try to consider the victims wishes and requests however the final decision rests with the judgment of the officer in charge of the case, eg. The seriousness of the offence, previous offending history, risk imposed on the victim etc.

Adult/youth conditional cautions, cannabis warnings and restorative justice are three of several out of court disposals used for less serious offences.

Adult conditional cautions are given by custody sergeants with conditions attached. The purpose of the conditions are to repair damage caused and hope to rehabilitate the offender. They are available for summary and common either way offences, these could include, criminal damage and theft. Offences such domestic cases and hate crimes are not normally considered for cautions. Conditions could include attending drug rehab programmes, domestic violence courses, driving course etc. Conditions can also include reparative conditions such as repairing damage caused during the offence or apologising to victims. Apologises and discussions can be effective if it's what the victim wishes however it is important that this is done on the victims terms and it's what they want, police forces must be aware that victims may not always want to face the offender and should

not be forced into doing so. The conditions must be proportionate to the offence and also achievable for example setting a reasonable instruction a person could follow such as setting a fine that is affordable and realistic for that person to pay, in order to achieve maximum impact.

In order to be considered for a caution the offender must admit to committing the offence and be aware of their actions and must be likely to accept the caution and abide by the conditions provided. If conditions are not followed it may be that the case that the offender would be prosecuted and the out of court disposal withdrawn. It is vital that the offender signs documentation acknowledging the offence committed and for complying with the conditions.

Youth conditional cautions are also a form of out of court disposal however differ slightly as they can be given for any offence however predominately for low level offences. They must be referred to the youth offending team if this is the second time they have been given an out of court disposal. The same applies in relation to the offender having to admit the offence and a youth caution can only be given if it is not in the public interest to prosecute that particular person.

Cannabis warnings can only be given for those over the age of eighteen and only if the person possess cannabis for personal use. Cannabis warnings are an informal warning given by a police constable either in public or in a police station however you are only allowed to receive one cannabis warning. Cannabis warnings are part of a three stage escalation procedure for a first time offence of possession of cannabis. The first stage being the cannabis warning given by a police constable if stopped a second time the person would be given a penalty notice for disorder and if a third offence that person would then be arrested. The officer would have to judge that the amount of cannabis found on the person would only equate to personal use. The person would have to take responsibility for the cannabis and admit to being theirs. In order to receive a cannabis warning the person must not have been given a warning previously and have no convictions involving drugs or been issued a penalty notice for disorder. The cannabis found is seized and a record of the warning is updated on local police systems for future awareness.

Restorative Justice is another form of an out of court disposal where by the victim and the offender must agree for the process to take place. Restorative justice is the coming together of the victim and offender in a safe place which is facilitated by a police constable. Restorative justice holds the offender accountable but also gives the victim the opportunity to explain the damage caused and to explain the impact it has had. Restorative justice is a unique way of involving the victim in reparative process and can allow victims to feel empowered. Restorative justice can take in the following ways:

- Face to face meeting between victim and offender
- Via a letter
- Audio recording
- Video
- Communication through a facilitator

Restorative justice may allow offenders to understand their wrong doings and reintegrate into the community in hope this aid them to change their offending behaviour and reduce the likelihood of them reoffending. Restorative justice must take within a safe place and is mediated by either a police constable or a restorative justice facilitator who would ensure all persons are respectful and

listens intently to the views of the other. Some victims may feel that speaking with the restorative justice facilitator about their concerns and the offence is enough and may not require to have direct communication with the offender.

Methodology

I will aim to evaluate the effectiveness of out of court disposals. I will look to discuss and compare the ratios of out of court disposals and court disposals. I will conduct research in regards to how popular the use of out of court disposals have become in recent years and the reason for the increase if any in using these ways to dispose of offenders and crime and whether they are effective in the use of prevention of reoffending. I will also aim to conduct research in relation to how victims feel the out of court disposals work and if they have confidence in these methods. Within this dissertation I aim to include statistical data supporting my findings.

Conclusion and recommendations

This dissertation will include a conclusion surrounding the effectiveness of out of court disposals on reducing reoffending rates. Also whether it increases victim satisfaction and confidence in the police. My dissertation will aim to speak directly to victims of crime who have experienced out of court disposals, specifically the restorative justice approach. The findings may lead to suggestions on ways in which to improve practice and provide a better service to victims if satisfactions rates are proven to be below average.