



# Resolving crime without court: lessons from police practice



## Key points

- Police forces can increase use and quality of out of court resolutions (OOCR) through practical steps such as streamlining the process for frontline officers.
- Senior leadership support and sustained force engagement are crucial for shifting culture away from an over-reliance on charge and building buy-in for OOCR use.
- Scrutiny of OOCRs tends to focus on compliance with local and national guidance and overlooks other measures of success.

# Summary

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

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 OOCRs and outcome 22 they use versus charge.

The study found that police streamlining the OOCR process, centralising administration and employing a range of communication strategies increased OOCR use and quality. Supportive senior leadership is crucial for creating a culture around OOCRs that trickles down to frontline officers. However, even leading forces missed opportunities to measure

success beyond compliance with local and national guidance and assessing suspect vulnerability.

The report recommendations detail how senior officers and the government can support police to effectively resolve more crime without going to court.

# Background

**Police forces can resolve crime without going to court via out of court resolutions (OOCR). There are many benefits to OOCRs – for victims, for the justice system and for people who commit crime – but their use has reduced in recent years. How can police forces reverse this trend?**

## What are out of court resolutions?

There are a raft of ways the police can resolve crime without going to court. The most common are OOCRs (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.

## Why use them?

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

The police can instead use the lower gears of the justice system: out of court resolutions. These lower gears have proved effective in reducing reoffending, providing meaningful justice for **victims** and avoiding

the protracted wait times of resolving through the courts.

But their use has significantly declined recently: just over a third of resolved crime is dealt with using OOCRs or outcome 22, although this varies significantly between police forces, and for children versus adults. Most crimes resolved by the police are charged. So how can police forces reverse this trend and effectively resolve more crimes without going to court?

# What we did

**Transform Justice interviewed nine police forces from the top of our crime resolution tracker, which ranks police forces by the proportion of OOCRs and diversion they use versus charge.**

The interviews explored how these forces were effectively resolving more crime without going to court.

Forces interviewed were broadly reflective of English and Welsh forces overall, in terms of populations and area size covered. They represent a mix of rural areas and large towns and cities, although none cover a large metropolitan city.

All but one force either uses a two-tier framework – a structured approach to dealing with low-level offences without going to court, using just two formal options (community resolutions and conditional cautions) – or is transitioning to one. The majority also use outcome 22 for children.

## Key findings

**Interviewed forces shared common features: streamlined OOCR processes, visible senior support, and persistent and imaginative engagement with frontline officers. However, even these forces missed opportunities to measure success beyond compliance with local and national guidance and effectively identifying vulnerable suspects when making disposal decisions.**

### Streamlining

Many forces had taken steps to simplify the OOCR process for frontline officers. Most had centralised at least some of the administration of OOCRs and were looking to consolidate further. Some used apps or software tools to ease the burden on frontline officers.

### Leadership and culture

Police leadership that recognises the value of out of court resolutions and diversion is crucial for creating a culture that trickles down to officer decision-making. Senior leadership can support the use of OOCRs through their communication, funding decisions and performance measures.

### Training and communications

Forces deployed a range of methods to change attitudes towards and awareness of OOCRs amongst colleagues, including: a network of ‘out of court

champions’ across the force, involving other teams in the scrutiny of OOCRs, and OOCR team staff being on the ground in police stations to engage with officers at the point of decision-making.

### Scrutiny

Scrutiny of OOCRs 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.

### Assessing vulnerability

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 system.

# Next steps

**Police forces can resolve more crime without going to court by introducing centralised OOCR teams of expertise, cultivating supportive senior leadership and using extensive workforce communications and engagement. But forces can't be expected to move on this alone. They need clearer signals from the government, the police inspectorate and other national policy stakeholders.**

## OOCR leads and senior officers

Forces should introduce tools that streamline the out of court process and help officers use OOCRs. They should also create a central out of court team to administer OOCRs and provide guidance. Leads should locate senior leadership who are supportive of OOCR use and can act as a champion amongst other senior officers.

Scrutiny processes should evolve to include victim feedback, disproportionality and reoffending analysis, and routine reviews of charged cases to identify missed diversion opportunities. Introducing a suspect needs assessment before OOCR decisions are made will help to inform disposal decision-making and avoid the downgrading later in the OOCR process.

Forces should 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.

## Ministry of Justice, Home Office and HMICFRS

Clearer positive messaging about diverting cases from court is needed so that senior police leadership are confident to promote OOCRs.

A decision should be made on whether the new cautions framework will be implemented, so that police forces aren't left in limbo and can plan improvements to their OOCR delivery without fear that the policy landscape will change substantially. Recognising deferred prosecution as a positive outcome would encourage wider adoption.

Research into disproportionality in police charging and OOCR use should be conducted, with an aim of producing guidance for police forces on how to identify and address it. Gathering and publishing more detailed data on reoffending following OOCRs will enable police forces to make more evidence-based decisions about appropriate resolutions and conditions to use.

# Transform Justice

## For further information

Scan the QR code to read more about the project.

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