

## A NEW APPROACH TO TACKLING OFFENDING IN COMMUNITIES NEEDED

There is a need for a new approach, with greater consistency and transparency in the use of out-of-court disposals, HM Inspectorate of Constabulary and HM Crown Prosecution Service Inspectorate found in their report, 'Exercising Discretion: The Gateway to Justice' published today.

The number of crimes that are dealt with outside the formal criminal justice system has risen dramatically in a five year period by 135 percent. The most commonly used out-of-court disposals - warnings, cautions and penalty notices for disorder - now account for around one third of the 1.29 million offences brought to justice. When restorative justice outcomes - which are not currently included in national data - are added to this figure it is clear that out-of-court disposals have become an increasingly important tool in the fight against crime for both police officers and prosecutors.

When out of court disposals are used effectively, particularly restorative justice where offenders are encouraged to repair the harm they have done, we found high levels of victim satisfaction, promising signs of a reduction in re-offending, and minimal bureaucracy when the offender was dealt with quickly.

However, the inspection found significant variations in the use of out-of-court disposals around the country ranging from 26% of offences brought to justice in one criminal justice area to 49% in another. Choosing an out-of-court disposal or prosecution in court will have very different consequences for individuals depending on the requirements to keep a record of the result for disclosure to a court or a prospective employer. Local variations in practice are inevitable and expected but the inconsistencies we have identified mean that some offenders will receive differential treatment depending on where they were found or where they live.

In a small sample of 190 out-of-court disposals, the inspection found that about a third were administered inappropriately. In most of these cases, an out-of-court disposal was inappropriate as the offending was too frequent or serious.

Out-of-court disposals are a legitimate way of dealing with some criminality. But more work needs to be done to improve consistency and prevent inappropriate use.

A national strategy that brings greater transparency and consistency in the use of out-of-court disposals is now urgently required based on a proportionate response to the level of offending and the nature of the offender, what works to improve victim satisfaction, reduce re-offending and gives value for money for communities who ultimately foot the bill.

HM Inspector of Constabulary, Dru Sharpling, said:

*"Out-of-court disposals account for a substantial part of criminal justice business. Their importance should now be reflected in a national strategy to bring greater consistency in their use and promote good practice so that standards of fairness are replicated across England and Wales."*

HM Chief Inspector of the CPS, Michael Fuller QPM, said:

*“The manner in which out-of-court disposals are currently used has evolved in a piecemeal way. Our study found that there needs to be greater consistency in the use of out of court options so that justice is delivered, and seen to be delivered, in a consistent and transparent way.”*

ENDS

**Notes to Editors:**

- 1 For further information, or to request an interview, HMIC’s press office can be contacted during office hours from 8:30am - 5:30pm Monday - Friday on 0203 513 0601.
- 2 The inspection looked at 190 randomly selected sample of cases across a range of different out-of-court disposal methods, namely: Simple Cautions, Conditional Cautions, Penalty Notices for Disorder (PNDs) and Restorative justice disposals. The results were compared to 50 cases where the offender was charged and pleaded guilty at court.
- 3 The cases selected, were from the period 01 April 2008 to 31 March 2009, in order to ensure that sufficient time had elapsed to properly examine any further offending since the disposal. Her Majesty’s Inspectorate of Constabulary (HMIC) is an independent inspectorate, inspecting policing in the public interest, and rigorously examines the effectiveness of police forces and authorities to tackle crime and terrorism, improve criminal justice and raise confidence. HMIC inspects and regulates all 43 police forces in England and Wales together with other major policing bodies such as the Serious Organised Crime Agency, the Police Service of Northern Ireland and the British Transport Police and HMRC.
- 4 HMIC’s out of hours press office line for urgent media enquiries is 07836 217 729.
- 5 Her Majesty’s Crown Prosecution Service Inspectorate (HMCPSI) is an independent statutory body established by the Crown Prosecution Service Inspectorate Act 2000, which came into force on 01 October 2000. The Chief Inspector is appointed by, and reports to, the Attorney General. For HMCPSI media queries or interviews please call Anisha Visram on 020 7210 1187 or 07901 856 348.