Police & Crime Commissioner for Cambridgeshire & Peterborough

Conditional Caution scheme evaluation: Final report

May 2018
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1 Executive summary

1.1 Introduction

This report presents the summative findings of the independent evaluation of the Conditional Caution scheme in Cambridgeshire and Peterborough, which was introduced in Cambridgeshire and Peterborough in August 2016. The scheme is led by the Cambridgeshire and Peterborough Office of the Police and Crime Commissioner (OPCC) and Cambridgeshire Constabulary.

The evaluation was conducted by Cordis Bright between February 2017 and April 2018. Figure 1 outlines the methodology for the evaluation.

Figure 1: Evaluation approach

<table>
<thead>
<tr>
<th>Phase 1</th>
<th>Feb – May 17</th>
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<tr>
<td></td>
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<td></td>
<td>Baseline report and evaluation framework</td>
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<td></td>
<td>• Review of programme documentation.</td>
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<td>• Literature review of “what works” in deferred prosecution.</td>
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<td>• Interviews with five key stakeholders.</td>
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<table>
<thead>
<tr>
<th>Phase 2</th>
<th>May – Sept 17</th>
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<tbody>
<tr>
<td></td>
<td>Interim report</td>
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<td>• Interviews with eight offenders.</td>
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<thead>
<tr>
<th>Phase 3</th>
<th>Sept 17 – April 18</th>
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<tr>
<td></td>
<td>Final report</td>
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<tr>
<td></td>
<td>• Recoffending data study.</td>
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<td>• Review of programme documentation and data.</td>
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<td></td>
<td>• Interviews with 17 key stakeholders.</td>
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<td></td>
<td>• E-survey of 20 key stakeholders.</td>
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<td></td>
<td>• Interviews with seven offenders.</td>
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<td>• Analysis of offender case studies completed by staff.</td>
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<td></td>
<td>• Site visit to offender hub.</td>
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<td>• Observation of needs assessment.</td>
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<td>• Draft report produced and amended based on feedback.</td>
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1.2 Context for the Conditional Caution scheme

Deferred prosecution programmes commonly utilise Out of Court Disposals (OoCD) to divert offenders away from court proceedings whilst dealing with the offence that has taken place. There are six types of OoCD but since 2014 there has been a move towards reducing the number of OoCDs for adult offenders. As of 2017, the National Police Chief’s Council has proposed a reduction of the six options for OoCDs to two: Conditional Caution and Community Resolution.

Cambridgeshire and Peterborough’s Conditional Caution scheme was introduced in August 2016 and promotes the use of Conditional Caution as opposed to Simple Caution, predicting the direction of travel in national policy. As of 1 February 2018, Cambridgeshire Constabulary has aligned itself with the National
Police Chiefs’ Council’s position: the only two OoCDs now possible within Cambridgeshire are the Conditional Caution and Community Resolution¹.

There is an emerging national and international evidence base for the use of deferred prosecution schemes. For instances, a literature review conducted as part of this evaluation found evidence that deferred prosecution may have a positive impact on reoffending rates and on demand, and consequently costs, for the criminal justice system. However, limited evidence was available that deferred prosecution schemes effectively improve wider outcomes for offenders, such as addressing offending-related behaviour.

A consistent theme amongst successful deferred prosecution and diversion programmes was the involvement of rehabilitative services, and programmes to address the causes of crime that were tailored to the needs of the offender and offence committed. In comparison, programmes which showed less evidence of positive outcomes were more likely to involve more generic services and interventions.

Locally, a 2016 offender needs assessment undertaken in Cambridgeshire and Peterborough provides context for the introduction of the Conditional Caution scheme. This found that there were 7,659 unique offenders known to Cambridgeshire Constabulary in 2016, of whom 6,035 were living within the county. It also found evidence of a high prevalence of offending-related needs in the offender population in Cambridgeshire and Peterborough. This indicates that a scheme like the Conditional Caution scheme may be useful in providing an opportunity to direct offenders towards services to address these needs.

1.3 Overview of the Conditional Caution scheme

Figure 2 presents an overview of the key components of the Conditional Caution scheme in Cambridgeshire and Peterborough.

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¹ Police Innovation Fund 2017/18 – Quarter 3 return.
**Figure 2: Overview of Cambridge and Peterborough deferred prosecution scheme**

<table>
<thead>
<tr>
<th>Aims</th>
<th>Target audience</th>
<th>Inputs</th>
<th>Activities</th>
<th>Outputs</th>
<th>Intended outcomes</th>
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</thead>
</table>
| **Core aims:**  | Early stage offenders with between 0 and 7 previous offences who commit an offence with a lower score on the Crown Prosecution Service gravity matrix. | • Expenditure: £2,480,766 over two years.  
• Funding source: £250,000 annually for 2016/17 and 2017/18 from the Home Office Police Innovation Fund (for developing the deferred prosecution process and joining up service pathways); plus additional funding from the OPCC’s crime and disorder reduction grants. | • Police officers issuing Conditional Cautions.  
• Offender Hub administering and monitoring Cautions.  
• Building relationships with partner agencies and establishing offender pathways.  
• Promotion and training about Conditional Caution scheme to police stations and other relevant staff.  
• Supervision and challenge regarding Conditional Caution decisions.  
• In the case of non-compliance, make contact with offender to establish whether any reasonable excuse exists for that non-compliance. If none exists, refer case to court. | 607 Conditional Cautions issued between September 2016 and February 2018. | • Reduced reoffending.  
• Reduced demand and costs associated with offending.  
• Offenders address their offending-related needs before they escalate.  
• Efficiency savings of £1.5m over the scheme’s first two years were anticipated in the original PIF application. |
| **Additional aims:**  | • Tackle the root causes of early offending behaviour through a Conditional deferred prosecution.  
• Provide a foundation for multi-agency pathways to reduce demand on policing and other services.  
• Intervening early to support low-level offenders to address the root causes of their offending and improve offender outcomes.  
• Reducing reoffending and escalation in severity of offences.  
• Diverting low-level offenders from prosecution and promoting a proportionate response.  
• Reducing demand on criminal justice services, and reducing related costs.  
• Reducing demand for higher-intensity support and wrap-around services, and avoiding related costs.  
• Supporting a culture change in the police. | | | |

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2 Project financial information provided by OPCC.  
3 Original funding application to Police Innovation Fund, provided by OPCC.
1.4 Performance against intended outcomes and processes

Figure 3 summarises the performance of the Conditional Caution scheme against its intended outcomes and implementation processes.

The evaluation found evidence that the scheme has achieved three of its seven intended outcomes because it is successfully diverting 84% of participating offenders away from prosecution, resulting in reduced demand and costs for the criminal justice system, and is resulting in improved multi-agency pathways and better coordinated support for offenders.

It has also partially achieved three further intended outcomes because there is emerging evidence that it has resulted in a lower-than-expected reoffending rate for offenders at higher risk of reoffending and potentially reduced the severity of reoffending for participating offenders, as well as supporting some offenders to engage with services to begin to address their offending-related needs.

The only intended outcome which the scheme has not achieved at this stage is reduced demand for higher-intensity support and wrap-around services. However, it is likely that it is unrealistic to expect the scheme to achieve this outcome at this stage. Stakeholders recognise a current increase in demand for support services, and related costs, but believe that this may reduce over time as offenders are supported to address their offending-related needs and therefore do not require future support from services.

The evaluation also found that the scheme has achieved against seven of its ten intended implementation processes and has partially achieved against the remaining four. Three areas where there is further progress to be made in order to fully achieve against the process areas are ensuring that the scheme is reaching all eligible offenders in the target cohort, planning and building in sustainability to the scheme, and ensuring that all activities and outputs support the achievement of the scheme’s aims and objectives.
### Figure 3: Performance against intended outcomes and processes (green = evidence that outcome/process has been achieved; amber = evidence that outcome/process has been partly achieved; red = evidence that outcome/process has not been achieved; grey = no conclusive evidence either way)

<table>
<thead>
<tr>
<th>Outcome/process area</th>
<th>RAG Rating</th>
<th>Evidence from evaluation</th>
<th>Section(s)</th>
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<tbody>
<tr>
<td>1</td>
<td></td>
<td><strong>Impact of the Conditional Caution scheme on outcomes</strong></td>
<td></td>
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<tr>
<td>1.1 Offenders who participate in the deferred prosecution scheme are diverted away from prosecution</td>
<td>Green</td>
<td>The evaluation found evidence that the Conditional Caution scheme has resulted in offenders being diverted away from prosecution for the offence for which the Caution was issued. Based on a total of 607 offenders who received a Conditional Caution between September 2016 and February 2018 and the compliance rate of 84% (as at 31 December 2017), up to 510 offenders have likely been diverted away from prosecution. Consultation with scheme stakeholders supports this finding.</td>
<td>5.3</td>
</tr>
<tr>
<td>1.2 Offenders who participate in the deferred prosecution scheme are less likely to reoffend than they would have been if they had not taken part in the scheme</td>
<td>Green</td>
<td>Findings from the data study indicate that the Conditional Caution scheme is not associated with a lower-than-expected reoffending rate across all offenders who participate. However, there is evidence that it is associated with a lower-than expected reoffending rate for those at higher risk of reoffending. Despite the evidence from the data study that reoffending rates for those who receive a Conditional Caution are as might be expected for the scheme, evidence from consultation with stakeholders indicates that they believe that receiving a Conditional Caution is reducing the likelihood of offenders reoffending. In addition, the data study explored the relationship between compliance with the Conditional Caution and reoffending. Those who complied with their Conditional Caution were significantly less likely to reoffend.</td>
<td>5.4.1</td>
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<tr>
<td>Outcome/process area</td>
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<td>Evidence from evaluation</td>
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<tr>
<td>1.3 Offenders who participate in the deferred prosecution scheme are less likely to go on to commit more serious offences than they would have been if they had not taken part in the scheme</td>
<td>Green</td>
<td>The results of the data study indicate that participation in the Conditional Caution scheme was associated with a reduction in the prevalence of serious offences amongst those who reoffended. This is corroborated by evidence from consultation with stakeholders, which indicates that they believe that receiving a Conditional Caution is reducing the likelihood of offenders committing more serious offences in the future.</td>
<td>5.5</td>
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<tr>
<td>1.4 Offenders who participate in the deferred prosecution scheme attend and engage with services to address their offending-related and/or wider needs and their attendance is attributable to the scheme</td>
<td>Green</td>
<td>There is evidence from stakeholder consultation, including interviews with offenders, that the Conditional Caution scheme provides offenders who receive a rehabilitative Condition with an opportunity to attend services which help them to identify and address wider needs. Due to the absence of relevant monitoring data for all offenders who have received Conditional Cautions, the proportion of offenders who receive this opportunity and who subsequently go onto engage with services and successfully address wider needs is not known. However, stakeholders were confident that some offenders do engage and achieve positive outcomes as a result of the initial referral from the Conditional Caution scheme, and were able to provide examples of specific offenders for whom this was the case.</td>
<td>5.6</td>
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<tr>
<td>1.5 The deferred prosecution scheme results in reduced demand and costs for criminal justice services</td>
<td>Green</td>
<td>There is evidence from the data study and from monitoring data that the Conditional Caution scheme might be contributing to reduced demand and costs for the criminal justice system. In addition, evidence from consultation with stakeholders indicates that they also believe that receiving a Conditional Caution is reducing demand for</td>
<td>5.7</td>
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* Serious offences were considered to be violence, sexual offences, burglary and motor vehicle theft.
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<tr>
<th>Outcome/process area</th>
<th>RAG Rating</th>
<th>Evidence from evaluation</th>
<th>Section(s)</th>
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<tr>
<td></td>
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<td>criminal justice services, as well as avoiding associated costs. However, the scale of these reductions is difficult to estimate based on the available data.</td>
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<td></td>
<td></td>
<td>The primary area in which demand and costs are avoided is in the avoidance of court events for those offenders who are diverted away from prosecution. Estimates indicated that the cost avoidance as a result of avoided court events could range from approximately £260,000 to approximately £3,140,000.</td>
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<td>In addition, stakeholders reported that it has reduced police time spent on cases because the Conditional Caution process is quicker and involves less time for police officers than prosecution in court.</td>
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<td>1.6</td>
<td></td>
<td>The deferred prosecution scheme results in reduced demand for higher-intensity support and wrap-around services resulting from escalating need and offending, and avoids related costs</td>
<td>5.8</td>
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<td></td>
<td>Despite the aim that this would reduce as a result of the scheme, it seems logical that there is a potential for demand and costs to increase initially because the scheme results in additional referrals to local support services, and costs associated with working with those offenders who are referred under the scheme, attend for assessment and potentially continue to engage with services which they may not have accessed otherwise.</td>
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<td></td>
<td></td>
<td>Evidence from consultation with stakeholders was mixed, but on balance it appears that stakeholders recognise a current increase in demand for support services, and related costs, but believe that this may reduce over time as offenders are supported to address their offending-related needs and therefore do not require future support from services.</td>
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<td>1.7</td>
<td></td>
<td>The deferred prosecution scheme results in improved multi-agency pathways and</td>
<td>5.9</td>
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<td></td>
<td>Evidence from consultation with stakeholders and from observation indicated that the Conditional Caution scheme has improved the opportunity for participating offenders to access multi-agency support, and also that new multi-agency pathways have been developed as a result of the Conditional Caution scheme.</td>
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<td>Outcome/process area</td>
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<tr>
<td>better coordinated support for offenders</td>
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<td>There are also examples of specific offenders successfully navigating multi-agency pathways as a result of being introduced to them by the scheme.</td>
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<tr>
<td>2.1 Governance and management has supported successful implementation of the deferred prosecution scheme</td>
<td></td>
<td>The evaluation found evidence from stakeholder consultation to suggest that the Conditional Caution scheme’s governance and management arrangements have supported successful implementation of the scheme.</td>
<td>6.4</td>
</tr>
<tr>
<td>2.2 The deferred prosecution scheme is delivered as planned, with any variations to plan explained and agreed</td>
<td></td>
<td>There is substantial evidence that the Conditional Caution scheme has broadly been delivered as planned.</td>
<td>6.3</td>
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<tr>
<td></td>
<td></td>
<td>An analysis of the initial application and subsequent monitoring returns to the Police Innovation Fund finds that the scheme has delivered as planned against 11 of its 13 deliverables. It has also partially delivered against 1 further deliverable.</td>
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<tr>
<td>2.3 Promotion of the deferred prosecution scheme has supported successful implementation of the scheme</td>
<td></td>
<td>There is evidence from stakeholder consultation that promotion of the Conditional Caution scheme to professionals has supported the successful implementation of the scheme. Interviewed stakeholders described a number of approaches to raising awareness of the scheme and training up officers.</td>
<td>6.6</td>
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<td>2.4 Partnership working between delivery partners has supported successful implementation of the deferred prosecution scheme</td>
<td></td>
<td>There is evidence from stakeholder interviews that partnership working has supported successful implementation of the Conditional Caution scheme. However, there remain some areas for development in working in partnership with wider support services.</td>
<td>6.7</td>
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<tr>
<td>Outcome/process area</td>
<td>RAG Rating</td>
<td>Evidence from evaluation</td>
<td>Section(s)</td>
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<tr>
<td>2.5 The activities and outputs of the deferred prosecution scheme have supported achievement of its aims and objectives</td>
<td>▶️</td>
<td>The Conditional Caution scheme is not yet fully achieving all of its aims and objectives, although it has made substantial progress in some key areas, such as diverting offenders away from prosecution and reducing demand and costs for criminal justice services. Overall, the evaluation found evidence that the activities and outputs of the deferred prosecution scheme have supported achievement of its aims and objectives, or progress towards achieving them. One area where the scheme’s activities and outputs could better support its aims and objectives is in continuing to develop pathways into wrap-around support for offenders who require this, and in finding ways to evidence the outcomes of this support.</td>
<td>All</td>
</tr>
<tr>
<td>2.6 The deferred prosecution scheme is reaching its target audience of offenders</td>
<td>▶️</td>
<td>The evaluation found evidence from stakeholder consultation that the targeting of offenders may be an area for development for the Conditional Caution scheme, although it may also be an area which is improving organically as the Conditional Caution scheme becomes more embedded.</td>
<td>6.8</td>
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<td>2.7 The deferred prosecution scheme was managed within budget</td>
<td>▶️</td>
<td>Financial information provided by Cambridgeshire and Peterborough OPCC indicates that expenditure on the Conditional Caution scheme was £97,802 lower than the actual project expenditure over the two years. Total anticipated resourcing was £2,578,568 and total expenditure was £2,480,766.</td>
<td>6.5</td>
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<tr>
<td>2.8 The deferred prosecution scheme took a flexible approach and was able to react to any early lessons learned during implementation and/or</td>
<td>▶️</td>
<td>The account of the implementation process provides examples of how the scheme has been adapted based on early lessons learned. For example, changes were made to the number of attendances required at services under rehabilitative Conditions. Similarly, the plans to embed the scheme into mainstream processes show adaptability to support the continuation of the scheme.</td>
<td>6 (all)</td>
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## Outcome/process area

<table>
<thead>
<tr>
<th>Outcome/process area</th>
<th>RAG Rating</th>
<th>Evidence from evaluation</th>
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<tr>
<td>changes to the local or national delivery context</td>
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<tr>
<td>2.9 The deferred prosecution scheme has contributed to a wider understanding of the process and impact of increasing the use of Conditional Cautions at a local level</td>
<td></td>
<td>The evaluation findings and recommendations contribute to an understanding of the process and impact of Conditional Cautions at a local level. There is also evidence that stakeholders have reflected on implementation of the scheme and have been able to extract learning for future development of this and similar schemes.</td>
<td>All 7.7</td>
</tr>
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<td>2.10 The delivery and any positive outcomes of the deferred prosecution scheme are sustainable</td>
<td></td>
<td>The evaluation found evidence that the implementation and impact of Conditional Cautions in Cambridgeshire and Peterborough is likely to be sustainable, at least in the short to medium term. However, the loss of focussed and centralised management raised several concerns for stakeholders in terms of maintaining partnerships, monitoring compliance and ensuring that the focus on addressing wider needs is maintained.</td>
<td>6.14</td>
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1.5 Lessons learned during implementation

Stakeholders highlighted some key lessons and recommendations for future implementation of the scheme locally, and also for other similar schemes which might be introduced elsewhere:

- Clear and consistent communications to police officers regarding condition options and eligibility for the scheme are crucial. The eligibility and selection criteria should be simple, clear and known by all involved.

- It is important to spend time and resource to build and maintain the profile and understanding of the scheme across the police and other services in the locality.

- Securing buy-in from the local OPCC will be key to the success and sustainability of the scheme. Ensuring proposals are evidence-based makes it more likely that the OPCC will support a scheme and invest time and/or funding in a scheme.

- The rehabilitative component of the scheme is likely to be improved by ensuring that an appropriate needs assessment is provided for all offenders who are eligible for the scheme, and enabling offenders to comply with rehabilitative components by:
  - Offering flexibility to offenders, for example, offering out of hours appointments.
  - Ensuring that services which offenders are required to attend are based in an obvious and accessible location.
  - Accompanying offenders to services if needed.

- When planning rehabilitative and wrap-around support, it is beneficial to explore and utilise existing support pathways. It is important to ensure that interventions are delivered by partners with expertise, rather than delivered internally by the police.

- The scheme should be administered, monitored and supervised by staff who are dedicated and motivated to the scheme.

1.6 Recommendations

Figure 4 outlines the recommendations emerging from this evaluation, alongside the initial response to each recommendation by Cambridgeshire and Peterborough OPCC and partners.
Figure 4: Recommendations

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Response from OPCC and partners (May 2018)</th>
<th>Section(s)</th>
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<tr>
<td><strong>Strategic</strong></td>
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<td>1</td>
<td>It would be beneficial for Cambridgeshire Constabulary and Cambridgeshire and Peterborough OPCC to repeat a similar reoffending data study to the one conducted as part of this evaluation in, for example, six months’ time to determine whether the findings are similar when data for a greater number of offenders can be included in the study.</td>
<td>Discussions are taking place within the local “what works” board with a view to undertaking a similar data study in the future.</td>
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<tr>
<td>2</td>
<td>Cambridgeshire and Peterborough OPCC, Cambridgeshire Constabulary and local support service providers may wish to conduct more detailed assessment of which support services have experienced increased demand as a result of the Conditional Caution scheme, in order to support strategic planning around future commissioning priorities and support pathways. However, it may be that this work is already being undertaken at a system-wide level, building on the 2016 offender needs assessment.</td>
<td>A system-wide tracking process has already been established.</td>
</tr>
<tr>
<td>3</td>
<td>In order to better understand the impact of the scheme on improving wider outcomes for offenders, Cambridgeshire Constabulary and partners should establish systematic feedback mechanisms to identify whether offenders who receive a rehabilitative Condition involving attendance at a service continue to engage with this service voluntarily. This would require careful consideration of confidentiality and appropriate information sharing but basic information on engagement and progress could potentially be shared with the Constabulary with the informed consent of offenders.</td>
<td>The OPCC and Cambridgeshire Constabulary have agreed with Outside Links that they will complete telephone follow-up in relation to offenders who attended Outside Links as part of their Conditional Caution, in order to capture details of ongoing support. A similar process is yet to be confirmed with other agencies which offenders might attend as part of their Conditional Caution.</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Response from OPCC and partners (May 2018)</td>
<td>Section(s)</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td><strong>Operational</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Cambridgeshire Constabulary and Cambridgeshire and Peterborough OPCC should review the approach taken to needs assessment for offenders receiving a Conditional Caution. This includes: a.) Determining whether a pre-Caution needs assessment is desirable for all offenders issued with a Caution, to support the setting of rehabilitative Conditions if required. b.) Considering the resource implications for the NHS Liaison and Diversion Scheme (LaDS) or any other service responsible for pre-Caution needs assessment, in the event that needs assessments are made a pre-requisite of the Conditional Caution. c.) Deciding on and clearly articulating the relationship between any pre-Caution needs assessment and the needs assessment that can be set as Condition of the Caution. d.) Determining whether all offenders who receive a Conditional Caution should be required to attend a needs assessment as one of the Conditions of their Caution.</td>
<td>The OPCC and partners recognise the importance of a needs assessment and are currently exploring options to ensure that these take place. This includes the potential to mandate a post-Caution needs assessment for all offenders on the scheme.</td>
</tr>
<tr>
<td>5</td>
<td>Cambridgeshire Constabulary should continue to promote the Conditional Caution scheme to police officers in order to maximise use of the scheme. This is likely to include: • Ensuring that training is provided to all officers and refreshed as needed. • Providing regular emails or other circulars to remind officers about the scheme and the available guidance on eligibility. • Building on existing work that has been undertaken by the Offender Hub to promote culture change amongst those officers who might not use the scheme because they take a more punitive approach. This includes An internal and external communication plan is currently in draft to address this.</td>
<td></td>
</tr>
<tr>
<td>Recommendation</td>
<td>Response from OPCC and partners (May 2018)</td>
<td>Section(s)</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>providing feedback to issuing officers on compliance and good news stories on</td>
<td>The OPCC and Cambridgeshire Constabulary are currently reviewing policy and procedure in order to remove</td>
<td>7.6</td>
</tr>
<tr>
<td>the known successes of the scheme.</td>
<td>inconsistency, as far as possible, while maintaining officer discretion. In addition, they are</td>
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<td></td>
<td>considering the introduction of a decision-making escalation process similar to one already used in</td>
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<td></td>
<td>relation to Community Resolutions.</td>
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<tr>
<td>6  Whilst some stakeholders reported that widening eligibility and increasing</td>
<td></td>
<td>6.8.2</td>
</tr>
<tr>
<td>police officer discretion on when Cautions can be issued was desirable,</td>
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</tr>
<tr>
<td>stakeholder interviews also suggested that there is inconsistency in skill level</td>
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<td>and approach among police officers (in terms of referrals into the scheme as</td>
<td></td>
<td></td>
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<td>as well as setting conditions). As such, it is recommended the Cambridgeshire</td>
<td></td>
<td></td>
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<tr>
<td>Constabulary maintain a tight eligibility criteria, with a clear understanding</td>
<td></td>
<td></td>
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<tr>
<td>of where exceptions may be made, and the process for doing so.</td>
<td></td>
<td></td>
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<tr>
<td>7  Given that it may be appropriate to make exceptions in some cases,</td>
<td></td>
<td>6.9</td>
</tr>
<tr>
<td>Cambridgeshire Constabulary should amend the guidance for police officers to</td>
<td></td>
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<tr>
<td>include any known exceptions to the usual eligibility criteria for Conditional</td>
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<tr>
<td>Cautions and to introduce a process by which issuing officers can seek</td>
<td></td>
<td></td>
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<tr>
<td>authorisation to make other exceptions in advance of issuing the Conditional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Caution. This should serve as a safeguard against inappropriate Cautions</td>
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<tr>
<td>being issued.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8  In ongoing training and promotion of Conditional Cautions to police officers,</td>
<td>A review of training and briefing material is complete and suggested amendments are awaiting peer review.</td>
<td>6.10</td>
</tr>
<tr>
<td>Cambridgeshire Constabulary should place an increased emphasis on ensuring</td>
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<tr>
<td>officers have the right skills to clearly communicate with offenders about</td>
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<tr>
<td>Conditional Cautions, and the Conditions with which they are required to</td>
<td></td>
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<tr>
<td>comply.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9  In addition to reviewing the process for needs assessment and its ability to</td>
<td>The OPCC and Cambridgeshire Constabulary have incorporated ongoing promotion of the scheme within the</td>
<td></td>
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<tr>
<td>inform the Conditions set for an offender, Cambridgeshire Constabulary should</td>
<td>draft communications plan.</td>
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<tr>
<td>ensure that ongoing training and promotion of the scheme to officers supports</td>
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<tr>
<td>them to develop the necessary skills to determine appropriate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recommendation</td>
<td>Response from OPCC and partners (May 2018)</td>
<td>Section(s)</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td>--------------------------------------------</td>
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</tr>
<tr>
<td>Conditions. Alongside more formal training as required, one mechanism might be</td>
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<tr>
<td>circulating anonymised examples of Conditional Caution paperwork where the</td>
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<tr>
<td>officer has shown high levels of skill and empathy in determining and setting</td>
<td></td>
<td></td>
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<tr>
<td>appropriate Conditions.</td>
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</table>
2 Introduction

2.1 Overview

This report presents the summative findings of the independent evaluation of the Conditional Caution scheme, which was introduced in Cambridgeshire and Peterborough in August 2016. The scheme is led by Cambridgeshire and Peterborough Office of the Police and Crime Commissioner (OPCC) and Cambridgeshire Constabulary. The evaluation was commissioned by the OPCC and Constabulary and has been delivered by Cordis Bright, an independent research and consultancy organisation, between February 2017 and April 2018.

2.2 Description of Conditional Caution scheme

The Conditional Caution scheme is a new approach taken by Cambridgeshire Constabulary to offer Conditional Cautions to offenders who commit lower-level offences and who have a history of no more than seven previous convictions. It aims to divert these offenders away from prosecution and to promote reductions in reoffending by enabling offenders to engage with support to address any offending-related needs they may have. The scheme has been supported by funding from the Police Innovation Fund5.

2.3 Methodology

2.3.1 Summary of approach

The approach to the evaluation was developed by Cordis Bright in collaboration with the OPCC and Cambridgeshire Constabulary. It was delivered in three phases and involved a mixed methods approach, as summarised in Figure 5.

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5 The Home Office Police Innovation Fund, which began in 2013, was established to “incentivise collaboration and enable police and crime commissioners to invest in new technology to improve policing and deliver efficiency” (Home Office, 2015). Since its launch, £140 million has been awarded by the Home Office to projects that are supporting innovation in policing.
This report is the final output of Phase 3 of the evaluation. The stages of the Phase 3 approach are described in more detail in section 2.3.2.

All research tools were designed by Cordis Bright and agreed with Cambridgeshire and Peterborough OPCC and Cambridgeshire Constabulary. Copies of all research tools are available at Appendix A.

2.3.2 Phase 3 methodology

Data study

A data study was conducted which utilised anonymised demographic and pre- and post-Conditional Caution offending data drawn from the Police National Computer (PNC), as well as compliance data drawn from the E-CINS case management system used by the offender hub to administer and monitor Conditional Cautions\(^6\). Key findings from the data study are included where relevant throughout this report. A full account of the findings is included at Appendix D.

The purpose of the data study was to investigate whether participation in the deferred prosecution scheme has any impact on reoffending rates and patterns. The data study was led by Professor Darrick Jolliffe, Professor of Criminology at the University of Greenwich.

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\(^6\) For more information on the E-CINS system, please see: [http://www.empowering-communities.org/software/e-cins/](http://www.empowering-communities.org/software/e-cins/)
In collaboration with Cambridgeshire Constabulary a data collection protocol was developed. Data was collated by Cambridgeshire Constabulary in relation to all 140 offenders who received Conditional Cautions in the first six months of the scheme (i.e. between 1 September 2016 and 31 March 2017). This time period was selected because it enabled data to be collated within the evaluation timeframe for offenders with a full year following the Conditional Caution being issued in which to accrue convictions/cautions and for those convictions to be recorded on the PNC.

Data was collated in relation to the following variables:

1. Date of birth
2. Gender
3. Ethnicity
4. Date of Conditional Caution
5. Date of trigger offence for Conditional Caution
6. Type of trigger offence for Conditional Caution
7. Type of Condition(s) issued (rehabilitative/reparative/restorative justice/punitive)
8. Compliance with Conditional Caution (yes/no)
9. Date of first disposal
10. Number of previous convictions
11. Number of offences
12. Previous stay(s) in prison (yes/no)
13. Offences since Conditional Caution (yes/no)
14. Date(s) of offences since Conditional Caution.
15. Type(s) of offences since Conditional Caution.

The methodological quality of this data study would have been improved with the identification of a comparison group, or a group similar in demographic profile and criminal history to those who received a Conditional Caution, but who did not receive a Conditional Caution. Despite considerable efforts it was not possible to locate this group.

In the absence of a comparison group the overall impact of the scheme on reconviction was evaluated by comparing the observed prevalence of reoffending to that predicted using a nationally validated risk assessment tool. The Offence Group Reconviction Score provides an estimate of an individual’s likelihood of reoffending based on their gender, age, index offence type and criminal history. Research has suggested that this device has good predictive abilities. While far from perfect the use of this measure increases the confidence in the results in that it is possible to estimate what the level of reoffending should have been for this group, and then compare this to their actual reoffending.

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7 A two-pronged approach was used to attempt to locate a comparison group. This included exploring the data held and available locally by the Cambridgeshire Police. There were concerns about making the large amount of data needed available because of data protection issues. Professor Jolliffe independently approached the Ministry of Justice who suggested that individual PNC records were no longer systematically made available for independent research purposes.
A second limitation within the data study is that it is based on data relating only to the first 140 offenders who received Conditional Cautions under the scheme. This is because the cut off point for inclusion in the study was receipt of a Conditional Caution by the end of March 2017, in order to allow enough time within the evaluation timeframe for a 12 month follow-up period to monitor reoffending following receipt of a Conditional Caution. Uptake of the scheme proved to be slower in its first few months of operation, which limited the numbers in the data study sample. In addition, if the efficacy of the scheme has improved over time as it has become more embedded locally then the outcomes for the first offenders to pass through the scheme might be less positive than outcomes for those who accessed the scheme later.

**Recommendation:** As a result of the above limitation, it would be beneficial for Cambridgeshire Constabulary and the OPCC to repeat a similar study in, for example, six months’ time to determine whether the findings are similar when data for a greater number of offenders can be included.

**Review of documentation and data**

This built on the review of strategic and operational documents conducted by Cordis Bright in Phase 1 of the evaluation. These documents were provided by the OPCC for Cambridgeshire and Peterborough and by Cambridgeshire Constabulary. A full list of the documents reviewed in Phase 1 and Phase 2 can be found in Appendix B.

The Phase 2 review also included a review of programme monitoring data, which was provided by the Offender Hub. Figure 6 below outlines the data requested and received for the evaluation.

*Figure 6: Programme monitoring data requested and received in Phase 2*

<table>
<thead>
<tr>
<th>Data requested</th>
<th>Specification of data received</th>
</tr>
</thead>
<tbody>
<tr>
<td>The total number of Conditional Cautions issued, ideally per month, from September 2016 to March 2018</td>
<td>Total number of Conditional Cautions issued per month, September 2016 to February 2018.</td>
</tr>
<tr>
<td>Compliance data.</td>
<td>Headline compliance rates as reported in the monitoring return to the PIF for quarter 3 of 2017-18.</td>
</tr>
</tbody>
</table>
Interviews with key stakeholders

We conducted semi-structured telephone interviews with 17 stakeholders who were involved in delivering or had insight into the Conditional Caution scheme. These interviews took place in February and March 2018.

In total, contact details for 23 stakeholders were provided by the OPCC and Cambridgeshire Constabulary, from which 17 interviews were successfully completed\(^8\). The organisations and services represented by interview participants are summarised in Figure 7.

Figure 7 Overview of stakeholder interview participants by organisation

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Number of interviewed stakeholders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cambridgeshire Constabulary</td>
<td>10</td>
</tr>
<tr>
<td>Outside Links / Sodexo</td>
<td>3</td>
</tr>
<tr>
<td>Cambridgeshire Office of the Police and Crime Commissioner</td>
<td>2</td>
</tr>
<tr>
<td>Hertfordshire Constabulary</td>
<td>1</td>
</tr>
<tr>
<td>NHS Liaison and Diversion Service</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>17</strong></td>
</tr>
</tbody>
</table>

Interview participants included stakeholders working at a wide range of strategic and operational levels, such as members of the Cambridgeshire Constabulary who are issuing Conditional Cautions, practitioners who deliver needs assessments, managers and staff supervising the initiative, as well as chief executives and heads of policy.

E-survey of key stakeholders

An E-survey was circulated to key stakeholders in the Conditional Caution scheme between February and March 2018. This received 20 responses, although not all respondents provided an answer to all questions. Figure 8 summarises respondents' organisations and roles.

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\(^8\) Two individuals declined to participate and four did not respond to the invitation to interview and reminder emails.
Figure 8: Overview of stakeholder survey respondents

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Number of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cambridgeshire Constabulary</td>
<td>12</td>
</tr>
<tr>
<td>Cambridgeshire and Peterborough OPCC</td>
<td>2</td>
</tr>
<tr>
<td>Outside Links</td>
<td>2</td>
</tr>
<tr>
<td>NHS Liaison and Diversion Service</td>
<td>1</td>
</tr>
<tr>
<td>HM Courts and Tribunals Service</td>
<td>1</td>
</tr>
<tr>
<td>Services receiving onward referrals from the scheme</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>20</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Role</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Frontline role</td>
<td>10</td>
</tr>
<tr>
<td>Operational management role</td>
<td>4</td>
</tr>
<tr>
<td>Strategic role</td>
<td>4</td>
</tr>
<tr>
<td>Business support role</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>20</strong></td>
</tr>
</tbody>
</table>

Interviews with offenders who received Conditional Cautions

We conducted semi-structured interviews with seven offenders who had received a Conditional Caution. Interviewees were recruited through Outside Links, the organisation responsible for undertaking needs and restorative justice assessments with offenders who have been issued with a Condition relating to these assessments. The interviews lasted between 30 minutes and an hour, and interviewees received a £20 high street shopping voucher in acknowledgement of their time and participation.

Interview participants represented a relatively diverse sample, although all participants were referred to Cordis Bright through Outside Links. There was a relatively even split between male and female interviewees, and the interviews included a mixture of interviewees who were employed versus unemployed, had

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9 12 offenders had agreed to take part in interviews and 7 were available on the scheduled days. Six attended an in-person interview with a Cordis Bright researcher at Outside Links, and one interview was conducted over the phone.

10 A voucher was selected which could not be used in shops selling alcohol, in case alcohol misuse was an issue for any of the participating offenders.
varying offending histories, and a range of offending-related needs such as problematic substance use, homelessness, mental health needs and anger management.

**Analysis of offender case studies completed by staff**

Staff working in Outside Links worked with scheme leads in Cambridgeshire Constabulary to produce 20 anonymised case studies of offenders who had received a Conditional Caution and attended Outside Links for a needs and/or restorative justice assessment as one of the Conditions of this Caution.

Cordis Bright researchers analysed these case studies to identify common themes and examples in staff members’ accounts of offenders’ experience of the Conditional Caution, as well as its impact.

**Site visit to Offender Hub**

A Cordis Bright researcher visited the Offender Hub, where the coordinator talked through the Conditional Caution pathway and demonstrated a number of the administrative processes for the scheme, such as:

- The use of the E-CINS case management system\(^\text{11}\).
- Logging and monitoring Conditional Cautions.
- Liaison with other staff and services involved in issuing the Caution and/or delivering work relating to specific Conditions.

**Observation of needs assessment**

A Cordis Bright researcher observed one offender needs assessment appointment at Outside Links in March 2018. It was originally intended that two assessments would be observed during one visit to Outside Links. However, observation of only one appointment was possible in practice: the low number of Conditional Caution referrals to Outside Links during the field work period meant that it was not possible to book in two assessments onto one day.

The aim was to observe assessor practice, with particular focus on:

- How issues were introduced and discussed by the staff member.
- The interaction between the staff member and offender during the appointment.
- The outputs of the appointment.

\(^\text{11}\) For more information on the E-CINS system, please see: [http://www.empowering-communities.org/software/e-cins/](http://www.empowering-communities.org/software/e-cins/)
Workshop with key stakeholders to sense test evaluation findings

We drafted a final report to outline the findings of the summative evaluation, based on the data and analysis in the above methods. This was circulated to key stakeholders and revisions were made based on their feedback, to ensure that the findings resonated with those with insight into the scheme.

2.3.3 Limitations

The key limitations of the evaluation are:

- **Absence of a comparison group in the data study**: despite considerable efforts it was not possible to locate a comparison group, or a group of individuals similar in important demographic and criminal history characteristics to those who took part in the scheme, but who did not take part. A comparison group would have provided increased confidence that the impact on reoffending observed was actually the result of the scheme, as opposed to other factors (e.g., selecting low risk offenders). In order to mitigate this risk the actual prevalence of reoffending was compared to the estimated prevalence of reoffending based on the Offence Group Reconviction Score. This increases the confidence in the results of the evaluation.

- **Consultation with key stakeholders**: The stakeholders who were invited to take part in interview and/or to complete the E-survey for the evaluation were primarily from organisations which are closely involved in the design and delivery of the Conditional Caution scheme. As a result, wider perspectives on the scheme and its impact are not reported in detail in the evaluation findings. In particular, it would have been beneficial to be able to consult with staff working in wider services which receive, or might receive, referrals resulting from an offender’s contact with the Conditional Caution scheme.

- **Consultation with offenders**: Ideally the evaluation would have included consultation with a greater number of offenders who had participated in the Conditional Caution scheme. An initial round of interviews with offenders was conducted during the interim evaluation stage, with initial contact between offenders and Cordis Bright evaluators brokered by Cambridgeshire Constabulary. Due to challenges in recruiting an adequate number of offenders to take part in these interviews, the methodology was adapted during the final evaluation stage to include a combination of interviews with offenders and case studies about offenders completed by staff involved with the scheme. These case studies were designed to act as a proxy for understanding offender experience of the scheme. However, it is recognised that they are not a substitute for direct consultation.

- **Monitoring data**: There were some limitations in the available monitoring data, which reduced the evaluation’s ability to comment on aspects of performance and impact. In most cases, this was because of the time and resource that would have been required for staff delivering the scheme to collate this data, which was difficult to balance alongside their day-to-day work. Examples include:
Anonymised individual-level data on the Conditions issued were available for offenders whose Cautions were issued from September 2016 to March 2017 but not for the whole period over which the scheme has been operating. Therefore the evaluation could not comment on the range and rates of Conditions issued over the whole period.

Data regarding compliance were available as a headline figure from monitoring returns to the PIF but a more detailed breakdown was not available. This meant that the evaluation could not comment on any changes in compliance rates over time or on any correlation between, for example, offence type and compliance for the whole period.

Data were not available on whether offenders attended and maintained engagement with services to which they were signposted as a result of the Conditional Caution. This may be appropriate as this attendance would be voluntary and outside of the formal remit of the scheme. Attempts were made to collect this from relevant services via the E-survey but only one completed response was received for these questions. Therefore assessments of the scheme’s impact on enabling offenders to address wider needs is drawn from qualitative consultation.

2.4 Report structure

The remainder of this report is structured as follows:

- **Chapter 3** explores the context for the Conditional Caution scheme in Cambridgeshire and Peterborough, including the legislative and policy context and evidence of the efficacy and impact of similar schemes, and local evidence of need for the scheme.

- **Chapter 4** outlines the key components of the deferred prosecution scheme in Cambridgeshire and Peterborough.

- **Chapter 5** presents the summative findings on the impact of the scheme.

- **Chapter 6** details findings on the implementation of the scheme.

- **Chapter 7** summarises stakeholders overarching views on the scheme.

- **Chapter 8** presents recommendations for the future development of the scheme.
3 Context for the Conditional Caution scheme

3.1 Overview

This chapter explores the context for the Conditional Caution scheme in Cambridgeshire and Peterborough, including the legislative and policy context and evidence of the efficacy and impact of similar schemes, and local evidence of need for the scheme. A detailed literature review relating to evidence of “what works” in deferred prosecution, including Conditional Cautions, is available at Appendix C.

3.2 Key findings

Deferred prosecution programmes commonly utilise Out of Court Disposals (OoCD) to divert offenders away from court proceedings whilst dealing with the offence that has taken place. Conditional Cautions are one type of Out of Court Disposal.

There are six types of OoCD but since 2014 there has been a move towards reducing the number of OoCDs for adult offenders. As of 2017, the National Police Chief’s Council has proposed a reduction of the six options for OoCDs to two: Conditional Caution and Community Resolution.

Cambridgeshire and Peterborough’s Conditional Caution scheme was introduced in August 2016 and promotes the use of Conditional Caution as opposed to Simple Caution, predicting the direction of travel in national policy. As of 1 February 2018, Cambridgeshire Constabulary has aligned itself with the National Police Chiefs’ Council’s position: the only two OoCDs now possible within Cambridgeshire are the Conditional Caution and Community Resolution.

A literature review conducted as part of this evaluation found evidence that deferred prosecution may have a positive impact on reoffending rates and on demand, and consequently costs, for the criminal justice system. Limited evidence was available that deferred prosecution schemes effectively improve wider outcomes for offenders, such as addressing offending-related behaviour.

A consistent theme amongst successful deferred prosecution and diversion programmes was the involvement of rehabilitative services, and programmes to address the causes of crime that were tailored to the needs of the offender and offence committed. In comparison, programmes which showed less evidence of positive outcomes were more likely to involve more generic services and interventions.

12 Police Innovation Fund 2017/18 – Quarter 3 return.
A 2016 offender needs assessment undertaken in Cambridgeshire and Peterborough provides context for the introduction of the Conditional Caution scheme. This found that there were 7,659 unique offenders known to Cambridgeshire Constabulary in 2016, of whom 6,035 were living within the county. It also found evidence of a high prevalence of offending-related needs in the offender population in Cambridgeshire and Peterborough. This indicates that a scheme like the Conditional Caution scheme may be useful in providing an opportunity to direct offenders towards services to address these needs.

3.3 Legislative and policy context

3.3.1 Deferred prosecution programmes

Deferred prosecution programmes involve delaying prosecution of criminal charges whilst defendants complete specified conditions. These programmes are reported to monitor and track participants’ progress towards specific goals, often with the aim of dismissing a pending charge upon successful completion (Burke, 2010). They became prolific in 1960s and 1970s in the United States (Moyer, 1982). They have been used, for example, as an alternative to prosecution for young offenders and also for drug-related offences (Senko, 2009).

Deferred prosecution programmes commonly utilise Out of Court Disposals (OoCD) to divert offenders away from court proceedings whilst dealing with the offence that has taken place. Conditional Cautions are one type of Out of Court Disposal. They were introduced through the Criminal Justice Act 2003. In 2013, issuing a Conditional Caution became a police decision rather than a Crown Prosecution Service decision (Crown Prosecution Service, 2013).

3.3.2 Out of Court Disposals

The Crown Prosecution Service promotes the use of OoCDs when appropriate, based on the severity of the offence, the results of the offending behaviour, the antecedents of the offender and the likely outcome at court (Crown Prosecution Service, 2013). They have been recognised by the Home Affairs Committee as providing police with “simple, swift and proportionate responses to low-risk offending”, which can be administered locally without court proceedings (House of Commons Home Affairs Committee, 2015; 3).

There are six types of OoCD, which are (Home Affairs Committee, 2015):

- **Cannabis warnings**: formal warnings from police officers for simple possession of cannabis for personal use.
- **Fixed Penalty Notices (FPNs)**: fixed penalty offered by police officers for road traffic offences.
- **Penalty Notices for Disorder (PND)**: fixed penalty offered by police officers, primarily for offences relating to public disorder.
- **Community Resolutions**: resolution of offence through informal agreement between parties involved (Association of Chief Police Officers, 2012).

- **Simple Cautions**: formal warnings from police officers following an admission of guilt.

- **Conditional Cautions**: Cautions with conditions attached, and issued to “tackle offending behaviour, provide reparation and enable compensation to be paid to victims, where appropriate”.

However, since 2014 there has been a move towards reducing the number of OoCDs for adult offenders, including piloting schemes in number of local areas which involved a reduced number of OoCD options (HM Government and College of Policing, 2014). This has culminated in the National Police Chiefs’ Council released a new national strategy for charging and OoCDs for 2017 to 2021. This proposes a simplification of the “two tier framework” for adult OoCDs whereby the six current disposal options are reduced to just two: Conditional Caution and Community Resolution (National Police Chief’s Council, 2017).

Cambridgeshire and Peterborough’s Conditional Caution scheme was introduced in August 2016 and promotes the use of Conditional Caution as opposed to Simple Caution, predicting the direction of travel in national policy. As of 1 February 2018, Cambridgeshire Constabulary has aligned itself with the National Police Chiefs’ Council’s position: the only two OoCDs now possible within Cambridgeshire are the Conditional Caution and Community Resolution.  

3.3.3 Conditional Cautions

*Eligibility*

Adult Conditional Cautions are offered where an individual is aged 18 or over, admits the offence, and “there is sufficient evidence for a realistic prospect of conviction and when the public interest can best be served by an offender complying with suitable conditions rather than a prosecution” (Ministry of Justice, 2013; 19). If all of these requirements are met, the Officer must consider the circumstances of the offence and the demeanour and record of the offender before deciding that a Conditional Caution would be an appropriate and effective case disposal. Conditional Cautions are only intended for low-level offending.

*Setting conditions*

The Criminal Justice Act 2003 dictates that conditions attached to a Caution must be: proportionate to the offence; achievable and appropriate (Crown Prosecution Service, n.d.). Further, the Criminal Justice Act 2003 dictates that steps should be taken at a local level by the police, Crown Prosecution Service and National

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13 Police Innovation Fund 2017/18 – Quarter 3 return.
14 Unless otherwise specified, all references to Conditional Cautions within this report relate to adult Conditional Cautions. Youth Conditional Cautions can also be issued under the amended Crime and Disorder Act 1998 but are not discussed in detail in this report because Cambridgeshire and Peterborough’s deferred prosecution scheme targets adult offenders only.
Probation Service (NPS) to identify agencies, groups or organisations (voluntary or statutory) which provide courses or other activities that might form part of a Conditional Caution (Crown Prosecution Service, n.d.).

Monitoring and compliance

Robust monitoring of compliance with the conditions of a Caution is essential, as dictated in the Criminal Justice Act 2003 (Crown Prosecution Service, n.d.). It is the responsibility of the offender to show that the conditions have been met, and the conditions should therefore be expressed in a way that makes it clear to the offender what is required, by when, and what will be acceptable as evidence that it has been done. Further, depending on the nature of the condition it may be appropriate for other agencies managing the Conditional Caution to monitor performance and report to relevant prosecutor any failure to comply. Failure to comply with any of the agreed conditions means that the offender may be prosecuted for the original offence.

3.4 Evidence for deferred prosecution programmes

A literature review conducted as part of this evaluation found evidence that deferred prosecution may have a positive impact on reoffending rates and on demand, and consequently costs, for the criminal justice system. Limited evidence was available that deferred prosecution schemes effectively improve wider outcomes for offenders, such as addressing offending-related behaviour.

3.4.1 Reducing reoffending

There is some evidence within the reviewed literature that offenders who receive deferred prosecution, such as OoCDs, have lower reoffending rates than those who receive court disposals (Maki, 2015; Criminal Justice Joint Inspection, 2011; Office for Criminal Justice Reform, 2010; Blakeborough and Pierpoint, 2007).

Figure 9 shows reoffending rates for adults receiving different types of disposal in 2007, as reported by the Office for Criminal Justice Reform (2010). This indicates that in 2007 offenders receiving OoCDs had lower reoffending rates than those who were released from custody or who commenced court orders in the same year. However, the variation in reoffending was reported to primarily reflect differences in offenders’ characteristics, such as age and gender, and offending history (Office for Criminal Justice Reform, 2010).

Figure 9: Reoffending rates – adults receiving PND/Caution/ reprimand/warning/Court Order, 2007

<table>
<thead>
<tr>
<th>Disposal</th>
<th>Reoffending rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penalty Notice for Disorder</td>
<td>25%</td>
</tr>
<tr>
<td>Reprimand, warning or Caution</td>
<td>19%</td>
</tr>
<tr>
<td>Adults released from custody/commencing court order</td>
<td>39%</td>
</tr>
</tbody>
</table>

Source: Office for Criminal Justice Reform, 2010
A review of reoffending 12 months after use of OoCDs found that reoffending rates are lowest for restorative justice disposals (nine out of 40 cases where reoffending was recorded) and ranged from 18 to 22 out of 50 cases where offending was recorded for Conditional Cautions, compared to 40 out of 50 for those charged in court (Criminal Justice Joint Inspection, 2011).

There is also some evidence that deferred prosecution schemes designed specifically for offenders who misuse drugs might be effective in reducing recidivism. For example, one study found tentative evidence that diversion programmes re-directing drug-involved offenders away from the criminal justice system into specialist drug court programmes and other interventions can result in reduced criminal recidivism (Harvey et al., 2007). Further, an evaluation of police drug diversion interventions in Australia found that the majority of diversion participants did not reoffend 12 to 18 months following receiving the Caution, and there was a decline in the rate of offending (Ogilvie and Willis, 2009).

Equally, evidence suggests that diversion programmes for offenders with mental health issues, such as mental health courts, can be effective in reducing reoffending. Reviews of mental health court studies reveals that these programmes may be moderately effective treatments for reducing recidivism (Cross, 2011; Sarteschi et al., 2011).

3.4.2 Demand and cost for criminal justice system

There is also some evidence within the reviewed literature that deferred prosecution, such as the use of OoCDs, is cost-effective, or is perceived to be cost-effective (Maki, 2015; Criminal Justice Joint Inspection, 2011; Office for Criminal Justice Reform, 2010; Blakeborough and Pierpoint, 2007).

Figure 10 presents data from analysis of cost implications for criminal justice agencies of different types of disposals (Office for Criminal Justice Reform, 2010). This indicates that all OoCDs were cheaper than prosecution. Conditional Cautions were, however, found to be the most expensive form of OoCD.

Further, a review of 190 cases across five police forces across England and Wales found clear time benefits for some OoCDs (Criminal Justice Joint Inspection, 2011). For example, PNDs issued on the street were reported to save nearly three hours of police time when compared to at a police station after arrest. However, Conditional Cautions were reported to take on average an extra hour compared to a Simple Caution.
3.4.3 Addressing the causes of offending

The literature review found limited outcomes-based evidence that deferred prosecution schemes successfully support offenders to address the causes of their offending. However, practitioners involved in a Conditional Cautioning scheme across six police force areas reported that it helped to address the causes of crime (Blakeborough and Pierpoint, 2007).

As with impact on reoffending, some evidence is available that deferred prosecution schemes specifically for offenders who misuse drugs may have a positive impact on offending-related behaviour. For instance, one study found tentative evidence that diversion programmes re-directing drug-involved offenders away from the criminal justice system into specialist drug court programmes and other interventions reduced drug use and possibly improved psychological functioning (Harvey et al., 2007).

3.4.4 Evidence from specific programmes

Turning Point

Stakeholders involved in developing the Conditional Caution scheme in Cambridgeshire and Peterborough reported that early evidence from Turning Point informed their decision to introduce the scheme. Turning Point is a structured deferred prosecution scheme in Birmingham, whereby eligible offenders are diverted from prosecution onto a “Turning Point Contract”. It was implemented in phases, beginning in November 2011.
Compared to standard prosecution, a randomised controlled trial involving 414 offenders has linked three key impacts to the Turning Point programme (Neyroud, 2017; Slothower et al., 2017):

- 36% reduction in crime harm in the two years following initial arrest\(^{15}\).
- 34% increase in "justice" imposed, i.e. the extent of the consequences to the offender of having offended\(^{16}\).
- 45% reduction in cost of justice to courts, CPS and police. (The reduction in police costs was identified 25%).

No evidence was found regarding the impact of the programme on offending-related needs or offender compliance to conditions.

**Other programmes**

An analysis of reviews of 18 different deferred prosecution schemes (including Operation Turning Point) showed that:

- 11 of the 18 programmes were found to have a positive impact on reoffending rates. Of these, one had an evidence quality rating of 5 and four had an evidence quality rating of 3\(^{17}\).
- Six of the 18 programmes were found to have a positive impact on the demand for and costs of the criminal justice system. Of these, one had an evidence quality rating of 5 and two had an evidence quality rating of 3.
- Additional positive outcomes resulting from engagement with one or more programme included: reduced drug and alcohol use; improved mental health; improved quality of life; improved physical health status; increased utilisation of support services; reduced anti-social behaviour in the community; increased levels of empathy; and increased resilience.
- A consistent theme amongst successful deferred prosecution and diversion programmes was the involvement of rehabilitative services, and programmes to address the causes of crime that were tailored to the needs of the offender and offence committed. In comparison, programmes which showed less evidence of positive outcomes were more likely to involve more generic services and interventions.

\(^{15}\) This is estimated according to the Cambridge Crime Harm index. Reduction in prevalence of reoffending was only 6% and reduction in frequency was 11% (of which 5% was due to chance) for the Turning Point cohort in comparison to prosecution-as-usual.

\(^{16}\) Available documentation does not provide transparency on the methodology deployed by the RCT team in this calculation.

\(^{17}\) The Maryland Scientific Methods Scale (SMS) has been adapted for the purpose of this report to assess the robustness of programme evaluator’s research methods. Each programme is provided with a level from one to five, with five signifying the evaluator has used the most robust research methods to evaluate the programme. A breakdown of Maryland Scientific Methods Scale and how each level has been applied in this report can be found in Appendix C.
3.5 **Key components of deferred prosecution programmes**

A number of reviews have identified key factors in the effectiveness of deferred prosecution programmes. These include:

- Effective and ongoing training for staff using the scheme (Guiney and Earle, 2017; Slothower et al., 2017; Blakeborough and Pierpoint, 2007).

- Efficient and straightforward administration processes, including fit-for-purpose IT systems (Slothower, 2014; Blakeborough and Pierpoint, 2007).

- Provision of decision-making IT support and tools, which can improve treatment integrity (Slothower et al., 2017).

- A structured approach to explaining the Conditional Caution disposal to victims and listening and taking account of the victim’s concerns, which improves victim satisfaction with the scheme (Slothower et al., 2017).

3.6 **Local evidence of need**

Cambridgeshire and Peterborough OPCC and Cambridgeshire County Council undertook a strategic needs assessment for offenders in 2016. This provides information on the numbers and needs of offenders in the county, which contextualises the Conditional Caution scheme.

3.6.1 **Number of offenders**

Figure 11 summarises the number of unique offenders who had contact with the police and other related services in the county in 2016. There were 7,659 unique offenders known to Cambridgeshire Constabulary in 2016\(^{18}\), of whom 6,035 were living within the county. The extent of overlap between offenders known to the police and offenders known to other criminal justice services is not known.

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\(^{18}\) An offender known to the police is an individual who has received a formal charge from the constabulary. An offender known to probation services (National Probation Service and Community Rehabilitation Companies) or Youth Offending Service is an individual who has been convicted of an offence and is being managed by one of those agencies.
The number of people vulnerable to offending in Cambridgeshire & Peterborough (as determined by early childhood experiences or risk factors) is not quantified (Cambridgeshire Research Group, 2017).

3.6.2 Needs of offenders

The strategic needs assessment found evidence of a high prevalence of offending-related needs in the offender population in Cambridgeshire and Peterborough. This indicates that a scheme like the Conditional Caution scheme may be useful in providing an opportunity to direct offenders towards services to address these needs.

The strategic needs assessment found common trends among both juvenile and adult offenders with high prevalence of needs regarding (Cambridgeshire Research Group):

- Mental health.
- Housing.
- Education, training and employment.
- Drug and alcohol issues.

Finance is also an important need among adult offenders, particularly female offenders.

In many cases these needs will contribute to offending behaviour, but contact with the criminal justice system can also lead to or exacerbate these issues for offenders.

Figure 12 shows offending-related needs identified in the 1,514 offenders known to CRCs in Cambridgeshire and Peterborough who underwent a needs assessment in 2016. The vast majority (94%) had more than one need that was

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A prison reception is when a person starts a new sentence at HMP Peterborough. This includes prison recalls. At any one time HMP Peterborough has approximately 1200 prisoners.
identified as being linked to their offending behaviour and the high proportion of offenders in this group to have three or more needs (73%) is striking. It should be noted that these figures exclude offenders known to CRCs who did not have a full needs assessment, and therefore the sample is likely biased towards offenders with (evident) needs within the CRC cohort.

*Figure 12: Offenders known to CRCs who have undergone a needs assessment, by number of needs identified as related to offending behaviour*

<table>
<thead>
<tr>
<th>No. of needs assessed as linked to behaviour</th>
<th>No. of adult offenders to have been assessed</th>
<th>% of adult offenders who have been assessed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>87</td>
<td>6%</td>
</tr>
<tr>
<td>2</td>
<td>325</td>
<td>21%</td>
</tr>
<tr>
<td>3</td>
<td>286</td>
<td>19%</td>
</tr>
<tr>
<td>4</td>
<td>224</td>
<td>15%</td>
</tr>
<tr>
<td>5</td>
<td>201</td>
<td>13%</td>
</tr>
<tr>
<td>6</td>
<td>161</td>
<td>11%</td>
</tr>
<tr>
<td>7</td>
<td>101</td>
<td>7%</td>
</tr>
<tr>
<td>8 to 10</td>
<td>129</td>
<td>9%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1514</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

*Source: Cambridgeshire Research Group, 2017*
4 Key components of Conditional Caution scheme

4.1 Overview

This chapter outlines the key components of the deferred prosecution scheme in Cambridgeshire and Peterborough. The implementation of the scheme is then considered in chapter 6.

4.2 Key findings

Figure 13 summarises the key components of the Conditional Caution scheme in Cambridgeshire and Peterborough. This is drawn from programme documentation, particularly the original application and quarterly reports to the PIF, and also from interviews with key stakeholders involved in the design and implementation of the scheme.
## Aims

**Core aims:**
- Tackle the root causes of early offending behaviour through a Conditional deferred prosecution.
- Provide a foundation for multi-agency pathways to reduce demand on policing and other services.

**Additional aims**
- Intervening early to support low-level offenders to address the root causes of their offending and improve offender outcomes.
- Reducing reoffending and escalation in severity of offences.
- Diverting low-level offenders from prosecution and promoting a proportionate response.
- Reducing demand on criminal justice services, and reducing related costs.
- Reducing demand for higher-intensity support and wrap-around services, and avoiding related costs.
- Supporting a culture change in the police.

### Target audience

Early stage offenders with between 0 and 7 previous offences who commit an offence with a lower score on the Crown Prosecution Service gravity matrix.

### Inputs

- **Expenditure:** £2,480,766 over two years\(^20\).
- **Funding source:** £250,000 annually for 2016/17 and 2017/18 from the Home Office Police Innovation Fund (for developing the deferred prosecution process and joining up service pathways); plus additional funding from the OPCC’s crime and disorder reduction grants.

### Activities

- Police officers issuing Conditional Cautions.
- Offender Hub administering and monitoring Cautions.
- Building relationships with partner agencies and establishing offender pathways.
- Promotion and training about Conditional Caution scheme to police stations and other relevant staff.
- Supervision and challenge regarding Conditional Caution decisions.
- In the case of non-compliance, make contact with offender to establish whether any reasonable excuse exists for that non-compliance. If none exists, refer case to court.

### Outputs


### Intended outcomes

- Reduced reoffending.
- Reduced demand and costs associated with offending.
- Offenders address their offending-related needs before they escalate.
- Efficiency savings of £1.5m over the scheme’s first two years were anticipated in the original PIF application\(^21\).

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\(^20\) Project financial information provided by OPCC.

\(^21\) Original funding application to Police Innovation Fund, provided by OPCC.
4.3 Aims

The aims of Cambridgeshire and Peterborough’s deferred prosecution scheme project, as outlined in the original funding application, are to:

- Tackle the root causes of early offending behaviour through a Conditional deferred prosecution.
- Provide a foundation for multi-agency pathways to reduce demand on policing and other services.

Interviewed stakeholders in Phase 1 and Phase 3 had a common understanding of the aims and objectives of the deferred prosecution scheme in Cambridgeshire and Peterborough, and they expanded on the aims outlined in the funding application. They described the aims as:

- Intervening early to support low-level offenders to address the root causes of their offending and improve offender outcomes.
- Reducing reoffending and escalation in severity of offences (via more effective early intervention).
- Diverting low-level offenders from prosecution and promoting a proportionate response to their offences.
- Reducing demand on criminal justice services, and reducing related costs.
- Reducing demand for higher-intensity support and wrap-around services resulting from escalating need and offending, and avoiding related costs.
- Supporting a culture change in the Police at local and national level to support offenders to address their needs, rather than simply punish offenders.

For a minority of stakeholders, the capacity to ensure recompense to victims through a restorative justice approach was also a key objective.

4.4 Target audience

The scheme is for early stage adult offenders with between 0 and 7 previous offences who commit a low level offence, i.e. an offence with a lower score on the Crown Prosecution Service gravity matrix.

The case must meet several key criteria:

- The suspect has made a clear and reliable admission of the offence.

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22 Cambridgeshire and Peterborough OPCC (no date). Offence resolution – Adult Conditional Cautions, provided by OPCC.
• There is a realistic prospect of conviction if prosecuted.

• It is in the public interest to use the Conditional Caution as a means of disposal.

If all the above requirements are met, the issuing officer must consider the circumstances of the offence and the demeanour and record of the offender before deciding whether a Conditional Caution would be an appropriate and effective case disposal.

4.5 Inputs

4.5.1 Expenditure

Actual project expenditure was £2,480,766\(^{23}\) over the two years of delivery (£1,276,352 in 2016/17 and £1,204,414 in 2017/18). This was £97,802 lower than the £2,578,568 of resourcing that was anticipated in the original bid (£1,271,284 in 2016/17 and £1,307,284 in 2017/18).

4.5.2 Distribution of expenditure

Figure 14 shows the anticipated breakdown of total expenditure for the project as per the original PIF application. Actual expenditure data was provided in a format that does not permit such a detailed breakdown for the full term of the project. As such, it is not known to what extent the actual distribution of funding reflects the planned distribution. A limited breakdown of actual expenditure in 2016/17 and in 2017/18 is available in section 6.5.

*Figure 14 Breakdown of predicted expenditure, 2016/17 and 2017/18*

![Distribution of predicted expenditure](source)

\(^{23}\) This is based on project financial information provided by the OPCC.
4.5.3 Funding source

Of this total expenditure, £250,000 per year came from the Home Office Police Innovation Fund. This funding was to be focussed on joining up service pathways, with a particular focus to "hasten the change, ensuring the benefits of devolution can be maximised as early as possible". The remaining funding was secured through the OPCC's crime and disorder reduction grants and includes contribution to other agencies’ core funded services which deliver the interventions supporting this approach.

4.6 Activities

4.6.1 Deferred prosecution process

Figure 15 summarises the approach to all deferred prosecutions in Cambridgeshire and Peterborough. As highlighted in section 3.3 above, since February 1 2018 only two possible deferred prosecution packages remain in use in Cambridgeshire and Peterborough: Conditional Caution and Community Resolution.

24 Original funding application to Police Innovation Fund, provided by OPCC.
Figure 15: Cambridgeshire and Peterborough approach to deferred prosecution

Source: Original funding application to Police Innovation Fund (received from client).
4.6.2 Conditional Caution process

Overview

Figure 16 outlines the key stages of the Conditional Caution route within the wider deferred prosecution approach, as described in the original PIF application.\textsuperscript{25}

\textit{Figure 16: Key stages in Conditional Caution scheme}

- **Stage 1.** Police identify suitable individuals through gatekeeping processes, pending compliance with conditions for dealing with issues underpinning their behaviour.
- **Stage 2.** A swift multi-agency assessment process occurs through the virtual multi-agency hub, which enable appropriate conditions to be set and agreed with offender.
- **Stage 3.** Conditions will be chosen from a bespoke ‘menu’ of support including support relating to debt management, housing issues and anger management.
- **Stage 4.** Compliance will be monitored throughout and if conditions are not met, prosecution of offender will continue.

Setting conditions

Figure 17 summarises the process for setting conditions, as described by stakeholders. In some cases an offender will be seen by the Liaison and Diversion Service (LaDS) for a needs assessment prior to the issuing of their Caution. In these cases, the LaDS worker can advise the issuing officer regarding appropriate conditions targeting the offender’s needs. However, in other cases offenders are not seen by LaDS prior to the issuing of the cautions. In these circumstances the conditions are decided by the issuing officer based on their own judgement. Stakeholders reported that there is no scope for LaDS involvement in the process if the Conditional Caution is issued outside of custody.

\textsuperscript{25} Original funding application to Police Innovation Fund, provided by OPCC.
Cambridgeshire Constabulary’s Conditional Caution menu describes that a maximum of five conditions should be applied to each Conditional Caution, from the following types\(^{26}\):

- **Rehabilitative**: “Conditions which help to modify the behaviour of the offender, serve to reduce the likelihood of reoffending or help to reintegrate the offender into society”. E.g. conditions relating to financial difficulties, anger management and alcohol/drug misuse/addiction.

- **Reparative**: “Conditions which serve to repair the damage done either directly or indirectly by the offender”. E.g. repairing damage caused to a property, compensation, and letters of apology.

- **Restorative justice**: “brings those harmed by crime or conflict and those responsible for the harm together within a controlled environment to enable them to work together to improve their mutual understanding of an issue”. Every Conditional Caution where there is a victim must contain this condition.

- **Punitive**: Condition where a financial penalty is set. This is used where no Rehabilitative or Reparative conditions are appropriate.

### 4.6.3 Offender Hub activities

The Conditional Caution scheme is administered via a virtual offender “hub” (referred to hereafter as the Offender Hub) which is intended to work across all

\(^{26}\) Offender Hub – Conditional Cautions Menu Cambridge, provided by OPCC.
partner organisations to develop effective and efficient evidence-based sustainable pathways between services.

Stakeholder interviews and programme documentation indicate key activities for the Offender Hub team as follows:

- Building relationships with partner agencies and establishing offender pathways.
- Promotion of Conditional Caution scheme to police stations.
- Training for police officers, solicitors and other relevant practitioners.
- Supervision and challenge regarding Conditional Caution decisions.
- Monitoring issuing of Conditional Cautions and compliance at the Offender Hub, and reporting.
- In the case of non-compliance, make contact with offender to establish whether any reasonable excuse exists for that non-compliance. If none exists, refer case to court.

4.7 Outputs

4.7.1 Number of Conditional Cautions issued

The original application based its calculations for anticipated savings on a predicted initial cohort of 200 offenders passing through the Conditional Caution scheme per year.

As Figure 18 shows, the scheme has surpassed this anticipated volume of Conditional Cautions: in the 18 months from September 2016 to February 2018, 607 Conditional Cautions were issued. On average this is 34 Conditional Cautions issued per month. There was some month-to-month fluctuation in the numbers of Conditional Cautions being issued, however, the trend over time is for an increase.
4.7.2 Types of Condition attached to Conditional Cautions

Data were not available on the types of Conditions issued to all offenders who received Conditional Cautions between September 2016 and February 2018. However, anonymised data for the first 140 offenders to be issued with a Conditional Caution (September 2016 and March 2017) provides a breakdown of the types of Condition issued during this period. These data indicate that the most commonly-issued Condition type over the first six months was rehabilitative, followed by reparative. Generally, individuals received more than one Condition, with a mean of 1.6. The most common combination of Conditions to be issued was rehabilitative and reparative. 42 individuals (30%) received this combination of Conditions.

If it is assumed that the proportion of each type of Condition issued remained consistent across the whole period, it is possible to estimate the total number of Cautions issued between September 2016 and February 2018 with each type of Condition. This is summarised in Figure 19.
### Figure 19: Types of Condition attached to Conditional Cautions

<table>
<thead>
<tr>
<th>Condition type</th>
<th>Actual number issued Sept 16 – March 17</th>
<th>Percentage of total Cautions Sept 16 – March 17 including this Condition type</th>
<th>Estimate of number issued Sept 16 – Feb 18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rehabilitative</td>
<td>103</td>
<td>74%</td>
<td>447</td>
</tr>
<tr>
<td>Reparative</td>
<td>73</td>
<td>52%</td>
<td>317</td>
</tr>
<tr>
<td>Restorative</td>
<td>52</td>
<td>37%</td>
<td>225</td>
</tr>
<tr>
<td>Punitive</td>
<td>4</td>
<td>3%</td>
<td>17</td>
</tr>
</tbody>
</table>

#### 4.8 Intended outcomes

The PIF application states that the Conditional Caution scheme is focussed on two key outcomes:

- Reducing reoffending.
- Reducing demand and costs associated with reoffending.

Additional benefits of the project proposed in the PIF application include:

- Savings from court processes and related police time, and longer term savings through reduced demand across agencies.
- The root causes of an individual’s offending behaviour will be addressed early, before they escalate and require more costly interventions, while holding over the prospect of prosecution to ensure the compliance.
- Holding the offender to account for their behaviour, but not adversely affecting the rest of their life with a criminal record.
- Ensuring the delivery of the most appropriate interventions by fewer agencies where previously many organisations may have acted independently, often duplicating services and giving conflicting advice and assistance.
- Multi-agency working to ensure that every contact offenders have with services reduce their likelihood of reoffending.
- Increased victim satisfaction.

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27 Columns involving known data are shaded in light green. Those based on estimates are shaded in light yellow.  
28 Police Innovation Fund review at Quarter 3, 2016-17, provided by OPCC.
• Freeing up police time to focus on core policing matters, ensuring that the issues causing offending behaviour are tackled by the most appropriate agency.

• The potential for prosecution should increase the motivation of the offender to get issues dealt with.

Stakeholders interviewed in Phase 1 and Phase 3 had a common understanding of the intended impacts and outcomes of the deferred prosecution scheme in Cambridgeshire and Peterborough, which reflected those outlined in the initial funding application.

4.9 Anticipated savings

In the original funding application, efficiency savings of £1.5m in 2017-18 were anticipated as a result of the deferred prosecution scheme. A further annual efficiency saving of £750,000 was predicted annually between 2018/19 and 2021/22. This estimation assumed an initial cohort of 200 offenders per year, and was based on:

• Early findings from Operation Turning Point which showed savings of £1,000 per case in terms of court costs and police time.

• Longer-term aspirational efficiency savings including reducing reoffending and thereby reducing related demand and costs and easing pressures elsewhere in the criminal justice system. These estimations are based on findings from Phase One of the Troubled Families Programme.

Cambridgeshire and Peterborough OPCC anticipated achieving these efficiency savings and effectiveness benefits through:

• Good case management across agencies.

• Better informed decisions at first point of contact with the criminal justice system.

• Earlier interventions, rather than costly later interventions and court processes.

• Longer-term aspirational efficiency savings including reducing reoffending and thereby reducing related demand and costs and easing pressures elsewhere in the criminal justice system.

However, the OPCC’s Q3 PIF return for 2016/17 highlighted that, beyond initial savings on court and related process costs, it is difficult to predict the scale of potential savings possible through reduced demand across agencies.

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29 Original funding application to Police Innovation Fund, provided by OPCC.
30 Police Innovation Fund review at Quarter 3, 2016-17, provided by OPCC.
5  Impact of the Conditional Caution scheme

5.1  Key findings

The evaluation found evidence that the Conditional Caution scheme has resulted in offenders being diverted away from prosecution for the offence for which the Caution was issued.

Based on a total of 607 offenders who received a Conditional Caution between September 2016 and February 2018 and the compliance rate of 84% (as at 31 December 2017), up to 510 offenders have likely been diverted away from prosecution. Consultation with scheme stakeholders supports this finding.

Findings from the reoffending data study indicate that the Conditional Caution scheme is not associated with a lower-than-expected reoffending rate across all offenders who participate. The average OGRS score for offenders in the sample was 21, which equates to a 21% risk of reoffending in one year from the index offence (in this case, the offence for which the Conditional Caution was issued). The actual reoffending rate for offenders including in the data study sample was 21.4% (30 of 140 offenders reoffended in the one-year period following their Conditional Caution offence). Therefore the actual reoffending rate was the same as would be predicted for the offenders in the sample.

There is, however, evidence from the data study that the Conditional Caution scheme is associated with a lower-than expected reoffending rate for those at higher risk of reoffending. The 35 offenders in the sample with the highest OGRS scores had an average OGRS score of 47.3, which equates to a 47.3% risk of reoffending within 12 months. The actual reoffending rate for this group was 40%, which is considerably lower than would have been predicted.

The results of the data study also indicate that participation in the Conditional Caution scheme was associated with a reduction in the prevalence of serious offences amongst those who reoffended. The study compared the prevalence of serious index offences (i.e. those which led to an individual receiving a Conditional Caution) for the 140 individuals in the sample to the prevalence of serious reoffences for the 30 individuals in the sample who reoffended in the one year following their Conditional Caution. The prevalence of serious index offences was 30% (42/140), but the prevalence of serious reoffences was 6.7% (2/30). This difference was statistically significant (chi square = 7.0, p<.04), with a very large effect size of 6.0.

There is evidence from the data study and from monitoring data that the Conditional Caution scheme might be contributing to reduced demand and avoiding costs for the criminal justice system. In addition, evidence from consultation with stakeholders indicates that they also believe that receiving a Conditional Caution is reducing demand for criminal justice services, as well
as avoiding associated costs. However, the scale of these reductions is
difficult to estimate based on the available data.

One area in which it was possible to estimate demand and cost avoidance
was for court events avoided as part of the scheme. Estimates indicated that
the cost avoidance as a result of avoided court events could range from
approximately £260,000 to approximately £3,140,000.

In addition, stakeholders reported that it has reduced police time spent on
cases because the Conditional Caution process is quicker and involves less
time for police officers than prosecution in court.

The Conditional Caution scheme has potentially diverted up to 510 offenders
from prosecution over its first 18 months (84% of 607). This will necessarily
have avoided demand for HM Courts and Tribunal service in terms of avoided
court events for offenders who are issued and comply with a Conditional
Caution. Cost estimates suggest that the costs avoided as a result of avoided
court events attributable to the Conditional Caution scheme in the 18 months
between September 2016 and February 2018 were £3,140,384. However, this
figure should be treated with caution for reasons outlined in this chapter.

Despite the aim that demand for and the cost of high intensity support services
this would reduce as a result of the scheme, it seems logical that there is a
potential for demand and costs to increase initially because the scheme
results in additional referrals to local support services, and costs associated
with working with those offenders who are referred under the scheme, attend
for assessment and potentially continue to engage with services which they
may not have accessed otherwise. However, monitoring data were not
available to enable assessment of any impact of the Conditional Caution
scheme on demand and cost for support services.

Evidence from consultation with stakeholders was mixed, but on balance it
appears that stakeholders recognise a current increase in demand for support
services, and related costs, but believe that this may reduce over time as
offenders are supported to address their offending-related needs and
therefore do not require future support from services.

Evidence from consultation with stakeholders and from observation indicated
that the Conditional Caution scheme has improved the opportunity for
participating offenders to access multi-agency support, and also that new
multi-agency pathways have been developed as a result of the Conditional
Caution scheme. There are also examples of specific offenders successfully
navigating multi-agency pathways as a result of being introduced to them by
the scheme.

### 5.2 Overview

This chapter presents findings on the impact of the Conditional Caution scheme.
Evidence is drawn from the evaluation data study, analysis of scheme monitoring
data, observation of scheme activities and consultation with stakeholders, including participating offenders.

5.3 Diversion away from prosecution

5.3.1 Prosecutions avoided as a result of the scheme

The evaluation found evidence that the Conditional Caution scheme has resulted in offenders being diverted away from prosecution for the offence for which the Caution was issued.

The most recent PIF return (for Quarter 3 in 2017/18) states that the compliance rate was 84% at 31 December 2017. This was based on 522 Conditional Cautions and is consistent with the compliance rate based on earlier data.

The most recent available data on the numbers of Conditional Cautions issued indicates that a total of 607 Conditional Cautions were issued through the scheme between August 2016 and February 2018 (see Figure 18 in section 4.7 for more detail). If the compliance rate of 84% is applied to the total of 607, it indicates that the scheme has potentially diverted up to 510 offenders from prosecution over its first 18 months (84% of 607).

The actual number of diversions is likely to be slightly lower, because some of these offenders would likely have been issued with another type of OoCD if the Conditional Caution were not available, rather than prosecuted in court. An analysis of case studies indicates that the majority of cases would have been prosecuted in court if they had not been diverted to the Conditional Caution scheme (out of 20 offender case studies, 80% would most likely have been prosecuted in court, 10% issued a simple caution and 10% were equally as likely to be prosecuted or issued with a simple caution).

Stakeholder interview and survey data supports this finding. The majority of stakeholders in interview reported that the rate of compliance with conditions and avoidance of prosecution for the offence in question was relatively high for the scheme. Many stakeholders had access to the project monitoring data and were able to base their judgement on this data.

However, for some this judgment was more impressionistic, based on their experience of being involved in delivering the scheme:

“When we issue a CC we rarely get info back that the case has to be prosecuted, meaning that they must have complied.”

The stakeholders surveyed agreed that the scheme not only achieves high compliance but is successful at diverting offenders away from prosecution.

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31 In addition, updated data provided by Cambridgeshire Constabulary in April 2018 indicated that the compliance rate as at 26 April was 83%, which is also consistent with earlier reporting.
The majority of respondents stated that at least three quarters but not all offenders who participated in the scheme complied with the conditions of their caution (9 out of 14). Half of respondents (7 out of 14) reported that at least three quarters but not all offenders who participated in the scheme avoided prosecution for the original offence (7 out of 14) and an additional respondent said that more than half but less than three quarters of offenders avoided prosecution (1 out of 14).

5.3.2 Impact on local prosecution rates

There was also evidence that stakeholders believe that the Conditional Caution scheme is having an impact on local prosecution rates. However, no data on prosecution rates at local courts were available during the evaluation so this cannot be substantiated by quantitative evidence.

The majority of survey respondents agreed or strongly agreed that the conditional caution scheme reduced prosecution rates (10 out of 13). This view was shared by the majority of stakeholders interviewed. They stated they were confident that the scheme will have had a downwards impact on local prosecution rates, although many highlighted that it was not possible to attribute any reduction directly to the scheme. For example, one stakeholder commented that:

“We are seeing something in the order of 1,100 cases managed through this route, so it’s of significant impact to have that amount of offending being re-routed. Historically we used have 6 to 8 courts and we are now down to 3 based on reduced demand. But this [the Conditional Caution scheme] is one of many factors.”

In contrast, a minority of stakeholders were doubtful that the scheme was having any impact on local prosecution rates. They noted that the offenders eligible for the scheme are those who are most suitable for an OoCD in any case, i.e. it is not from court prosecution that they are diverted, but from another form of OoCD.

However, for these stakeholders the Conditional Caution scheme provides an opportunity to reduce local prosecution rates in the future:

“…as we expand into the small number of cases that would have gone to court but where a better outcome may be available [through the Conditional Caution scheme].”

5.4 Reoffending

5.4.1 Likelihood of reoffending for offenders receiving a Conditional Caution

Impact on reoffending rates for participating offenders

Findings from the data study indicate that the Conditional Caution scheme is not associated with a lower-than-expected reoffending rate across all offenders who participate. However, there is evidence that it is associated with a lower-than-expected reoffending rate for those at higher risk of reoffending.
These findings are based on comparing the average Offence Group Reconviction Score (OGRS) scores\(^{32}\) – a score predicting an offender’s likelihood of reoffending over a one-year period – for the 140 offenders included in the data study to the actual reoffending rate of these offenders.

The average OGRS score for offenders in the sample was 21, which equates to a 21% risk of reoffending in one year from the index offence (in this case, the offence for which the Conditional Caution was issued). The actual reoffending rate for offenders including in the data study sample was 21.4% (30 of 140 offenders reoffended in the one-year period following their Conditional Caution offence). Therefore the re-offending rate was the same as would be predicted for the offenders in the sample.

However, in order to explore reoffending more carefully individuals were classified into four equal sized risk categories based on their OGRS scores (n=35 for each group), and this was compared to the observed prevalence of reoffending for that group. The results are presented in Figure 20. This shows that for the Low and Medium-Low group the actual level of reoffending was similar, but slightly higher than the average reoffending predicted by OGRS. The Medium risk group reoffended at a higher rate than predicted, but most importantly the highest risk group appeared to reoffend at a level lower than expected.

This suggests that the Conditional Caution scheme was associated with better than expected reductions in reoffending for the highest risk group.

**Figure 20: Reoffending by risk category**

<table>
<thead>
<tr>
<th>Risk level</th>
<th>OGRS score range</th>
<th>Mean OGRS score</th>
<th>Actual reoffending rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>3 – 8%</td>
<td>7.0%</td>
<td>8.6%</td>
</tr>
<tr>
<td>Medium-Low</td>
<td>8 – 14%</td>
<td>10.9%</td>
<td>11.4%</td>
</tr>
<tr>
<td>Medium</td>
<td>14-26%</td>
<td>18.4%</td>
<td>25.7%</td>
</tr>
<tr>
<td>High</td>
<td>26-81%</td>
<td>47.3%</td>
<td>40.0%</td>
</tr>
</tbody>
</table>

Despite the evidence from the data study that reoffending rates for those who receive a Conditional Caution are as might be expected for the scheme, evidence from consultation with stakeholders indicates that they believe that receiving a Conditional Caution is reducing the likelihood of offenders reoffending.

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\(^{32}\) The OGRS is an actuarial risk assessment measure which provides a prediction of an individual’s likelihood of reoffending over a one-year period. This measure is based on an individual’s gender, their age at the index offence (in this case the offence for which the Conditional Caution was issued), the type of index offence and their speed of accruing criminal convictions across the length of their criminal career. This measure has proven to be one of the more accurate risk assessment devices available to predict reoffending (Farrington, Jolliffe and Livingston, 2007), and the summary scores (from 0 - 100) provide an indication of a person’s risk of reoffending.
The majority of survey respondents agreed or strongly agreed that offenders who participate in the scheme, as a result of taking part in the scheme, are less likely to re-offend as a result of taking part in the scheme (11 out of 14).

The majority of stakeholders interviewed also agreed that participation in the scheme made offenders less likely to reoffend. However, these statements were based on varying levels of evidence:

- Some stakeholders reported that they did not know of the impact of the scheme, but based on evidence from previous evaluations and their own reasoning, they theorised that it should be helping to reduce reoffending.

- Some based their assessment on a comparison of reoffending rates for offenders in the Cambridgeshire and Peterborough Conditional Caution cohort with other offender groups that they perceived to be comparable:

  “Our reoffending rate is in the region of 10% whereas nationally the offending rates are 30%.”

  “Reoffending rates for short term prison sentences over 12 months is 70% but for our cohort it is down to just 20%.”

- Others based their judgement on knowledge of positive case studies where the scheme had provided a “life-line” for offenders and transformed their circumstances, thus enabling desistance.

A minority of stakeholders reported that they did not know whether offenders are less likely to reoffend as a result of participating in the scheme.

The majority of offender interviewees also felt that the Conditional Caution meant that they were less likely to get involved in future offending:

*I think you're less likely to offend because someone is actually listening to you - they're not pushing you to the side, and so you don't want to let them down.*

Interviewee three

*[The appointment at Outside Links] made me realise that it's not worth getting into fights. It made me re-think things. Before I wasn't really sorry and I didn't give a shit about what I'd done, but I do now.*

Interviewee five

However, a minority of offender interviewees stated that it would not have an impact on them.

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33 It was not clear which groups of offenders the stakeholder was comparing here.
Factors predicting reoffending

In addition, the data study explored the relationship between compliance with the Conditional Caution and reoffending. Those who complied with their Conditional Caution were significantly less likely to reoffend. 14% of those who complied had a subsequent reoffence compared to over 46% of those who did not (chi square =14.4, p<.0001). The measure of effect suggested that failure to comply increased the odds of reoffending by over 5 times.\(^{34}\)

Logistic regression was used to examine the factors that predicted reoffending. Including the OGRS score in this analysis would have overwhelmed the regression and furthermore, identifying that a measure of reoffending predicted later reoffending was not considered practically useful. Instead the individual factors that were associated with reoffending were included. These were gender, age, number of previous convictions, index offence type, experience of prison and certain conditions (rehabilitative and restorative justice).

The results suggested that only one factor independently predicted reoffending: having previous convictions. That is, having a previous conviction increased the odds of the person reoffending by over 3, controlling for all other demographic and criminal history factors.

Adding knowledge about whether an individual complied or not into the regression\(^ {35}\) changed the results such that three factors predicted reoffending. These were:

- Having a previous conviction.
- Not having a rehabilitative Condition.
- Failing to comply with the Conditional Caution.

The relationship between these factors and reoffending can be seen in Figure 21. This shows that those who had no previous convictions, had a rehabilitative Condition and complied had a prevalence of reoffending of less than 10%. Those who had one of those three factors (i.e., had previous convictions or who did not have a rehabilitative Condition or who did not comply) had a prevalence of reoffending of 23%. Those who had two or three\(^ {36}\) factors had the highest prevalence of reoffending (37%).

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\(^{34}\) A failure to comply may result in a ‘reoffence’, which may explain this finding.

\(^{35}\) It was unclear whether failure to comply with the Conditions of a Conditional Caution would automatically result in what was recorded as a reoffence. The following analyses was based on the assumption that complying with the Conditional Caution was independent of a reoffence.

\(^{36}\) Two and three factors were combined because only seven individuals had all three factors.
5.4.2 Impact on local reoffending rates

There was mixed evidence about the extent to which stakeholders believe that the Conditional Caution scheme is having an impact on local reoffending rates. In addition, no data on offending rates prior to and following the introduction of the Conditional Caution scheme were available during the evaluation so any impact on local reoffending rates cannot be examined.

The majority of survey respondents agreed or strongly agreed that the conditional caution scheme reduced reoffending rates (8 out of 13). On the other hand, when interviewed the majority of stakeholders reported that they did not know the scheme had had on local reoffending rates; they had not yet seen the results of data analysis. A minority reported that early evidence suggests the scheme is contributing to lower reoffending rates. However, a second minority stated that the scheme’s impact on local reoffending rates would be fairly minimal. These stakeholders reported that there were not many prolific offenders participating in the scheme, and therefore as a cohort they were relatively unlikely to reoffend in any case.

5.5 Progression to more serious offending

The results of the data study indicate that participation in the Conditional Caution scheme was associated with a reduction in the prevalence of serious offences\(^{37}\) amongst those who reoffended. The study compared the prevalence of serious index offences (i.e. those which led to an individual receiving a Conditional Caution) for the 140 individuals in the sample to the prevalence of serious

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\(^{37}\) Serious offences were considered to be violence, sexual offences, burglary and motor vehicle theft.
reoffences for the 30 individuals in the sample who reoffended in the one year following their Conditional Caution. The prevalence of serious index offences was 30% (42/140), but the prevalence of serious reoffences was 6.7% (2/30). This difference was statistically significant (chi square = 7.0, p<.04), with a very large effect size of 6.0.

This is corroborated by evidence from consultation with stakeholders, which indicates that they believe that receiving a Conditional Caution is reducing the likelihood of offenders committing more serious offences in the future. For instance, the majority of survey respondents agreed or strongly agreed that offenders who participate in the scheme, as a result of taking part in the scheme, are less likely to commit more serious offences (10 out of 14)

Equally, most of the stakeholders interviewed also reported that participation in the scheme reduces the likelihood of offenders going on to commit more serious offences, referencing similar reasoning as in section 5.4.1. Again, however, a minority commented rather that they did not know as they had not seen any analysis. One stakeholder particularly highlighted the role of the scheme’s early intervention approach, meaning that offenders are able to get support at an early stage in their offending career rather than at a later point, after an escalation in offending.

5.6 Addressing offending-related and wider needs

Evaluating progress against this intended outcome

On the basis of the available evidence, it is challenging to evaluate progress against this intended outcome. A key reason for this is that monitoring data were not available on the number of offenders who have attended services as a result of the Conditional Caution scheme. This includes the numbers who were issued with a rehabilitative or restorative Condition involving attendance at a service and the numbers who were referred onto other services following their attendance under a Conditional Caution.

Equally, monitoring data are not available on the number of clients who remained engaged at a service after attending as part of their Conditional Caution, who engaged with other services to which they were referred/signposted, and who went on to address one or more offending related need.

Therefore the findings in this section are based on qualitative evidence from consultation with stakeholders, including offenders who participated in the Conditional Caution scheme. This evidence is valuable in providing examples of impact for particular offenders, but it is difficult to use it to judge the extent to which this outcome has been achieved across the cohort of offenders taking part in the Conditional Caution scheme.

**Recommendation:** In order to better understand the impact of the scheme on improving wider outcomes for offenders, Cambridgeshire Constabulary and partners should establish systematic feedback mechanisms to identify
whether offenders who receive a rehabilitative Condition involving attendance at a service continue to engage with this service voluntarily. This would require careful consideration of confidentiality and appropriate information sharing but basic information on engagement and progress could potentially be shared with the Constabulary with the informed consent of offenders.

There is evidence from stakeholder consultation, including interviews with offenders, that the Conditional Caution scheme provides offenders who receive a rehabilitative Condition with an opportunity to attend services which help them to identify and address wider needs. Due to the absence of relevant monitoring data for all offenders who have received Conditional Cautions, the proportion of offenders who receive this opportunity and who subsequently go onto engage with services and successfully address wider needs is not known. However, stakeholders were confident that some offenders do engage and achieve positive outcomes as a result of the initial referral from the Conditional Caution scheme, and were able to provide examples of specific offenders for whom this was the case.

5.6.1 Attending services

Monitoring data were not available on the number of offenders who have attended services as a result of the Conditional Caution scheme. This includes the numbers who were issued and complied with a rehabilitative or restorative Condition involving attendance at a service and the numbers who were referred onto other services following their attendance under a Conditional Caution.

However, as discussed in section 4.7.2, anonymised data for the first 140 offenders to be issued with a Conditional Caution (September 2016 and March 2017) indicates that 74% received a rehabilitative Condition, which is likely to have involved attendance at a service for either a needs assessment or other support. If it is assumed that the proportion of each type of Condition issued remained consistent across the whole period in which the scheme has been delivered, this would suggest that approximately 447 have been issued with a Condition which would mandate attendance at a service.

However, the majority of interviewed stakeholders reported that the Conditional Caution scheme results in offenders attending services as a Condition of their Caution. The main examples provided by these stakeholders were Outside Links and substance misuse services. Stakeholders stated that attending as part of the Caution provides offenders with an opportunity to discuss whether they need support to address any offending-related needs and to find out about services which might be able to provide this support.

In the single response received to relevant E-survey questions, one service which receives referrals for offenders through the Conditional Caution scheme reported that, between 1 September 2016 and 31 January 2018, they had received over 40 referrals via the Conditional Caution Scheme. Of these offenders:
5.6.2 Identifying needs

As with attendance, there were no available monitoring data on the number of offenders who had received a needs assessment in connection with their Conditional Caution, either by a LaDS worker prior to receiving the Caution or by Outside links or an equivalent service as a Condition of their Caution.

Several interviewed stakeholders highlighted that the needs assessment is an essential step to ensuring the scheme is able to set appropriate Conditions and bring about positive offender outcomes:

“I think in an ideal world, everyone would get a screening [with LaDS]. Then you would know their situation and be able to help. There’s no point me giving them a fine, when they don’t have any money. But without the screening I don’t know that they don’t have any money. I think investigating officers don’t always understand the Conditional Caution scheme, so sometimes people will apply a fine without full knowledge of their circumstances.”

“Yes, it can lead to other positive outcomes provided the offender gets through the door at Outside Links or the drug service.”

Stakeholders also reported that the needs assessment can improve offender wellbeing by making them feel supported and making it known that there is someone who cares about their outcomes (and that this person is external to their usual peer group).

Efficacy of post-Caution needs assessment: evidence from observation

In the needs assessment that was observed at Outside Links, the assessor had engaged and open body language, made regular eye contact with the offender, had a non-judgemental approach, showed empathy with the offender and understanding of why the offender may have reacted in a particular way given the circumstances. The assessor also deployed tools such as reading aloud what she was writing down in her notes. All of the above enabled the assessor to gain trust and build a rapport with the offender, and over time elicit rich information from the offender regarding the offence and surrounding personal circumstances.
This then formed the basis for discussion around various issues that had emerged during the discussion: alcohol consumption; relationships; jealousy and anger management. The issues were explored, and options for signposting and/or referrals on to relevant services were suggested at several appropriate points throughout the assessment. The offender did not accept the offer, but appeared open to the idea in the future, and was reminded at several points (including at the close of the assessment), that Outside Links would always be open to him if at any point he did want support or advice on any issue.

However evidence from stakeholder interviews and from survey responses indicates that not all offenders are receiving needs assessments. This is in part due to the process of issuing Conditional Cautions described in section 4.6.2, and in part because not all offenders attend or engage with assessment.

The majority of interview respondents who were able to comment on the process of issuing a Conditional Caution suggested that a pre-Caution needs assessment with LaDS frequently did not take place. The reasons provided for this were:

- If the LaDS worker is already at full capacity assessing other people in custody it may not be possible for them to assess the offender before the Caution is issued
- If the offender is not identified as vulnerable or at risk at by the custody officers then he/she might not be referred to LaDS for a needs assessment.

Similarly, half of survey respondents reported that at least three quarters but not all offenders who participated in the scheme attended their initial needs assessment and engaged effectively in this assessment (7 out of 14). The remaining respondents estimated that this proportion was lower or did not know what proportion received or engaged with a needs assessment.

As discussed in section 4.7.2, estimates based on the available data suggest that 74% of offenders are issued with a rehabilitative Condition as part of their Caution, and are therefore likely to be offered a needs assessment at this point.

**Recommendation:** Cambridgeshire Constabulary and Cambridgeshire and Peterborough OPCC should review the approach taken to needs assessment for offenders receiving a Conditional Caution. This includes:

- a.) Determining whether a pre-Caution needs assessment is desirable for all offenders issued with a Caution, to support the setting of rehabilitative Conditions if required.
- b.) Considering the resource implications for LaDS or any other service responsible for pre-Caution needs assessment, in the event that needs assessments are made a pre-requisite of the Conditional Caution.
c.) Deciding on and clearly articulating the relationship between any pre-Caution needs assessment and the needs assessment that can be set as Condition of the Caution.

d.) Determining whether all offenders who receive a Conditional Caution should be required to attend a needs assessment as one of the Conditions of their Caution.

5.6.3 Engaging with services

Like for attendance and needs assessment, monitoring data were not available on whether offenders engaged with the services to which they were referred or signposted. Views from consultation with stakeholders were mixed, with survey respondents more confident than interviewed stakeholders that the Conditional Caution scheme is resulting in offenders engaging with the services to which they are referred.

The majority of survey respondents stated that at least three quarters but not all offenders who participated in the scheme engaged with the services to which they were referred or signposted (8 out of 14).

However, several survey respondents had mixed additional responses about the level of engagement among clients with the conditions of the caution, with some respondents experiencing the majority of clients complying with conditions, and others having found clients more reluctant to engage.

*I have been fortunate in that all the ones I have dealt with have complied with all the criteria set. However, I am sure that some do not.*

Source: survey respondent

*In my experience, persons referred to this scheme generally take the option to have a conditional caution to ensure they escape prosecution through the courts, however are reluctant to engage with service to ensure that the condition is enforced following the issuing of said caution.*

Source: survey respondent

The majority of interviewed stakeholders reported that they were not able to judge the extent to which offenders who accessed services as a result of the Conditional Caution scheme maintained their engagement there. For the most part, these stakeholders reported that they did not have access to information about ongoing engagement because this would be voluntary on the part of the offender and therefore no longer directly connected to the Conditional Caution scheme. A minority of interviewed stakeholders, however, cited specific examples of offenders whom they knew to have engaged beyond the initial attendance required under their Caution.
The case studies also demonstrated that there were occasions in which the Conditional Caution scheme was not able to follow up with participants in order to understand whether the scheme had helped them to address any underlying causes of their offending.

**Ali**\(^{38}\): Conditional Caution with Outside Links appointment, Letter of apology, compensation, and RJ assessment: Evidence from case study

Ali received a Conditional Caution after admitting theft from a motor vehicle, his conditions included writing a letter of apology, paying compensation, attending an appointment with Outside Links, and attending a Restorative Justice assessment. Through the Outside Links appointment Ali was offered free support with anger management, which he could access on a voluntary basis. However, it was not known whether Ali attended or completed the anger management course.

**Sara**\(^{39}\): Conditional Caution with Outside Links appointment with a Restorative Justice assessment: Evidence from case study

Sara received a Conditional Caution after admitting to shoplifting. She received a general assessment with Outside Links and was also referred to a Restorative Justice assessment. Through the Outside Links assessment Sara was referred to the DWP for advice on benefits, but it is not known whether Sara engaged with this service or whether they provided her with any support.

### 5.6.4 Achieving positive outcomes

Again, monitoring data were not available in relation to whether offenders who engaged with services went onto achieve positive outcomes, such as addressing offending-related needs. However, stakeholders who were consulted during the evaluation reported their belief that offenders do address wider needs as a result of the scheme. Some also provided specific examples of offenders achieving positive outcomes.

The majority of survey respondents agreed or strongly agreed that offenders who participate in the scheme experience a positive outcome as a result of their engagement with the scheme or with services that they accessed because of the scheme (10 out of 14).

In the single response received to relevant E-survey questions, one service which receives referrals for offenders through the Conditional Caution scheme reported that, between 1 September 2016 and 31 January 2018, of the 20 clients who continued to engage with the service voluntarily 16 achieved one

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\(^{38}\) Not the offender’s real name.

\(^{39}\) Not the offender’s real name.
or more positive outcomes. The most common areas in which clients were reported to have achieved positive outcomes were:

- Substance misuse (16 clients out of 20).
- Mental health (14 clients out of 20).
- Physical health (14 clients out of 20).
- Offending behaviour (10 clients out of 20).

The majority of interviewed stakeholders also reported that offenders experience positive outcomes as a result of the scheme (other than avoidance of prosecution). They reported that this is because the scheme enables offenders to identify needs and access support (mandated and voluntarily) that often they would not otherwise have accessed and that stakeholders believe to lead to positive impacts for them.

The majority of interviewed offenders who had received a Conditional Caution reported that they had seen positive changes in themselves as a result of the Conditional Caution scheme. These changes varied significantly from person to person, and included:

- Feeling calmer.
- Reducing drug use.
- Moving into temporary accommodation and so no longer being homeless.
- Gaining a more positive and motivated attitude:

  The month of the offence I had lost my job, lost my partner, lost my tax credits. But Outside Links encouraged me to sort myself out. Now I've got a new job and I've saved up for a car. It's completely changed my life around. I've made up my mind to move my life onwards and upwards

  Interviewee five

Roxana40 – Conditional Caution with rehabilitative Conditions to attend Outside Links and Aspire: evidence from interview with offender

Roxana received a Conditional Caution after being arrested for drug possession. To address her drug use she received appointments with Outside Links and Aspire. As a result of her initial appointment with Aspire, Roxana was referred to the Aspire foundation group, which she attended for two months. Roxana felt that the group was friendly and understanding, helped her to change, and that it was the right time for her to address her

40 This is not the offender’s real name.
drug use. Roxana disagreed with the group’s strict conditions around punctuality but remained engaged with the programme for its duration.

Overall, Roxana reported that she found the Conditional Caution preferable to court as the Conditional Caution avoided the stress and upset of going to court, which had previously exacerbated her drug use. Roxana stated that as a result of attending Aspire her drug use had reduced, both from using multiple drugs to using one drug, and also cutting down her daily spend on drugs from £100 to £20 over the course of three months.

Roxana’s case provides an example in which the Conditional Caution helped an individual to access additional support to address the underlying causes of their offending behaviour and diverted them away from circumstances that may have exacerbated offending behaviour. However, it’s important to note that in addition to being offered that support, Roxana also felt that she was at a point when she felt ready to accept help and address her drug use. Roxana’s attitude emphasises that offenders themselves play a role in determining whether the Conditional Caution is effective in addressing offending related needs.

5.7 Demand and costs for criminal justice services

There is evidence from the data study and from monitoring data that the Conditional Caution scheme might be contributing to reduced demand and costs for the criminal justice system. In addition, evidence from consultation with stakeholders indicates that they also believe that receiving a Conditional Caution is reducing demand for criminal justice services, as well as avoiding associated costs. However, the scale of these reductions is difficult to estimate based on the available data.

As discussed in section 5.4.1, the results of the data study indicate that the scheme has worked best with the individuals at highest risk of reoffending, who tend to be the most costly in criminal justice terms. This suggests that the scheme is likely to reduce demand and costs for criminal justice services by reducing the future contact of these individuals with the criminal justice system.

As noted in section 5.3.1, the Conditional Caution scheme has potentially diverted up to 510 offenders from prosecution over its first 18 months (84% of 607). This will necessarily have avoided demand for HM Courts and Tribunal service in terms of avoided court appearances for offenders who are issued and comply with a Conditional Caution.

Data collated as part of the data study was used to estimate the scale of cost avoidance that might be associated with these avoided court appearances. In order to calculate an estimate, the following steps were taken:

1. The index offences (i.e. the offence for which the Conditional Caution was issued) for offenders in the data study sample were categorised into offence types.
2. The percentage of offenders in the data study sample who committed each offence type were calculated.

3. It was assumed that the percentages of different index offence types in the data study sample were representative of the percentage of different index offence types for all offenders who received a Conditional Caution in the first 18 months and that the compliance rate of 84% was consistent across all offence types.

4. The offence type percentages were then applied to the estimated 510 offenders who have been diverted from prosecution in the first 18 months of the Conditional Caution scheme, in order to provide an estimate of the total number of court events which were avoided for each offence type.

5. Tariffs for court events for different types of offence were taken from the New Economy Manchester Unit Cost Database\(^{41}\) and were multiplied by the estimated number of court events avoided for that offence in order to estimate the total cost avoidance associated with avoided court events attributable to the Conditional Caution scheme.

This approach estimated that the costs avoided as a result of avoided court events attributable to the Conditional Caution scheme in the 18 months between September 2016 and February 2018 were £3,140,384. The estimates for different offence types are presented in Figure 22.

It is important to note that this approach is highly likely to result in an over-estimate of the cost avoidance due to avoided court appearances. This is because:

- The New Economy Manchester database only includes a single tariff for different offence types, which includes more and less serious forms of this offence. As the Conditional Caution scheme targets low-level offending, it is likely that index offences would fall at the lower end of any severity scale, and therefore would result in lower court event costs than an estimate which also takes more serious offences into account.

- The tariffs used do not account for an offender’s plea. Therefore they account for court event costs where offenders have pleaded not guilty, resulting in a trial and greater costs. In the Conditional Caution scheme, offenders have already admitted guilt for the index offence and therefore court time would be reduced by a guilty plea.

- The tariffs are drawn from National Audit Office technical paper, which is focused on longer-term system costs rather than cost savings for individual court events\(^{42}\).

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\(^{41}\) The New Economy Manchester Unit Cost Database is available at: Cost is for 2015 and is taken from the New Economy Manchester Unit Cost Database. Please see: [http://www.neweconomymanchester.com/our-work/research-evaluation-cost-benefit-analysis/cost-benefit-analysis/unit-cost-database](http://www.neweconomymanchester.com/our-work/research-evaluation-cost-benefit-analysis/cost-benefit-analysis/unit-cost-database) for more information. All costs are for 2015.

An alternative, and much more conservative approach, would be to assume that the vast majority of index offences for the Conditional Caution scheme are low-level and therefore to use a tariff for a low-level offence and apply this to all 510 potentially avoided court events to calculate a cost avoidance estimate. For example, criminal damage is the most common low-level offence within the index offences in the data study sample for which a tariff is included in the New Economy Manchester database. The tariff for a criminal damage court event is £511. Assuming that this is a representative cost for all court events avoided as a result of the scheme, this gives a cost avoidance estimate of £260,610 (£511 unit cost multiplied by 510 potentially avoided court events).

Figure 22: Estimated cost avoidance as a result of avoided court appearances, Sep 16 – Feb 18

<table>
<thead>
<tr>
<th>Offence</th>
<th>Percentage as index offence in data study sample</th>
<th>Estimated number of court events avoided Sep 16 – Feb 18</th>
<th>Unit cost of court event</th>
<th>Total court costs avoided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theft&lt;sup&gt;43&lt;/sup&gt;</td>
<td>26.4</td>
<td>135</td>
<td>4,607</td>
<td>621,945</td>
</tr>
<tr>
<td>Violence</td>
<td>25</td>
<td>128</td>
<td>14,603</td>
<td>1,869,184</td>
</tr>
<tr>
<td>Criminal damage</td>
<td>15.7</td>
<td>80</td>
<td>511</td>
<td>40,880</td>
</tr>
<tr>
<td>Drug offence&lt;sup&gt;44&lt;/sup&gt;</td>
<td>13.6</td>
<td>69</td>
<td>2,871</td>
<td>198,099</td>
</tr>
<tr>
<td>Other</td>
<td>7.9</td>
<td>40</td>
<td>4,607&lt;sup&gt;45&lt;/sup&gt;</td>
<td>184,280</td>
</tr>
<tr>
<td>Fraud/Forgery</td>
<td>2.9</td>
<td>15</td>
<td>3,565</td>
<td>53,475</td>
</tr>
<tr>
<td>Public order</td>
<td>2.1</td>
<td>11</td>
<td>511&lt;sup&gt;46&lt;/sup&gt;</td>
<td>5,621</td>
</tr>
<tr>
<td>Burglary&lt;sup&gt;47&lt;/sup&gt;</td>
<td>2.1</td>
<td>11</td>
<td>3,960</td>
<td>43,560</td>
</tr>
<tr>
<td>Soliciting/Prostitution</td>
<td>1.4</td>
<td>7</td>
<td>511&lt;sup&gt;48&lt;/sup&gt;</td>
<td>3,577</td>
</tr>
<tr>
<td>Taking and Driving Away</td>
<td>1.4</td>
<td>7</td>
<td>4,607</td>
<td>32,249</td>
</tr>
<tr>
<td>Sexual offence&lt;sup&gt;49&lt;/sup&gt;</td>
<td>1.4</td>
<td>7</td>
<td>12,502</td>
<td>87,514</td>
</tr>
<tr>
<td><strong>All</strong></td>
<td><strong>100</strong></td>
<td></td>
<td></td>
<td><strong>3,140,384</strong></td>
</tr>
</tbody>
</table>

<sup>43</sup> Includes theft from a vehicle.
<sup>44</sup> Includes possession/small scale support and import/export/production.
<sup>45</sup> “Other” offences were costed as theft as this was the most common index offence type.
<sup>46</sup> This was costed as criminal damage, as the most similar level of offence for which a unit cost tariff was available.
<sup>47</sup> Includes domestic burglary and other burglary.
<sup>48</sup> This was costed as criminal damage, as the most similar level of offence for which a unit cost tariff was available.
<sup>49</sup> Includes sexual offences committed against adults and children.
In addition to the estimate of demand and cost avoidance from programme monitoring data, interviewed stakeholders were also confident that the scheme would be reducing demand on the courts and witness services, through diverting prosecutions into Conditional Cautions as well as reducing reoffending rates for the offenders issued with Conditional Cautions. For example, one stakeholder commented that:

*In Cambridgeshire, what we are showing is that it is an effective way of dealing with criminality at early stage, compared to a national picture of more first time offenders going to court and being issued with a fine, and with larger reoffending rate.*

However, stakeholders were not able to provide evidence attributing any demand reduction to the scheme.

In addition to reducing demand and avoiding costs for the courts, the majority of interviewed stakeholders were also confident that the scheme is reducing demand on criminal justice services at other points in the offender pathway, and the costs associated with this demand:

- **Police:** Most stakeholders reported that it was reducing demand on police time, because the Conditional Caution process is quicker and involves less time for police officers than a prosecution in court. Assuming that this time was predominantly required from police officers in the role of sergeant and below, this represents a cost avoidance of £40 per hour\(^50\). The number of hours avoided cannot be calculated on the basis of the available qualitative evidence.

- **Prison and probation services:** Stakeholders reported that the scheme helps divert people from prison and probation services through its early intervention approach, which several stakeholders commented may be contributing to the prevention of escalation in offending resulting in demand and costs for prison and probation services. The number of stays in prison or contacts with probation which might be avoided as a result of the Conditional Caution scheme is difficult to quantify, but as an indication of the potential cost avoidance per night in prison avoided, one night in HMP Peterborough costs an average of £107 per prisoner\(^51\).

The views of interviewed stakeholders were corroborated by those of survey respondents. The majority of survey respondents agreed or strongly agreed that the conditional caution scheme reduced demand for criminal justice services (10 out of 13) and also costs of delivering criminal justice services (10 out of 13).

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\(^{50}\) Cost is for 2015 and is taken from the New Economy Manchester Unit Cost Database. Please see: http://www.neweconomymanchester.com/our-work/research-evaluation-cost-benefit-analysis/cost-benefit-analysis/unit-cost-database for more information.

\(^{51}\) This is based on the average cost of holding one prisoner for one year at HMP Peterborough of £39,100, taken from *Prison performance statistics 2016 to 2017* from the Ministry of Justice Please see: https://www.gov.uk/government/statistics/prison-performance-statistics-2016-to-2017 for more information. Up-to-date unit costs relating to probation contact are not available.
5.8 Demand and costs for support services

As with the other outcome areas, monitoring data were not available to enable assessment of any impact of the Conditional Caution scheme on demand and cost for support services. Despite the aim that this would reduce as a result of the scheme, it seems logical that there is a potential for demand and costs to increase initially because the scheme results in additional referrals to local support services, and costs associated with working with those offenders who are referred under the scheme, attend for assessment and potentially continue to engage with services which they may not have accessed otherwise.

Evidence from consultation with stakeholders was mixed, but on balance it appears that stakeholders recognise a current increase in demand for support services, and related costs, but believe that this may reduce over time as offenders are supported to address their offending-related needs and therefore do not require future support from services.

For example, the majority of interviewed stakeholders reported that to-date the scheme had led to an increase in demand for high-intensity and wraparound services, especially for housing and drug and alcohol services: the scheme was leading to additional clients being signposted or referred through to these services, and that such referrals were being made at an earlier stage than would otherwise have been the case.

While stakeholders commented that they try to manage their referrals sensitively with regards to partner services’ resources, and that it does not appeared to have caused an issue yet, they also highlighted that this additional demand was coming “in the context of a system that is already under considerable strain.”

Recommendation: Cambridgeshire and Peterborough OPCC, Cambridgeshire Constabulary and local support service providers may wish to conduct more detailed assessment of which support services have experienced increased demand as a result of the Conditional Caution scheme, in order to support strategic planning around future commissioning priorities and support pathways.

However, it may be that this work is already being undertaken at a system-wide level, building on the 2016 offender needs assessment.

One interviewed stakeholder highlighted that the scheme has the potential to reduce demand on and costs for these services in the future, as offenders’ outcomes are improved and early intervention work reduces the escalation in needs.

The majority of survey respondents also agreed or strongly agreed that the Conditional Caution scheme reduced demand for high-intensity and wrap-around support services (7 out of 13) and the costs of delivering high-intensity or wrap-around support services (7 out of 13). This represents a lower level of agreement that the scheme is achieving this outcome, in comparison to the other outcomes discussed above.
5.9 Multi-agency pathways and coordination of support

Evidence from consultation with stakeholders and from observation indicated that the Conditional Caution scheme has improved the opportunity for participating offenders to access multi-agency support and has improved pathways into this support.

5.9.1 Appropriate signposting and referral

The evaluation found evidence that the Conditional Caution scheme offers a pathway into multi-agency support, or to support from the most appropriate agency. This results from offenders being signposted to services that they might not have known about or accessed without their involvement in the Conditional Caution scheme.

The majority of survey respondents agreed or strongly agreed that if needs are identified during the assessment offenders are always signposted on to relevant service (12 out of 14). This was corroborated in the observation of the Outside Links needs assessment. Here, the offender was offered an onward referral to Mind, and anger management support was signposted as something that could be accessed via the GP. Additionally it was made clear to the offender that Outside Links would always be open to them for any kind of support or advice that they might want in the future.

5.9.2 Multi-agency pathways

There is evidence from consultation with stakeholders that multi-agency pathways have been developed as a result of the Conditional Caution scheme and there are also examples of specific offenders successfully navigating multi-agency pathways as a result of being introduced to them by the scheme.

The majority of survey respondents, for instance, agreed or strongly agreed that the Conditional Caution scheme has:

- Increased the number of agencies involved in supporting offenders (11 out of 13).
- Improved referral pathways between agencies (12 out of 13).
- Improved coordination of support for offenders (12 out of 13).
- Improved case management processes (10 out of 13).
- Improved information sharing between agencies (11 out of 14).

The majority of interviewed stakeholders agreed that the scheme had improved multi-agency pathways and led to better coordination of support. Yet they also accepted that there is further work to be done to improve these pathways.

A key improvement mentioned by several stakeholders is the fact that the scheme creates new pathways for earlier intervention. For example, whereas
offenders were previously only referred into drug and alcohol services in more serious cases and post-prosecution, under the new scheme an offender can be referred into the service directly from custody.

However, some stakeholders aired concern that the inter-agency working sometimes relies on relationships rather than systems and established pathways. Stakeholders spoke of the impact of networking events organised as part of the scheme and informal relationships between professionals in different services, and how this had helped them better coordinate, for example:

“There are people who we come into contact through the Conditional Caution scheme that I wouldn’t have met without the CC (services), so now I can contact people and ask advice. We can ask before making a recommendation, so we don’t misdirect people.”

“Offenders have gone to Outside Links and told them totally different things [to what they’ve told us], so it’s important that communication. They ring me to confirm/check.”

In addition, a minority of stakeholders reported that rather than improving multi-agency pathways, the scheme had simply added one more entry point to existing pathways.

**Daniel**52 - Conditional Caution with a fine and a referral to Outside Links: Evidence from offender interview

Daniel received a Conditional Caution while in police custody after pleading guilty to damaging a car. Daniel explained to the police officer that he was homeless and was experiencing issues relating to alcohol use. Police established that Daniel was already attending an alcohol recovery programme at Aspire and used the Conditional Caution to refer him to Outside Links to address his homelessness. Daniel was also ordered to pay a £150 fine in order to repair the damage to the car.

Staff at Outside Links were able to help Daniel to fill out applications for housing, and he has now been in temporary accommodation for three weeks. While Daniel was pleased to be housed, he felt that he would struggle to pay the fine in time as his income was limited, and much of it was going towards paying existing court fines. Daniel reported that the Conditional Caution was good because it had saved him from worrying about going to court and would save the court time and money.

Here, a pathway for Daniel was created through coordinated work including multiple agencies, as well as Daniel himself, who together identified the support that Daniel was already receiving and areas for additional support. Daniel provides an example of a case in which the Conditional Caution was the start of a chain of referrals that ultimately enabled him to be housed. The only area where multi-agency working might have been improved was in the

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52 This is not the offender’s real name.
setting of the fine, where perhaps a pre-Caution needs assessment could have established whether it would be feasible for Daniel to pay the fine.
6 Implementation of the Conditional Caution scheme

6.1 Key findings

The evaluation found evidence from stakeholder consultation to suggest that the Conditional Caution scheme’s governance and management arrangements have supported successful implementation of the scheme.

There is substantial evidence that the Conditional Caution scheme has broadly been delivered as planned. An analysis of the initial application and subsequent monitoring returns to the Police Innovation Fund finds that the scheme has delivered as planned against 11 of its 13 deliverables. It has also partially delivered against 1 further deliverable, which is creating sustainable pathways across services. The only deliverable which has not been achieved is the commissioning of additional services. However, this is arguably more because it was not felt necessary to commission additional services as existing services were judged as adequate to deliver the scheme.

There is evidence from stakeholder consultation that promotion of the Conditional Caution scheme to professionals has supported the successful implementation of the scheme. Interviewed stakeholders described a number of approaches to raising awareness of the scheme and training up officers.

There is evidence from stakeholder interviews that partnership working has supported successful implementation of the Conditional Caution scheme. However, there remain some areas for development in working in partnership with wider support services.

The evaluation found evidence from stakeholder consultation that the appropriate targeting of offenders may be an area for development for the Conditional Caution scheme, although it may also be an area which is improving organically as the Conditional Caution scheme becomes more embedded. There are currently mixed views amongst stakeholders about whether the scheme is reaching all eligible offenders.

Whilst stakeholders reported that they believe the scheme to be equally appropriate for all types of offenders who are eligible, the data study findings indicate that the scheme may be of less benefit with offenders whose index offence is theft or who have a greater number of previous convictions.

Financial information provided by Cambridgeshire and Peterborough OPCC indicates that expenditure on the Conditional Caution scheme was £97,820 lower than the actual project expenditure over the two years. Total anticipated resourcing was £2,578,568 and total expenditure was £2,480,766.

The evaluation found evidence that the implementation and impact of Conditional Cautions in Cambridgeshire and Peterborough is likely to be
sustainable, at least in the short to medium term. However, the loss of focussed and centralised management raised several concerns for stakeholders in terms of maintaining partnerships, monitoring compliance and ensuring that the focus on addressing wider needs is maintained.

6.2 Overview

This chapter examines the implementation of the deferred prosecution scheme.

6.3 Performance against key deliverables

There is substantial evidence that the Conditional Caution scheme has broadly been delivered as planned. Figure 24 outlines the key deliverables that are described in the initial PIF application and quarterly PIF returns, and indicates the project’s progress against them according to the evidence available.

This illustrates that the scheme has delivered as planned against 11 of its 13 deliverables. It has also partially delivered against 1 further deliverable.

Both the deliverables which have only been partly achieved relate to creating pathways for support and commissioning additional services as required. However, in the case of commissioning it might be argued that this did not prove necessary because it was possible to use existing services to deliver the support components of the scheme.

Figure 23: Key for assessing progress against deliverables in Figure 24

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td>Evidence that deliverable was delivered as planned during the evaluation timeframe.</td>
</tr>
<tr>
<td>•</td>
<td>Evidence that deliverable was delivered in part during the evaluation timeframe.</td>
</tr>
<tr>
<td>X</td>
<td>Evidence that deliverable was not delivered during the evaluation timeframe.</td>
</tr>
<tr>
<td>-</td>
<td>Insufficient data available to assess progress.</td>
</tr>
</tbody>
</table>
### Figure 24: Progress against key deliverables for the deferred prosecution scheme

<table>
<thead>
<tr>
<th>Key deliverable</th>
<th>Progress</th>
<th>Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Networking and relationship building with local agencies and services.</td>
<td>✓</td>
<td>Evidence indicates this began in the early stages of the project and is ongoing/rolling. (PIF mid-year return 2016/17, PIF return Q3 2017/18, stakeholder interviews).</td>
</tr>
<tr>
<td>Create menu of Caution conditions based on services and interventions available locally.</td>
<td>✓</td>
<td>As reported (PIF mid-year return 2016/17, stakeholder interviews).</td>
</tr>
<tr>
<td>Engagement with LaDS to define and secure their input into Conditional Caution process</td>
<td>✓</td>
<td>As reported (PIF review Q3 2016/17).</td>
</tr>
<tr>
<td>Commission &quot;one stop shop&quot; support service to meet needs other than specialist drug, alcohol and mental health.</td>
<td>✓</td>
<td>This was initially intended to be commissioned from Outside Links (Sodexo) and CAB (to cover the rural areas). Eventually Sodexo was commissioned to cover all areas. (PIF review Q3 2016/17, stakeholder interviews).</td>
</tr>
<tr>
<td>Commission additional services to meet identified gaps in service provision.</td>
<td>✗</td>
<td>Additional services were not commissioned but additional capacity was commissioned within existing services in order to be able to deliver elements of the Conditional Caution pathway, such as the post-Caution needs assessment, delivered primarily by Outside Links. In addition, funding was used to commission work to inform pathways and future commissioning, such as a housing workshop. (PIF review Q3 2016/17, stakeholder interviews).</td>
</tr>
<tr>
<td>Commission project evaluation.</td>
<td>✓</td>
<td>As reported (PIF review Q3 2016/17).</td>
</tr>
<tr>
<td>Launch deferred prosecution scheme in one district</td>
<td>✓</td>
<td>(PIF mid-year return 2016/17)</td>
</tr>
<tr>
<td>Launch scheme across remaining five county districts</td>
<td>✓</td>
<td>Scheme rolled out to final two districts in March 2017 (PIF return Q1 2017/18).</td>
</tr>
<tr>
<td>Key deliverable</td>
<td>Progress</td>
<td>Evidence</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td>----------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>PIF returns indicate full roll out may have been delivered with a delay because</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delivery of face-to-face briefings/training to supervisors and investigators.</td>
<td>✓</td>
<td>This started from the early stages and has been ongoing throughout the project (PIF mid-year return 2016/17; PIF return Q1 2017/18).</td>
</tr>
<tr>
<td>Establish a virtual hub to work across all partner organisations during initial</td>
<td>✓</td>
<td>As reported (stakeholder interviews) and observed (Offender Hub site visit).</td>
</tr>
<tr>
<td>funding period</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Create sustainable pathways across services so that central coordination can</td>
<td></td>
<td>As reported (PIF return Q3 2017/18). However, some stakeholders reported concern that pathways were too reliant on relationships, which may pose difficulties for sustainability once central coordination funding removed (section 5.9.2).</td>
</tr>
<tr>
<td>be absorbed into 'business as usual'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exploration of opportunities and models for using Conditional Cautions for low</td>
<td>✓</td>
<td>As reported (PIF return Q2 2017/18).</td>
</tr>
<tr>
<td>level cases of domestic abuse and child abuse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finalise arrangements for 'business as usual' at end of funding period:</td>
<td>✓</td>
<td>Pre-existing resources have been secured to take on administration and oversight of Conditional Cautions. Existing service providers have committed to provide resources to meet current and anticipated demand (PIF return Q3 2017/18).</td>
</tr>
<tr>
<td>Conditional Caution management to be incorporated into Constabulary business</td>
<td></td>
<td></td>
</tr>
<tr>
<td>model. Includes staff transfer, training, OoCD policy amendments, communications</td>
<td></td>
<td></td>
</tr>
<tr>
<td>and partner engagement.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Interviewed programme delivery stakeholders reported that the project is being delivered in line with the vision in the original bid. However, some operational adaptations have been made over time. One stakeholder highlighted that while the bid was clear on the overall aims and vision, it was less prescriptive about how the scheme should be delivered. The key changes identified by stakeholders are:

- Outside Links were brought in as a delivery partner – they were not named in the original bid.
- The Citizens Advice Bureau (CAB) was originally scheduled to be a delivery partner, delivering the holistic needs assessment in one part of the county. However, Outside Links eventually took on needs assessment referrals coming from this area too.
- The bid assumed that the scheme would need to commission more services for onward referrals. In practice, the scheme was able to tap into the range of existing services that was already available rather than commissioning new ones. In some instances, this included commissioning additional capacity in these services. This was a more cost efficient and sustainable approach. In addition, funding was used to commission work to inform pathways and future commissioning, such as a housing workshop.
- Rehabilitative Conditions involving attendance at a service were altered to only require attendance at an initial appointment, rather than also at a follow-up appointment (as introduced originally). Stakeholders reported that this was because follow-up appointments were not required in some instances and this was creating confusion about whether offenders had complied with the Condition or not.

Although implemented on time, stakeholders reported that uptake to the scheme was initially slow, with some areas not referring to the scheme as widely as others. Stakeholders reported that referrals are now accelerating because the scheme is now seen as a viable option by officers and because the local OoCD policy change on 1 February 2018 means that Conditional Cautions and Community Resolutions are now the only two OoCD routes available.

6.4 Governance and management

The evaluation found evidence to suggest that the Conditional Caution scheme’s governance and management arrangements have supported successful implementation of the scheme.

For example, the majority of survey respondents agreed or strongly agreed that the scheme’s management and decision-making processes are clear to all relevant stakeholders (8 out of 13), and support the effective delivery of the scheme (9 out of 13).

Equally, interviewed stakeholders reported that the Offender Hub was very well managed and that the introduction of the Offender Hub represented a significant
improvement in the management of Cautions more generally. They reported that the Hub is more able to monitor and manage the progression of the case than the investigating officer, who would often struggle to check up on cautions for reasons such as lack of capacity or lack of knowledge.

Among those with insight, interviewed stakeholders also agreed that the governance of the scheme was a key factor in the scheme’s success, alongside the individuals working on the scheme who were praised for having driven the scheme forwards. The governance model was described as “lean” and “proportionate to the level of funding”. According to one stakeholder, the supportive governance structure:

“was able to drive internally and externally the work we’ve been aiming to achieve, and by supporting policy change it adds huge weight to our work and ability to influence cultural change”.

Links to criminal justice boards were also reported to have been critical to success through garnering buy-in and facilitating consideration of the impact of the scheme on other services.

6.5 Budget and expenditure

Financial information provided by Cambridgeshire and Peterborough OPCC indicates that the Conditional Caution scheme was delivered at a lower cost than originally anticipated at the point of the PIF application. Figure 25 shows that the level of resourcing anticipated in the PIF application was £97,802 higher than the actual project expenditure over the two years.

*Figure 25: Summary of project’s anticipated resourcing and actual expenditure*

<table>
<thead>
<tr>
<th>Source</th>
<th>2016/17</th>
<th>2017/18</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anticipated resourcing</td>
<td>£1,271,284</td>
<td>£1,307,284</td>
<td>£2,578,568</td>
</tr>
<tr>
<td>(PIF application)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Actual expenditure</td>
<td>£1,276,352</td>
<td>£1,204,414</td>
<td>£2,480,766</td>
</tr>
</tbody>
</table>

*Source: project financial information provided by the OPCC*

Actual expenditure for the project’s two years of operation, 2016/17 and 2017/18 are provided Figure 26 and Figure 27. In 2016/17 expenditure exceeded anticipated resourcing by £5,068 but in 2017/18 expenditure was £102,870 lower than anticipated resourcing.

The grant funding and match funding as per the innovation fund bid had a strong focus on supporting and developing sustainable, integrated pathways between services. Costs specifically on setting up and delivering the Conditional Caution
scheme itself amount to just over £280,000 over the two years. This upfront work has subsequently enabled the Constabulary processes to become ‘business as usual’, with the only additional ongoing cost in 2018/19 being a grant for the Outside Links service to continue to operate on a mobile basis across the county.

Figure 26: Expenditure 2016/17

<table>
<thead>
<tr>
<th>Expense type</th>
<th>Expenditure 2016/17</th>
</tr>
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<td>ECINS</td>
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<td><strong>TOTAL</strong></td>
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Source: Project financial information provided by the OPCC

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53 Expenditure which relates specifically to setting up and delivering the Conditional Caution Scheme itself is shaded in grey in Figures 26 and 27.
54 Expenditure which relates specifically to setting up and delivering the Conditional Caution Scheme itself is shaded in grey in Figures 26 and 27.
Figure 27: Expenditure 2017/18

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<td><strong>TOTAL</strong></td>
<td>£1,017,600</td>
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</tbody>
</table>

Source: Project financial information provided by the OPCC

6.6 Promotion of the scheme to professionals

There is evidence that promotion of the Conditional Caution scheme to professionals has supported the successful implementation of the scheme. Interviewed stakeholders reported that communications from the scheme had been very clear and that the training and on-going support from the project team had been very helpful in understanding the scheme. They described the following approaches to raising awareness of the scheme and training up officers:

- Face-to-face briefing of frontline officers by a member of the Offender Hub team.

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55 Expenditure which relates specifically to setting up and delivering the Conditional Caution Scheme itself is shaded in grey in Figures 26 and 27.
• One-to-one meetings with targeted key officers such as Custody Sergeants and Detective Sergeants ("gate keepers").

• Training embedded into initial police probationary training programmes and delivered by Offender Hub team.

• Traction with senior management gained through Criminal Justice Boards.

• Events.

• Meetings with defence lawyers to explain the scheme so that they can better inform their clients about the obligations and benefits of the Conditional Caution scheme.

The majority of survey respondents agreed or strongly agreed that information about the scheme has been clearly communicated to:

• Police officers (11 out of 13).

• Local services and partners involved in delivering the scheme (10 out of 13).

• Local strategic partners (8 out of 13).

• Stakeholders in other locations who might have an interest in the scheme (7 out of 13).

The response among stakeholders interviewed was similar: they felt that the scheme had been effectively promoted. Stakeholders described the Offender Hub team’s "bottom up" and "slow burn" approach to publicity as a necessary approach if they are to shift police culture as intended.

Stakeholders also reported that good news stories were shared with staff via email and some officers received feedback on the progress of offenders they had referred. This was said to be motivating. However a small minority of stakeholders reported that they did not receive any good news stories or feedback, and that they would like to receive it.

6.7 Partnership working

There is evidence from stakeholder interviews that partnership working has supported successful implementation of the Conditional Caution scheme.

6.7.1 Working with delivery partners

Interviewed stakeholders reported that in general core delivery partners have been working well together, with stakeholders from the policing side particularly impressed with the working with Outside Links.

However a minority of stakeholders reported some difficulties regarding information flow. For example, they highlighted that sometimes Outside Links
does not receive offender information in a timely manner, prior to their needs assessment appointment.

6.7.2 Working with wider partners

Stakeholders reported that partnership working with external organisations has also been working well in the main. However, a minority of stakeholders reported that it has been challenging to work with wider support services at times due to the relatively limited resources they have available to be involved in planning and delivering the Conditional Caution scheme.

In addition, a minority of stakeholders commented that there have been challenges in partnership work between the police and specific support services, such as mental health services. This was attributed to differences in working cultures in the organisations, resulting in different ideas about whether mandatory attendance at a service is appropriate and who might be able to judge an offender’s need and eligibility for a service.

Stakeholders reported that there is no regular link with the local authority, but that the scheme has worked successfully with the local authority in the past regarding specific offenders, for example, regarding an offender’s housing needs.

6.8 Targeting of offenders

The evaluation found evidence from stakeholder consultation that the targeting of offenders may be an area for development for the Conditional Caution scheme, although it may also be an area which is improving organically as the Conditional Caution scheme becomes more embedded.

6.8.1 Reaching all eligible offenders

Proportion of eligible offenders receiving Conditional Cautions

There was conflicting evidence from stakeholder consultation about the proportion of eligible offenders who are being issued with Conditional Cautions.

The majority of survey respondents agreed or strongly agreed that all eligible offenders are being referred to the scheme (10 out of 14).

Interviewed stakeholders, on the other hand, had a more varying understanding of the proportion of eligible offenders who were being referred to the scheme. Some stakeholders assumed that the proportion being referred was relatively high, with some even suggesting 100%. However, those closer to the data believed the proportion to be lower at 33% to 45% of eligible offenders. One stakeholder commented that earlier in the scheme, judges in court had noticed that appropriate offenders were being missed by the scheme. Stakeholders also acknowledged that there is an uneven level of engagement and referral rate across different police stations and different police officers.
Reasons for not issuing Conditional Cautions to eligible offenders

Stakeholder consultation identified a range of possible reasons for which not all eligible offenders are being referred:

- Lack of awareness of the scheme.
- Lack of trust and buy-in to the scheme by frontline officers as well as senior management at stations.
- Associated with the above, the issuing of Conditional Charges requires a culture change in the police away from punishment towards a focus on identifying the causes of criminality and providing support. Stakeholders reported that the culture had begun to shift, but that there was still more work to be done. In fact, this was most commonly identified as the key challenge to the scheme by survey respondents.
- Other OoCD routes are simpler and require less officer time than Conditional Cautions. This is attractive given the existing pressures on police officers’ time.

Recommendation: Cambridgeshire Constabulary should continue to promote the Conditional Caution scheme to police officers in order to maximise use of the scheme. This is likely to include:

- Ensuring that training is provided to all officers and refreshed as needed.
- Providing regular emails or other circulars to remind officers about the scheme and the available guidance on eligibility.
- Building on existing work that has been undertaken by the Offender Hub to promote culture change amongst those officers who might not use the scheme because they take a more punitive approach. This includes providing feedback to issuing officers on compliance and good news stories on the known successes of the scheme.

Increase in the use of Conditional Cautions

Despite their view that Conditional Cautions are not being used as widely as they could be, stakeholders who did not believe that the 100% referral rate had already been reached were confident that the rate of usage for Conditional Cautions had been improving and would continue to do so. This was for several reasons:

- Increased awareness of and trust in the scheme among police officers. Stakeholders highlighted how they had been actively encouraged to issue Conditional Cautions, and as a result had been issuing them more frequently than had been the case for simple cautions.
- Other out of court disposals, asides from the Community Resolution, are no longer in use since 1 February 2018.
This is corroborated by the monitoring data on the number of Cautions issued, which shows an increase in uptake over the months that the scheme has been in use (see section 4.7).

6.8.2 Using Conditional Cautions in appropriate situations

Proportion of appropriate Conditional Cautions

There is evidence from stakeholder consultation that the vast majority of Conditional Cautions issued are appropriate – i.e. to offenders who are suitable for this OoCD.

For instance, the majority of survey respondents agreed or strongly agreed that all referrals of offenders to the scheme are appropriate (9 out of 14). A minority of survey respondents disagreed that all referrals of offenders are appropriate (4 out of 14).

While some interviewed stakeholders thought that all referrals on to the scheme were appropriate, many stated that there had been a few inappropriate referrals. In particular, stakeholders at core delivery agencies identified that there had been some Conditional Cautions issued to offenders inappropriately. They reported that these inappropriate Cautions usually related to sexual offences.

However, several stakeholders at core delivery agencies also reported that there were times when it was appropriate to issue a Conditional Caution in exceptional circumstances. One example provided was of a Conditional Caution which involved a rehabilitative Condition which was issued to an offender with a learning disability who had committed a sexual offence. It was reported that this Conditional Caution had been checked post-hoc with the CPS and had been deemed appropriate.

Recommendation: Given that it may be appropriate to make exceptions in some cases, Cambridgeshire Constabulary should amend the guidance for police officers to include any known exceptions to the usual eligibility criteria for Conditional Cautions and to introduce a process by which issuing officers can seek authorisation to make other exceptions in advance of issuing the Conditional Caution. This should serve as a safeguard against inappropriate Cautions being issued.

Conditional Caution quality assurance

However, stakeholders did not raise the inappropriate uses of the Conditional Caution as a safeguarding concern, and one clarified that he did not think any of the referrals had been "unlawful". Stakeholder consultation also identified several mechanisms for assuring referral quality:

- Decision of the investigating officer is subsequently verified by an independent review.
Offender Hub can send any Conditional Caution to the OoCD panel if they are uncertain as to its appropriateness and the findings can be fed back to issuing officers to avoid similar inappropriate referrals in the future.

The Offender Hub can also clarify offender/offence eligibility with the CPS.

The Offender Hub team provide a “feedback loop” to officers involved with the scheme, sharing learning.

The Outside Links needs assessment observation provides evidence regarding the ways in which assessors check that the Conditional Caution and referral are appropriate at a later stage in the process. At the beginning of the assessment, the assessor confirmed with the offender that the offender had admitted the offence and was likely to have been prosecuted.

6.8.3 Offenders for whom the scheme may be less appropriate

The data study findings suggest that having an index offence of theft and/or three or more previous convictions is associated with lower compliance with a Conditional Caution. Logistic regression was conducted and found that having a trigger offence other than theft and having fewer than three previous offences were independently related to compliance, along with having received a rehabilitative Condition.

The average compliance rate for those who have none of the factors, i.e. who had 3+ previous convictions, an index offence of theft, and did not receive a rehabilitative condition – was about 55%. However, those who had one factor (rehabilitative component or an index offence that was not theft, or less than 3 previous convictions) had a compliance rate of over 80%. The highest rate of compliance (90%) was for those who had all three of the factors.

These findings indicate that the scheme may be of less benefit with offenders whose index offence is theft or who have a greater number of previous convictions.

The majority of interviewed stakeholders reported that it was not possible to predict which offenders would engage or comply with the scheme by their offence type, demographic characteristics, health or social circumstances. As such, they stated that there were no offenders for whom the scheme was not appropriate, within the eligibility criteria.

Other stakeholders identified some common factors among offenders who they find struggle to comply with their conditions and engage with the scheme:

- An absence of readiness to change.

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56 Logistic regression is an advanced statistical technique to help disentangle which factors might be more important and which might be background noise.
• Entrenched offending and/or complex needs and chaotic lives, including substance misuse and mental health issues. Several stakeholders characterised this group of offenders as having multiple on-going needs such as housing, employment and substance misuse, and as being involved largely with theft and fraud offences. Achieving positive outcomes was seen to be more difficult for this group because:

  With entrenched individuals, you are trying to shift a norm, shift their peer group.

• Offenders with more severe offences in their offending history (although these offenders would likely not meet the current Conditional Caution eligibility criteria in any case).

Yet stakeholders were also keen to highlight that, regardless of the offender’s circumstance or readiness to change, if they were eligible for the scheme then it should be offered to them. This was for several key reasons:

• The predictive factors cannot correctly predict outcomes for each individual: there are also examples where people living with entrenched chaotic lives have engaged and for whom the scheme has led to positive outcomes.

• There is a symbolic importance of the police being seen to “show their softer side” and offer opportunities for pathways to desistance. If an offender is unable to comply or does not accept the Conditional Caution the first time, the availability of the scheme may help to change their perception of the police and the offender may be more likely to engage on a future contact.

Stakeholder interviews revealed some disagreement between stakeholders as to whether an offender with an entrenched offending history, or an offender who is unlikely to engage for other reasons, would be eligible for the scheme in the first place.

6.9 Issuing Cautions

There is some evidence from consultation with stakeholders, including offenders, that communication between issuing officers and offenders about their Conditional Caution could be improved in some instances.

The review of documentation and interviews with stakeholders indicates that Conditional Cautions are usually issued by the arresting officer or custody sergeant.

The majority of participants in the offender interviews had heard about the Conditional Caution from a police officer while they were in custody, but a minority were informed by a police officer in their own home.

The majority of participants in the offender interviews felt that the Conditional Caution scheme was well-explained to them and understood the Conditions of their Caution.
The police officers were nice, they picked me up and dropped me off - and they explained everything to me.

Interviewee five

However, a minority of participants were not aware of what the Conditions of their Cautions were, or had had difficulty following up with officers in relation to queries over the Conditions of their Cautions. For example, one interview participant had had difficulty reaching the correct officer to re-schedule the payment of a fine around his payday.

This is corroborated by the stakeholder survey results. Only 6 out of 13 respondents agreed or strongly agreed that information about the scheme had been clearly communicated to offenders, with 4 out of 13 respondents disagreeing or strongly disagreeing with this statement. Some interviewed stakeholders also reported difficulties in “selling” the Conditional Caution scheme on to both offenders and victims. Accordingly, it appears that more could be done to better communicate information about the scheme to offenders themselves.

**Recommendation:** In ongoing training and promotion of Conditional Cautions to police officers, Cambridgeshire Constabulary should place an increased emphasis on ensuring officers have the right skills to clearly communicate with offenders about Conditional Cautions, and the Conditions with which they are required to comply.

### 6.10 Setting Conditions

The evaluation found evidence that encouraging officers to identify and set the most appropriate Conditions may be an area for development for the scheme.

The review of documentation, interviews with stakeholders and observation at the Offender Hub indicates that Conditions are normally set by the officer issuing the Caution. However, a sergeant in the Offender Hub can amend the Conditions if they are not considered to be appropriate. The sergeant can make minor changes to a Condition, such as extending the date by which a fine has to be paid, and can remove Conditions but cannot add Conditions.

Stakeholders reported that there is no process to ensure that an offender gets a needs assessment prior to the issuing of the Conditional Caution, and therefore prior to the setting of conditions. This is corroborated by the interviews with offenders. None of the participants in the offender interviews recalled having contact with LaDS, but the majority recalled discussing the Conditional Caution with a police officer either in custody or at home. Recommendations about needs assessment are made in section 5.6.2.

In the absence of a more formal needs assessment, Conditions are commonly set by custody officers, based on information elicited from the offender during interview in custody rather than any formal needs assessment.
The majority of participants in the offender interviews said that the setting of the conditions of their Conditional Cautions arose from a discussion of their needs with the officer, including needs relating to homelessness, problematic substance use, mental health, and anger management\(^57\). Most reported that they had felt comfortable sharing their needs and concerns linked to offending with officers. However, one interview participant had felt hesitant about telling officers that he was homeless, as he thought it may affect his chances of being bailed. The majority of interviewees would not have improved anything about how their Conditions were determined.

During the observation at the Offender Hub, the sergeant responsible for administering and monitoring the Cautions provided examples of Conditional Caution paperwork which indicated that issuing officers had given due consideration to all possible Conditions and had made decisions balancing the potential needs of the offender, an appropriate response to the offence and the aim of suitable resolution for the victim. However, he also provided examples of Conditional Caution paperwork which indicated that the issuing officer had either given less thought or had more limited understanding about what might constitute an effective Conditional Caution. This suggests that there is variation in issuing officers’ abilities to issue a Caution including the most appropriate Conditions for the circumstances.

**Recommendation:** In addition to reviewing the process for needs assessment and its ability to inform the Conditions set for an offender, Cambridgeshire Constabulary should ensure that ongoing training and promotion of the scheme to officers supports them to develop the necessary skills to determine appropriate Conditions. Alongside more formal training as required, one mechanism might be circulating anonymised examples of Conditional Caution paperwork where the officer has shown high levels of skill and empathy in determining and setting appropriate Conditions.

### 6.11 Post-Caution needs assessment

The evaluation found evidence that post-Caution needs assessment at Outside Links (as a Condition of the Caution) is an effective component of the Conditional Caution scheme in Cambridgeshire and Peterborough.

As offender interviewees were recruited through Outside Links, all seven had attended an appointment at Outside Links. The majority of interviewees had felt comfortable talking with workers at Outside Links, and reported that they felt welcomed, listened to, and valued the opportunity to talk about the circumstances of their offence. For the majority of interviewees, the appointment with Outside Links was the only service that they accessed as a result of their Conditional Caution. The majority were positive about the impact of this appointment,

\(^57\) As all interviewed offenders had received a Condition to attend Outside Links it is clear that some evidence of need had been identified by the issuing officer. However, the experience of those offenders who receive a rehabilitative Condition may differ from those who do not and therefore cannot be taken as evidence that needs are discussed with all offenders by all officers prior to issuing a Conditional Caution.
describing the appointment variously as a ‘wakeup call’ that enabled them to reflect on the potential consequences of offending behaviour, and talk about the circumstances surrounding the offence with someone who was separate from the police and the courts.

The majority of interviewees reported that nothing could have been done to improve their appointment with Outside Links and were very positive about their experiences with staff there, with staff described as ‘nice’, ‘kind’ and ‘welcoming’. However, one interviewee had had difficulty getting in contact with the service via phone, another felt that some of the conversation they had with the police had been repeated with Outside Links.

Stakeholders interviewed also described the needs assessment as being a largely positive experience for offenders: among those who attend the needs assessment at Outside Links, the level of engagement tends to be fairly high. Stakeholders credited the expertise of Outside Links staff for this high level of engagement: they are specialists in this domain and therefore able to elicit relevant information from offenders in order for the needs assessment to be effective. Stakeholders reported examples of where Outside Links workers have successfully gained the trust of initially disengaged and negative offenders in, and as a result the offenders’ needs have been correctly identified, appropriate support put in place and the individuals supported to go on to address these needs.

The assessment observation provides further evidence regarding the ability of Outside Links workers to secure offenders’ engagement with the assessment process, to elicit sufficient information to assess key offender needs, and also to build trust with the offender that will increase the likelihood of their further engagement with Outside Links and/or other services in the future.

6.12 Supporting engagement

As discussed in section 5.6.3, the evaluation found evidence from consultation with stakeholders and offenders that the Conditional Caution supports some offenders to engage voluntarily with services following mandatory attendance as a Condition of their Caution. However, it also indicates that this is not the case for all offenders, or even for all those to whom a rehabilitative Condition is issued.

For a minority of participants in the offender interviews, the appointment with Outside Links led to them being linked to additional services that addressed an additional need related to their offending. Staff at Outside Links had helped one homeless interviewee to complete applications for housing, and he was now in temporary accommodation. In addition, staff had connected a second interviewee with a weekly support group for problematic substance use at Aspire. Finally, another interviewee had been put on the waiting list for counselling at MIND.

Interviewees had varying levels of connection with these services. The interviewee who accessed temporary accommodation with the support of Outside Links had been in the shelter for three weeks and expected to stay there for another seven weeks. The interviewee who had been referred to Aspire attended
the foundation group weekly (missing only one week due to the group’s lateness policy) for two-month duration of the programme. The interviewee who had been referred to MIND remained on the waiting list for his first appointment.

The majority of interviewees who accessed additional services through Outside Links were positive about their experiences and did not feel that anything could be done to improve them. Interviewees reported that appointments had been made at times that suited their schedule, and that staff had been understanding and helpful.

*I enjoyed it because it was good to communicate with others, and it was something new for me to do. Everyone there was similar to me and I felt like we understood each other.*

*Interviewee five*

The majority of interviewees said that they would not have got involved with the same or similar services if they hadn’t participated in the Conditional Caution scheme because they would not have known that these services existed.

Stakeholders reasoned that many of the offenders would not have engaged with these services at all if they had not participated in the scheme. They highlighted that for many offenders it appears that this is the first time they engage with the particular services. Stakeholders reported several key reasons for which offenders would be unlikely to attend such services outside of the Conditional Caution scheme:

- In many cases the offenders simply *“wouldn’t bother to attend unless this was a condition”*. For some offenders within this category, any engagement with the service would cease as soon as the condition was completed (i.e. once they have attended the initial appointment). However, stakeholders reported that, for others, attending the initial mandated appointment has led to a *“light bulb moment”* and continued voluntary engagement with the service.

- In other cases, offenders may lack the courage to address their needs and engage with a service of their own volition, or may not have identified that they have a need to address.

- Offenders would be unlikely to know about the service in the first place. For example, Outside Links previously worked mainly with ex-prisoners, therefore the Conditional Caution scheme has opened up their support to offenders who may not have otherwise been aware or been entitled to access it.

- The Conditional Caution scheme has the capacity to speed up access to certain services which may otherwise have waiting lists to access their support.

- The two disposal routes available prior to the Conditional Caution scheme were less able to address offenders’ underlying needs and refer or signpost offenders into supportive services. Simple cautions were the primary OoCD being used, which provide no mechanism for onward referral or signposting
into support. Court disposals have the possibility of sanctioning an order relating to assessment and referral. However, one stakeholder reported that the Ministry of Justice has found that first time offenders are most likely to receive a fine as punishment.

Observation of the needs assessment at Outside Links provides further evidence that, when a needs assessment is set as a Condition, the scheme can support offenders’ engagement in other services. The assessor encouraged further engagement with several services, proposing a direct referral to Mind, signposting to the GP for access to anger management support, and also suggested that the offender returns to Outside Links at any point in the future if they decide they want support with any of the discussed issues or other concerns. Through their non-judgemental and supportive approach, the assessor appeared to have gained the trust of the offender. The offender appeared to find the offers of support sincere and of interest. However, the offender decided to not engage with services any further at this point in time.

On the other hand, some interviewed stakeholders highlighted that more work is required in order to make the voluntary pathway for people to “move on” after the needs assessment effective. For one stakeholder, this was about creating a more in-depth and consistent offer for pathways to desistance:

*Housing, mental health, substance misuse, debt… People need to be continually offered that support which allows them to move away from offending. They should be offered this support at all points when they come into contact with the criminal justice system, and we need to be making the same offer and multiple times. But I am concerned that at the moment we are reinventing the offer at each point in time.*

For another stakeholder, ensuring voluntary engagement with services among offenders with the most chaotic lives would require more wrap-around support from a support worker, and with greater collaboration between LaDS and Outside Links:

*Where they are really chaotic, the way to help them to engage is to be really on them.*

### 6.13 Monitoring and supporting compliance

#### 6.13.1 Administrative and monitoring systems

At the visit to the Offender Hub, a Cordis Bright evaluator was shown the E-CINS case management system, which is used to administer and monitor compliance with Conditional Cautions. Evidence was observed of a number of Hub activities which supported the effective administration and monitoring of the Conditional Caution. These included:

- Conditional Cautions being entered onto the case management system.
• Tasks being allocated to other services (such as the Magistrates Court, which is responsible for issuing fines).

• A flag system being used to monitor task completion by professionals and to identify offenders at risk of non-compliance.

• Follow up action being undertaken with offenders at risk of non-compliance.

• Feedback being offered to issuing officers on whether they had followed the appropriate process for the Caution and whether the offender had complied.

The biggest challenge in terms of administration and monitoring appeared to be instances when the Offender Hub does not receive paperwork from custody in a timely manner to inform them that a Conditional Caution has been issued. A second challenge was in ensuring that issuing officers provide accurate contact details for the offender, to enable the Hub to follow up as needed.

6.13.2 Factors supporting compliance

As discussed in section 6.8.3, the data study conducted as part of this evaluation found evidence that setting offenders a rehabilitative Condition may help to increase compliance.

When asked what had helped them to comply with their Conditional Caution, interviewed offenders reported the following factors:

• Having the chance to talk to someone and explain themselves

• Receiving an appointment at a convenient time and location

• External factors in the offenders’ lives such as finding employment.

During the site visit to the Offender Hub and interviews with stakeholders, stakeholders identified a number of ways in which the police try to support compliance. These ranged from phone contact with the offender to remind them about Conditions or to discuss initial non-compliance and offer another opportunity to comply to picking offenders up from their home and accompanying them to services to attend their appointments.

6.13.3 Factors inhibiting compliance

Interviewed offenders reported that the following factors made it more difficult to comply:

• Not having the income to meet the fine component of the Conditional Caution.
• Ongoing issues with substance misuse\(^58\).

Interviewed stakeholders also frequently reported that offenders most frequently failed to comply with financial Conditions and identified the same two causes for this non-compliance.

6.14 Continuation plans and sustainability

The evaluation found evidence that the implementation and impact of Conditional Cautions in Cambridgeshire and Peterborough is likely to be sustainable, at least in the short to medium term.

Interviewed stakeholders highlighted two key mechanisms via which the OPCC and Constabulary are planning for continuation.

First, administration, management of the scheme and gatekeeping decision-making is being mainstreamed and incorporated into the investigation management unit.

Second, funding for one Outside Links worker had been secured for an additional 12 months, with the possibility of this being continued in future funding cycles.

However, the loss of focussed and centralised management raised several concerns for stakeholders:

• It may lead to weaker relationships with partners and the loss of some referral pathways.

• With cases being managed by the investigating officer, the follow up on Conditions may be less consistent.

• Stakeholders reported that in other areas where there has been no central management of the Conditional Cautions, the conditions have tended to be a financial penalty and letter to victim, rather than addressing any needs underlying the offending behaviour. There was concern that, with reduced resourcing, the Cambridgeshire and Peterborough scheme may begin to operate in a similar way.

\(^58\) In this case, the offender had not wanted to address their drug use through Aspire’s services but was cutting down with support from friends and family.
7 Stakeholders’ views on the Conditional Caution scheme

7.1 Key findings

Interviewed offenders were very positive in their appraisal of the Conditional Caution scheme. They identified several reasons why they preferred it to prosecution and reported that it was more meaningful and useful than other types of OoCD.

Stakeholders involved with the scheme were also broadly positive in their opinions of it. They identified several strengths of the scheme, including its simplicity, boldness, person-centred approach and potential for delivering positive outcomes for the offender alongside recompense for victims.

Stakeholders were also able to reflect on a number of areas for improvement, including widening the eligibility criteria, increasing the number of agencies involved in delivering rehabilitative elements and the number of Conditions available on the Conditions menu, ensuring that communication about the scheme emphasises its successes, and considering economies of scale through expanding the scheme to neighbouring counties.

They also identified a number of lessons learned through implementing the scheme, which will be useful for future development of local Conditional Cautions in Cambridgeshire and Peterborough and elsewhere. These included the importance of:

- Creating a simple and clearly understandable Conditional Caution scheme, and of clear and consistent communication with police officers regarding the scheme.
- Securing buy-in from all key stakeholders and utilising existing support pathways where possible, to ensure that partners with appropriate expertise are delivering interventions with offender.
- Ensuring that all offenders who are issued with a Conditional Caution receive a needs assessment.
- Offering flexibility and accessibility to support the offender to comply with Conditions and engage with services as needed.

7.2 Overview

This chapter summarises stakeholders’ views on the strengths and areas for improvement for the Conditional Caution scheme, as well as key challenges and learning from implementing the scheme.
7.3 Offenders' views on the benefits of Conditional Cautions

Of the participants in the offender interviews who had previous convictions, all preferred the Conditional Caution scheme.

Interviewees perceived the Conditional Caution scheme as more meaningful and useful than simple cautions or warnings:

*If I just got cautioned I think I would have thought “haha I got away with it”, a simple caution doesn't make you think. But with Conditional Cautions, Outside Links explained that if this is how you carry on, this is how things will end up. I was arrested for theft a while ago - and that didn't make me or the people I was with think - there weren't any consequences and you need a step with consequences to give people a kick up the bum.*

Interviewee five

The majority of interviewees also preferred the conditional caution to more traditional routes such as prosecution through the courts for the following reasons:

- Avoiding the logistical difficulties and costs associated with going to court, such as securing childcare, taking time off work and travelling to and from the court.

- Interviewees perceived Conditional Cautions as more clear-cut and less stressful than going to court, giving offenders space to reflect on their offending and in some cases to focus on continuing with recovery.

*It's better than a court date. A few years ago, I had a court date in Leicester and I had to take the day off work, which cost me. The Conditional Caution was positive because the offence came at the end of a bad month, I didn't react in the situation like I normally would have done - but the Caution meant that things weren't made worse by having to go to court. Not having the stress and worry of having to think about court also gave me the space to think about the offence and put things into perspective. And it was much less stressful because I knew what I needed to do.*

Interviewee one

*I think it’s helped because it saved me from going to court - it was quick, and I didn’t have to deal with the stress that going to court creates with childcare. I just finished an 8-week trial and my mum had to drive me 1.5 hours every day for 8 weeks and I had to pay for childcare and food and drink - and I only got about £200 back when I got found not guilty.*

Interviewee three
I think that Conditional Caution is better than court - because court is bad for you mentally. My drug use increases when I'm upset- and going to court is upsetting- so it would make drug use worse and wouldn't be helpful. [The Conditional Caution] shows that people give you a chance and a bit of trust.

Interviewee four

The three strengths that offenders most frequently referred to regarding the Conditional Caution scheme were:

- The scheme saves time and money for the courts
- The scheme is simple and easy to understand
- The scheme had helped them to address their needs and the causes of their offending.

When asked whether they would recommend Conditional Cautions for people in similar circumstances to themselves, offender interviewees were split between those who believed that what had helped them could potentially help others similar to them, and those who felt that everyone is different and whether the Conditional Caution would help them would depend on the individual.

7.4 Strengths

The majority of the strengths of the Conditional Caution scheme, as identified by consulted stakeholders, have already been described in the previous chapters of this report. Three identified strengths which are not discussed elsewhere are:

- **Simplicity.** Stakeholders identified the simplicity of the scheme and the fact that it required less police officer time than a court prosecution to be advantageous from the perspective of police officers.

- **Women's pathways.** Stakeholders felt the scheme had been particularly successful regarding the establishment of female offender pathways, covering issues such as domestic abuse, financial issues, housing and children’s services. Stakeholders reported that the pathways had led to successful outcomes for female offenders on the scheme.

- **Boldness.** Stakeholders praised the project’s assertive decision to cease issuing other OoCDs (except for Community Resolutions) as from 1 February 2018.

Stakeholders also indicated two strengths of Conditional Caution schemes more generally:

- **Person-centred approach and potential for impact.** Compared to a simple caution or prosecution, the Conditional Caution is person-centred and has the capacity to bring about impact, rather than just punishment, by addressing an offender’s needs.
• **Recompense to the victim.** This was important for some, either through restorative justice interventions or financial compensation to the victim.

7.5 **Challenges**

Again, the challenges in implementation which were identified by key stakeholders are predominantly discussed as they arise under the key themes of this report. The only challenge which is not reported elsewhere is the tight timescales within which the scheme was introduced and expected to achieve impact. The two year window is a tight timeframe for implementing and delivering the scheme at full capacity. Senior management were clear that expectations of impact should be managed in line with findings from previous RCTs, and that the “soft” impacts such as building culture change should be considered as important too.

7.6 **Areas for improvement**

As with strengths and challenges, a number of improvement suggestions from stakeholders have been referenced elsewhere in this report. Improvement suggestions where this is not the case are:

• **Widen eligibility remit:**

  o For some stakeholders this would entail opening up the scheme to additional, specific offences. Several identified domestic abuse cases as the appropriate next step for the scheme. Due to safeguarding concerns as well as concerns over public perception, some stakeholders noted that this would require very careful negotiation, and ought to be a small scale pilot that would be based on evidence regarding appropriate interventions.

  o For other stakeholders this was more a case for the eligibility criteria to be less prescriptive, and instead an interpretive framework for eligibility to be put in place that would allow more scope for professional judgement with regards to whether a Conditional Caution is a suitable approach for an offender. This would require additional training and supervision pathways for practitioners.

**Recommendation:** Whilst some stakeholders reported that widening eligibility and increasing police officer discretion on when Cautions can be issued was desirable, stakeholder interviews also suggested that there is inconsistency in skill level and approach among police officers (in terms of referrals into the scheme as well as setting conditions). As such, it is recommended the Cambridgeshire Constabulary maintain a tight eligibility criteria, with a clear understanding of where exceptions may be made, and the process for doing so.

• **Increase number of partner agencies.** This would enable support across a wider range of needs. Stakeholders highlighted current gaps in provision around mental health, housing and financial issues. If eligibility were to be
opened up to domestic abuse cases, a partner providing support to domestic abuse perpetrators would also be required.

- **Expand menu of conditions.** While stakeholders praised the openness of the scheme with regards to possible conditions, some proposed that a wider range of specified conditions might encourage officers to select more appropriate and creative conditions. One stakeholder suggested unpaid work for the benefit of the community should be a Condition option.

- **Highlight successes.** Performance data could be shared more widely with partners and follow-up reports on offenders sent to referral officers. Stakeholders felt that highlighting success would improve motivation for staff involved.

- **Economies of scale.** Stakeholders suggested that the Offender Hub could possibly cover several neighbouring counties, and that an assessment should be conducted of demand and of the extent of possible economies of scale.

7.7 **Lessons learned during implementation**

Stakeholders highlighted some key lessons and recommendations for future implementation of the scheme locally, and also for other similar schemes which might be introduced elsewhere:

- Ensure there is clear and consistent communications to police officers regarding Condition options and eligibility for the scheme. The eligibility and selection criteria should be simple, clear, known and understood by all involved.

- Build the profile and understanding of the scheme across the police and other services in the locality.

- Secure buy-in from the local OPCC. Ensuring proposals are evidence-based is key to this.

- Ensure there is a needs assessment for all offenders who are eligible for the scheme.

- Explore and utilise existing support pathways, and ensure that interventions (such as needs assessments) are delivered by partners with expertise, rather than delivered internally by the police.

- The scheme should be administered, monitored and supervised by staff who are dedicated and motivated about the scheme.

- Be flexible to the individual, for example offering out of hours appointments.

- Ensure that services which offenders are required to attend are based in an obvious and accessible location.
8 Recommendations

The evaluation identified a number of recommendations for the future development of Conditional Cautions in Cambridgeshire and Peterborough. These are summarised in Figure 28, alongside the initial response to each recommendation by Cambridgeshire and Peterborough OPCC and partners.
**Figure 28: Recommendations**

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Response from OPCC and partners (May 2018)</th>
<th>Section(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Strategic</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>It would be beneficial for Cambridgeshire Constabulary and Cambridgeshire and Peterborough OPCC to repeat a similar reoffending data study to the one conducted as part of this evaluation in, for example, six months’ time to determine whether the findings are similar when data for a greater number of offenders can be included in the study.</td>
<td>Discussions are taking place within the local “what works” board with a view to undertaking a similar data study in the future.</td>
</tr>
<tr>
<td>2</td>
<td>Cambridgeshire and Peterborough OPCC, Cambridgeshire Constabulary and local support service providers may wish to conduct more detailed assessment of which support services have experienced increased demand as a result of the Conditional Caution scheme, in order to support strategic planning around future commissioning priorities and support pathways. However, it may be that this work is already being undertaken at a system-wide level, building on the 2016 offender needs assessment.</td>
<td>A system-wide tracking process has already been established.</td>
</tr>
<tr>
<td>3</td>
<td>In order to better understand the impact of the scheme on improving wider outcomes for offenders, Cambridgeshire Constabulary and partners should establish systematic feedback mechanisms to identify whether offenders who receive a rehabilitative Condition involving attendance at a service continue to engage with this service voluntarily. This would require careful consideration of confidentiality and appropriate information sharing but basic information on engagement and progress could potentially be shared with the Constabulary with the informed consent of offenders.</td>
<td>The OPCC and Cambridgeshire Constabulary have agreed with Outside Links that they will complete telephone follow-up in relation to offenders who attended Outside Links as part of their Conditional Caution, in order to capture details of ongoing support. A similar process is yet to be confirmed with other agencies which offenders might attend as part of their Conditional Caution.</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Response from OPCC and partners (May 2018)</td>
<td>Section(s)</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td><strong>Operational</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Cambridgeshire Constabulary and Cambridgeshire and Peterborough OPCC should review the approach taken to needs assessment for offenders receiving a Conditional Caution. This includes: a.) Determining whether a pre-Caution needs assessment is desirable for all offenders issued with a Caution, to support the setting of rehabilitative Conditions if required. b.) Considering the resource implications for the NHS Liaison and Diversion Scheme (LaDS) or any other service responsible for pre-Caution needs assessment, in the event that needs assessments are made a pre-requisite of the Conditional Caution. c.) Deciding on and clearly articulating the relationship between any pre-Caution needs assessment and the needs assessment that can be set as Condition of the Caution. d.) Determining whether all offenders who receive a Conditional Caution should be required to attend a needs assessment as one of the Conditions of their Caution.</td>
<td>The OPCC and partners recognise the importance of a needs assessment and are currently exploring options to ensure that these take place. This includes the potential to mandate a post-Caution needs assessment for all offenders on the scheme.</td>
</tr>
<tr>
<td>5</td>
<td>Cambridgeshire Constabulary should continue to promote the Conditional Caution scheme to police officers in order to maximise use of the scheme. This is likely to include: • Ensuring that training is provided to all officers and refreshed as needed. • Providing regular emails or other circulars to remind officers about the scheme and the available guidance on eligibility. • Building on existing work that has been undertaken by the Offender Hub to promote culture change amongst those officers who might not use the scheme because they take a more punitive approach. This includes An internal and external communication plan is currently in draft to address this.</td>
<td></td>
</tr>
<tr>
<td>Recommendation</td>
<td>Response from OPCC and partners (May 2018)</td>
<td>Section(s)</td>
</tr>
<tr>
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<td>------------</td>
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<tr>
<td>Providing feedback to issuing officers on compliance and good news stories on the known successes of the scheme.</td>
<td></td>
<td></td>
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<tr>
<td><strong>6</strong> Whilst some stakeholders reported that widening eligibility and increasing police officer discretion on when Cautions can be issued was desirable, stakeholder interviews also suggested that there is inconsistency in skill level and approach among police officers (in terms of referrals into the scheme as well as setting conditions). As such, it is recommended the Cambridgeshire Constabulary maintain a tight eligibility criteria, with a clear understanding of where exceptions may be made, and the process for doing so.</td>
<td>The OPCC and Cambridgeshire Constabulary are currently reviewing policy and procedure in order to remove inconsistency, as far as possible, while maintaining officer discretion. In addition, they are considering the introduction of a decision-making escalation process similar to one already used in relation to Community Resolutions.</td>
<td>7.6</td>
</tr>
<tr>
<td><strong>7</strong> Given that it may be appropriate to make exceptions in some cases, Cambridgeshire Constabulary should amend the guidance for police officers to include any known exceptions to the usual eligibility criteria for Conditional Cautions and to introduce a process by which issuing officers can seek authorisation to make other exceptions in advance of issuing the Conditional Caution. This should serve as a safeguard against inappropriate Cautions being issued.</td>
<td></td>
<td>6.8.2</td>
</tr>
<tr>
<td><strong>8</strong> In ongoing training and promotion of Conditional Cautions to police officers, Cambridgeshire Constabulary should place an increased emphasis on ensuring officers have the right skills to clearly communicate with offenders about Conditional Cautions, and the Conditions with which they are required to comply.</td>
<td>A review of training and briefing material is complete and suggested amendments are awaiting peer review.</td>
<td>6.9</td>
</tr>
<tr>
<td><strong>9</strong> In addition to reviewing the process for needs assessment and its ability to inform the Conditions set for an offender, Cambridgeshire Constabulary should ensure that ongoing training and promotion of the scheme to officers supports them to develop the necessary skills to determine appropriate</td>
<td>The OPCC and Cambridgeshire Constabulary have incorporated ongoing promotion of the scheme within the draft communications plan.</td>
<td>6.10</td>
</tr>
</tbody>
</table>
### Recommendation

Conditions. Alongside more formal training as required, one mechanism might be circulating anonymised examples of Conditional Caution paperwork where the officer has shown high levels of skill and empathy in determining and setting appropriate Conditions.

### Response from OPCC and partners (May 2018)

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Response from OPCC and partners (May 2018)</th>
<th>Section(s)</th>
</tr>
</thead>
</table>
9 Appendix A: Phase 2 research tools

9.1 Topic guide for key stakeholder interviews

Topic guide for key stakeholders.pdf

9.2 E-survey of key stakeholders

E-survey of key stakeholders.pdf

9.3 Observation guide, information sheet and consent form for site visit to Offender Hub and offender needs assessment

Observation guide for site visits.pdf
Offender Information Sheet for observation
Offender consent form for observations

9.4 Topic guide, information sheet and consent form for offender interviews

Topic guide for offenders.pdf
Offender Information Sheet for interviews.pdf
Offender consent form for interviews.pdf

9.5 Template for offender case studies

Outcomes-focussed case study tool.pdf
10 Appendix B: Strategic and operational documentation reviewed

10.1 Phase One review


Cambridge – Conditional Caution Menu.

Fenland – Conditional Caution Menu.


Huntingdon – Conditional Caution Menu.


Letter of Apology Guidance.

Offender Hub Guidance.

Peterborough – Conditional Caution Menu.

Police Innovation Fund 2016/17 – Bid Form.

Police Innovation Fund 2016/17 – Quarter 1 Project Update.

Police Innovation Fund 2016/17 – Mid Year Return.

Police Innovation Fund Review (Q3).


10.2 Phase 2 review

Liaison and Diversion Service – Conditional Caution Flow Chart.

Project financial data: anticipated and actual programme expenditure (2016/17 and 2017/18)

Police Innovation Fund 2016/17 – Quarter 4 Project Update.

Police Innovation Fund 2017/18 – Quarters 1, 2 and 3 Returns.
Appendix C: Research and evidence on deferred prosecution programmes

11.1 Key findings

There is some evidence that offenders who receive deferred prosecution reoffend less than those who receive court disposals.

There is some evidence that deferred prosecution schemes may reduce the demand for and costs to the criminal justice system for dealing with individual offences.

Limited evidence was available that deferred prosecution schemes effectively improve wider outcomes for offenders, such as addressing offending-related behaviour.

An analysis of reviews of 19 different deferred prosecution schemes showed that:

- 11 of the 19 programmes were found to have a positive impact on reoffending rates. Of these, four had an evidence quality rating of 3. None had an evidence quality rating of 4 or above.

- 7 of the 19 programmes were found to have a positive impact on the demand for and costs of the criminal justice system. Of these, one had an evidence quality rating of 5 and two had an evidence quality rating of 3.

- Additional positive outcomes resulting from engagement with one or more programme included: reduced drug and alcohol use; improved mental health; improved quality of life; improved physical health status; increased utilisation of support services; reduced anti-social behaviour in the community; increased levels of empathy; and increased resilience.

- A consistent theme amongst successful deferred prosecution and diversion programmes was the involvement of rehabilitative services, and programmes to address the causes of crime that were tailored to the needs of the offender and offence committed. In comparison, programmes which showed less evidence of positive outcomes were more likely to involve more generic services and interventions.

11.2 Overview

This chapter presents the findings of a literature review to identify evidence of “what works” in deferred prosecution and similar schemes. It focuses in particular on whether these programmes reduce reoffending, demand for criminal justice services and costs to the criminal justice system or other public sector services.
Specific deferred prosecution and diversion programmes are outlined, including summaries of any evidence on the impact of these programmes.

11.3 Reducing reoffending

There is some evidence within the reviewed literature that offenders who receive deferred prosecution, such as OoCDs, have lower reoffending rates than those who receive court disposals (Maki, 2015; Criminal Justice Joint Inspection, 2011; Office for Criminal Justice Reform, 2010; Blakeborough and Pierpoint, 2007)

Figure 29 shows reoffending rates for adults receiving different types of disposal in 2007, as reported by the Office for Criminal Justice Reform (2010). This indicates that in 2007 offenders receiving OoCDs had lower reoffending rates than those who were released from custody or who commenced court orders in the same year. However, the variation in reoffending was reported to primarily reflect differences in offenders’ characteristics, such as age and gender, and offending history (Office for Criminal Justice Reform, 2010).

Figure 29: Reoffending rates for adults receiving a PND, Caution, reprimand/warning or condition in 2007

<table>
<thead>
<tr>
<th>Disposal</th>
<th>Reoffending rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penalty Notice for Disorder</td>
<td>25%</td>
</tr>
<tr>
<td>Reprimand, warning or Caution</td>
<td>19%</td>
</tr>
<tr>
<td>Adults released from custody/commencing court order</td>
<td>39%</td>
</tr>
</tbody>
</table>

Source: Office for Criminal Justice Reform, 2010

A review of reoffending 12 months after use of OoCDs found that reoffending rates are lowest for restorative justice disposals (nine out of 40 cases where reoffending was recorded) and ranged from 18 to 22 out of 50 cases where offending was recorded for Conditional Cautions, compared to 40 out of 50 for those charged in court (Criminal Justice Joint Inspection, 2011).

There is also some evidence that deferred prosecution schemes designed specifically for offenders who misuse drugs might be effective in reducing recidivism. For example, one study found tentative evidence that diversion programmes re-directing drug-involved offenders away from the criminal justice system into specialist drug court programmes and other interventions can result in reduced criminal recidivism (Harvey et al., 2007). Further, an evaluation of police drug diversion interventions in Australia found that the majority of diversion participants did not reoffend 12 to 18 months following receiving the Caution, and there was a decline in the rate of offending (Ogilvie and Willis, 2009).

Equally, evidence suggests that diversion programmes for offenders with mental health issues, such as mental health courts, can be effective in reducing reoffending. Reviews of mental health court studies reveals that these
programmes may be moderately effective treatments for reducing recidivism (Cross, 2011; Sarteschi et al., 2011).

11.4 Demand and cost for criminal justice system

There is also some evidence within the reviewed literature that deferred prosecution, such as the use of OoCDs, is cost-effective, or is perceived to be cost-effective (Maki, 2015; Criminal Justice Joint Inspection, 2011; Office for Criminal Justice Reform, 2010; Blakeborough and Pierpoint, 2007).

Figure 30 presents data from analysis of cost implications for criminal justice agencies of different types of disposals (Office for Criminal Justice Reform, 2010). This indicates that all OoCDs were cheaper than prosecution. Conditional Cautions were, however, found to be the most expensive from of OoCD.

<table>
<thead>
<tr>
<th>Disposal</th>
<th>Indicative resource cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prosecution</td>
<td>£400 - £1400</td>
</tr>
<tr>
<td>Street disposal (e.g. PND)</td>
<td>£5 - £40</td>
</tr>
<tr>
<td>PND following arrest</td>
<td>£250 to £350</td>
</tr>
<tr>
<td>Simple Caution/reprimand/warning following</td>
<td>£300 to £450</td>
</tr>
<tr>
<td>Crown Prosecution Service advice</td>
<td></td>
</tr>
<tr>
<td>Simple Caution/reprimand/warning without Crown</td>
<td>£250 to £350</td>
</tr>
<tr>
<td>Prosecution Service advice</td>
<td></td>
</tr>
<tr>
<td>Conditional Caution</td>
<td>£300 to £450</td>
</tr>
<tr>
<td>Street-issued cannabis warning</td>
<td>£10 to £20</td>
</tr>
<tr>
<td>Cannabis warning following arrest</td>
<td>£250 to £350</td>
</tr>
</tbody>
</table>

Source: Office for Criminal Justice Reform, 2010

Further, a review of 190 cases across five police forces across England and Wales found clear time benefits for some OoCDs (Criminal Justice Joint Inspection, 2011). For example, PNDs issued on the street were reported to save nearly three hours of police time when compared to at a police station after arrest. However, Conditional Cautions were reported to take on average an extra hour compared to a Simple Caution.

11.5 Addressing the causes of offending

The literature review found limited outcomes-based evidence that deferred prosecution schemes successfully support offenders to address the causes of their offending. However, practitioners involved in a Conditional Cautioning
scheme across six police force areas reported that it helped to address the causes of crime (Blakeborough and Pierpoint, 2007).

As with impact on reoffending, some evidence is available that deferred prosecution schemes specifically for offenders who misuse drugs may have a positive impact on offending-related behaviour. For instance, one study found tentative evidence that diversion programmes re-directing drug-involved offenders away from the criminal justice system into specialist drug court programmes and other interventions reduced drug use and possibly improved psychological functioning (Harvey et al., 2007)

11.6 Challenges to implementation

The reviewed literature highlights a number of challenges to delivering effective deferred prosecution schemes, as well as key learning which might enable schemes to be implemented more effectively. Key challenges to implementation include:

- The quality and consistency with which deferred prosecution schemes are implemented varies, and this can mean that inappropriate cases are referred (Slothower, 2014; Criminal Justice Joint Inspection, 2011).

- The complexity or a lack of understanding of deferred prosecution schemes can act as a barrier to their successful implementation (Guiney and Earle, 2017; Blakeborough and Pierpoint, 2007).

- The time and processes required to administer some types of deferred prosecution, including Conditional Cautions, is perceived by police officers as unnecessary and is potentially reducing the use of deferred prosecution options (Criminal Justice Joint Inspection, 2011; Blakeborough and Pierpoint, 2007).

- Inadequate IT systems can make it more time-consuming to administer deferred prosecutions, and can deter police officers from using these schemes (Slothower, 2014)

11.7 Key components for effective implementation

The recognition of potential challenges has led to a series of recommendations to increase the efficacy of deferred prosecution schemes:

- Effective and ongoing training for staff using the scheme (Guiney and Earle, 2017; Slothower et al., 2017; Blakeborough and Pierpoint, 2007).

- Efficient and straightforward administration processes, including fit-for-purpose IT systems (Slothower, 2014; Blakeborough and Pierpoint, 2007).

- Provision of decision-making IT support and tools, which can improve treatment integrity (Slothower et al., 2017).
A structured approach to explaining the Conditional Caution disposal to victims and listening and taking account of the victim’s concerns, which improves victim satisfaction with the scheme (Slothower et al., 2017).

11.8 Implementation and impact of specific programmes

11.8.1 Leicestershire Out-of-Court Disposal pilot

In 2014 Leicestershire, Staffordshire and West Yorkshire Police took part in a pilot project delivered by the Ministry of Justice looking at the way OoCDs are used for adult offenders in criminal cases.

In Leicestershire, offender programmes included: programmes encouraging offenders to reflect on the impact of their crime; and services catering for issues such as debt, accommodation and drugs and alcohol (Granger and Norman, n.d.). Further, all males who received a Conditional Caution were required to join partnership project engAge, consisting of attending assessments and further sessions, to allow partners to triage and plan interventions tailored to individual risk and need.

According to Leicestershire Police, feedback specific to engAge was consistently positive from service users. Out of 41 young adults who had received engAge Conditional Cautions, only one had reoffended as of when research was conducted. Feedback regarding the project overall reported that once implemented the rehabilitative programmes “provide an excellent option for the decision maker with a view to prevent reoffending”. Further, it was stated that referrals are straightforward and most deal only with compliance monitoring, and simply informing the Police of the result.

Challenges of this programme included: funding of services; gaps in service provision e.g. domestic violence; and a lack of understanding at various levels. However, overall Leicestershire Police concluded that Community Resolutions and Conditional Cautions are a “more effective way of dealing with criminality”. Indeed, whilst the National Police Chiefs Council reported that the challenges of the pilot in the three forces included more bureaucracy, overall it was suggested that the pilot should succeed as it’s better for both the victim and offender (Sumner, 2015).

Whilst this programme provides insight into the implementation and overall impact of deferred prosecution programmes, no statistics were provided regarding impact on reoffending or demand/costs on the criminal justice system.

11.8.2 Other programmes

The literature review identified reviews of 18 individual programmes involving deferred prosecution, which have shown evidence of positive impact on reoffending and demand/costs to the criminal justice system. A summary of these programmes can be seen in Figure 32. These programmes involve a variety of approaches and target audiences, which are detailed in the programme descriptions.
Overall findings include:

- 11 of the 18 programmes were found to have a positive impact on reoffending rates. Of these, four had an evidence quality rating of 3. None had an evidence quality rating of 4 or above.

- 6 of the 18 programmes were found to have a positive impact on the demand for and costs to the criminal justice system. Of these, one had an evidence quality rating of 5 and two had an evidence quality rating of 3.

- Additional positive outcomes resulting from engagement with one or more programme included: reduced drug and alcohol use; improved mental health; improved quality of life; improved physical health status; increased utilisation of support services; reduced anti-social behaviour in the community; increased levels of empathy; and increased resilience.

- In some programmes, there was evidence that other inter-related factors impacted on the likelihood of completing the programme or reoffending. Examples of factors include: gender, age, income, offence type and substance misuse. However, different factors appeared to impact on completion and reoffending rates for specific programmes and common factors were not identified across different programmes.

A consistent theme amongst successful deferred prosecution and diversion programmes was the involvement of rehabilitative services, and programmes to address the causes of crime that were tailored to the needs of the offender and offence committed. In comparison, programmes which showed less evidence of positive outcomes were more likely to involve more generic services and interventions.

Figure 32 outlines the individual programmes in more detail, and includes a summary of evidence relating to impact on reoffending and demand/costs to the criminal justice system. Factors that are associated with completion of programme and likelihood to reoffend are also provided, with green text indicating that this factor increases likelihood of completion of programme or likelihood to reoffend.

The Maryland Scientific Methods Scale (SMS) has been adapted for the purpose of this report to assess the robustness of programme evaluator’s research methods. Each programme is provided with a level from one to five, with five signifying the evaluator has used the most robust research methods to evaluate the programme. A breakdown of Maryland Scientific Methods Scale and how each level has been applied in this report can be found in section 11.11.

Programmes are ordered by the year in which they were reviewed, with most recently-reviewed programmes listed first. Figure 31 provides a key to highlight whether relevant research demonstrates evidence of impact in each area.
Figure 31: Key to symbols in Figure 32

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔</td>
<td>Research highlights evidence of a positive impact as a result of the programme.</td>
</tr>
<tr>
<td>•</td>
<td>Research highlights little, no, or mixed evidence of impact as a result of the programme.</td>
</tr>
<tr>
<td>X</td>
<td>Research highlights evidence of a negative impact as a result of the programme.</td>
</tr>
<tr>
<td>-</td>
<td>Insufficient data available regarding this.</td>
</tr>
</tbody>
</table>
### Figure 32: Evidence from individual programmes

<table>
<thead>
<tr>
<th>Programme name</th>
<th>Evidence quality rating</th>
<th>Evidence of impact</th>
<th>Inter-related factors</th>
<th>Application to Cambridgeshire and Peterborough</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Re-offending</td>
<td>Demand/cost</td>
<td>Related outcomes</td>
</tr>
<tr>
<td>Turning Point (Slothower et al. 2017; Neyroud and Slothower, 2013; Neyroud et al., n.d.)</td>
<td>5</td>
<td>✓</td>
<td>✓</td>
<td>-</td>
</tr>
<tr>
<td>Checkpoint (Durham Constabulary, n.d.)</td>
<td>0</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Programme name</td>
<td>Evidence quality rating</td>
<td>Evidence of impact</td>
<td>Inter-related factors</td>
<td>Application to Cambridgeshire and Peterborough</td>
</tr>
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<td>-----------------------------------------------------</td>
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</tr>
<tr>
<td><strong>Programme name</strong></td>
<td><strong>Evidence quality rating</strong></td>
<td><strong>Evidence of impact</strong></td>
<td><strong>Inter-related factors</strong></td>
<td><strong>Application to Cambridgeshire and Peterborough</strong></td>
</tr>
<tr>
<td>Vision, Avert and Achieve (Codd et al., 2016)</td>
<td>1</td>
<td>✓</td>
<td>✓</td>
<td>Whilst the evaluation was regarding programmes targeting female offenders both pre- and post-sentencing, there was positive evidence of the impact of programmes aimed to targeting the root causes of offending on reoffending and related outcomes.</td>
</tr>
<tr>
<td>Milwaukee County Early Intervention Strategy (Carter, 2016)</td>
<td>1</td>
<td>•</td>
<td>✓</td>
<td>Highlighted that programmes in which charges are withheld assuming individual agrees to complete terms of the agreement are more successful in reducing reoffending and number jail days per participant than those where charges are filed but dismissed or reduced upon completion.</td>
</tr>
<tr>
<td>The Victim Awareness Course (Simkin, 2015)</td>
<td>2</td>
<td>•</td>
<td>✓</td>
<td>Whilst evidence was self-reported, there were indications of impact on intentions to reoffend and levels of empathy as a result of the diversion programme.</td>
</tr>
<tr>
<td>Programme name</td>
<td>Evidence quality rating</td>
<td>Evidence of impact</td>
<td>Inter-related factors</td>
<td>Application to Cambridgeshire and Peterborough</td>
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<td>--------------------------------------------------------------------------------</td>
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<td>----------------------------------------------</td>
</tr>
<tr>
<td>Humberside Police Adult Female Triage Project (Brennan et al., 2015)</td>
<td>2</td>
<td>✔</td>
<td>-</td>
<td>Highlighted the potential impact of diversion schemes for female offenders on reoffending.</td>
</tr>
<tr>
<td>Cook County State’s Attorney Deferred Prosecution Programme (Maki, 2015)</td>
<td>3</td>
<td>●</td>
<td>-</td>
<td>Whilst no significant effects of the deferred prosecution programme were found relating to re-arrest rates, the evaluator attributed this to the “soft touch” of the model, suggesting the model be reconsidered to include additional services for participants such as targeted services including mental/substance abuse needs, which are currently involved in Cambridgeshire’s model. Further, it was suggested that the programme may be revised to target certain types of defendants (e.g. women) or those charged with certain offences (e.g. theft).</td>
</tr>
<tr>
<td>Programme name</td>
<td>Evidence quality rating</td>
<td>Evidence of impact</td>
<td>Inter-related factors</td>
<td>Application to Cambridgeshire and Peterborough</td>
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<tr>
<td></td>
<td></td>
<td>Re-offending</td>
<td>Demand/cost to CJS</td>
<td>Completion of programme</td>
</tr>
</tbody>
</table>
| Kane County Second Chance programme (Halbesma, 2014) | 2 | ✔️ | - | - | - | - | Age (18-24)  
Race (Caucasian)  
Gender (male) | Highlighted evidence of impact of deferred prosecution programmes for a number of different types of offences. Further, a number of factors were associated with likelihood of reoffending which could be considered in Cambridgeshire’s approach. |
<p>| Swindon Neighbourhood Justice Panel (Bowen and Whitehead, 2013) | 1 | - | - | ✔️ (anti-social behaviour in community) | - | - | Demonstrates impact of out-of-court disposals/discharges aimed at resolving offending behaviour on related outcomes such as anti-social behaviour. |
| Home Office Alcohol Arrest Referral pilot schemes (Blakeborough and Richardson, 2012) | 3 | ✔️ | ✔️ | ✔️ (alcohol consumption) | - | - | Whilst there was little to no evidence of impact on reoffending and demand/costs, this programme demonstrated potential impact of alcohol interventions on alcohol consumption. |</p>
<table>
<thead>
<tr>
<th>Programme name</th>
<th>Evidence quality rating</th>
<th>Evidence of impact</th>
<th>Inter-related factors</th>
<th>Application to Cambridgeshire and Peterborough</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Phoenix Prostitution Diversion Programme</strong> (Roe-Sepowitz et al., 2011)</td>
<td>1</td>
<td>✓</td>
<td>✓</td>
<td>This provides evidence of impact on reoffending for deferred prosecution programmes specifically for offenders arrested for prostitution.</td>
</tr>
<tr>
<td><strong>Women Specific Caution</strong> (Easton et al., 2010)</td>
<td>1</td>
<td>✓</td>
<td>✓</td>
<td>Whilst evidence provided was largely self-reported, there was some evidence to support the use of rehabilitative Conditional Cautions for low-level, low-risk female offenders.</td>
</tr>
<tr>
<td><strong>Court Integrated Services Programme</strong> (Department of Justice, 2010)</td>
<td>3</td>
<td>✓</td>
<td>✓</td>
<td>Highlighted the potential impact of programmes focusing on the causes of crime on reoffending, costs to the criminal justice system and other related outcomes.</td>
</tr>
<tr>
<td><strong>Deferred prosecution of DUIs, Washington State</strong> (Barnoski, 2007)</td>
<td>3</td>
<td>✓</td>
<td>✓</td>
<td>Highlighted potential impact of deferred prosecution programmes in driving under the influence of alcohol and/or impairing drugs (DUI) cases on reducing DUIs and overall recidivism.</td>
</tr>
<tr>
<td>Programme name</td>
<td>Evidence quality rating</td>
<td>Evidence of impact Re-offending</td>
<td>Evidence of impact Demand/cost to CJS</td>
<td>Evidence of impact Related outcomes</td>
</tr>
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</tr>
<tr>
<td>Drug Treatment Alternative-to-Prison (Zarkin et al., 2005; Belenko et al., 2004)</td>
<td>3</td>
<td>✔</td>
<td>✔</td>
<td>-</td>
</tr>
<tr>
<td>New York City’s Department of Health and Mental Hygiene Diversion Programme (Broner et al., 2005)</td>
<td>3</td>
<td>✔</td>
<td>-</td>
<td>✔</td>
</tr>
<tr>
<td>Vanderburgh Pre-Trial Diversion Programme (Kixmiller, 1998)</td>
<td>1</td>
<td>✔</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

This table provides a summary of various diversion programs, including their evidence quality rating, evidence of impact on reoffending, demand and cost to the criminal justice system (CJS), related outcomes, and inter-related factors affecting completion of the programme and reoffending. The final column details how these programs could be applied to Cambridgeshire and Peterborough, specifically highlighting potential impacts and considerations for implementation.
<table>
<thead>
<tr>
<th>Programme name</th>
<th>Evidence quality rating</th>
<th>Evidence of impact</th>
<th>Demand/cost to CJS</th>
<th>Related outcomes</th>
<th>Inter-related factors</th>
<th>Application to Cambridgeshire and Peterborough</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Offenders Programme (Zaffrann, 1976)</td>
<td>0</td>
<td>-</td>
<td>✔</td>
<td>-</td>
<td>-</td>
<td>Highlighted potential savings compared to traditional court processes.</td>
</tr>
</tbody>
</table>

Considered in Cambridgeshire’s approach.
11.8.3 Turning Point (Neyroud, 2017; Slothower et al., 2017; Neyroud and Slothower, 2013; Neyroud et al., n.d.)

Description

Turning Point is a structured deferred prosecution scheme in Birmingham, whereby eligible offenders are diverted from prosecution onto a "Turning Point Contract". It was implemented in phases, beginning in November 2011.

The scheme is for offenders meeting the following criteria:

- The custody officer has decided it is in the public interest to prosecute: informal warnings and cautions have been disregarded as possible disposals.
- The offender is low risk:
  - No previous conviction (they may have previous cautions or other diversions) or one prior conviction (more than five years previously if an adult or two years ago if juvenile).
  - The offence is not likely to result in an instant prison sentence.

Of the 414 eligible cases included a randomised controlled trial (RCT) study (see next section), 48% involved a violent offence, 48% a property offence and 15% a drugs offence.

Offenders on the scheme must attend a meeting within 48 hours with an offender manager or YOS officer, at which point the Turning Point contract is agreed as the result of a structured conversation.

Of the offenders in the Turning Point cohort in the RCT study (see next section), 65% received a condition relating to restoration or reparation, 58% relating to rehabilitation and 33% regarding movement constraint.

Non-compliance with attending the initial meeting, reoffending or failure to meet the terms of the Turning Point contract will result in prosecution.

Tracking, coaching and an IT decision support tool are provided to participating officers to improve officer decision-making and support officer discretion in two key areas:

- Which cases to charge or divert to Turning Point.
- Which conditions to assign to offenders.

Methodology and rationale for evidence quality rating

Operation Turning Point is the name of the evaluation study to assess the effectiveness of the Turning Point scheme in terms of reoffending and costs, comparing court prosecution for low harm offenders with diversion to the Turning Point Contract. Its core methodology is an RCT, but it also includes qualitative
research such as interviews and observations with police officers, offenders and victims.

The RCT study cohort included 414 offenders who were eligible for the Turning Point scheme; 206 were randomly allocated into the Turning Point programme and the other 208 were prosecuted. The study’s internal validity was also bolstered by the consistency in custody officer decision-making facilitated by coaching and support from decision-making tools: high treatment integrity was achieved. Of the 122 field experiments in policing in 2016, Operation Turning Point was rated in the top third for “treatment integrity”.

Evidence of impact

Process

Monitoring data shows an improvement in treatment integrity with each new phase of the study, measured by the extent to which the conditions issued were SMART. The evaluation team links this to: training, providing a set of recommended conditions, decision-making IT software, and the use of a structured decision-support IT tool. Decision supporting and making IT were the most effective approaches. Provision of recommended conditions was the least effective.

Offender outcomes

Compared to standard prosecution, the Operation Turning Point RCT has linked three key impacts to the Turning Point programme:

- 36% reduction in crime harm in the two years following initial arrest.\(^{59}\)
- 34% increase in “justice” imposed, i.e. the extent of the consequences to the offender of having offended.\(^{60}\)
- 45% reduction in cost of justice to courts, CPS and police. (The reduction in police costs was identified 25%).

No evidence was found regarding impact on offending-related needs or offender compliance to conditions.

Victim outcomes

The RCT found that victims with cases in the Turning Point cohort were 43% more satisfied than those with cases sent to court. This is largely because victims

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\(^{59}\) This is estimated according to the Cambridge Crime Harm index. Reduction in prevalence of reoffending was only 6% and reduction in frequency was 11% (of which 5% was due to chance) for the Turning Point cohort in comparison to prosecution-as-usual.

\(^{60}\) Available documentation does not provide transparency on the methodology deployed by the RCT team in this calculation.
felt Turning Point was more likely to stop the offender from reoffending. Victim satisfaction was improved when Turning Point was explained to them.

11.8.4 Operation Checkpoint (Durham Constabulary, n.d)

Description

Checkpoint is a deferred prosecution programme that was launched by Durham Constabulary in April 2015. It aims to reduce reoffending by addressing the underlying reasons for someone committing the offence.

The scheme offers eligible offenders a 4-month long contract of engagement as an alternative to prosecution. Participating offenders are supported through the process by a specialist ‘navigator’ who completes a detailed needs assessment with them and draws up a contract based on the assessment.

The contract consists of up to five conditions, from four different types of conditions:

- Offending condition (mandatory) – Not to reoffend over the period of the contract.
- Victim condition – To take part in a Restorative Approach if asked, to put right the harm caused.
- Up to two pathway conditions – To participate in interventions addressing the issues that contributed to the subject committing the offence.
- Completion of 18-36 hours voluntary work in the community or wear a GPS tag.

If the offender successfully completes the contract and does not reoffend, no further action will be taken against them. If they reoffend or fail to complete the contract they will be prosecuted in court and the courts will be informed of the circumstances of their failure to complete the contract.

Some offences are not eligible for Checkpoint. These include serious offences (e.g. rape, robbery or murder), driving offences, domestic abuse and hate crime.

Methodology and rationale for evidence quality rating

Durham Constabulary and the What Works Centre for Crime Reduction both report that an RCT is being carried out by Cambridge University, starting from the programme’s inception in April 2015. The aim of the trial is to test whether Checkpoint reduces reoffending rates over a 24 month period when compared to conventional criminal justice routes. The stated methodology is an RCT comparing the treatment cohort (Checkpoint) to control cohort (conventional disposal routes), with a target sample size of 400 offenders in each cohort. However this review found no interim or final report on the study.
Evidence of impact

No evidence was identified in this review.

11.8.5 Vision, Avert and Achieve (Codd et al., 2016)

Description

Vision, Avert and Achieve are programmes provided to Lancashire Women’s centres under their ‘Women at Risk’ work stream, and consist of:

- Vision: an alternative sentencing option aimed at women within the criminal justice system, and focuses on identifying the root causes of offending behaviours and reducing future offending. Participation is mandatory.

- Avert: policy custody-based liaison and diversion programme working within women to identify triggers to offending and the underlying or root causes of offending; and

- Achieve: to support women in the criminal justice system and accessed post-sentencing, and offers advice and guidance to help women to move into sustainable employment and increase their employability.

Methodology and rationale for evidence quality rating

This research included analysis of eight qualitative interviews and depression and anxiety data from 77 women involved with Vision, Avert or Achieve programmes. Due to no comparator group involved, this study is considered as level 1 on the SMS.

Evidence of impact

Early indications suggested that participation in the programmes led to a reduction in reoffending, with participants interviewed indicating no evidence of reoffending since participation and attributing this to the benefits of the programmes, and other services provided by Lancashire Women’s Centres.

There was positive evidence of impact of the programme on depression and anxiety, with 61% of participants reporting a positive impact on their depression, and 63% reporting this regarding anxiety.

Further, a positive impact on resilience was reported for ‘happiness with employment’ with 51% reporting feeling happier about their employment, education or training by the end of the programme when compared to the beginning of the programme. Further, 45% of participants reported improved resilience in ‘managing behaviour’ following completion of the programme.
11.8.6 Milwaukee County Early Intervention Strategy (Carter, 2016)

Description

Since 2007 Milwaukee County have worked to identify suitable defendants for diversion and deferred prosecution, thereby avoiding traditional case processing, criminal charge, and prosecution. Diversion is defined as when charges upon the individual are withheld assuming the individual agrees to complete certain terms of the agreement. Deferred prosecution occurs when charges are filed, but are dismissed or reduced once the individual completes the programme.

Under the Early Intervention Strategy deferred prosecution was provided to those assessed as moderate risk to reoffend. All conditions of this process must address risk reduction, with conditions including: cognitive behavioural therapy (CBT); substance abuse/mental health treatment; and anger management with CBT component. Accountability strategies are also included as possible conditions of deferred prosecution agreements, which include: agreeing to electronic monitoring; participating in drug-testing; and meeting restorative justice requirements. Diversion programmes are provided to individuals assessed as low risk to offend, and follow two tracks: restorative justice (e.g. letters of apology) and accountability (e.g. community service), and generally last six months.

Methodology and rationale for evidence quality rating

This study examined likelihood of rearrest following involvement in diversion and deferred prosecution programmes. Due to no comparator group involved, this study is considered as level 1 on the SMS.

Evidence of impact

Less than 3% of participants involved with diversion programmes (where charges are withheld assuming completion of agreement) had new arrests during agreement period, compared to less than 8% of individuals with deferred prosecution agreements (where charges are filed but are dismissed/reduced upon completion).

Further, it was reported that over close to 25,000 jail days in total (translating to 31 jail days per participant) were saved for diversions, and close to 17,000 for deferred prosecution agreements (51 jail days per participant).

11.8.7 The Victim Awareness Course (Simkin, 2015)

Description

Initially designed in 2012, the Victim Awareness Course (VAC) is described as an “educational and rehabilitative option for offenders who have committed low level crime and who have been diverted from court by the police through the issuing of a PND or attendance on a course has been specified as an element of a Conditional Caution” (Victim Support, 2014). The VAC was piloted by Victim Support in Hampshire Constabulary with the aim of educating offenders and assisting them to develop empathy for victims, and as a consequence break their
offending behaviour. Offenders were required to pay for the cost, but was considered as a lower cost alternative to a PND.

Methodology and rationale for evidence quality rating

This study utilised non-participant observation, interviews and questionnaires. As a result of a lack of pre-intervention or a comparator group, this study is considered as a level 1 on the SMS.

Evidence of impact

No definitive or quantifiable outcomes were available relating to reoffending. However, post-course survey findings revealed that 70% of participants stated they would definitely behave different in the future, and a further 20% indicating that they may do so.

Post-course survey findings also found evidence of improvements in participant’s empathy as a result of the programme, with 90% agreeing that the course had helped them to understand the impact of the crime, and how it might affect the victim and others.

11.8.8 Humberside Police Adult Female Triage Project (Brennan et al., 2015)

Description

Piloted in Humberside police force between 2012 and 2014 the Adult Female Triage pathfinder project was launched as an innovative diversionary scheme from police custody for adult female offenders. Offenders who admit to their offence and pass other eligibility criteria are triaged and depending on their history, needs and circumstances are offered support including a range of courses designed to help women with skills such as: parenting; anger management; and domestic abuse awareness.

Methodology and rationale for evidence quality rating

This evaluation compared impact on rearrest on participants referred to the women’s project, compared to a control group individuals who met the eligibility criteria, but were not seen by the assessment team. Therefore, due to the control sample not being matched to the intervention group, this evaluation is considered as level 2 on the SMS.

Evidence of impact

There was a 46% reduction in re-arrest rate over a 12 month follow-up period and a 48% lower daily likelihood of re-arrest when compared to a control group of similar female offenders.
Cook County State’s Attorney’s Deferred Prosecution Programme (Maki, 2015)

Description

Commencing in 2011, the Cook County State’s Attorney Deferred Prosecution Programme (DPP) requires participants to partake in a 12-month programme, and meet conditions dependent on the particular offence and offender’s educational and employment status. Conditions may include: enrolment and attendance in a general education programme; full restitution to victim/property owner; and community service participation. Only offenders with no prior felony convictions or convictions deemed as violent are eligible for this programme. Upon completion of the programme the participant’s charges are dismissed.

Methodology and rationale for evidence quality rating

This study utilised case management and criminal history data to compare all individuals who had participated in DPP in a 10-month period (695 individuals), with a comparator group of 991 individuals chosen using eligibility requirements for DPP participation and other salient characteristics of the DPP sample as the match criteria. As a result of this matched control group, this study is considered at level 3 of the SMS.

Evidence of impact

Little differences were seen in re-arrest rate for DPP participants when compared to a comparison of defendants found guilty through traditional methods, with roughly 31% re-arrested within 18 months of admission to DPP compared to 34% of defendants in the comparison group.

Factors affecting likelihood of completion and reoffending

There was some variation found in success rates in completion of programme across:

- Offence types: individuals charged with possession of a stolen vehicle had the highest failure to complete rates (roughly 57%), compared to 16% of individuals charged with forgery; and

- Referral courts: rates of failure to complete varied by referral courts, with success rates varying between 16% and 32%.

Whilst no factors were specifically associated with likelihood of reoffending for DPP participants, re-arrest was reported to be driven by factors traditionally associated with recidivism. It was found that defendants who were male, younger, and had more prior misdemeanour and felony arrests were more likely to be re-arrested within 18 months. However, it was reported that some gender differences might be a factor influencing the impact of DPP on subsequent behaviour of participants, with female DPP participants being less likely to be-rearrested within 18 months (22%) compared to defendants in comparison group (28%). Further, DPP had a significant effect on re-arrest rates for women charged with theft, with DPP reducing the likelihood of arrest by around 76%.
Informal diversion offerings began in Kane County, Illinois, in 1979, with a more formal diversion process developed in 1995. Kane County currently offers deferred prosecution programmes for individuals charged with a first-time offence in the following areas: misdemeanour non-violent, misdemeanour drug/alcohol, prostitution/solicitation, domestic violence, and felony drug possession. The primary goal of all programmes are to reduce the likelihood of repeat offences, which have a negative impact on the court system and person arrested. The following deferred prosecution programmes are available in Kent County:

- **Deferred Prosecution**: for non-violent felonies or misdemeanours.

- **Prostitution/Solicitation Deferred Prosecution**: targets offenders who have committed an act of prostitution or solicit a prostitute. The goal of the program is to “educate offenders about the physical risks and legal consequences of committing these acts and to remove these offenses from neighbourhoods in which they occur”. Participants in the programme are required to undergo HIV/AIDS testing, complete educational programmes, perform community service in the community, and pay program fees and costs.

- **Drug/Alcohol Deferred Prosecution**: targets first-time offenders charged with misdemeanour underage possession or consumption of liquor, possession of cannabis, and possession of drug paraphernalia. Participants are required to attend educational programs on the effects of underage drinking and long-term effects of cannabis use.

- **Domestic Violence Deferred Prosecution**: offered to first-time domestic violence offenders. In addition to attending domestic violence counselling and paying program costs, the participant may also be required to attend substance abuse or mental health counselling and agree to all terms of an order of protection for the victim.

- **Drug Deferred Prosecution**: the program is for offenders arrested for small amounts of drugs who agree to undergo a year-long regimen of education and drug testing aimed at stemming further casual use.

**Methodology and rationale for evidence quality rating**

This study compared rates of reoffending in adult offenders who had successfully completed Kane County’s State Attorney’s Office’s Second Chance programme to a group of offenders who had failed to complete the programme and matched by age, sex and race. A total sample of 317 participants who had either graduated or were terminated from the programme between 2005 and 2010 were included in this research.

Whilst the comparison group were matched to some degree, this group consisted of individuals who had failed to complete the programme, in comparison to individuals who had gone through traditional court processes from time of offence. Therefore, this study is considered at level 2 on the SMS.
Evidence of impact

Participants who had successfully completed a diversion programme were less likely to reoffend than those who failed to complete the programme.

Factors affecting likelihood of completion and reoffending

The following factors were reported to be associated with likelihood to reoffend:

- Age: participants who were aged 18-27 years on age of entry to the programme had biggest difference in reoffending rates between successful completion and unsuccessful completion (participants who did not complete were two times more likely to reoffend), compared to little differences between those aged 32-40 years.

- Race: the biggest difference in reoffending rates between successful and unsuccessful completion were for Caucasian participants (16% difference), compared to only a 4% difference between reoffending rates of successful and unsuccessful completion for Black participants.

- Gender: whilst males were two times more likely to reoffend if they had not successfully completed the programme, females were almost four times more likely.

11.8.11 Swindon Neighbourhood Justice Panel (Bowen and Whitehead, 2013)

Description

The Swindon Neighbourhood Justice Panel is a volunteer-led community resolution panel that deals with low-level crime and anti-social behaviour. Through the development of a contract between the offender and the victim, normally through an OoCD or discharge, these panels aim to resolve offending behaviour, enable offenders to make good of the harm they have caused and facilitate the victim having a voice in the justice process. The panel mainly facilitates restorative justice, however other agencies such as housing and substance misuse teams may be represented and contribute to the offender's contract.

Methodology and rationale for evidence quality rating

At time of reporting it was too early to identify impact. Therefore pre- and post-data was used to determine impact on over related community outcomes. However, as a result of a lack of a comparator group, this study is considered as level 1 on the SMS.

Evidence of impact

Whilst at time of reporting it was too early to identify impact, a 36% reduction in anti-social behaviour was seen across Swindon over the previous 12-months.
11.8.12 Home Office Alcohol Arrest Referral pilot schemes (Blakeborough and Richardson, 2012)

Description

Alcohol Arrest Referral (AAR) pilot schemes were set up by the Home Office in 2007 to examine whether the provision of brief alcohol interventions in a criminal justice setting could have an impact on reoffending. The AAR pilots targeted adults who had been arrested and deemed by a police officer to be under the influence of alcohol, and were then involved in an intervention comprising of a session with an alcohol worker, and follow-up sessions where appropriate.

Methodology and rationale for evidence quality rating

Two evaluations were undertaken which focussed on the two phases of the AAR pilots. Whilst, evaluation of phase one consisted of a process evaluation to assess the effectiveness of the delivery of the schemes and key factors associated with successful implementation, evaluation of phase two was structured around process and outcome assessments. This evaluation examined policy custody records of 4,739 AAR clients, which were compared using statistical significance testing to a matched comparison group of 4,711 individuals. Due to the matched comparison group and the utilisation of statistical significance testing this evaluation is considered at level 3 on the SMS.

Evidence of impact

No strong evidence was found to suggest that the AAR schemes reduced reoffending for individuals arrested for alcohol-related offences, when compared to a matched comparison group from the same police force area.

Further, whilst null results obtained regarding reoffending meaning cost effective analysis was not possible, break-even analysis was undertaken to indicate the impact that would be needed in order to these types of interventions to represent value for money. It was found that relatively minor reductions in arrest rates would be required for schemes to have broken even.

The evaluations found statistically significant reductions in alcohol consumption between time of intervention and follow-up periods. Further, multiple individuals involved in the AAR schemes reported the intervention had “prompted reflections on their drinking behaviour and the assessment of their drinking had come as ‘a shock’” (p. 6).

11.8.13 Phoenix Prostitution Diversion Programme (Roe-Sepowitz et al., 2011)

Description

The Phoenix Prostitution Diversion Programme was designed as a result of the City of Phoenix and their Prostitution Task Force recognising a need for non-incarceration options for individuals arrested for prostitution, with the goal of providing services and support to assist them in exiting prostitution whilst decreasing rearrests and ensuring local savings. This programme was therefore
intended to assist participants to develop: an understanding of their options; an awareness of the risks they face; introduce ideas about how to care of themselves physically and psychologically; and psychological support regarding abuse experiences.

All diversion participants sign a plea agreement with the City of Phoenix Prosecutor’s Office, thereby pleading guilty to their charge(s). Participant’s cases are dismissed once they have completed all of the programme requirements.

**Methodology and rationale for evidence quality rating**

This study used statistical significance testing methods to examine risk factors and impact of diversion programme in 448 participants in a prostitution-focused diversion programme, compared to a comparison group of partial completers and individuals who had only attended the initial intake meetings. Therefore, due to this participants not acting as a true comparison group, this study is considered a level 1 on the SMS.

**Evidence of impact**

A significant relationship was reported between completion of all programme requirements and reduction in recidivism, with individuals who had completed the programme found to have a 68% lower risk of being rearrested for prostitution than the comparison group.

**Factors affecting likelihood of completion and reoffending**

Four statistically significant risk factors for rearrests relating to prostitution were detected: prior prostitution arrest; having a drug or alcohol addiction; and having sought drug and alcohol treatment previously.

11.8.14 Women Specific Caution (Easton et al., 2010)

**Description**

The Women Specific Caution (WSC) is a disposal method, as part of the Conditional Caution scheme, for low-level, low-risk female offenders piloted by Together Women (TW) centres across Leeds, Bradford and Liverpool between 2008 and 2009. The WSC is a Caution with a rehabilitative condition requiring the offender to attend a TW centre for a needs assessment to explore the women’s personal circumstances, factors that may have led to her offending and the type of support, education or training that might address her offending behaviour. Offenders must make an admission to all elements of their offence, and non-compliance with the programme (outside of extenuating circumstances) result in the possibility of the offender being prosecuted for the original offence.

**Methodology and rationale for evidence quality rating**

A mixed methodological approach was adopted, including semi-structured qualitative interviews with 21 women offenders provided with a WSC and a
review of Crown Prosecution Service case files. This study is considered as a level 1 on the SMS, due to no control group included as a comparison.

Evidence of impact

All participants interviewed indicated they wanted to stop offending, with the majority “adamant” they would not reoffend. All but one of participants reported they had not reoffended since receiving the WSC.

It was reported that the requirement for additional direct resources to administer the WSC was low, and a reduction in resourcing was reported by the Crown Prosecution Service due to the removal of need to prepare files for court.

Participants were reported in interviews to have made a number of positive changes in their lives in relation to their practical, person and emotional circumstances. Over 80% of participants provided with a support plan following their initial assessment went on to voluntarily engage with the support suggested.

11.8.15 The Court Integrated Services Programme, Australia (Department of Justice, 2010)

Description

Established in 2006, the Court Integrated Services Programme (CISP) aimed to respond to increasing number of people coming before the courts with offending linked to homelessness, poverty, substance abuse, mental disorder or disability. This programme focusses on tackling on the causes of crime, through providing “a coordinated, team-based approach to the assessment and treatment of defendants at the pre-trial or bail stage” (p. 3). This includes provision of case management support, and linking defendants to support services such as: mental health services; drug and alcohol treatment; and housing support. CISPs may form part of an offender’s bail order, and participation in CISP may be taken into account in sentencing.

Methodology and rationale for evidence quality rating

Evaluations of the CISP compared data regarding reoffending and other related outcomes in offenders who had participated in CISP to a control group of offenders with the same profile. Due to this matched sample, this evaluation is considered at level 3 on the SMS.

Benefit cost modelling was utilised to determine cost savings of CISP.

Evidence of impact

There was a 20% reduction in reoffending rates for CISP participants, and a 30% drop in frequent offending following involvement in the programme compared to the control group. Indeed, half of CISP participants incurred no further charges, and there was a “demonstrable decrease in the seriousness of offending post CISP programme involvement” (p. 10). Further there was a significantly lower proportion of reoffending behaviour in participants who had undertaken the CISP
programme than a comparison group of non-CISP involved offenders with same profile.

The key benefits of CISP relating to costs to the community and government were reported to be coming through: a reduction in reoffending; reduction in number of offenders sentenced to custodial orders following CISP participation; and a reduction in number of offenders breaching order conditions. For example, this was reflected in the control group having over five times the number of total days of imprisonment then the total number for CISP clients. As a result of this, it was estimated that there had been over £1m per annum saved in avoided costs of imprisonment as a result of the programme, translating as a $5.90 saving for the community for every $1 spent on the CISP.

It was also reported that clients involved in the CISP programme experienced “increased physical and mental health status during their time in the programme”, with reductions in physical and mental component scores following completion of the programme compared with pre-CISP (p. 12).

11.8.16 Deferred prosecution of DUI cases in Washington State (Barnoski, 2007)

Description

Since 1975, Washington State have utilised a deferred prosecution option for offenders arrested for driving under the influence of alcohol and/or impairing drugs (DUIs), with the intention of encouraging individuals to seek appropriate treatment. In order for their charges to be dismissed, defendants are required to complete intensive substance dependence treatment and meet other conditions required by the court.

However, unlike Cambridgeshire Constabulary’s approach to deferred prosecution, in order to participate in deferred prosecution the defendant must pay for the diagnosis and treatment of the problem(s) identified.

Methodology and rationale for evidence quality rating

This study utilised retrospective analysis to examine evidence of impact on recidivism in 12,000 DUI cases where individuals had participated in deferred prosecution, compared to a comparison group of over 2,000 DUI cases where the individual had not received deferred prosecution but had characteristics similar to those who did. Further, statistical significance testing was used to determine whether differences between groups were statistically significant.

Due to this study utilising matched samples and significance testing to determine the impact of deferred prosecution on reoffending, this evaluation is considered as level 3 on the SMS.

Evidence of impact

Defendants in DUI cases who received deferred prosecution during 2000 and 2001 had significantly lower recidivism rates after three-years than defendants in comparison group. Further, these reduced recidivism rates for those who had
received deferred prosecution were seen in DUI (7% difference between deferred prosecution cases and comparison group) and overall recidivism (17% difference). Further, one-to-one matching of deferred prosecution cases to comparison group cases using risk factors found lower recidivism rates for the deferred prosecution participants than the comparison group.

**Factors affecting likelihood of completion and reoffending**

Increasing supervision from two to five years did not reduce recidivism in deferred prosecution group.

11.8.17 Drug Treatment Alternative-to-Prison (DTAP) (Zarkin et al., 2005; Belenko et al., 2004)

**Description**

Established in 1990, Kings County’s DTAP programme aimed to divert substance-abusing, non-violent, repeat felony offenders into substance abuse treatment under a deferred sentencing model (Zarkin et al., 2005). Participants must plead guilty to a felony prior to their admission into the programme, however once the programme has been completed their guilty plea can be withdrawn and the charges dismissed. The DTAP programmes involve multi-disciplinary teams who determine the most appropriate course of action for the participant.

**Methodology and rationale for evidence quality rating**

A longitudinal quasi-experimental design, in which an intervention group is compared to a non-randomised control group, was utilised to compare impact between 150 offenders diverted to DTAP compared to a sample of 130 offenders sentenced to prison, matched on demographic, criminal justice and drug use variables (Belenko et al., 2004). Further, statistical significance testing was used to determine whether groups differed significantly. As a result of this and the matched comparison group, this study is considered as a level 3 on the SMS.

**Evidence of impact**

Significant reductions were found across nearly all reoffending measures for offenders diverted to DTAP, with a reduction in likelihood of a new arrest (reduction of 56%), a new reconviction (reduction of 60%), a new jail sentence (reduction of 59%), and a new prison sentence (reduction of 65%) when compared to a closely matched sample of offenders sentenced to prison. Further, DTAP participation also significantly reduced the number of total months sentenced to jail/prison received after DTAP treatment or release from prison compared to the comparison group.

The cumulative economic benefits to the criminal justice system over a 6-year period were estimated to be over $88,000 per DTAP participant, thereby a benefit-cost ratio of 2.17, adjusting for treatment costs (Zarkin et al., 2005).
New York City’s Department of Health and Mental Hygiene diversion programme (Broner et al., 2005)

Description

The New York City’s Department of Health and Mental Hygiene (NYC-LINK) programme began in 1993 as a city-wide programme including jail and court-based diversion for individuals with mental illness entering the court system. In the mandated diversion condition, clients may experience a range of sanctions from increased treatment in structured settings to jail remand, which are monitored and reported to the court. In the non-mandated diversion condition there are no legal ramifications for non-completion.

Methodology and rationale for evidence quality rating

Evaluation compared 84 diverted participants involved in programme with a control group of 91 individuals identified by research team who had met inclusion criteria but underwent standard criminal justice processes. There were no significant differences for baseline demographics and most criminal justice variables between intervention and comparison groups. Significance testing was used to determine impact of programme on reoffending and drug use.

Due to the comparison group presenting with demonstrated comparability to the intervention group and significance testing involved in analysis, this evaluation is considered as a level 3 on the SMS.

Evidence of impact

Treatment for mental health and substance abuse problems, as part of court-diversion, appeared to have a significant positive effect on reoffending and length of time spent in prison at both 3-months and 12-months, when compared to comparison group. Further, participants who had attended more outpatient counselling had fewer misdemeanour rearrests and rearrests overall at 3 months, and fewer days in jail or any correctional facility at 12 months than participants in the comparison group.

Participation in mandated diversion significantly predicted positive outcomes relating to drug use, with participants showing greater improved in days using drugs at 12-months than those in the comparison group. However, with the exception of impact as a result of medication, treatment had little to no effect on mental health and quality of life (QOL) outcomes.

Factors affecting likelihood of completion and reoffending

Mandated diversion was reported to be more effective than non-mandated diversion and standard criminal justice processing in terms of: reoffending, reducing drug use, and creating treatment linkages.

Medication compliance was a significant predictor of time spent in jail, with participants who were less compliant with the medication regime spending more time in jail on subsequent rearrests.
11.8.19 Vanderburgh County Pre-Trial Diversion Programme (Kixmiller, 1998)

Description

The Pre-Trial Diversion (PTD) programme in Vanderburgh, Indiana, was a deferred prosecution programme for adults, introduced as an alternative to the formal criminal justice system for first-time misdemeanour offenders referred to the programme by the court system. Defendants must believe they are guilty of their charge to be considered for PTD, and charges are dismissed upon successful completion of the programme. Programme participants are required to perform community service, pay restitution owed in the case, and offenders on the programme for crimes relating to domestic violence are required to complete a group therapy programme.

Unlike Cambridgeshire’s approach, PTD clients are required to pay for the use of the programme, with fee amount based on client’s ability to pay.

Methodology and rationale for evidence quality rating

This evaluation compared future contact with the court system during a follow-up period between 243 offenders who had completed the pre-trial diversion programme, and 53 offenders who had failed to complete the programme. A SMS score of Level 1 is provided due to this study not including a comparable comparison group.

Evidence of impact

It was reported that successful completion of the PTD programme significantly reduced recidivism among first time offenders, with 9% of offenders who had completed the programme having further contact with the court system during the follow-up period compared to 39% offenders who failed to complete the programme.

Factors affecting likelihood of completion and reoffending

The following factors were associated with completion of the programme:

- Age: 50% of offenders aged 18 to 20 failed to complete the programme, compared to 12% of offenders aged 41 and over;
- Gender: women were more likely to complete the programme (72%) than men (57%); and
- Income: 34% of participants with incomes under $20,000 did not complete the programme, compared with 1.9% of offenders with incomes above $20,000.

Further, the following factors were found to be associated with recidivism:

- Age: over 30% of individuals aged between 18 and 20 years had repeat contact with the criminal justice system, compared to only 9% of individuals aged 41 and over; and
Marital status: 70% of individuals who reoffended were single.

11.8.20 First Offenders Programme, Wisconsin (Zaffrann, 1976)

Description

Following a significant increase in the incidence of minor crimes in Wisconsin, the First Offenders Programme (FOP) was founded in 1972 as a deferred prosecution programme aiming to reduce reoffending, associated costs and criminal stigma, and demonstrate that the criminal justice system can show compassion and concern for the individual. Offenders involved in the programme are required to fulfil the following basic conditions: attendance at the FOP and successful completions of its classes and refraining from breaking the law. Participants are involved in classes including topics regarding view of the law, and are referred to rehabilitative services such as those relating to drug abuse and mental health. Once the programme has been competed no criminal prosecution is instituted on the participant.

Methodology and rationale for evidence quality rating

Due to insufficient information available no comparison was undertaken between the thirty-eight service users involved in the programme and a comparator group or pre-programme data. As a result of this, this programme is rated as a 0.

Evidence of impact

A rough estimate of potential cost savings found that whilst the entire programme had cost less than $50,000 if only 10% of the over 800 alleged shoplifters of the FOP participants had gone to trial the minimum cost in salaries and jury frees would have been over $95,000.

Other outcomes were around enabling programme participant's to maintain a clear record thereby maintaining participant’s employability and potentially “preserving the productivity of these individuals” (p. 50). Further, it was reported that “if the participant is employable, it is hoped that chances or reasons for recidivism will be reduced”.

11.9 Future research

The Prison Reform Trust recently identified a number of deferred prosecution programmes for women in England and Wales that are currently being evaluated, or are expected to be evaluated in the future (Guiney and Earle, 2017). These are summarised in Figure 33 and it may be helpful to review these evaluations if they are published.
### Bibliography of reviewed literature


Cake, C., & Cooper, K. (2011). Restorative approaches can make a difference in the relationship between local government bodies and the communities they serve. LSE [blog].


Department of Justice (2010). Court integrated services programme – tackling the causes of crime.


Ministry of Justice (2013). Quick reference guides to out of court disposals.


Neyroud, P. (no date). Operation Turning Point second interim report V.5.0.


Sumner, R. National workshop 2015: two tier adult out of court disposal pilot and lessons to be learnt. *NPCC.*


11.11 The Maryland Scientific Methods Scale

The Maryland Scientific Methods Scale is a five-point scale developed to evaluate the methodological quality of studies (Sherman et al., 1998). The criteria for each level of the scale are:

<table>
<thead>
<tr>
<th>Level</th>
<th>Maryland Scientific Methods Scale description</th>
<th>Application within this report</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Correlation between a prevention programme and a measure of crime at one point in time.</td>
<td>Intervention group with no comparison group.</td>
</tr>
<tr>
<td>2</td>
<td>Measures of crime before and after the programme, with no comparable control conditions.</td>
<td>Intervention group compared to unmatched comparison group.</td>
</tr>
<tr>
<td>3</td>
<td>Measures of crime before and after the programme in experimental and control conditions.</td>
<td>Intervention group compared to matched comparison group.</td>
</tr>
<tr>
<td>4</td>
<td>Measures of crime before and after in multiple experimental and control units, controlling for the variables that influence crime.</td>
<td>Intervention group with pre- and post-intervention data, and matched comparison group.</td>
</tr>
<tr>
<td>5</td>
<td>Random assignment of program and control conditions to units.</td>
<td>Randomised controlled trial.</td>
</tr>
</tbody>
</table>
12 Appendix D: Reoffending data study findings

12.1 Key findings

12.1.1 Reoffending

- The prevalence of reoffending for this sample within twelve months of receiving the Conditional Caution was 21.5%. This is about what would be expected based on the demographic features and criminal history of the sample, which had an average OGRS score of 21 (or a 21% likelihood of reoffending within twelve months).

- The Conditional Caution resulted in better-than-expected reoffending rates with those offenders at higher risk of reoffending, but higher-than-expected reoffending rates with those of low or medium risk.

- There is emerging evidence to suggest that the scheme may support reduced severity of offending for those offenders who participate and then reoffend. The prevalence of serious index offences was 30% (42/140), but the prevalence of serious reoffences was 6.7% (2/30). This difference was statistically significant (chi square = 7.0, p<.04), with a very large effect size of 6.0. This suggests that the Conditional Caution scheme was associated with a reduction in the prevalence of serious offences amongst those who reoffended.

- Logistic regression was used to examine the factors that predicted reoffending. The results suggested that only one factor independently predicted reoffending: having previous convictions. That is, having a previous conviction increased the odds of the person reoffending by over 3, controlling for all other demographic and criminal history factors. Adding knowledge about whether an individual complied or not into the regression changed the results such that three factors predicted reoffending. These were:
  - Having a previous conviction.
  - Not having a rehabilitative Condition.
  - Failing to comply with the Conditional Caution.

- Females were somewhat more likely than males to reoffend, suggesting that this was a unique sample.

61 It was unclear whether failure to comply with the Conditions of a Conditional Caution would automatically result in what was recorded as a reoffence. The following analyses was based on the assumption that complying with the Conditional Caution was independent of a reoffence.
12.1.2 Compliance

- Logistic regression was used to examine the factors that predicted compliance. The results suggested that three factors were associated with successful compliance. These were:
  - Having a rehabilitative Condition.
  - Having an index offence other than theft.
  - Having less than three previous convictions.

12.2 Methodology

A data study was conducted which utilised anonymised demographic and pre- and post-Conditional Caution offending data drawn from the Police National Computer (PNC), as well as compliance data drawn from the E-CINS case management system used by the offender hub to administer and monitor Conditional Cautions.

The purpose of the data study was to investigate whether participation in the deferred prosecution scheme has any impact on reoffending rates and patterns. The data study was led by Professor Darrick Jolliffe, Professor of Criminology at the University of Greenwich.

In collaboration with Cambridgeshire Constabulary a data collection protocol was developed. Data was collated by Cambridgeshire Constabulary in relation to all 140 offenders who received Conditional Cautions in the first six months of the scheme (i.e. between 1 September 2016 and 31 March 2017). This time period was selected because it enabled data to be collated within the evaluation timeframe for offenders with a full year following the Conditional Caution being issued in which to accrue convictions/cautions and for those convictions to be recorded on the PNC.

Data was collated in relation to the following variables:

1. Date of birth
2. Gender
3. Ethnicity
4. Date of Conditional Caution
5. Date of trigger offence for Conditional Caution
6. Type of trigger offence for Conditional Caution
7. Type of Condition(s) issued (rehabilitative/reparative/restorative justice/punitive)
8. Compliance with Conditional Caution (yes/no)
9. Date of first disposal
10. Number of previous convictions
11. Number of offences

For more information on the E-CINS system, please see: http://www.empowering-communities.org/software/e-cins/
12. Previous stay(s) in prison (yes/no)
13. Offences since Conditional Caution (yes/no)
14. Date(s) of offences since Conditional Caution.
15. Type(s) of offences since Conditional Caution.

The methodological quality of this data study would have been improved with the identification of a comparison group, or a group similar in demographic profile and criminal history to those who received a Conditional Caution, but who did not receive a Conditional Caution. Despite considerable efforts it was not possible to locate this group.

In the absence of a comparison group the overall impact of the scheme on reconviction was evaluated by comparing the observed prevalence of reoffending to that predicted using a nationally validated risk assessment tool. The Offence Group Reconviction Score provides an estimate of an individual’s likelihood of reoffending based on their gender, age, index offence type and criminal history. Research has suggested that this device has good predictive abilities. While far from perfect the use of this measure increases the confidence in the results in that it is possible to estimate what the level of reoffending should have been for this group, and then compare this to their actual reoffending.

A second limitation within the data study is that it is based on data relating only to the first 140 offenders who received Conditional Cautions under the scheme. This is because the cut off point for inclusion in the study was receipt of a Conditional Caution by the end of March 2017, in order to allow enough time within the evaluation timeframe for a 12 month follow-up period to monitor reoffending following receipt of a Conditional Caution. Uptake of the scheme proved to be slower in its first few months of operation, which limited the numbers in the data study sample. In addition, if the efficacy of the scheme has improved over time as it has become more embedded locally then the outcomes for the first offenders to pass through the scheme might be less positive than outcomes for those who accessed the scheme later.

12.3 Summary of terminology

A number of analytical techniques are used within this data study and a range of statistical terminology is used within this report. The techniques and terminology are summarised in Figure 34.

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63 A two-pronged approach was used to attempt to locate a comparison group. This included exploring the data held and available locally by the Cambridgeshire Police. There were concerns about making the large amount of data needed available because of data protection issues. Professor Jolliffe independently approached the Ministry of Justice who suggested that individual PNC records were no longer systematically made available for independent research purposes.
<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
<th>Relevant abbreviations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mean</td>
<td>A measure of average which is used to derive the central tendency of the data in question. It is calculated by adding all the data points and then dividing by the total number of points.</td>
<td>M</td>
</tr>
<tr>
<td>Standard deviation</td>
<td>A measure of how values are distributed around the mean. This enables a judgement about how dispersed the values are from the mean. The greater the standard deviation, the greater the dispersion from the mean.</td>
<td>sd</td>
</tr>
<tr>
<td>Statistical</td>
<td>A measure of the confidence that the results are not due to chance. A finding can be statistically significant because of a big difference between the groups being compared, but a small difference can also be significant in a large sample. This sample was relatively small though, so statistically significant results would likely indicate a big difference</td>
<td>n.s. – not significant</td>
</tr>
<tr>
<td>Statistical</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chi square</td>
<td>A way of testing statistical significance for categories (e.g., gender and reoffending)</td>
<td></td>
</tr>
<tr>
<td>t-value</td>
<td>A way of testing and indicating statistical significance for a category (e.g., gender) and a continuous variable (e.g., criminal career length)</td>
<td>t</td>
</tr>
<tr>
<td>p-value</td>
<td>A method of assessing and indicating statistical significance. Typically, a p value of p&lt;.05 suggests a significant finding.</td>
<td>p</td>
</tr>
<tr>
<td>Odds ratio</td>
<td>An additional method of evaluating the importance of a relationship. Odds ratios are centred around 1, so an odds ratio that is further away from 1 is indicative of a stronger relationship. Typically, an odds ratio approaching 2.0 (or 0.5) suggests an important relationship. The odds ratio is an important addition to statistical significance because odds ratios are less influenced by the sample size.</td>
<td>O.R.</td>
</tr>
<tr>
<td>Logistic regression</td>
<td>An advanced statistical technique to help disentangle which factors might be more important and which might be background noise. For example, at first glance a restorative</td>
<td></td>
</tr>
</tbody>
</table>
Term | Description | Relevant abbreviations
--- | --- | ---
justice Condition appeared to be associated with lower levels of compliance. This could suggest that something about the restorative justice condition makes the individual less likely to comply. However, it was found that individuals with higher OGRS scores tended to receive restorative conditions, likely explaining the original finding. Logistic regression allows this sort of approach with multiple factors.

12.4 Description of the sample

12.4.1 Sample size

A total of 140 individuals were recorded as having a conditional caution and were followed up for the minimum period (12 months).

12.4.2 Gender and age

- 102 (72.9%) of the 140 individuals included in the sample were male and 38 (27.1%) were female.
- The mean age in the sample was 30.4 (sd=9.7).
- The males that were included in the sample were slightly older than the females (males about 32, females about 29), but this difference was not significant. (male mean age= 31.7, sd=9.4, female mean age=29.2, sd= 9.8).
- The youngest person included in the sample was 18.2, and the oldest was 59.3.

Figure 35 summarises this data.
12.4.3 Ethnicity

- The sample was predominantly White British (over 62%), with the next most prevalent group being White Eastern European (21.5%).

- The sample also included 11 individuals of Asian ethnicity, 1 Black individual, 1 individual of mixed ethnicity, and 7 instances where the ethnicity was unknown.

- All but four of the 38 females were of White British or Other White ethnicities (2 Asian, 2 unknown).

- The individual’s whose ethnicity was unknown were on average older (M=37) compared to the other groups (M=30).

12.4.4 Criminal history

- A total of 66 (47.1%) of the 140 individuals included in the sample had previous criminal convictions.

- The average age of first conviction for those with previous convictions was 13.6 (sd=7.9).

- The 66 individuals with previous convictions had an average of 5.5 previous convictions and 10 previous offences.

- This sample had a total of 363 previous convictions and 662 previous offences.
• Only 16 individuals (24.2% of those with previous offences and 11.4% of the total) had previous experience of prison.

• The shortest criminal career length, or the difference between the individual’s first offence and the date of their Conditional Caution was 6 days and the longest was 11,568 days (equivalent to about 32 years).

• The average criminal career length of those with previous offences was 3,891 days (just over 10 years).

12.4.5 Risk of reoffending (OGRS)

The Offence Group Reconviction Score is an actuarial risk assessment measure which provides a prediction of an individual’s likelihood of reoffending over a one-year period. This measure is based on an individual’s gender, their age at the index offence (in this case the offence for which the Conditional Caution was issued), the type of index offence and their speed of accruing criminal convictions across the length of their criminal career. This measure has proven to be one of the more accurate risk assessment devices available to predict reoffending, and the summary scores (from 0 - 100) provide an indication of a person’s risk of reoffending.

Figure 36 shows that those included in the sample scheme tended to be low on OGRS scores. Although the average OGRS score was relatively low (M=21, sd=18), the sample did include 12 individuals who had a risk of reoffending in one year of 50% or greater. The scores ranged from 3% to 81%.


12.5 Offence that led to Conditional Caution

Figure 37 shows the offences that led to the Conditional Caution. The most common offence was theft (25.7% of sample), followed by violence (25% of sample). Together these offences accounted for over 50% of the offences.

To understand the severity of offences that led to Conditional Caution, offences were categorised as serious or non-serious. Serious offences were considered to be violence, sexual offences, burglary or motor vehicle theft (taking and driving away). These offences are shaded in grey in Figure 37. The prevalence of serious offences that led to Conditional Caution was 30% (42/140).


### Figure 37: Offences that led to Conditional Caution

<table>
<thead>
<tr>
<th>Offence type</th>
<th>Number of individuals</th>
<th>Percentage of total sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theft</td>
<td>36</td>
<td>25.7</td>
</tr>
<tr>
<td>Violence</td>
<td>35</td>
<td>25.0</td>
</tr>
<tr>
<td>Criminal/malicious damage</td>
<td>22</td>
<td>15.7</td>
</tr>
<tr>
<td>Drugs (Possession/Small Scale Supply)</td>
<td>18</td>
<td>12.9</td>
</tr>
<tr>
<td>Other</td>
<td>11</td>
<td>7.9</td>
</tr>
<tr>
<td>Fraud/Forgery</td>
<td>4</td>
<td>2.9</td>
</tr>
<tr>
<td>Public order</td>
<td>3</td>
<td>2.1</td>
</tr>
<tr>
<td>Other Burglary</td>
<td>2</td>
<td>1.4</td>
</tr>
<tr>
<td>Soliciting/Prostitution</td>
<td>2</td>
<td>1.4</td>
</tr>
<tr>
<td>Taking and Driving Away</td>
<td>2</td>
<td>1.4</td>
</tr>
<tr>
<td>Domestic Burglary</td>
<td>1</td>
<td>0.7</td>
</tr>
<tr>
<td>Drugs (Import/Export/Prod)</td>
<td>1</td>
<td>0.7</td>
</tr>
<tr>
<td>Sexual</td>
<td>1</td>
<td>0.7</td>
</tr>
<tr>
<td>Sexual (child)</td>
<td>1</td>
<td>0.7</td>
</tr>
<tr>
<td>Theft From a Vehicle</td>
<td>1</td>
<td>0.7</td>
</tr>
<tr>
<td><strong>All</strong></td>
<td><strong>140</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

#### 12.6 Conditions attached to Conditional Caution

#### 12.6.1 Type of Condition

Figure 38 summarises the types of Condition that were attached to the Conditional Cautions of individuals in the sample. The most common type of Condition was rehabilitative (73.6%) and punitive Conditions were very infrequently issued (2.9%).
Figure 38: Type of Condition issued

<table>
<thead>
<tr>
<th>Condition type</th>
<th>Number of individuals</th>
<th>Percentage of total sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rehabilitative</td>
<td>103</td>
<td>73.6</td>
</tr>
<tr>
<td>Reparative</td>
<td>73</td>
<td>52.1</td>
</tr>
<tr>
<td>Restorative justice</td>
<td>52</td>
<td>37.1</td>
</tr>
<tr>
<td>Punitive</td>
<td>4</td>
<td>2.9</td>
</tr>
</tbody>
</table>

12.6.2 Number of Conditions

Generally, individuals received more than one Condition, with a mean of 1.6. The most common combination of Conditions to be issued was rehabilitative and reparative. 42 individuals (30%) received this combination of Conditions.

12.7 Factors associated with compliance with Conditional Caution

12.7.1 Key findings: factors predicting compliance

Using an advanced statistical technique (logistic regression) we examined the factors that were independently related to compliance. This is a method to help disentangle which factors might be more important and which might be background noise. For example, at first glance a restorative justice condition appeared to be associated with lower levels of compliance. This could suggest that something about the restorative justice condition makes the individual less likely to comply. However, it was found that individuals with higher OGRS scores tended to receive restorative conditions, likely explaining the original finding. Logistic regression allows this sort of approach with multiple factors.

Because we were interested in exploring which particular factors were associated with compliance the OGRS score was not included, but the factors which make up OGRS were (gender, age, previous convictions, index offence type, criminal career length), as were the experience of prison and certain conditions (rehabilitative and restorative justice).

The results suggested that three factors were associated with successful compliance. These were:

- Having a rehabilitative Condition.
- Having an index offence other than theft.
- Having less than three previous convictions.

The relationship between these factors and compliance can be seen in Figure 39. This shows that the average compliance rate for those who have none of the
factors, i.e. who had 3+ previous convictions, an index offence of theft, and did not receive a rehabilitative condition – was about 55%. However, those who had one factor (rehabilitative component or an index offence that was not theft, or less than 3 previous convictions) had a compliance rate of over 80%. The highest rate of compliance (90%) was for those who had all three of the factors.

Figure 39: Factors predicting compliance

12.7.2 Characteristics of Conditional Caution

Number of Conditions

There was no evidence that the number of conditions that individuals had was associated with compliance. Those who complied had an average of 1.6 conditions, while those who did not had an average of 1.7 (t=0.53, n.s.).

Rehabilitative Condition

There was some suggestion that those who had a rehabilitation component were more likely to comply. Over 76% of those who complied had a rehabilitation component, but 63% of those who did not comply had a rehabilitation component (chi square = 2.1, n.s., OR=1.9). While this difference was not statistically significant the effect size (an odds ratio of 1.9), suggests that this is a potentially important relationship.

Reparative Condition

There was no evidence that the reparative component was associated with compliance. 50% of those who complied had a reparative component, and 60%
of those who did not comply had a reparative component (chi square = 0.9, n.s.; OR =0.8).

Restorative justice Condition

There was, however, some indication that restorative justice was associated with lower levels of compliance. Just over 33% of those who complied had a restorative justice component compared to 50% who did not comply (chi square = 2.7, n.s., OR=1.9). Again, this difference was not statistically significant, but the measure of effect (an odds ratio of 1.9) suggested that there was a notable relationship.

Punitive Condition

Interestingly, all those with a punitive component complied, but only four individuals had a punitive component.

Date of Conditional Caution

It is possible that there were changes in compliance over time. This might because of teething problems at the beginning of the conditional cautioning pilot, or alternatively, because of reduced enthusiasm and partner buy-in over time. When this was explored a clear trend in compliance over time was not identified. The first entrants (Sept 2, 2016 to 10 Nov 2016) had a compliance rate of 77% compared to 69% of those in the second quarter of the study (11 Nov 2016 to 20 Jan 2017). This difference was not significant. The last two quarters (22 Jan 2017 to 28 Feb 2017 and 1 Mar 2017 to 31 Mar 2017) had similar compliance rates of 86% and 82%.

12.7.3 Demographic factors

Age

An individual’s age when they received the Conditional Caution was not clearly associated with compliance with their conditions, but those who were younger (under age 23), appeared somewhat more likely to comply. The prevalence of compliance for those under age 23 was 84%, compared to 77% for those aged 23 or older, but this difference was not statistically significant (chi square = 1, n.s., OR=1.6).

There was also no difference in the ages of those who received a rehabilitative or reparative condition, but those who received a restorative justice condition were significantly older than those who did not (M=33 compared to 29, t=2.0, p<.04).

There was evidence that those who received two or more Conditions were significantly older than those who received only one (t = 2.5, p<.05).

Gender

Males (over 80%) and females (74%) were about equally likely to comply (chi square=0.7, n.s. OR=1.4).
Also, males and females were about equally likely to have certain conditions (restorative justice, punitive), but males were slightly more likely to have a reparative component (55% compared to 45% for females), and females were significantly more likely to have a rehabilitative component (87% for female and 69% for males, chi square = 4.7, p<.03; OR=3.0).

Males and females had a similar number of Conditions (1.6 for males and 1.7 for females (t=1.0, n.s.)).

**Ethnicity**

For ease of analysis ethnicity was separated into White British, Other White and all other ethnicities. Over 77.3% of White British individuals complied, which was similar to the number of Other White individuals (71.9%) who complied (chi square = .53, n.s., OR=1.4). A very high 95% of the individuals of all other ethnicities complied.

All ethnicities were about equally likely to have a rehabilitative condition, and a reparative component. There was, however, evidence that Other White individuals were significantly less likely than the White British and all other ethnicities groups to have a restorative justice component (chi square = 4.0, p<.05: OR=2.0).

There was no difference in the number of conditions by ethnicity.

**12.7.4 Criminal history**

**Offence that led to Conditional Caution**

Those who had an index offence of theft were statistically significantly less likely to comply than those with all other index offence types (chi square=6.2, p<.05; OR=3.0).

However, those who had an index offence of violence were significantly more likely to comply than those with all other types of offence types (chi square = 4.8, p<.05, OR=3.7).

**Number of previous convictions**

Those who did not comply had an average of 5.6 previous convictions, compared to 1.8 for those who did comply. This difference was statistically significant (t=3.7, p<.0001).

There was an interesting relationship between the number of previous convictions and compliance. Those who had no previous convictions had a prevalence of compliance of 85.1%, but this was not appreciably different from the compliance rate of those who had 1 or 2 previous convictions (85.7%; chi square=0.01; n.s; OR=1.0). However, those who had three or more previous convictions...
convictions had a prevalence of compliance of 60.5%, which was statistically significant (chi square = 10.1, p<.001; OR=3.8).

Length of criminal career

Although those who had longer criminal careers were less likely to comply this difference was not statistically significant. However, past experience of prison was related to statistically significant lower levels of compliance. Over 80% of those who had no previous experience of prison complied, compared to 56% of those who had previous experience of prison (chi square=5.3, p<.02, OR=3.4).

Previous experience of prison

Those who had previous experience of prison were significantly less likely to comply. The prevalence of compliance for those who had previous experience of prison was 56.3% compared to 81.5% for those who had no previous experience of prison (chi square = 5.3, p<.02, OR=3.4).

Risk of reoffending (OGRS)

Perhaps not surprisingly, those who did not comply had higher OGRS scores (M=33, sd=25) compared to those who did comply (M=17, sd=13; t = 4.0, p<.0001).

There were no differences in the OGRS scores of those who had a rehabilitative condition and those who did not, nor those who had a reparative condition compared to those who did not. Interestingly, those who had a restorative justice condition tended to have significantly higher OGRS scores than those who did not M=24, sd=21 compared to M=18, sd=15, t = 1.96, p<.05). This greater risk of reoffending may explain why the restorative justice condition was associated with significantly lower levels of compliance.

Although not statistically significant, it appeared that a greater number of conditions was associated with higher OGRS scores. For example, those with one condition had an average OGRS score of 19, but those with three conditions had an average OGRS score of 24.

12.8 Reoffending rates and patterns following Conditional Caution

12.8.1 Reoffending rates for the sample

A total of 30 individuals in the sample were recorded as having reoffences after their Conditional Caution. This was a prevalence of reoffending of 21.4%

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67 From the data it appeared possible that for a small number of individuals prosecution for the original offence for which the Conditional Caution was issued (i.e. following non-compliance) might have been recorded as a reoffence, whereas for other individuals it was not recorded in this way. As there were only 2 instances of this issue in the data, this was categorised as a reoffence.
(30/140). These 30 individuals reoffended on average 154 days after their conditional caution, but this varied from 1 day to 392 days.

It is difficult to determine whether the prevalence of reoffending identified for this study (21.4%) is a success because of the lack of a comparator group who did not receive the Conditional Caution. Great efforts went into attempting to locate the data to create such a group, but this proved not possible.

Comparing the prevalence of reoffending (21.4%) to the average OGRS score for the group of 21 or approximately a 21% chance of reoffending within one year suggested that overall the Conditional Caution pilot did about as well as would be expected with this sample. Please see section 12.4.5 for more information about the OGRS scores for the sample.

12.8.2 Reoffending rates by risk categories

In order to explore reoffending more carefully individuals were classified into four equal sized risk categories based on their OGRS scores (n=35 for each group), and this was compared to the observed prevalence of reoffending for that group. The results are presented in Figure 40. This shows that for the Low and Medium-Low group the actual level of reoffending was similar, but slightly higher than the average reoffending predicted by OGRS. The Medium risk group reoffended at a higher rate than predicted, but most importantly the highest risk group appeared to reoffend at a level lower than expected.

This suggests that the Conditional Caution scheme was associated with better than expected reoffending for the highest risk group.

Figure 40: Reoffending by risk category

<table>
<thead>
<tr>
<th>Risk level</th>
<th>OGRS score range</th>
<th>Mean OGRS score</th>
<th>Actual reoffending rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>3 – 8%</td>
<td>7.0%</td>
<td>8.6</td>
</tr>
<tr>
<td>Medium-Low</td>
<td>8 – 14%</td>
<td>10.9%</td>
<td>11.4</td>
</tr>
<tr>
<td>Medium</td>
<td>14-26%</td>
<td>18.4%</td>
<td>25.7</td>
</tr>
<tr>
<td>High</td>
<td>26-81%</td>
<td>47.3%</td>
<td>40.0</td>
</tr>
</tbody>
</table>

A two-pronged approach was used to attempt to locate a comparison group. This included exploring the data held and available locally by the Cambridgeshire Police. There were concerns about making the large amount of data needed available because of data protection issues. Professor Jolliffe independently approached the Ministry of Justice who suggested that individual PNC records were no longer systematically made available for independent research purposes.
12.8.3 **Severity of reoffending**

Figure 41 presents the prevalence of different types of reoffence in the sample.

To give an indication of the impact of the Conditional Caution scheme on later reoffending, the prevalence of serious index offences (those offences that led to the Conditional Caution) was compared to the prevalence of serious reoffences. Serious offences were considered violence, sexual offences, burglary and motor vehicle theft. These are shaded grey in Figure 41.

The prevalence of serious index offences was 30% (42/140), but the prevalence of serious reoffences was 6.7% (2/30). This difference was statistically significant (chi square = 7.0, p<.04), with a very large effect size of 6.0. This suggests that the Conditional Caution scheme was associated with a reduction in the prevalence of serious offences amongst those who reoffended.

**Figure 41: Type of reoffence**

<table>
<thead>
<tr>
<th>Offence type</th>
<th>Number of individuals</th>
<th>Percentage of total reoffences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theft</td>
<td>13</td>
<td>43.3%</td>
</tr>
<tr>
<td>Other</td>
<td>6</td>
<td>20.0%</td>
</tr>
<tr>
<td>Criminal/malicious damage</td>
<td>3</td>
<td>10.0%</td>
</tr>
<tr>
<td>Drugs (Possession/Small Scale Supply)</td>
<td>3</td>
<td>10.0%</td>
</tr>
<tr>
<td>Violence</td>
<td>2</td>
<td>6.7%</td>
</tr>
<tr>
<td>Fraud/Forgery</td>
<td>1</td>
<td>3.3%</td>
</tr>
<tr>
<td>Motoring</td>
<td>1</td>
<td>3.3%</td>
</tr>
<tr>
<td>Public order</td>
<td>1</td>
<td>3.3%</td>
</tr>
<tr>
<td><strong>All</strong></td>
<td><strong>30</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

12.9 **Factors associated with reoffending following Conditional Caution**

12.9.1 **Key findings: Factors predicting reoffending**

Logistic regression was used to examine the factors that predicted reoffending. Including the OGRS score in this analysis would have overwhelmed the regression and furthermore, identifying that a measure of reoffending predicted later reoffending was not considered practically useful. Instead the individual factors that were associated with reoffending were included. These were gender, age, number of previous convictions, index offence type, experience of prison and certain conditions (rehabilitative and restorative justice).
The results suggested that only one factor independently predicted reoffending: having previous convictions. That is, having a previous conviction increased the odds of the person reoffending by over 3, controlling for all other demographic and criminal history factors.

Adding knowledge about whether an individual complied or not into the regression changed the results such that three factors predicted reoffending. These were:

- Having a previous conviction.
- Not having a rehabilitative Condition.
- Failing to comply with the Conditional Caution.

The relationship between these factors and reoffending can be seen in Figure 42. This shows that those who had no previous convictions, had a rehabilitative Condition and complied had a prevalence of reoffending of less than 10%. Those who had one of those three factors (i.e., had previous convictions or who did not have a rehabilitative Condition or who did not comply) had a prevalence of reoffending of 23%. Those who had two or three factors had the highest prevalence of reoffending (37%).

Figure 42: Factors predicting reoffending

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69 It was unclear whether failure to comply with the Conditions of a Conditional Caution would automatically result in what was recorded as a reoffence. The following analyses was based on the assumption that complying with the Conditional Caution was independent of a reoffence.
70 Two and three factors were combined because only seven individuals had all three factors.
12.9.2 Compliance with Conditional Caution

Those who complied with their Conditional Caution were significantly less likely to reoffend. Fourteen percent of those who complied had a subsequent reoffence compared to over 46% of those who did not (chi square =14.4, p<.0001). The measure of effect suggested that failure to comply increased the odds of reoffending by over 5 times\(^{71}\).

There was evidence to suggest that those who complied with their Conditional Caution took longer to reoffend. Those who complied committed their reoffence on average 209 days after the conditional cautioning compared to 91 days for those who did not comply. This difference was statistically significant (t=3.3, p<.05), but this result again might be driven by the fact that failure to comply might result in an offence that appeared as a reoffence.

12.9.3 Characteristics of Conditional Caution

**Number of Conditions**

About 18% of those with one Condition reoffended, while 21% with two conditions reoffended, and over 33% with three conditions reoffended. This difference was not statistically significant (chi square =.54, n.s. (no odds ratio as a 2X3 table).

There was no evidence that the number of Conditions that individuals received were associated with their time to reoffence.

**Rehabilitative Condition**

There was some suggestion that those who had a rehabilitative component were more likely to reoffend. Over 86% of those who reoffended had a rehabilitative component, but 70% of those who did not reoffend had a rehabilitative component. This difference was statistically significant (chi square = 3.8, p<.05, OR = 2.7) suggesting a potentially important relationship.

**Reparative Condition**

There was no evidence that the reparative component was associated with differences in reoffending.

**Restorative justice Condition**

There was some indication that a restorative justice component may have been weakly associated with an increased likelihood of reoffending. Just over 46% of those who reoffended had a restorative justice component compared to 35% who did not reoffend (chi square = 1.4, n.s, OR=1.7).

\(^{71}\) A failure to comply may result in a ‘reoffence’, which may explain this finding.
Punitive Condition

None of the individuals with a punitive component reoffended. However, only four individuals received a punitive Condition.

Date of Conditional Caution

It is possible that there were changes in the influence of the Conditional Caution scheme on reoffending over time. It appeared that the prevalence of reoffending may have slightly decreased over the time of the scheme. For the first two time periods (Sept 2, 2016 to 10 Nov 2016 and 11 Nov 2016 to 20 Jan 2017) the prevalence of reoffending was 26%, but in the last two quarters (22 Jan 2017 to 28 Feb 2017 and 1 Mar 2017 to 31 Mar 2017) the prevalence of reoffending was 14% and 21%.

The time to reoffence was longest for those in the third quarter (233 days), but this was based on a very small number of people (five).

12.9.4 Demographic factors

Age

An individual’s age when they received the Conditional Caution was not consistently associated with the prevalence of reoffending, however, those who were younger (under age 23) may have benefitted more from the scheme. Those under 23 had a prevalence of reoffending of 16.2% compared to 23.3% for those who were older than age 23. This different was not statistically significant though (chi square = 1.3, n.s.: OR=1.6).

Age was not related to time to reoffence.

Gender

Females in the sample were more likely to reoffend than males. Over 31% of females reoffended compared to 18% of males. This difference was not quite statistically significant (chi square=3.4, p<.06), but the odds ratio of 2.2 suggests that this is an important relationship which may not be significant because of the small number of females.

Males took somewhat longer to reoffend than females (166 days compared to 137 days), but this difference was not significant.

Ethnicity

Ethnicity was not significantly associated with reoffending, but the all other ethnicities group had the lowest level of reoffending. Over 22% of White British individuals reoffended compared to 21% of Other White individuals. Only 15% of the individuals of other ethnicities reoffended.
12.9.5 Criminal history

Offence that led to Conditional Caution

Those who had an index offence (the offence leading to the Conditional Caution) of fraud and theft were more likely to reoffend than those who did not, but this difference failed to reach significance (chi square = 2.0, n.s.; OR=3.9 and chi square = 2.4, n.s.; OR=2.0, respectively). An index offence of violence appeared to be associated with a non-significant decrease in later reoffending (chi square 1.9, n.s., OR=2.0). The odds ratios suggest that these differences would have been significant had the numbers been greater.

Number of previous convictions

Those who reoffended had an average of 5.7 previous convictions, compared to 1.8 for those who did not reoffend. This difference was statistically significant (t=3.8, p<.0001). However, there was no clear indication that the number of previous convictions was associated with the speed of reoffending.

The prevalence of reoffending for those who had no previous convictions was 12.2%, and this was statistically significantly lower than those who had 1 previous conviction or more (31.8%, chi square = 8.0, p<.03; OR=3.4).

Length of criminal career

Those who reoffended tended to have longer criminal careers than those who did not (2,678 days compared to 1,604 days), but this was not quite statistically significant (t=1.9, n.s.). The time to reoffence was not associated with a longer criminal career.

Previous experience of prison

About 44% of those who had previous experience of prison reoffended, compared to 18.5% of those who had no previous experience of prison (chi square=5.3, p<.02, OR=3.4).

Risk of reoffending (OGRS)

The offender group reconviction score is a useful summary of an individual’s criminal history relevant to their likelihood of reoffending. Those who reoffended had significantly higher OGRS scores (M=31, sd=21) compared to those who did not reoffend (M=18, sd=13; t = 3.9, p<.0001). OGRS was not related to the time to reoffence.