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**Police 'modernising the gateway to the criminal justice system'**



A three year randomised control trial has highlighted some crucial initial findings regarding the effect deferred prosecutions have on offenders. Peter Neyroud reports.

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As a police officer and now as a researcher, I have been involved in trying to improve the front end of the criminal justice system. The “gateway” to the system – the key decisions by police about how to deal with an offender – matter hugely to the system’s effectiveness.

As a young constable, nearly 35 years ago, I worked with a researcher from the University of Birmingham to identify whether my force’s recently introduced policy of “instant cautions” was working better than the more normal prolonged decision-making process for young offenders.

Later, in 2002, as a chief constable, I was responsible for the development and introduction of conditional cautions. In between I had been involved in at least five reviews of cautioning and diversion policies.

It is a paradox that as out of court disposals have increased as a percentage of total disposals – now accounting for around 40 per cent - the total sum of our knowledge about how well they work relative to prosecution has not advanced very much. We know that formal processing through the court system is generally not effective in reducing future reoffending.

This is hardly surprising with a system that spends so little time trying to tackle the reasons for offending, and in which around 60 per cent of cases result in a fine. But, even so, we do not know enough about the most effective pre-court options and, in particular, we don’t know what is likely to work best for victims

**Operation Turning Point**

A partnership between West Midlands Police and Cambridge University has been working for the last three years to find better solutions. At the heart of the approach has been a randomised controlled trial based in Birmingham, UK.

The trial has been designed to compare the relative effectiveness and cost benefit of police prosecuting low harm offenders with a treatment, a "turning point contract", which combines a deferred prosecution with a set of conditions agreed with the offender. These are intended to support the offender’s desistance from future offending.

The experiment is one of a very small number of trials in the world to test the effectiveness of a diversion against a court prosecution by random assignment.

The aim of the research design was to produce two groups of offenders who differed only by virtue of assignment to one of the two groups – control (prosecuted) and treatment (Turning Point). This allows the team to evaluate not just the outcomes for prevalence and seriousness of offending but also the cost-benefit of the two interventions.

At a recent conference, hosted by West Midlands Police and the Society for Evidence Based Policing, the research team gave a major update on progress. We cannot yet share reoffending data, because the final data collection only finished in June, but we did already have some really significant findings to share.

**Consistent decision-making**

The most important of these relate to two issues: the consistency of police decision-making and the confidence of victims in out of court disposals. Consistent decision-making is vital to ensure that the right offenders are matched not only to the right disposal but also, where a conditional disposal like a conditional caution or the community remedy is used, to the right conditions.

Previous research has shown that police decision-making on cautions has been inconsistent. In Operation Turning Point, the force and the research team developed a triage tool to filter the right cases and a “prescribing tool” for officers to design the best conditions.

The police offender management teams developed the second tool. In testing in the trial, we found that the officers could deliver highly consistent decisions and conditions when supported by these tools. They were not heavy on bureaucracy (which is a major criticism of tools like the DASH risk assessment) and could easily be designed into an application for street use.

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**Victim confidence**

The second issue – the confidence of victims – has been perceived as a major problem with out of court disposals. When we surveyed the victims from the first batch of cases from the experiment, we found that there was some substance to the concerns. However, the problems stemmed as much as anything from the way that the force was explaining to victims what they were trying to do. Quite a few investigating officers had told the victim that their offender had been “let off” with a Turning Point.

The reality was that offenders in the trial were required to sign a contract committing themselves to no offending and compliance with a set of conditions which were generally much harder than attending court and collecting a fine. So, in the second phase of the trial, the force developed a victim script based on restorative justice. We tested this by creating a second randomised experiment comparing victims in Turning Point with those whose offenders had been prosecuted.

We found that victims whose cases were in Turning Point were significantly more satisfied than those who cases had gone to court. Moreover, when we asked the victims whose cases had gone to court, they overwhelmingly said they would have opted for Turning Point had they been offered a choice.

The critical factor determining this choice was that victims felt that in applying the Turning Point deferred prosecution model with conditions, the force was making a serious attempt to prevent future offending.

We think that this is a hugely important finding for the police. Traditionally police have thought it is our job to catch and convict but this research is suggesting that Peel’s original commitment to preventive policing is much closer to what victim’s want. It also suggests that police and courts could also secure greater confidence from victims whose cases have gone to court by explaining how the sentences of those prosecuted are designed to reduce reoffending.

There is a lot more to come from this research programme. Over the next months we will be publishing the full results of our victim’s study and detailed papers on police decision-making and reoffending. The force and the research team are working with the College of Policing to ensure that the lessons of this unique experiment will contribute directly to practice.

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