Out of court disposals: Fit for purpose or in need of reform?

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Magistrates Association

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Executive summary

Out of court disposals (OOCDs), whereby the police administer justice for low-level or first-time offending, are a useful tool for the criminal justice system. However, like courts, the administration of these tools must strive for consistency, openness and must compliment and strengthen the criminal justice system.

Ahead of implementation of the reforms to OOCDs set out in the Police, Crime, Sentencing and Courts Act 2022, we conducted a literature review and information gathering exercises with our magistrate members to establish how the current system of OOCDs is operating. This involved submitting a series of freedom of information requests about the mechanisms for scrutiny of OOCDs in each police force area.

Our research found that the use of OOCDs in England and Wales has expanded substantially and haphazardly since their introduction, and without consistent scrutiny. Some areas are failing to scrutinise the use of OOCDs at all, while others are using mechanisms that vary greatly from those of the next. Such a patchwork of implementation and monitoring of OOCDs has led to a troubling overlap between the powers of the police and the sentencing powers of magistrates' courts. It also carries considerable risk of wide variation in the administration of justice, a lack of transparency and an absence of heterogenous accountability—all of which could serve to undermine public confidence in the wider justice system.

OOCDs work well when they fit the crime, allow victims to see justice done, and free up time for already-stretched courts to deal with more serious offences. However, when the forthcoming reforms to OOCDs are implemented, it will be essential that broader change is concurrently pursued to ensure that OOCDs are used openly and effectively, and that an unchecked expansion of their use—which could undermine the justice administered by courts—is avoided.

Based on our research, this report makes seven recommendations for government and police forces. If implemented, these will ensure that OOCDs are administered transparently and will establish a linear system of justice that bolsters public confidence and supports the wider system of criminal justice in England and Wales.

Introduction

An out of court disposal (OOCD) is a system in England and Wales for dealing with offences that are deemed less serious, such as possession of cannabis, graffiti or vandalism. OOCDs allow for low-level and some first-time offences to be addressed quickly by police, bypassing the courts process when an offender has admitted guilt.

The police have a range of powers for OOCDs; for example, community resolutions that can include a verbal warning, a warning letter, or reparation to the victim. Alternatively, there are penalty notices for disorder, fixed penalty notices, youth conditional cautions for young people 10-17 years old, and conditional cautions for adult crime. Once an individual has accepted responsibility for a crime, the police decide on how best justice can be served—taking into consideration the wishes of the victim and the circumstances of the offender.

It is commonly accepted that justice must not only be done but must also be seen to be done to ensure that the public have trust and confidence in the criminal justice system.

Courts achieve this by hearing cases in public, with anyone able to observe and report on proceedings. Unlike criminal hearings in magistrates' courts, OOCDs are not administered in the open. Seeking to combat the lack of transparency for OOCDs, some police forces created scrutiny panels to introduce external accountability. These review a sample of OOCDs administered in the local area and assess whether their use was appropriate given the circumstances. There is, however, no statutory requirement for police forces to have a scrutiny panel.

The Police, Crime Sentencing and Courts Act 2022 established a statutory basis for reforms to OOCDs to create a new two-tier framework for OOCDs. Police will be able to administer either a community resolution (upper tier disposal) or a conditional caution (lower tier disposal). The government's aim was to simplify the system and make it more transparent and consistent across England and Wales.[1]

At the time of writing, the reforms in part six of the Act have not yet been implemented. So, ahead of this—and building on previous research[2]—the Magistrates' Association (MA) conducted a literature review of available reports on the use of OCCDs, spoke to our sitting members, and submitted freedom of information requests to better understand how OOCDs are being used and scrutinised across England and Wales.

Blurred lines

The police are now enforcing the law, investigating crime, evaluating the needs of the offender on admission of guilt, and deciding a sentence that is either punitive, rehabilitative, reparational or educative.

After significant expansion of the use of OOCDs following the adoption of community resolutions by some police forces in 2008, the MA raised questions about the use of these powers by police for matters that would normally have been addressed by the courts. In 2008, its members passed a resolution calling for greater scrutiny and more research into the use and efficacy of OOCDs. Since then, the organisation has continued to keep abreast of this issue and, in 2015, submitted evidence to a Justice Select Committee enquiry.[3]

The MA is supportive of the main advantages of OOCDs.[2] However, their expanded use has resulted in a fundamental shift. Police forces in England and Wales are now carrying out functions that in court would be the province of judicial post holders and probation services. Both routes to justice have distinct

advantages, but a clearer distinction between where the powers of police end and those of magistrates begin is required.

Answers needed on out of court disposals

The Magistrates' Association believes that the following questions should be urgently answered:

- How transparency of a judicial process that begins at police stations can be upheld, how appropriately OOCDs are applied, and what legal safeguards exist for offenders.
- Whether the police receive training to undertake probation-style needs assessments and risk analyses leading to disposal decisions.
- Whether the rehabilitative programmes ordered by police are accredited, as would be necessary for programmes required by court sentence.
- Whether there are appropriate opportunities for those being considered for an OOCD to receive legal advice.
- Where in the process vulnerabilities—such as learning disabilities, neurodiversity, or linguistic and cultural understanding—are identified and how they are addressed.
- The likelihood and implications of OOCDs being used in situations that would go against the will of Parliament. For example, minimum sentences for a second knife crime offence, and disposals for assault of an emergency worker, hate crime and domestic violence.
- Whether the police have guidelines similar to those produced by the Sentencing Council—which include distinct characteristics to identify culpability and harm, mitigation, and aggravating factors—that magistrates must follow.

This report will first outline the expansion of OOCDs and the issues that have arisen due to their haphazard expansion. It will then focus on three key concerns: first, the fundamental shift of judicial power and overlap between police and court disposals; second, the disclosure of OOCDs to courts; and third, the lack of publicly available information about and scrutiny of OOCDs.

Part one: the expansion of out of court disposals

Some types of out of court disposals (OOCDs) are familiar and have been with us for a long time.[4] For example, fixed penalty notices (FPNs) were introduced in the 1950s and can cover parking and speeding offences. Anti-social behaviour orders were introduced in 1998 and caught the public imagination. Penalty notices for disorder (PNDs) were introduced in 2001.

OOCDs can be effective, efficient and proportionate tools for dealing with uncontested, low-risk criminal behaviour, and offer the potential for reparation and rehabilitation. OOCDs allow the police to deal with certain offences without them reaching the courts system, which is already dealing with a huge volume of cases.

However, the expansion of OOCDs has been piecemeal with a Criminal Justice Joint Inspectorates (CJJI) inspection describing it as having been "largely uncontrolled".[5] In 2003, the government introduced a new six-tier system covering:

- Community resolutions
- Cannabis/khat warnings
- FPNs
- PNDs
- Simple cautions
- Conditional cautions.

After this, the police's use of OOCDs grew significantly. In 2010, an Office for Criminal Justice Reform (OCJR)—a cross-departmental body hosted by the Ministry of Justice—report stated that:

> *"Although the number of convictions has remained stable, the proportion of offences brought to justice outside court has increased from 23 per cent in 2003 to 40 per cent in 2008. This represent[s] a fundamental shift in how justice is delivered."* [6]

It also revealed that there was a wide regional difference. In West Yorkshire, OOCDs were issued in 28 per cent of cases, while in London they were used in 40 per cent of cases. This pattern of inconsistency has not improved over time. Statistics from 2020 show that the proportion of disposals issued in some police forces is four times greater than in others.[7] Concerningly, the CJJI describes the variation as going "beyond the local differences one would naturally expect."[5]

The OCJR report also found that most forces were using OOCDs for indictable-only cases and serious offending behaviour, against official guidance that they should be used for low level and mostly first-time offences. It additionally highlighted concerns about scrutiny, accountability and police training, concluding:

> *"It is vital that the public has confidence that out of court disposals are being used appropriately and proportionately; that they are effective; that there is consistency in their use across England and Wales and that the system is both understood by the public and its operation is transparent."* [6]

In 2009, the Justice Select Committee also cited its concern at the lack of scrutiny of OOCDs, stating:

> *"…the growth in the number of OOCDs represents a fundamental change to our concept of a criminal justice system and raises a number of concerns about consistency and transparency in the application of punishment. Different patterns of fines may simply reflect local priorities and be argued to be a feature of community engagement.*

However, we believe the use of these disposals requires systematic scrutiny." [8]

Further concerns were raised at a Home Affairs Select Committee session in 2015:

"Richard Monkhouse [former Chair of the Magistrates' Association] told us that the Magistrates' Association had been concerned at the number of OOCDs that were being given to repeat offenders and for serious offences. He said that this had created a "perception that some serious offences were being dealt with not in court, where a court can deliver the kinds of sentences that are rehabilitative as well as punitive". He referred to OOCD cases "where there are identifiable victims, violence involved and sexual behaviour involved", as well as indictment-only cases which, if they were brought to trial, would have to be tried in the crown court because magistrates' sentencing powers were not sufficient." [9]

In the year ending March 2021, over 190,000 people were given OOCDs by the police.[10] Yet, these cases are not treated uniformly nor consistently across England and Wales:

"There are a mish-mash of pilots at different stages of maturity, attempts to standardise the approach taken by forces has been ongoing since 2014 with mixed success." [11]

When the six tiers of OOCD diversion were introduced, the system was viewed by many as overcomplicated and ineffective. So, in 2014-15, three police forces (Leicestershire, Staffordshire and West Yorkshire) piloted a simplified two-tier scheme whereby they could only administer either a community resolution (aimed at first time offenders) or a conditional caution (aimed at tackling more serious or persistent offending). Both options also allowed them to attach conditions that were either punitive, rehabilitative, reparative or restrictive.[12] Scrutiny panels existed in these areas before the pilot was started.

A Ministry of Justice-commissioned evaluation of the year-long pilots revealed little impact on reoffending—though an increased focus on victims' needs— and no cost savings due to the 'labour-intensive' nature of the two remaining tiers.[13] It did, however, highlight the following benefits of the scrutiny panels, which had taken on greater prominence during the pilot period:

- Membership from across the criminal justice sector ensuring checks and balances are embedded in the scrutiny process.
- Publication of minutes ensuring transparency, and public insight and confidence about police decisions.
- Providing an opportunity for continuous feedback and development for participants, contributing to strengthened practice. Police who attended panels showed a willingness to learn from cases where the panel concluded that the OOCD had been inappropriately applied.

Confirming the inconsistent picture of implementation, in 2019 the National Police Chiefs Council reported that police forces had been slow in moving from the six- to the two-tier structure.[11] Despite the recognised ineffectiveness of the six-tier system, by April 2020 only 11 forces were using the two-tier structure and seven were operating a hybrid model.[1]

Sections 91 to 116 of the Police, Crime, Sentencing and Courts Act 2022 will introduce a statutory requirement to standardise the two-tier structure. However, at the time of writing no implementation date has been announced. The Act does not include any requirements for scrutiny of OOCDs administered under the two-tier framework.

Part two: the overlap between police and court disposals

The range of offences for which out of court disposals (OOCDs) are deemed appropriate is increasing and now also includes hate crime, domestic abuse and assault of an emergency worker. In some cases, the disposals available to the police—including electronic curfews and fines—considerably overlap with, and occasionally exceed, the powers of magistrates' courts. While some anomalies are inevitable to keep less serious cases out of court, continuous monitoring would reduce the risk of these becoming widespread.

Clear guidance on their appropriate use would also be beneficial as, in some cases, the absence of this has resulted in OOCDs being used in ways that are inconsistent with legislation. For example, anecdotal evidence from Magistrates' Association members who sit on OOCD scrutiny panels revealed numerous cases in which OOCDs had been used for those who repeatedly commit knife crime offences, despite section 315 of the Sentencing Act 2020 requiring a minimum sentence of six months in custody for a 'second strike' offence. Similar findings have been flagged by scrutiny panels themselves.[14]

Both public opinion and research on OOCDs reveal a consensus that OOCDs are only appropriate for certain kinds of offences, types of offending behaviour and/or offending histories.[15] This should be reflected in national level guidance on the use of OOCDs that clearly delineates cases in which charging, and prosecution would be more appropriate.

Part three: the information available to magistrates

Unlike conditional cautions, community resolutions and subsequent out of court disposals (OOCDs) are not recorded on the Police National Computer (PNC) database—meaning that magistrates cannot know what disposals an individual appearing before them might have undergone, nor what conditions were imposed as part of the community resolution.

This is problematic because if magistrates are unable to take into account any offending that was dealt with by way of a non-recordable OOCD, the sentencing options available to them are unlikely to allow them to fully address the culpability and seriousness of an individual's offending behaviour. This is particularly pertinent for offences, such as domestic abuse, where it is known that criminal behavioural patterns can be established and feature escalation of frequency.[16]

The lack of disclosure of an individual's full pattern of behaviour also prevents magistrates from being able to tailor sentences to address the root causes of offending. Magistrates who sit in youth courts have, for example, said they believe that repeated use of OOCDs for the same child and the lack of information available to magistrates about their previous offending behaviour often blocks access to much-needed preventive activities, enabling criminal patterns to be established during childhood. This is concerning given the limited evidence that OOCDs address the root causes of offending.[17]

Those in favour of not recording community resolutions on the PNC cite the damaging impact of a declarable criminal record, which may affect an offender's life opportunities in a way that is disproportionate to the crime; for example, hindering their access to employment, education and/or housing.[18-19]

However, the Magistrates' Association (MA) does not believe that the solution to this lies in restricting the information to which courts have access.

Sentencing, whether achieved by the police through OOCDs or the courts through prosecution, should broadly be linear, appropriate and in the best interests of justice. With the system as it currently stands, this is not guaranteed.

Val Castell, Chair of the MA's adult court committee, said:

> *"Police consider courts as only capable of punitive sentencing and, as a result, repeat offenders are only charged once their rehabilitative measures have 'failed'. This is misguided at best."*

Magistrates follow legislation and carefully structured sentencing guidelines that help to ensure a sentence reflects the culpability and harm of the offence. Currently, they can only impose rehabilitative requirements as part of a sentence where the offence crosses the custody threshold. This gives rise to two issues in the broader context of OOCDs.

Firstly, through an OOCD police can effectively give a community order for offences that would not cross the threshold for such a sentence if the case were heard in court. Where an offender fails to comply with an OOCD—for example, breaching a caution—they would then be prosecuted but might only be given a conditional discharge or a fine. The breach of the more intensive OOCD intervention would result in a less intensive penalty in court than that originally imposed through the OOCD. This non-linear and confused approach is incongruous with the aim that disposals—whether sentences or OOCDs—are proportionate to the offending behaviour. It also undermines decades of

work to achieve consistency of justice for low-level offending in the courts, including the introduction of sentencing guidelines and extensive investment in training.

Secondly, when prescribed by courts, rehabilitative programmes are recommended and overseen by qualified probation officers. The same is not always true for those set by the police via conditional cautions for non-imprisonable offences, and MA members feel that the police would require specific training to enable them to carry out such probation style assessments. The alternative would be for police forces to employ qualified probation staff to conduct such assessments, but this would, inevitably, pull resources away from the already-stretched probation resources that service courts.

Family court, out of court disposals and domestic abuse

The use of OOCDs for domestic abuse needs to be approached particularly cautiously. Magistrates who sit in the family court often deal with allegations of domestic abuse in proceedings relating to children. In these family court cases, magistrates are able to access information about police call outs for domestic abuse but are not provided with detail about any OOCDs that have been imposed. Therefore, in assessing allegations of domestic abuse in the family court, magistrates are not provided with the full information with which to make an assessment of the risk of harm to children.

Part four: the lack of consistent and transparent scrutiny

The importance of good quality, independent scrutiny of out of court disposals (OOCDs) is a crucial element in achieving public confidence.[11]

In 2014, Cheshire establish the first scrutiny panel in England and Wales. This reviewed the appropriateness of a sample of OOCDs from the police. Despite the Home Affairs Committee endorsing such panels as a way of achieving openness and consistency in 2015,[3] these were not adopted universally. So, in 2018, the National Police Chief's Council advised all police forces to establish scrutiny panels.[12]

Although 39 of the 43 police forces to whom we submitted freedom of information (FOI) requests in 2021 confirmed they have scrutiny panels in place, two reported that they do not and a further two did not comment on these but instead provided information about unrelated panels on police powers. Given that public accountability and transparency is a major requirement of a Police and Crime Commissioner's (PCC) role, it was concerning that several of the 40 Office of Police and Crime Commissioners we also reached out to reported not knowing if a panel existed and, consequently, referred our FOI onto the police.

In addition to the FOI information, our examination of the public websites of all PCCs and police forces in England and Wales also found a lack of clear and accessible information about whether scrutiny panels exist; only 18 websites referenced one. This echoes the findings of recent Crest Advisory research, which showed that only 14 per cent of police force websites provide a basic definition of what an OOCD is and just five have 'good-quality' information about OOCDs.[7]

Analysis of responses to our FOI requests also revealed that:

- **Variation in what is "appropriate".** Most scrutiny panels make decisions on the appropriateness of disposals using a categories system that sees OOCD actions rated on range from 'appropriate' to 'inappropriate'. However, the definition of these categories varies slightly from area to area, making nationwide comparison of findings difficult.
- **Lack of openness**. The majority of OOCD scrutiny panels do not publish their findings publicly; just nine police forces reported that their panels regularly publish minutes, a further ten said they produce an annual report on this matter. Dyfed and Powys stood out as an example of best practice; it publishes not only the minutes of each panel, but also an anonymised summary of the case and the outcome of the review.
- **Children not considered separately**. Several areas have separate scrutiny panels for adult cases and youth cases, and one has a specialist panel for OOCDs used in domestic abuse cases.
- **Little public involvement**. Only two scrutiny panels (West Midlands and Surrey) confirmed that they are attended by members of the public.
- **Mainly internal use**. Where scrutiny panels exist, it is most common that they meet quarterly and undertake dip sampling. Some forces provide feedback to officers on the individual cases reviewed and the general findings inform police officer training strategy.

Mark Beattie, National Chair of the Magistrates' Association (MA), said:

> *"These results demonstrate a disturbing lack of national consistency of scrutiny by PCCs nationally for a substantial level of criminal justice administration.*
>
> *The increasing number of serious offences dealt with by OOCDs seems to be developing unchecked.*
>
> *There needs to be a national review by government and the senior judiciary to ensure the OOCD system operates in the interests of justice with proper transparency and accountability, and that it does not fly under the radar of good quality justice."*

The unique case of children

MA members who sit in youth courts have also raised concerns about a failure to establish distinct scrutiny of OOCDs for children. In 2021, our youth court committee surveyed its members and found that few areas have child specific panels—many are mixed with adults—and some areas have had to lobby hard to have children's cases included in scrutiny. This chimes with the findings of our FOI requests, which revealed that only five areas hold separate panels for youth cases.

The context of OOCDs, the evidence base for their use and best practice is very different for children than for adults. Moreover, the composition of adult panels is not necessarily the best fit for children in contact with the criminal justice system; there is a strong case for separated youth and adult panels with the former comprising youth practitioners.[20] Indeed, the Youth Justice Board recently advocated for children to participate in scrutiny panels that consider children's cases.[21] Although no information is available as to whether this currently happens in practice, it seems unlikely given that only two scrutiny panels in England and Wales involve members of the public.

Open justice and public confidence

Scrutiny panels are crucial to establishing fair practice and greater consistency. Provided that structures and guidance are in place, they are also a key tool in ensuring open justice and external accountability.

The evolutionary development of scrutiny panels means that there is no overarching national guidance on their operation, frequency, or membership. Some piecemeal guidance exists, such as that for magistrates who are members of scrutiny panels,[22] but calls by the Magistrates' Association and the National Police Chief's Council have not yet resulted in unified national guidance. Its absence has hindered consistent practice and obfuscated a firm public understanding of how OOCDs operate and are reviewed.

Research we conducted in 2015 found that only 50 per cent of panels make their findings public.[2] This is problematic given their role in raising public awareness and public confidence in OOCDs. Indeed, recent polling found that very few members of the public (11 per cent of respondents) believe OOCDs take into account their views, and that there is greater support for better funding courts and for increasing magistrates' sentencing powers (68 and 69 per cent, respectively) than for expanding the use of OOCDs (46 per cent) to help cut the court backlog.[7]

Recommendations

Based on our research, we recommend that:

1. **The Ministry of Justice and Home Office clarify that the courts administer justice except for a nationally agreed list of offences for which out of court disposals (OOCDs) may be used.** In consultation with the judiciary, ministers should define the function of the police in issuing OOCDs, and the balance and boundaries between the police and judicial decision-making. OOCDs must enhance our long-established system of justice.
2. **The Ministry of Justice and Home Office jointly conduct a national audit to identify the true picture of how OOCDs are being used and scrutinised.** This should establish which offences the police are currently using OOCDs for and provide evidence of the level of scrutiny of OOCDs that currently takes place.
3. **The Ministry of Justice establishes a clear framework that lays out a clear distinction between the police's OOCD powers and courts' sentencing powers** to prevent further unmonitored expansion of a parallel and non-linear system of justice.
4. **Every Office of Police and Crime Commissioner or police force hosts an independent OOCD scrutiny panel** that produces nationally comparable data that is published quarterly on government and local websites.
5. **Each police force works with local justice partners to establish distinct scrutiny panels for the use of OOCDs in relation to children.** Where possible, and appropriate, children with lived experience of the justice system should be consulted and/or supported to participate in these.
6. **The Ministry of Justice and Home Office establish a national body with the permanent remit and accountability to ensure consistency between different police force areas**, allowing sensible local variation but avoiding unacceptably wide anomalies and inconsistencies nationally.
7. **Every police force commits to ensuring greater public understanding of OOCDs**, including having a definition of OOCDs on their website and encouraging public engagement with scrutiny panels. This will strengthen open justice and public confidence.

Taken as a whole, these recommendations would ensure proper democratic control over the use of OOCDs, create a proper balance between the needs for efficiency and effectiveness and for police powers to be under proper oversight, and allow the public to scrutinise the laws that govern them and how these are enforced.

Conclusion

Successive governments have promoted out of court disposals (OOCDs), and we accept that they can work well and be an effective tool in tackling certain crimes and behaviours. However, their popularity has led to a rapid and largely uncontrolled expansion of their use that has not been accompanied by sufficient checks and balances. By transferring increasing powers from the courts to the police, OOCDs threaten to undermine a central tenet of our criminal justice system: open justice. They cannot be allowed to get out of control.

Moreover, without proper data and scrutiny there is a danger of unintended consequences, unfair application of OOCDs, and a wide variation in their use—creating what the Justice Select Committee coined a 'postcode lottery' of justice. This presents an existential challenge to our system, and the public acceptance upon which it depends.

To support increased clarity, consistency and scrutiny, we call for our recommendations to be embedded within the new system for OCCDs under part six of the Police, Crime, Sentencing and Courts Act 2022.

References

[1] Police, Crime, Sentencing and Courts Act: Reform of the Adult Out of Court Disposals Framework Impact Assessment, (MOJ 071, 2020). Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1073440/MOJ_Sentencing_IA_-_OOCD__2022_.pdf (accessed 21 September 2022).
[2] J Easton and others, *Scrutiny Panel Research Project*, (Magistrates' Association 2015).
[3] Home Affairs Committee, *Out-of-Court Disposals* (HC 2014-15 799).
[4] J Davies, 'A Poor Man's System of Justice: The London Police Courts in the Second Half of the Nineteenth Century' (1984) *The Historical Journal*, 27 (1984) 2.
[5] Criminal Justice Joint Inspectorates, *Exercising Discretion: The Gateway to Justice*, (2011), 4.
[6] Office for Criminal Justice Reform, *Initial findings from a review of the use of out-of-court disposals* (2010), 2. Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/217353/out-of-court-disposals-june2011.pdf (accessed 21 September 2022).
[7] D Shaw and others, Making the criminal justice system work better: how to improve out-of-court disposals and diversion schemes, (Crest Advisory 2022).
[8] *'The Crown Prosecution Service: Gatekeeper of the Criminal Justice System'*, Ninth Report of Session 2008-09, Justice Select Committee (published 6 August 2009).
[9] Home Affairs Committee, *Out-of-Court Disposals* (HC 2014-15 799).
[10] Ministry of Justice, *Criminal Justice Statistics quarterly, England and Wales, July 2019 to June 2020*, (2020). Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/934391/criminal-justice-statistics-quarterly-June-2020.pdf (accessed 21 September 2022).
[11] G Mason, 'OOCDs: the path to best practice', *Police Oracle* (November 2020). Available from: https://www.policeoracle.com/news/best_practice/2020/Nov/09/oocds--the-path-to-best-practice-_106136.html (accessed 21 September 2022).
[12] National Police Chiefs' Council, Charging and Out of Court Disposals: A National Strategy, (2018). Available from: https://www.npcc.police.uk/Publication/Charging%20and%20Out%20of%20Court%20Disposals%20A%20National%20Strategy.pdf (accessed 14 November 2022).
[13] Ministry of Justice, *Adult Out of Court Disposal Pilot Evaluation – Final Report* (2018), 36. Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718947/adult-out-of-court-disposal-pilot-evaluation.pdf (accessed 21 September 2022).
[14] Police and Crime Commissioner for Dyfed-Powys, Review of knife crime and sexual offence Out of Court Disposals (2021). Available from: https://www.dyfedpowys-pcc.org.uk/media/11002/2021-07-26-oocd-report-final-signed-version-english.pdf (accessed 14 November 2021).
[15] Crown Prosecution Service, *Out-of-court-disposals*, (2021); N Padfield and M Maguire, 'Out of Court, out of Sight? Criminal Sanctions and Non-Judicial Decision-Making' in M Maguire, R Morgan and R Reiner (eds) *The Oxford Handbook of Criminology* (2012).
[16] C Dowling and others, 'The criminal career trajectories of domestic violence offenders' (2021) 624 *Trends and Issues in Crime and Criminal Justice*, 1.
[17] Cordis Bright, *What works in delivering court diversion and deferred prosecution schemes?* (2019), 2.5.
[18] Centre for Justice Innovation, *Smarter approach to sentencing: briefing paper*, (2020). Available from: https://justiceinnovation.org/publications/delivering-smarter-approach-deferred-sentencing (accessed 26 September 2022); Unlock, *A fresh start for criminal records* (2020) <https://www.unlock.org.uk/wp-content/uploads/Priorities-for-government-2020.pdf> (accessed 26 September 2022).
[19] Unlock, *A fresh start for criminal records* (2020). Available from: https://www.unlock.org.uk/wp-content/uploads/Priorities-for-government-2020.pdf (accessed 26 September 2022).
[20] HM Inspectorate of Probation and HM Inspectorate of Constabulary and Fire & Rescue Services *Out-of-court disposal work in youth offending teams* (2018), 23.
[21] Youth Justice Board for England and Wales, Child First: Identifying Progress and Priorities Using a System Map (2022). Available from: https://yjresourcehub.uk/research-articles-reports-and-briefings-thematic-broader-research-inform/item/1044-child-first-identifying-progress-and-priorities-using-a-system-map-youth-justice-board-for-england-and-wales-october-2022.html (accessed 8 December 2022).
[23] Lord Justice Gross, *Guidance for magistrates involved in scrutiny of out of court disposals* (2013). Available from: https://www.judiciary.uk/wp-content/uploads/JCO/Documents/Guidance/spj-guidance-mags-involved-in-scrutiny-oocds-june-2013.pdf (accessed 14 November 2022).