

OUT OF COURT RESOLUTIONS

APRIL 2026



OUT OF COURT RESOLUTIONS (OOCRS): ALIGNMENT AND OVERSIGHT

Out of Court Resolutions (OOCRs) are intended to provide proportionate, swift responses to low-level offending. When used appropriately, they can reduce court backlogs, allow victims to see timely justice, and divert first-time offenders from the criminal courts. However, their current use lacks consistent oversight and risks undermining judicial transparency, proportionality and the coherence of sentencing overall.

1. A blurred boundary between police and courts

[Crime statistics](#) from the year ending September 2025 saw a 10% increase in the use of OOCRs, reflecting levels last seen in 2017. This increase is concerning considering the lack of a consistent national mechanism for scrutiny or accountability. Our [2022 report](#), *Out of Court Disposals: Fit for Purpose or in Need of Reform?* found a disturbing overlap between the powers exercised by police through OOCRs and those of the courts.

In some areas, the disposals available to the police – including electronic curfews, fines, and rehabilitative conditions – now mirror, and occasionally exceed, the powers of magistrates' courts. Further, there is a lack of awareness in the courts of OOCRs which direct offenders to restorative or rehabilitative options, such as the Victim Awareness Course provided by Victim Support, which are used by police.

This blurring of boundaries has created a parallel justice system, largely invisible to the public and to magistrates themselves. OOCRs can be used for offences such as assault on emergency worker, domestic abuse and knife crime – crimes that have serious repercussions in the community. Such inconsistencies threaten the core principle that justice should not only be done but be seen to be done.

2. The transparency deficit

Unlike court sentences, OOCRs are not administered in public. While some are recorded on the Police National Computer, Community Resolutions, which account for [80%](#) of all OOCRs, are not. This means that magistrates may have no visibility of an individual's prior offending or of conditions imposed by the police. This lack of record-keeping fragments the sentencing journey, preventing courts from recognising repeated offending patterns – particularly in areas such as domestic abuse and stalking, where escalation is common.

Our research revealed further weaknesses in transparency and oversight:

- Only **39 of 43** police forces confirmed having scrutiny panels in place.
- Most panels do not publish their findings; just **nine** forces publish minutes or reports.
- **Two** forces reported having no panel at all.
- Only **two** panels nationally include members of the public.

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- Few areas hold dedicated panels for youth cases, despite clear differences in context and safeguarding requirements.

This patchwork oversight amounts to a postcode lottery of justice, where decisions of comparable seriousness may be handled entirely differently depending on geography.

3. Risks to public confidence and judicial independence

Unchecked use of OOCRs risks creating a shadow justice system operating beyond judicial scrutiny. While magistrates sentence in open court, guided by statutory principles and Sentencing Council guidelines, OOCRs are administered largely out of the domain of public scrutiny, often by officers without equivalent training or guidance. This undermines the transparency, consistency and accountability that underpin public confidence in the courts.

It also raises significant constitutional questions. By permitting the police to make disposals that are punitive, rehabilitative and reparative, OOCRs can encroach on functions that properly belong to the judiciary. Without statutory limits, clear guidance and independent oversight, this parallel track erodes the separation of powers and weakens judicial independence.

4. The Magistrates' Association's position

We recognise that OOCRs have a legitimate role in the justice system. They can be valuable for first-time, low-level offences and can reduce unnecessary criminalisation. But their use must not compromise open justice or judicial oversight. OOCRs should complement, not replace, the courts.

In 2022, the government set out a new Out of Court Disposals framework which would simplify the use of OOCRs into two tiers – Diversionary Cautions and Community Cautions. While a framework has been agreed, we are yet to see this officially rolled out. We call for a comprehensive national framework that defines the proper scope and governance of OOCRs and emphasise the importance of consistent national standards alongside transparent reporting within this framework.

OOCRs can only enhance public confidence if they operate within a transparent, democratically accountable framework. Without clear oversight, they risk undermining the integrity of sentencing as a whole. The Magistrates' Association therefore urges the Government to embed these safeguards in their expansion, as proposed under Sir Brian Leveson's Independent Review.

5. Recommendations

Drawing on our 2022 report, we recommend that government and policing partners:

1. **Clarify the boundaries** between police OOCR powers and court sentencing powers, ensuring disposals are limited to genuinely low-level offending.
2. **Conduct a national audit** to map how OOCRs are being used, for what offences, and with what outcomes.

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3. **Establish a statutory framework** distinguishing the function of OOCRs from that of the courts to prevent an unmonitored parallel system.
4. **Require every police force** to host an independent OOCR scrutiny panel that produces nationally comparable, publicly available data each quarter.
5. **Establish a national oversight body** – jointly accountable to the Ministry of Justice and the Home Office – to monitor consistency and ensure local panels operate under uniform standards.
6. **Strengthen open justice** by requiring all forces to publish clear information about OOCRs on their websites, including definitions, volumes, and outcomes.
7. **Ensure full disclosure** of OOCRs to courts so magistrates have visibility of prior offending patterns.

The Magistrates' Association has also published a position statement specifically on youth OOCRs. You can read the statement in full at: <https://www.magistrates-association.org.uk/wp-content/uploads/2026/04/MA-ps-OutofcourtResolutionsYouth2026.pdf>