

CONDITIONAL CAUTIONING UPDATE

OFFICE FOR
CRIMINAL JUSTICE REFORM



Criminal Justice System: working together for the public

CONDITIONAL CAUTIONING UPDATE

Welcome to the second conditional cautioning update. We hope you find it interesting and informative.

As joint senior responsible owners for conditional cautioning we are keen to ensure that the scheme works well and that we see an increase in the numbers of offenders being offered a conditional caution. We are also aware of the changes that are taking place in the Criminal Justice System through work such as Simple Speedy Summary Justice in the Magistrates' Court and are keen to ensure that conditional cautions are used alongside this to deal with cases in the most proportionate and appropriate way.

We believe that conditional cautioning provides an effective solution to low level offending, offering the opportunity to seek redress for the victim and sort out the offender's behaviour too. See page 6 for some of the ways that areas are using conditional cautions.

Finally, we would like to take this opportunity to thank all the practitioners involved in the implementation of conditional cautioning schemes for all your hard work. But it is not time to relax just yet! The main article inside sets out what is happening next to ensure continued national rollout.

Francis Habgood, ACPO and Robert Stevenson, CPS
joint senior responsible owners, Conditional Cautioning

Vera Baird, Solicitor General at a recent Frontline Forum, Wednesday 25 July 2007, London

“Out-of-court disposals give the police, in partnership with others, the discretion to make professional choices about how most effectively and proportionately to respond to individual offending. They provide for interventions in less serious offending behaviour, where the court process would not be proportionate, to send a clear message that the behaviour is not acceptable and has consequences. Conditional cautions can be used to address the problems underlying offending and allow reparation to the victim”



INSIDE THIS ISSUE

Conditional cautioning: the story so far	2	PND. FPN. Caution. Confused? don't be!	8
The numbers game	4	Is Reparative Unpaid Work working?	8
Guidance on the guidance	5	Two successful Frontline Forum events	9
Conditions, conditions, conditions	6	Meet the area co-ordinators	10

CONDITIONAL CAUTIONING:

The story so far.....

The conditional caution scheme established under the Criminal Justice Act 2003 has provided the police and Crown Prosecution Service (CPS) with a new disposal for dealing with low level offenders who are prepared to admit their offence and who, if prosecuted, would probably have received a nominal fine, an order to pay compensation or a conditional discharge at the Magistrates' Court. It is available for adult offenders.

Conditional cautioning was implemented in Lancashire in December 2004, followed by a further five early implementation areas during 2005. National roll-out of the scheme began in summer 2006 and by June 2007, a conditional cautioning scheme was operating in at least one Basic Command Unit in every Criminal Justice Area in England and Wales except for Northamptonshire. The target is for conditional cautioning to be operating in every Basic Command Unit by April 2008. We are currently on target to meet this milestone.

The police now have the power to arrest and detain offenders suspected of not completing conditions. This came into effect on 29 June 2007. See sections 24A and 24B

of the Criminal Justice Act 2003, as inserted by section 18 of the Police and Justice Act 2006.

... but there is more.....

- The Criminal Justice and Immigration Bill, published on 26 June 2007, includes provisions to extend the conditional cautioning scheme to 16 and 17 year olds. If the bill is passed the aim is to pilot these provisions from autumn 2008.
- Extension of the role of CPS Direct (which currently provides advice to the police on charging outside of normal office hours) to provide out of hours decisions on conditional cautioning – this will be rolled out from 1 October 2007. More information will be provided by your area co-ordinators – see page 10 if you are not sure who your co-ordinator is.



- Also on 1 October, a new edition of the Director of Public Prosecution's guidance on conditional cautioning (the fifth version) will be published. It streamlines the process as much as possible within the confines of the current code of practice including the option for a telephone referral process inside office hours. Again, further details and information will be provided by your area co-ordinators.
- Provisions in the Police and Justice Act 2006 provided for punitive conditions to be attached to a caution – currently conditions must be reparative or rehabilitative. Punitive conditions have not yet been implemented.
- A consultation exercise on a revised code of practice ended on 29 May 2007. Visit www.cjsonline.gov.uk to access the consultation paper and, in due course, the summary of responses to the exercise. We had originally intended that the new code of practice would come into effect this autumn. However, this has been delayed; we now expect to introduce a new code during 2008. We will keep you informed of progress.
- The Beacon Approach is a holistic approach with the Local Criminal Justice Board leading change in the area, managing and driving reform. A core programme of existing reform projects (which includes conditional cautioning) is currently being introduced

in 10 areas which will be planned for, implemented and evaluated in a cohesive manner. The areas are Cheshire, Cumbria, Greater Manchester, Lancashire Leicestershire, London, Merseyside, Staffordshire, Suffolk and Thames Valley.

- Quick Process. This is intended to streamline case preparation in relation to simple, uncontested low-level offending whether it is dealt with by either conditional caution or charge. Following brief, limited pilots in Gloucester and London, Quick Process is being further developed to be tested in the 10 Beacon areas. The details are being finalised, but Quick Process is based around better case summaries and significantly reduced information in case files.



THE NUMBERS GAME

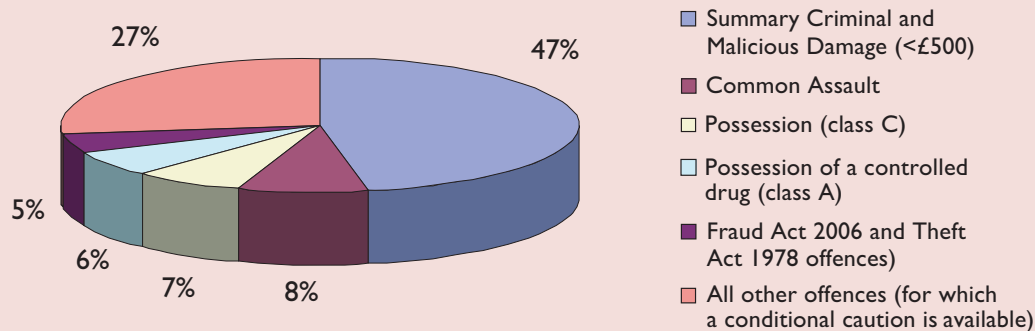
Conditional cautioning is now operating in nearly half the Basic Command Units in England and Wales. The level of use of conditional cautions varies considerably between areas, but is growing quickly. Ministers have not set any targets for the number of conditional cautions issued.

The number of conditional cautions administered is:

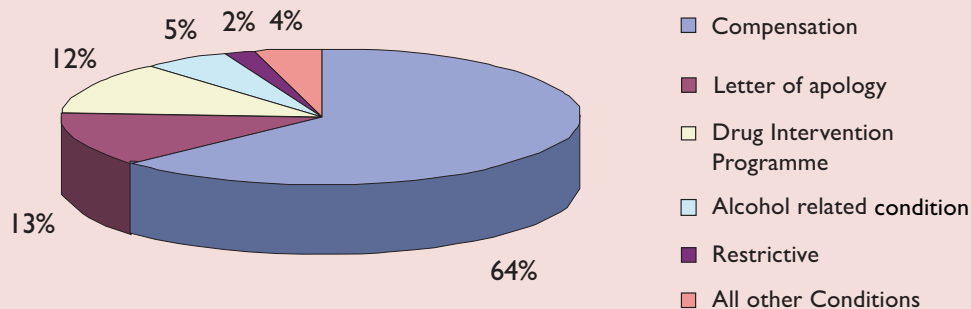
- 2005/2006 510
- 2006/2007 1,578
- 2007/2008 (1st quarter only) 875

The non-compliance rate is currently 6 percent.

Offences for which a conditional caution is most commonly administered

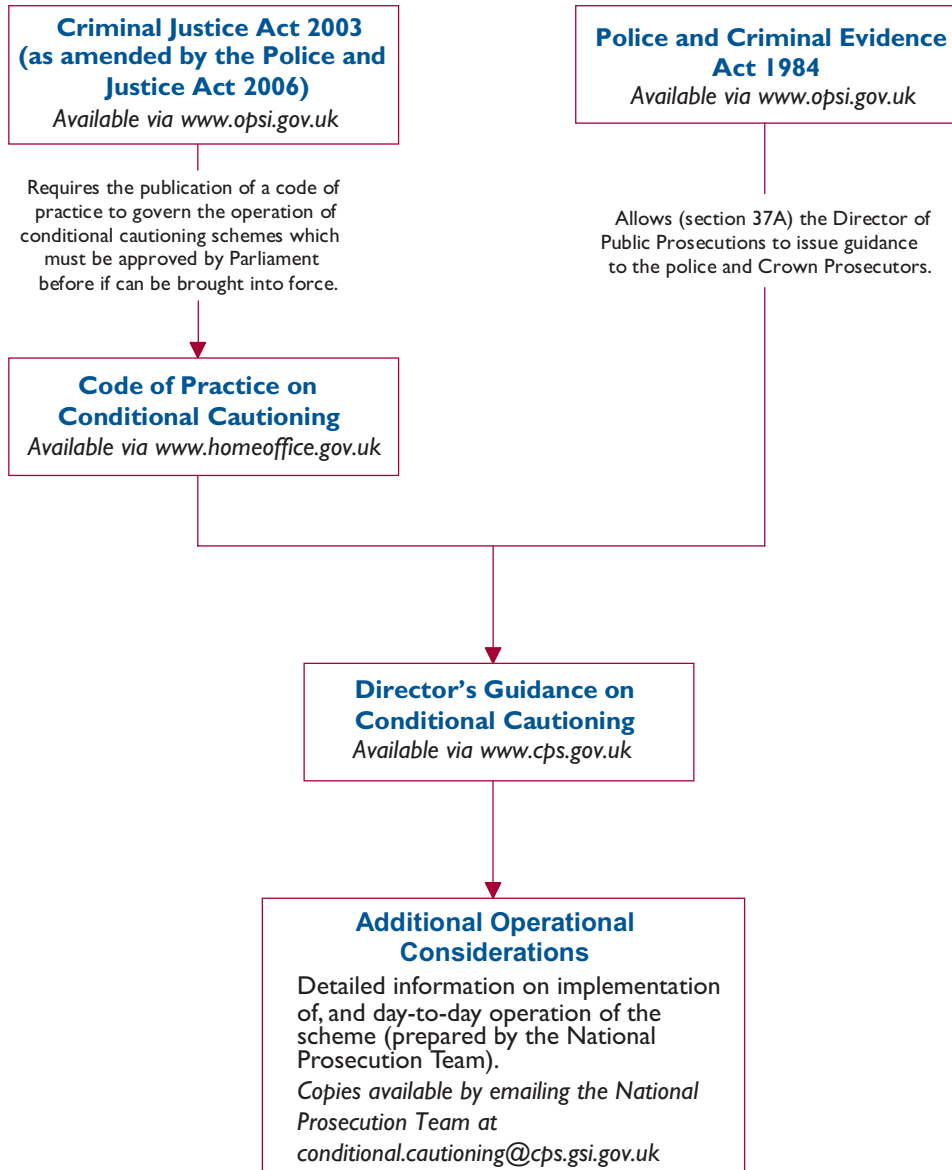


Most commonly applied conditions



GUIDANCE ON THE GUIDANCE

Do you know your code from your guidance? And have you ever heard of AOCs?
This is how they all fit together:



CONDITIONS, CONDITIONS, CONDITIONS

If you read the statistics on page 4 above you will know that a requirement to pay compensation to the victim is by far the most common condition attached to a caution. But can conditional cautions be used to address offenders' problems? Yes – definitely. Alcohol and drugs are major causes of low-level criminal offences; and kerbcrawling is a problem that can be very upsetting for local communities. The following should give you a flavour of how they can be used to impressive effect in a variety of ways. You can also read about how Merseyside is working to ensure that their frontline staff have access to details of all conditions available in the area.

The 'Change Course'

Since conditional cautioning commenced in Dorset, a number of offenders who have been caught, and admitted committing the offence of kerbcrawling have been given conditional cautions with the following conditions:

- to attend the Change Course run by neighbouring Hampshire Constabulary in Southampton (this is a highly regarded, intensive one-day course with a very low re-offending rate);
- pay the £200 course fee;

- not to enter the 'red-light' district of Bournemouth (offenders are given a clearly marked map) for a certain period of time; and
- not to commit any other offences for a period of time.

This provides a credible and constructive way of dealing with first time offenders, and is proving effective in dealing with a difficult local problem.

'Nightsafe'

Conditional cautioning is successfully being used to tackle alcohol-related public order offences in Lancashire. The Preston Nightsafe Conditional Caution Alcohol Awareness Scheme was set up in 2006 to divert alcohol-related offenders into an alcohol intervention scheme. Offenders are offered the option of paying £30 to attend the Nightsafe Course and face up to the dangers that alcohol is causing both themselves and those around them. The two-hour session combines information and participation to make offenders analyse the consequences of their drinking, enabling them to take responsibility for it. To date over 100 referrals have been delivered.

In addition to Nightsafe and other local schemes, alcohol referral pilots are due to start in October 2007 in Merseyside, Greater Manchester, London and Cheshire as part of a Home Office-led project. The

pilots are expected to increase the number of conditions offered to offenders that are aimed at addressing alcohol-related offending behaviour.

Drug Intervention Programme (DIP)

In Thames Valley, Drug Intervention Programme (DIP) conditions are used in conjunction with other conditions. For example, in a recent shoplifting case which was clearly the result of a drug habit, the offender was required to:

- meet the manager of the shop to apologise (a restorative justice meeting)
- attend a two-hour DIP session with a drug worker from Oxfordshire organisation DISH, with voluntary attendance at further sessions encouraged.

The sessions are structured to each individual's needs but are also generally aimed at providing support until a rehabilitation place becomes available, with some drugs education included. In this particular case the offender did attend voluntary follow-up sessions and is awaiting a place on a rehab course.

Directory of Conditions

Merseyside Local Criminal Justice Board is about to introduce a service directory – a reference tool for decision makers in custody suites and the CPS. The directory will provide details of the conditions which

might be appropriate for offences/offenders and will include information on what needs to be done to activate such conditions. The directory will cover the wide ranging and often innovative conditions that Merseyside is intending to implement including:

- Prince's Trust placements;
- Drug Intervention Programme;
- Alcohol referral;
- Driver improvement training;
- Unpaid reparative work;
- Debt, housing and grief counselling; and
- Adult attendance centres.

There are also developments under way to use existing IT to allow for easy practitioner access and revision of the service directory.



PND. FPN. CAUTION. CONFUSED? DON'T BE!

Practitioners from the police, CPS and judiciary have helped us to develop a guide providing a framework designed to assist police officers when exercising their discretion, to identify the most appropriate out-of-court disposal to tackle low-level adult offending. It is available as an A4 guide, A5 summary leaflet and an A1 poster designed for custody suites and charging centres. Go to <http://tinyurl.com/36ldv4> to see the guide. Contact Prolog (tel 0870 241 4680, fax 0870 241 4786, email homeoffice@prolog.uk.com) quoting order code OOFDA for copies of the document.

IS REPARATIVE UNPAID WORK WORKING?

We all know that graffiti, vandalism and similar low-level, nuisance crime can too easily become endemic within neighbourhoods, blighting communities. So if offenders can be put to work repairing the damage they have caused, then local people can actually see that something positive is being done. By helping those breaking the law understand the destructive and disruptive nature of their actions should result in a reduction in reoffending.

But what about putting the theory into practice? Earlier this year, with funding from the Respect Taskforce, we asked seven areas (Merseyside, North Wales, South Yorkshire, Thames Valley, West Mercia, Durham and Lancashire) to run pilot schemes looking at ways to increase the opportunities for, as well as assess how best to use and take advantage of, unpaid reparative work conditions as provided for in the Criminal Justice Act 2003.

Unfortunately it isn't as easy as it sounds and despite the best efforts of all those involved, uptake has been very low across the areas. But there are some great case studies – see those below which may inspire you. We are currently reviewing lessons learned and considering next steps.

Case study 1: *A young man did wheel spins in his new car in a church car park, hitting and damaging the church wall as well damaging the car park surface. This caused delay and distress at a funeral the next day. He expressed regret for the offence and agreed to £100*

compensation and to provide 10 hours unpaid work by helping out during planned renovation work within the church. This enabled him to get back on good terms with his local community. The caution was completed without breach.

Case study 2: The offender was identified from CCTV footage as having pulled up flowers from plant pots in the centre of town. He admitted the offence in interview and accepted a conditional caution with the requirement

that he spend six hours unpaid working for the Council planting-up flower beds. This gave him the opportunity to see the effects of his actions and their impact on the community.

TWO SUCCESSFUL FRONTLINE FORUM EVENTS...

...have recently been held in **Preston and London, both providing practitioners with a unique opportunity to put their views directly to the Solicitor General (Mike O'Brien for the first and Vera Baird for the second after the ministerial re-shuffle in the summer).**

The aim of the Frontline Forums is to encourage open and constructive discussion between practitioners and Ministers, in order to promote better understanding and communication; to promote CJS reform; and to look at ways of improving working practices within the CJS.

Although the subject of both the Preston and London events was 'out-of-court disposals' generally, there was considerable emphasis on conditional cautions. Through a series of pre-determined questions, delegates addressed a number of issues including the pressures involved in using out-of-court disposals, the needs and priorities of victims and ways to build staff

and public confidence in the application of these disposals.

Recommendations and possible solutions were put forward during the discussions including more use of restorative justice solutions; better communication, especially with victims; and improved decision-making through stronger guidance on the use of disposals and better awareness training for frontline staff. The feedback from both events is being taken forward.



Vera Baird takes part in the London Forum

MEET THE AREA CO-ORDINATORS

The Prosecution Team are a dedicated national team of CPS and ACPO staff, providing advice and working to implement conditional cautioning across all 42 criminal justice areas.

The Prosecution Team worked closely with areas during the implementation of statutory charging. Building on the successful delivery of statutory charging and the relationships developed with areas during this time, the area co-ordinators' role is to assist you in developing plans to ensure delivery of conditional cautioning and provide on-going guidance, assurance and direct support to you in implementing and maintaining conditional cautioning schemes. If you've got a problem, call your area co-ordinator!



Iain Maclaren

CPS Area Co-ordinator

iain.maclaren@cps.gsi.gov.uk

Bedfordshire	Leicestershire	Nottinghamshire
Cambridgeshire	Lincolnshire	Suffolk
Derbyshire	London	Surrey
Essex	Norfolk	Thames Valley
Hertfordshire	Northamptonshire	



Vanessa Castle

CPS Area Co-ordinator

vanessa.castle@cps.gsi.gov.uk

Cheshire	Humberside	Northumbria
Cleveland	Kent	South Yorkshire
Cumbria	Lancashire	Sussex
Durham	Merseyside	West Yorkshire
Greater Manchester	North Yorkshire	



Richard Osborne

CPS Area Co-ordinator

richard.osborne@cps.gsi.gov.uk

Avon and Somerset	Hampshire and IoW	West Midlands
British Transport Police	North Wales	Gloucestershire
Devon and Cornwall	South Wales	Wiltshire
Dorset	Staffordshire	
Dyfed Powys	Warwickshire	
Gwent	West Mercia	



Paul Bullous

Police Area Co-ordinator

paul.bullous@cps.gsi.gov.uk

Cheshire	Humberside	Northumbria
Cleveland	Lancashire	South Yorkshire
Cumbria	London	West Yorkshire
Durham	Merseyside	
Greater Manchester	North Yorkshire	



Michael Murfin

Police Area Co-ordinator

michael.murfin@cps.gsi.gov.uk

Bedfordshire	Leicestershire	Nottinghamshire
Cambridgeshire	Lincolnshire	Suffolk
Derbyshire	London	Surrey
Essex	Norfolk	Thames Valley
Hertfordshire	Northamptonshire	



Kevin Powell

Police Area Co-ordinator

kevin.powell@cps.gsi.gov.uk

Avon and Somerset	Gloucestershire	Staffordshire
British Transport Police	Gwent	Warwickshire
Devon and Cornwall	Hampshire and IoW	West Mercia
Dorset	North Wales	West Midlands
Dyfed Powys	South Wales	Wiltshire

Other contacts:

Queries about operational aspects of conditional cautioning should be addressed in the first instances to the appropriate area co-ordinator or to the Conditional Cautioning Programme Office based in CPS email: conditional.cautioning@cps.gsi.gov.uk

Questions about policy should be sent to the Office of Criminal Justice Reforms'

Out-of-court disposal team email: conditional-cautions@cjs.gsi.gov.uk