

What works in delivering court diversion and deferred prosecution schemes?

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Court diversion and deferred prosecution schemes can be a valuable tool for achieving a range of outcomes: reducing reoffending rates, reducing costs to the criminal justice system, and improving wider outcomes for offenders.

We reviewed¹ the evaluations of 20 different diversion and deferred prosecution schemes. Below we profile the different schemes and assess their effectiveness in relation to achieving these three overarching outcomes. We also outline the policy context surrounding deferred prosecution and identify consistent themes regarding successful implementation.

Please get in touch with our Head of Research, [Dr Stephen Boxford](#), for more detail or to continue the conversation.

1 Context

1.1 Key definitions

Diversion

This can refer to any type of programme whose aim is to avoid formal processing of an offender by the criminal justice system, offering an alternative to prosecution and imprisonment. Diversion can be both informal, for example police diverting a suspect when the offence is minor, or formal, typically involving a programme that must be completed as a condition of diversion ([Encyclopaedia Britannica, 2018](#)).

Deferred prosecution

Deferred prosecution involves criminal charges not being brought against defendants provided they fulfil certain conditions. These conditions typically involve the offender not committing other offences within a certain time period, and may also include financial penalties, compensation or reparation to victims and attending some form of therapeutic or educational programme. If the defendant successfully complies with the conditions then the charges are dropped. Deferred prosecution can be thought of as a form of formal diversion.

¹If you would like details on the methodology used for the literature review, or a full bibliography, please get in touch with the Cordis Bright research team: info@cordisbright.co.uk.

1.2 Legislative and policy context

1.2.1 Deferred prosecution programmes

These programmes became prolific in the 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](#)).

In the UK, deferred prosecution programmes sometimes utilise Out of Court Disposals (OoCD) – and specifically Conditional Cautions – to divert offenders away from court proceedings whilst dealing with the offence that has taken place.

1.2.2 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*”. Issuing a Conditional Caution became a police decision rather than a Crown Prosecution Service decision in 2013 ([Crown Prosecution Service, 2013](#)).

However, since 2014 there has been a move towards narrowing the range of possible OoCDs for adult offenders, including piloting schemes in a 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 releasing a new national strategy for charging and OoCDs for 2017 to 2021. This strategy 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](#)).

1.2.3 Conditional Cautions

Below we provide key information on Conditional Cautions, which are used by deferred prosecution schemes in the UK.

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](#)). If all of these requirements are met, the police 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 steps should be taken at a local level by the police, Crown Prosecution Service and National 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 ([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. Depending on the nature of the condition it may be appropriate for other agencies managing the Conditional Caution to monitor performance and report to the 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.

2 Evidence on “what works” in diversion and deferred prosecution programmes

2.1 Key findings

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

There is some evidence that **diversion and 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 diversion and deferred prosecution schemes effectively improve wider outcomes for offenders, such as addressing offending-related behaviour.

An analysis of reviews of 20 different diversion and deferred prosecution schemes showed that:

- 13 of the 20 programmes were found to have a positive impact on reoffending rates. Of these, four had an evidence quality rating of 3 on the Maryland Scientific Methods Scale (defined in section 2.8.2). None had an evidence quality rating of 4 or above. The follow-up period over which reoffending rates were monitored varied from programme to programme.
- Eight of the 20 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 on the Maryland Scientific Methods Scale.
- 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 use 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.

2.2 Overview

Below we present the findings of a review of the evidence regarding “what works” in deferred prosecution and similar schemes. In sections 2.3 to 2.5 we summarise the evidence regarding impact on levels of reoffending, demand for criminal justice services

and costs to the criminal justice system or other public sector services, and the effectiveness of programmes at addressing the causes of offending. In sections 2.6 and 2.7 we highlight the key components for effective implementation and barriers to implementation, as identified in the literature. Finally, in section 2.8 we profile specific deferred prosecution and diversion programmes, including summaries of any evidence on the impact of these programmes.

2.3 Reducing reoffending

There is some evidence within the reviewed literature that offenders who receive 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](#)). However, this evidence does not relate specifically to deferred prosecution because it also includes disposals which replace rather than defer prosecution. Analysis of 20 diversion and deferred prosecution programmes found that 13 of these programmes had a positive impact on reoffending rates. Of the remaining programmes, four of these programmes showed little or no evidence of impact and three had inconclusive evidence regarding their impact on reducing reoffending (Figure 5). The follow-up period for reoffending varies between different studies.

Figure 1 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 (i.e. PND or reprimand, warning or Caution) 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 1: Reoffending rates for adults receiving a PND, Caution, reprimand/warning or condition in 2007

Disposal	Reoffending rates
Penalty Notice for Disorder	25%
Reprimand, warning or Caution	19%
Adults released from custody/commencing court order	39%

Source: [Office for Criminal Justice Reform, 2010](#)

Similarly, a review of reoffending 12 months after use of OoCDs found that reoffending rates for those receiving different types of OoCD were lower than the rate of offenders who had been charged and dealt with by way of guilty plea at the magistrates' court. Among all the OoCD types, reoffending rates were lowest for restorative justice disposals, (Community Resolutions) with nine out of 40 people (23%) subject to the restorative justice disposal reoffending. By comparison, 18 out of 50 people (36%) who had a similar offending history but who had been issued a Conditional Caution reoffended. The rate of reoffending among offenders who had been charged and pleaded guilty was much higher, with 40 out of 50 people (80%) reoffending, although this was to be expected given that this group of offenders were likely to have had a more prolific offending history ([Criminal Justice Joint Inspection, 2011](#)).

There is also some evidence that diversion and deferred prosecution schemes designed specifically for offenders who misuse drugs might be effective in reducing reoffending. For example, one study found tentative evidence that programmes which re-direct drug-involved offenders away from the criminal justice system into specialist drug court programmes and other interventions can result in reduced reoffending ([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 a 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 reveal that these programmes may be moderately effective treatments for reducing reoffending ([Cross, 2011](#); [Sarteschi et al., 2011](#)).

2.4 Demand and cost for the criminal justice system

There is also some evidence within the reviewed literature that OoCDs, including those involving deferred prosecution, are cost-effective or are perceived to be cost-effective ([Maki, 2015](#); [Criminal Justice Joint Inspection, 2011](#); [Office for Criminal Justice Reform, 2010](#); [Blakeborough and Pierpoint, 2007](#)). Analysis of 20 diversion and deferred prosecution programmes found that eight of these programmes had a positive impact on costs to the criminal justice system. Of the remaining programmes, one showed little or no evidence of impact and 11 had inconclusive evidence regarding their impact on cost to the criminal justice system (Figure 5).

Figure 2 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. However, Conditional Cautions were found to be the most expensive form of OoCD.

Figure 2: Table showing indicative resource costs of disposals for adults

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

Source: [Office for Criminal Justice Reform, 2010](#)

Further, a review of 190 cases across five police forces in England and Wales found clear benefits in terms of reduced police time 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 with issuing at a police station. However, Conditional Cautions were reported to take on average an extra hour compared to a Simple Caution.

2.5 Addressing the causes of offending

The literature review found limited outcomes-based evidence that diversion and 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 diversion and 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](#)).

2.6 Challenges to effective deferred prosecution schemes

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

- The quality and consistency with which diversion and deferred prosecution schemes are implemented varies, and this can mean that inappropriate cases are referred ([Slothower, 2014](#)). For example, persistent offenders may be repeatedly issued out-of-court disposals ([Criminal Justice Joint Inspection, 2011](#)).
- The complexity or lack of understanding of diversion and deferred prosecution schemes can act as a barrier to their successful implementation ([Guiney and Earle, 2017](#)). There may be confusion about what type of cases should be targeted, or misconceptions that additional resources are required ([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 diversion and deferred prosecutions, and can deter police officers from using these schemes ([Slothower, 2014](#)).

2.7 Key components for effective implementation

The recognition of potential challenges has led to a series of recommendations to increase the efficacy of diversion and 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).

2.8 Implementation and impact of specific programmes

2.8.1 Overview of programmes

The literature review identified reviews of 20 individual programmes involving diversion and deferred prosecution. Of these, 18 programmes have shown evidence of positive impact on reoffending and/or demand/costs to the criminal justice system. (No impact evaluation was identified for the remaining two programmes.) A summary of these programmes can be seen in Figure 5. These programmes involve a variety of approaches and target audiences, which are detailed in the programme descriptions. Follow-up periods for reoffending rates also vary between studies.

Overall findings include:

- 13 of the 20 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.
- Eight of the 20 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 4 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 the Maryland Scientific Methods Scale is included in Figure 3.

Figure 3: Maryland Scientific Methods Scale and application

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

Programmes are ordered by the year in which they were reviewed, with most recently-reviewed programmes listed first. Figure 4 provides a key to highlight whether relevant research demonstrates evidence of impact in each area.

Figure 4: Key to symbols in Figure 5

Symbol	Meaning
✓	Research highlights evidence of a positive impact as a result of the programme.
•	Research highlights little, no, or mixed evidence of impact as a result of the programme.
X	Research highlights evidence of a negative impact as a result of the programme.
-	Insufficient data available regarding this.

Figure 5: Evidence from individual programmes

Programme name	Evidence quality rating	Evidence of impact		Inter-related factors		
		Reoffending	Demand/cost to CJS	Related outcomes	Completion of programme	Reoffending
Turning Point (Slothower et al. 2017; Neyroud and Slothower, 2013; Neyroud et al., n.d.)	5	✓	✓	-	-	
Checkpoint (Weir et al., 2019)	2	✓	✓	✓ (substance misuse, alcohol, accommodation)	-	-
IOM Cymru Women's Pathfinder (Holloway et al. 2017)	2	✓	✓	-	-	-
Vision, Avert and Achieve (Codd et al., 2016)	1	✓	-	✓ (mental health and wellbeing, resilience)	-	-
Milwaukee County Early Intervention Strategy (Carter, 2016)	1	•	✓	-	-	-

Programme name	Evidence quality rating	Evidence of impact		Inter-related factors		
		Reoffending	Demand/ cost to CJS	Related outcomes	Completion of programme	Reoffending
Leicestershire Out-of-Court Disposal pilot (Granger and Norman, n.d.)	No (adequate) evidence identified	-	-	-	-	-
The Victim Awareness Course (Simkin, 2015)	2	•	-	✓ (Levels of empathy)	-	-
Humberside Police Adult Female Triage Project (Brennan et al., 2015)	2	✓	-	-	-	-
Cook County State's Attorney Deferred Prosecution Programme (Maki, 2015)	3	•	-	-	<ul style="list-style-type: none"> • Offence type • Referral court 	Traditional factors associated with reoffending
Kane County Second Chance programme (Halbesma, 2014)	1	✓	-	-	-	<ul style="list-style-type: none"> • Age (18-24) • Race (Caucasian) • Gender (male)

Programme name	Evidence quality rating	Evidence of impact		Inter-related factors		
		Reoffending	Demand/ cost to CJS	Related outcomes	Completion of programme	Reoffending
Swindon Neighbourhood Justice Panel (Bowen and Whitehead, 2013)	1	-	-	✓ (anti-social behaviour in community)	-	-
Home Office Alcohol Arrest Referral pilot schemes (Blakeborough and Richardson, 2012)	3	•	•	✓ (alcohol consumption)	-	-
Phoenix Prostitution ² Diversion Programme (Roe-Sepowitz et al., 2011)	1	✓	-	-	-	<ul style="list-style-type: none"> • Prior arrest for soliciting • Substance misuse
Women Specific Caution (Easton et al., 2010)	1	✓	✓	✓ (use of support services)	-	-
Court Integrated Services Programme (Department of Justice, 2010)	3	✓	✓	✓ (physical and mental health status)	-	-

² The term 'prostitution' is used here, rather than the preferred term of 'sex worker', because it forms part of the programme title.

Programme name	Evidence quality rating	Evidence of impact		Inter-related factors		
		Reoffending	Demand/cost to CJS	Related outcomes	Completion of programme	Reoffending
Deferred prosecution of DUIs, Washington State (Barnoski, 2007)	3	✓	-	-	-	-
Drug Treatment Alternative-to-Prison (Zarkin et al., 2005; Belenko et al., 2004)	3	✓	✓	-	-	-
New York City's Department of Health and Mental Hygiene Diversion Programme (Broner et al., 2005)	3	✓	-	✓ (Drug use) • (Mental health and QOL)	-	<ul style="list-style-type: none"> • Non-compliance with medication
Vanderburgh Pre-Trial Diversion Programme (Kixmiller, 1998)	1	✓	-	-	<ul style="list-style-type: none"> • Age (older) • Gender (women) • Income (over \$20k) 	<ul style="list-style-type: none"> • Age (younger) • Marital status (single)

Programme name	Evidence quality rating	Evidence of impact		Inter-related factors		
		Reoffending	Demand/ cost to CJS	Related outcomes	Completion of programme	Reoffending
First Offenders Programme (Zaffrann, 1976)	No (adequate) evidence identified	-	✓	-	-	-

2.8.2 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 in 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". It has therefore been rated as evidence level 5 on the Maryland SMS.

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 arrest³.
- 34% increase in "justice" imposed, i.e. the extent of the consequences to the offender of having offended⁴.
- 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 felt Turning Point was more likely to stop the offender from reoffending. Victim satisfaction was improved when Turning Point was explained to them.

³ 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. No information on the length of the follow-up period for reoffending rates was provided.

⁴ Available documentation does not provide transparency on the methodology deployed by the RCT team in this calculation.

2.8.3 Operation Checkpoint ([Weir et al., 2019](#))

Description

Checkpoint is a voluntary 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 who agree to take part 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

The implementation phase study used a quasi-experimental design to compare re-arrest and re-offending data among the Checkpoint cohort of 519 people to a random sample of 300 offenders who had been issued with standard OoCDs by Durham Constabulary between April 2012 to March 2013.

It is considered a level 2 on the Maryland SMS due to the lack of a matched sample. However, Durham Constabulary is carrying out an RCT as part of the next phase of the Checkpoint scheme, which will include a control and treatment group.

Evidence of impact

Results from the implementation phase show that compared with those receiving an OoCD, the Checkpoint cohort had a lower re-arrest rate (18.3% compared with 30.4%) and reoffending rate (14.6% compared with 21.9%) in the 12 months following the OoCD or Checkpoint start date. Amongst re-offenders, less severe offences were committed by the Checkpoint cohort than the standard OoCD sample, with an average of 12 more days of custodial sentence found amongst the standard OoCD re-offenders. An analysis of the

costs of reoffending indicated that the Checkpoint programme could save £160,000 to Durham Constabulary in its first year.

In addition, 239 members of the Checkpoint cohort completed a self-assessment survey at the beginning and end of the 4-month programme about the critical pathways that have contributed to their offending. The biggest changes in scores were recorded for substance misuse, alcohol and accommodation, although it was not possible to compare this to similar data from offenders who received a standard OoCD.

2.8.4 IOM Cymru Women's Pathfinder ([Holloway et al 2017](#))

Description

The National Offender Management Service (NOMS) in Wales funded the establishment of the programme in 2013, with the aim of helping address the needs of women who had come into contact with police, and reducing contact with the Criminal Justice System (CJS) in future. Women in custody who fulfilled certain criteria were diverted towards the pathfinder programme, rather than being dealt with by the CJS. Criteria for inclusion in the scheme were as follows:

- The offence is minor, meaning it would only attract either no action or a simple caution, possibly would be charged if it was a repeat offence.
- The woman is 18 or older and admits guilt.
- Her previous offending record can be described as follows:
 - No previous convictions or cautions
 - Previous convictions or cautions but these are more than 2 years ago
 - Previous convictions or cautions less than 2 years ago, but these are minor
 - Will likely benefit from diversion

If a woman is deemed eligible for diversion she is referred for assessment by various providers such as mental health services.

Methodology and rationale for evidence quality rating

The study used a comparison group of women from a different area who met the eligibility criteria for the scheme. However, due to the lack of a matched sample, the study is considered level 2 on the Maryland SMS.

Evidence of impact

The women were deemed to have benefited from the scheme not just because they avoided criminal charges and records, but also because they gained access to support that had not been accessed previously. When compared to a comparison group of women from areas where the scheme wasn't operating, the diverted women had a lower reoffending rate within 12 months of their initial arrest (20% compared with 27%) and a lower rearrest rate over a 6 month follow-up period (18% compared with 35%). Cost benefit analysis of the scheme indicated that for every £1 spent more than £2 was saved in policing costs alone.

2.8.5 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 focussed 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: supports women in the criminal justice system after they have been sentenced. Offers advice and guidance to help women to move into sustainable employment.

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 being involved, this study is considered to be level 1 on the Maryland 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 Centres⁵.

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.

⁵ Information on how long after participation in the programme women were interviewed, and therefore the length of follow-up period for reoffending rates, was not provided by the evaluation report.

2.8.6 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). Generally they 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 being involved, this study is considered as level 1 on the Maryland 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 the agreement period (generally 6 months in length), compared to less than 8% of individuals with deferred prosecution agreements (where charges are filed but are dismissed/reduced upon completion; deferred prosecution agreements are generally between 6 to 18 months in length).

Further, it was reported that 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).

2.8.7 Leicestershire Out-of-Court Disposal pilot ([Granger and Norman, n.d.](#))

Description

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 the partnership project, engAge, consisting of attending assessments and further sessions, to allow partners to triage and plan interventions tailored to individual risk and need.

Methodology and rationale for evidence quality rating

No evidence of impact was identified involving comparison with an untreated group, or consideration of what would have happened without the intervention.

Evidence of impact

No robust evidence was identified regarding impact on reoffending or demand/costs on the criminal justice system.

However, this programme does provide insight into the implementation and overall impact of diversion and deferred prosecution programmes. 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. (Follow-up period not known.) 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.

2.8.8 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 an offender who has committed low-level volume crime and has been diverted from court by the police by stipulation of attendance on a course as an element of a conditional caution (suspended prosecution) or as a community resolution*” ([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 are required to pay for the cost of the course.

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 Maryland 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 differently in the future, and a further 20% indicated that they may do so.

Post-course survey findings also found evidence of improvements in participants' 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.

2.8.9 **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 of participants referred to the women's project, compared to a control group of individuals who met the eligibility criteria, but were not seen by the assessment team. Due to the control sample not being matched to the intervention group, this evaluation is considered as level 2 on the Maryland SMS.

Evidence of impact

There was a 46% reduction in rearrest rate over a 12 month follow-up period and a 48% lower daily likelihood of rearrest when compared to a control group of similar female offenders.

2.8.10 **Cook County State's Attorney's Deferred Prosecution Programme** ([Maki, 2015](#))

Description

Commencing in 2011, the Cook County State's Attorney's 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 serious crime 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 to be at level 3 of the Maryland SMS.

Evidence of impact

Little difference was seen in rearrest rate for DPP participants when compared to a comparison of defendants found guilty through traditional methods, with roughly 31% rearrested 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 the 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, rearrest was reported to be driven by factors traditionally associated with reoffending. It was found that defendants who were male, younger, and had more prior misdemeanour and serious crime arrests were more likely to be rearrested 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 rearrest rates for women charged with theft, with DPP reducing the likelihood of arrest by around 76%.

2.8.11 Kane County State Attorney's Second Chance programme ([Halbesma, 2014](#))

Informal diversion offerings began in Kane County, Illinois, in 1979, with a more formal diversion process developed in 1995. Deferred prosecution programmes are available in Kent County for a range of different offences, including:

- Non-violent offences
- Offences related to sex work or soliciting a sex worker
- Drug and alcohol offences
- Domestic violence first offences

The primary goal of all the programmes is to reduce the likelihood of repeat offences, which have a negative impact on the court system, neighbourhoods and the person arrested. All programmes require the offender to attend an educational programme related to their offence, or domestic violence counselling in the case of the domestic violence programme. Some programmes also have additional requirements for offenders: to undergo drug testing (drug programme); to undergo HIV/AIDs testing (sex work/soliciting programme); to perform community service (sex work/soliciting programme); to pay programme fees and costs (sex work/soliciting and domestic violence programmes); to

agree to all terms of an order of protection for the victim (domestic violence programme); or to attend substance abuse/mental health support (domestic violence programme).

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 as opposed to individuals who had gone through traditional court processes. Therefore, this study is considered at level 1 on the Maryland SMS.

Evidence of impact

Participants who had successfully completed a diversion programme were less likely to reoffend over a 36 month period than those who failed to complete the programme. However, there is no evidence to indicate that this difference in outcome can be attributed to completing 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.
- **Ethnicity:** 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 men were two times more likely to reoffend if they had not successfully completed the programme, women were almost four times more likely.

2.8.12 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

A correlation was identified between the introduction of the programme and a reduction in anti-social behaviour, however there was no comparator group. Therefore it is not possible to attribute any impact. As a result of a lack of a comparator group, this study is considered as level 1 on the Maryland SMS.

Evidence of impact

Whilst at time of reporting it was too early to identify impact of the programme specifically, a 36% reduction in anti-social behaviour was seen across Swindon during the 12 month period in which it had been in operation.

2.8.13 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 Maryland SMS.

Evidence of impact

No strong evidence was found to suggest that the AAR schemes reduced reoffending over a 6 month period 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 meant cost effective analysis was not possible, break-even analysis was undertaken to indicate the impact that would be needed in order for 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 of 1 month, 3 months and 6 months post-intervention. 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’*”.

2.8.14 Phoenix Prostitution⁶ 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-imprisonment options for individuals arrested for sex work, with the goal of providing services and support to assist them in ending their involvement in sex work whilst decreasing rearrests and ensuring local savings. This programme intends to assist participants to develop: an understanding of their options; an awareness of the risks they face; introduce ideas about how to care for 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). Participants' 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 impacts of the diversion programme in 448 participants, compared to a comparison group of partial completers and individuals who had only attended the initial intake meetings. Therefore, due to these participants not acting as a true comparison group, this study is considered a level 1 on the Maryland SMS.

Evidence of impact

A significant relationship was reported between completion of all programme requirements and reduction in reoffending, with individuals who had completed the programme found to have a 68% lower risk of being rearrested for sex work within the first 12 months following arrest than the comparison group.

Factors affecting likelihood of completion and reoffending

Four statistically significant risk factors for rearrests relating to sex work were detected: history of arrest(s) prior to sex work; having a drug or alcohol addiction; having sought drug and alcohol treatment previously; and childhood physical abuse.

2.8.15 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 that explores the woman's personal circumstances, factors that may have led to her offending and the type of support, education or training that might address

⁶ The term 'prostitution', rather than the preferred term of 'sex worker', is used here and throughout this section because it forms part of the programme title.

her offending behaviour. Offenders must make an admission to all elements of their offence, and non-compliance with the programme (outside of extenuating circumstances) results 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 Maryland SMS, due to no control group being 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 the participants reported they had not reoffended since receiving the WSC⁷.

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 needing 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, personal 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.

2.8.16 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 numbers of people coming before the courts with offending linked to homelessness, poverty, substance abuse, mental illness 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”. 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 Maryland SMS.

⁷ Information on the length of the follow-up period between receiving the intervention and reporting on reoffending rates was not provided by the evaluation report.

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

Evidence of impact

There was a 20% reduction in reoffending rates for CISP participants⁸, and a 30% drop in frequent offending in the 2 years 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*”. 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 than 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 (AUD) saving for the community for every \$1 (AUD) 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.

2.8.17 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.

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 reoffending 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

⁸ Information on the length of the follow-up period over which the 20% reduction in reoffending occurred was not provided.

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 Maryland SMS.

Evidence of impact

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

2.8.18 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 offenders into substance abuse treatment under a deferred sentencing model ([Zarkin et al., 2005](#)). Participants must plead guilty to the offence 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 Maryland 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 conviction (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 over a follow-up period of between 1 to 5 years following release from prison or treatment. 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 (USD) per DTAP participant, thereby giving a benefit-cost ratio of 2.17, adjusting for treatment costs ([Zarkin et al., 2005](#)).

2.8.19 **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

The evaluation compared 84 diverted participants involved in the programme with a control group of 91 individuals identified by a 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 the impact of the programme on reoffending and drug use.

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

2.8.20 Vanderburgh County Pre-Trial Diversion Programme ([Kixmiller, 1997](#))

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.

PTD clients are required to pay for the use of the programme, with fee amount based on the 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 programme⁹. 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 reoffending 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 (USD) did not complete the programme, compared with 1.9% of offenders with incomes above \$20,000 (USD).

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

⁹ No information on the length of the follow-up period for reoffending rates was provided.

- 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.

2.8.21 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, 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 completed 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.

Evidence of impact

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

Other outcomes were around enabling programme participants to maintain a clear record thereby maintaining their employability and potentially “*preserving the productivity of these individuals*”. Further, it was reported that “*if the participant is employable, it is hoped that chances or reasons for recidivism¹⁰ will be reduced*”.

2.9 Future research

The Prison Reform Trust recently identified a number of diversion and deferred prosecution programmes 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 6 and it may be helpful to review these evaluations if they are published.

¹⁰ The American term, rather than the UK English term ‘reoffending’, is here used as it forms part of a quotation taken from the programme report.

Figure 6: Programmes with future evaluations

Programme	Description	Evaluator
Surrey Transforming Justice initiative	Scheme available to women who have offended involving 'women's justice intervention' (a form of community resolution), a Conditional Caution or charge. A decision making panel decides the outcome and level of intervention based on offence and women's needs, and interventions may include sessions around key pathways to offending such as substance misuse and advocacy around accommodation.	University of Surrey
Durham Checkpoint Programme	<p>Programme seeks to break the cycle of low-level offending by looking holistically at the factors driving an individual's offending behaviour and providing a multiagency response.</p> <p>The implementation phase evaluation has been published (see section 2.8.3) but the results of the next phase of the evaluation are still to be published. Estimated publication date unknown.</p>	Cambridge University