



Strategic Policing and Crime Board

Tuesday 17th July 2018

Police and Crime Plan Priority: Protecting from harm II

Title: Diversionary Schemes

Presented by: Assistance Chief Constable Alex Murray

Purpose of paper

1. The report aims to provide members of the Strategic Policing and Crime Board with information regarding diversionary schemes against the Police and Crime Plan and current projects / work plans. The report will focus on the current strategy as well as performance and development in terms of diversion pathways.

Strategy

The rationale for diverting people from traditional criminal justice routes

2. The below points identify the rationale for diverting people from traditional criminal justice routes.
 - *Early intervention to prevent reoffending* – Conditional Out of Court Disposals (OOCs) provide rehabilitative opportunities for offenders to turn their life around at the earliest opportunity, reducing both reoffending and escalation in offending.
 - *Victim Satisfaction* – Conditional (OOCs) allow victims to be involved in decision-making and condition setting. They provide an alternative to traditional Criminal Justice System routes for victims who do not wish for a formal court process.
 - *Addressing complex issues*. Offenders who have mental health, alcohol or other substance misuse problems can be referred into appropriate treatment as part of the OOC. This can have additional benefits for other public sector bodies including health and social care.
 - *Quick and effective resolution* – Conditional OOCs can offer a timely conclusion to an incident providing rehabilitation for offenders and reparation for victims.

- *Front end decision-making and reduced costs in process.* In 2016 60% of adult offenders convicted of a summary or either-way non-motoring offence received a fine and a further 8% received a discharge or bind-over. Conditional OOCs can often provide rehabilitative opportunities in a more efficient manner.
- *Evidence of effectiveness in reducing crime - such as the Cambridge University reviewed Turning Point Study.*

(From Charging and Out of Court Disposals – A National Strategy, NPCC 2017)

3. *The new National Strategy adopts a 2–tier approach:* In both cases there is a pre-condition that the offender admits the offence and agrees to the conditions imposed.
 - *Community Resolutions* – for first/second time offenders committing mostly low level summary only offences (others in exceptional circumstances require Inspector’s authority)
 - *Conditional Cautions* – For Summary only and either way offences which would not be expected to receive a custodial sentence or higher level community order at court and where an intervention is available that could reduce offending behaviour.

Describe WMPs approach/strategy for diverting people from traditional criminal justice routes

4. West Midlands Police is working within the new NPCC Out of Court Disposal Strategy; the force is endeavouring to use rehabilitative Conditional Cautions and Community Resolutions whenever possible, Penalty Notices for Disorder have been withdrawn and Simple Cautions are used only when no other alternative is available.
5. Force CID has created a Prisoner Intervention and Prevention Team (PIPT) which investigates all of the offences identified at the outset as suitable for an Out of Court Disposal and aims to impose rehabilitative conditions whenever appropriate.
6. WMP is piloting and evaluating these for effectiveness at reducing reoffending. This process is managed by the Neighbourhood Justice Team in Criminal Justice Services.

What budget has been made available by WMP and OPCC to fund diversion activity/pathways?

7. The PCC has contributed funding for:
 - The Neighbourhood Justice Project to introduce and evaluate four diversion pathways for violent crime and Domestic Abuse. The OPCC underspend from a strand of this project that was not taken forward has been used to fund the project for a third year, allowing both the interventions and evaluation to continue).
 - The SOVA Programme, to support young people in the Birmingham and Solihull area into employment.
 - The New Chance Project for female offenders in Birmingham and the Black Country.
8. The PCC also makes a budget available to Community Safety Partnerships for continued funding of the Drug Intervention Programme (DIP).

Diversionsary schemes.

Describe the cohorts who might be suitable for diversion (e.g. based on age, gender, vulnerability, type of crime committed etc.) and give a sense of the size of that cohort

9. Diversion can be applicable across the demographic spectrum; offenders are excluded only by certain, more serious offence categories and failure to admit the offence:
 - Offences liable to result in a prison sentence or higher level community order at court are excluded. (This would include more serious offences and serial recidivists)
 - 'Indictable only' offences require the authorisation of the CPS to divert.
 - At the time of writing, Domestic Abuse and Hate Crime are excluded from Conditional Cautions, however WMP has recently been chosen as a pilot site for both only when appropriate.
 - Diversion schemes for young people are provided by the YOS in each Local Authority area and managed separately to adult diversions.

- At present, around 500 offenders per month receive either a Conditional Caution or Community Resolution, around 250 of these involve rehabilitative conditions.
- A previous dip sampling exercise suggested that around 10% of cases charged to court would be suitable for Conditional Caution.

Summarise what diversion pathways (drugs and alcohol, health, accommodation etc.) are available for different groups

10. Interventions exist to cover each of the Offender Management pathways:

- Alcohol – for both dependant and binge drinkers – various specialist providers
- Drugs – including Class A, Cannabis and NPS – various specialist providers
- Education, Training and Employment – various colleges and training providers
- Finance/Debt – various third sector organisations inc. Citizens Advice
- Health/Mental Health – Liaison and Diversion and third sector organisations
- Accommodation – a number of 3rd sector support organisations
- Family/Children – Local Authority Social Care and third sector, CARA
- Attitudes/Beliefs – Victim Awareness Course, Inappropriate sexual behaviour course and various third sector support organisations
- Sex work – Various Third Sector Organisations

These are collated in the Interventions Catalogue (Int) or Impact Pathways (Ext)

Use and performance of diversion pathways

Number of out of court disposals, conditional conditions and community resolutions, and their effectiveness at moving offenders into rehabilitation and out of offending compared to traditional CJS outcomes.

Out of Court Disposals

11. In terms of Out of Court Disposals, the following have been recorded.

- 2017/18 - 7,764 OOCs
- April/May 2018 - 1,111 OOCs

Conditional Cautions

12. Prior to January 2018 (when PIPT started moving towards the new national OOC Strategy) around 66% of cautions completed by PIPT were Conditional. Since January 2018, this has risen to 95%.
13. Some Conditional Cautions contain only reparative conditions (e.g. pay for damage), however officers are encouraged to always consider a rehabilitative pathway and evidence suggests that in some cases, diversion pathways are more effective at reducing re-offending than traditional CJ interventions (Turning Point, CARA, Checkpoint, current Neighbourhood Justice project).

Community Resolutions

14. Community Resolutions which are for lower level offending and may not warrant referral into rehabilitation, are aligned to the wishes of the victim, and static at around 300 per month.

How many offenders have been referred onto diversionary schemes, and what schemes (alcohol, anger, substance etc.?)

15. Neighbourhood Justice Project began referring in March 2017. DIP was a Home Office initiative introduced in 2003. As discussed above, around 250 offenders per month are currently being referred onto diversionary schemes, of which there are a wide number. The most common referrals are:

Intervention	Approximate Referrals
Substance Misuse (Heroin treatment referral through DIP)	50
Alcohol Related Violence Course	25
Victim Awareness Course	25
Anawim (Female offenders)	9
Mental Health	5
CARA (Domestic Abuse)	35 (50% into control)
Alcohol Related Domestic Abuse	20

Performance of those schemes (number of people onto them, % successfully completed)

16. This information is available only for those courses where evaluation is taking place.

Intervention	Completion rate
CARA	88%
Alcohol Related Violence Course	66%
Victim Awareness Course	66%
Drug Treatment	Evaluation of Drug Treatment diversion is currently underway as part of a wider review.

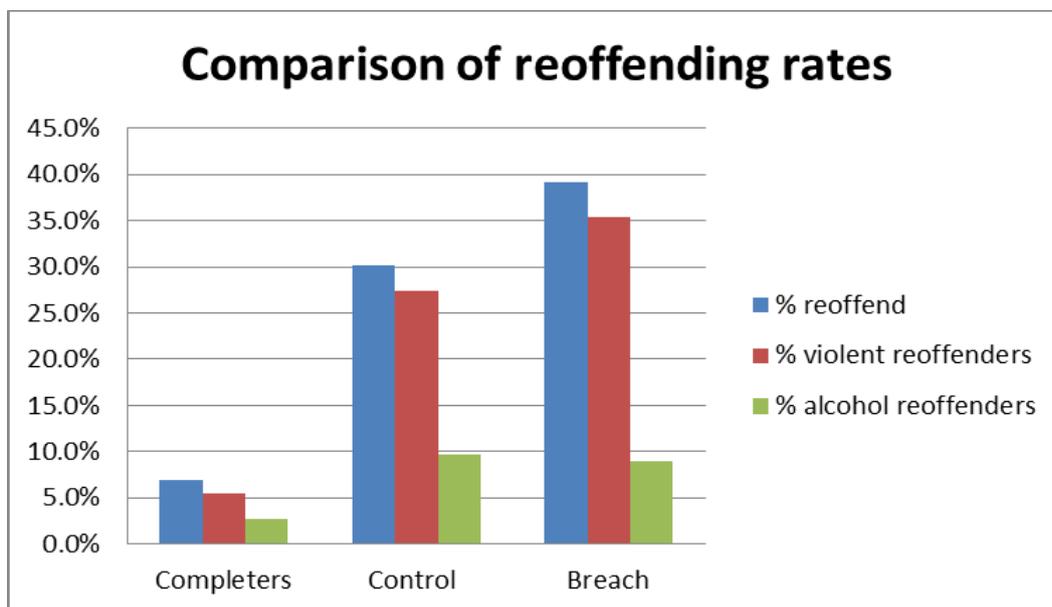
Reoffending for those that have been completed/failed to complete a diversionary scheme

17. This information is available only for those courses where evaluation is taking place.

Alcohol Related Violence

18. For the Alcohol Related Violence Course, evaluation shows that the diversion intervention is more effective than a traditional approach, however, when a subject breaches, they would be charged in line with normal processes.

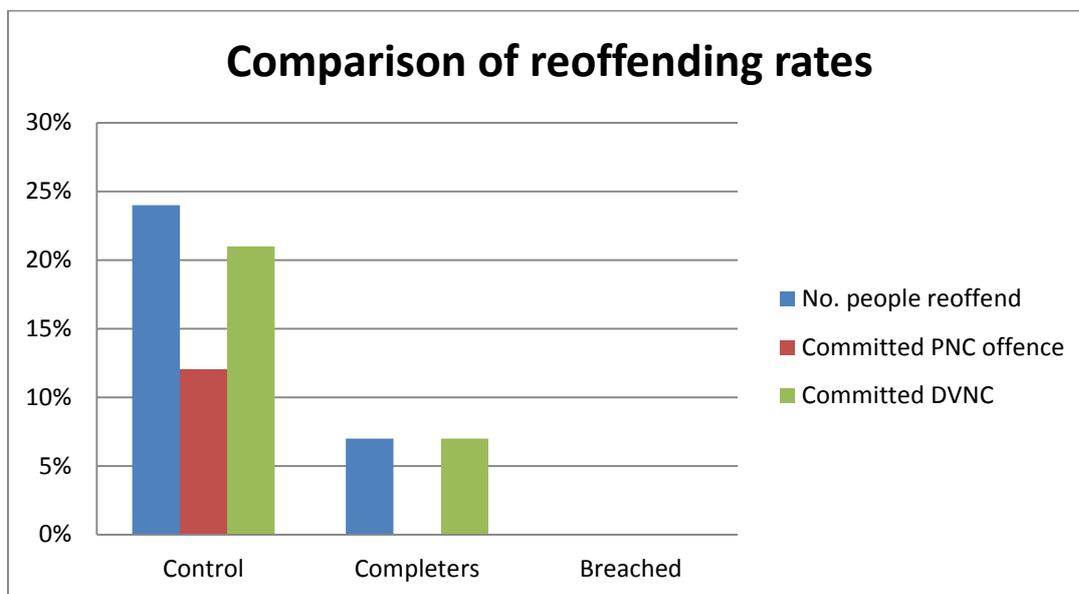
Graph A



- A detailed breakdown of the statistics has allowed us to identify those groups most likely to breach and mitigate the risk. For example, the over 50 age group with previous convictions are highly likely to breach and even completers have a relatively high reoffending rate, the mitigation is therefore to divert only those who have very low levels of previous offences.
- The 18 – 35 group have a high breach rate, but those who complete the course are the least likely to reoffend. The mitigation here is for officers to put more effort into encouraging offenders to attend.

19. To date only one person who has completed the CARA Course at least 6 months ago, has reoffended. That offence was not 'recordable' as shown below. Of the few offenders who have breached the CARA course, none have reoffended.

Graph B – CARA



20. An evaluation of the Victim Awareness Course was completed last year by a masters student at Portsmouth University using reoffending data from WMP and Gloucester Police. The evaluation showed that the Victim Awareness Course was highly effective at reducing reoffending against individual participant’s past history, however, as there was no control group, it is not considered rigorous enough to quote. Reoffending by the breach rate was not measured.

Assessment of schemes effectiveness in reducing reoffending from evaluation

21. At present this is available only for CARA and Alcohol Related Violence. Evaluation is carried out after offenders have completed 6 months post course, in future offending will be tracked at 12, 18 and 24 months. Comparison is made with the relevant control group, in the case of CARA the evaluation is a randomised control trial.

Alcohol Related Violence Course		
Reduction in the number of reoffenders	77%	This represents a 77% difference between the control and the treatment – 30.2% reoffend in control; 6.9% reoffend in

		treatment. = 77% reduction.
Reduction in average number of offences committed by those who do reoffend	42%	
Average reduction of violent offences	39%	
Average reduction of alcohol related offences	33%	
Reduction of crime harm	52%	
CARA		
Reduction in the number of reoffenders	73%	
Reduction in average number of offences	63%	
Increase in Survival Rate (Time before reoffending takes place)	173 %	

22. As detailed above, this represents a 77% difference between the control and the treatment – 30.2% reoffend in control; 6.9% reoffend in treatment. = 77% reduction.
23. The control group is made up from a historical extract (2015) of perpetrators (Those who would have been eligible for the course had it been available at the time).

What support is offered to the cohorts?

Vulnerable people

24. The following are pathways used by the PIPT to assist vulnerable offenders suitable for an OOC:
- The PIPT work with Liaison and Diversion teams in the custody blocks to access services for offenders with Mental Health issues. Appointments for

treatment are given as part of a Conditional Caution to improve take-up rates.

- Thrive into Work - a new pathway funded through NHS for adults 18+ with mental and/or physical health condition who are out of work in the Birmingham West, Dudley, Sandwell and West Bromwich area. It offers one to one support to get individuals back into employment. The scheme will also be taking referrals from GPs. This is an evaluated project.
- Birmingham - Better Pathways - an organisation which takes referrals from people with "Severe and enduring mental health conditions" Eligible offenders either need to be under a Community Mental Health Team or on the SMI register with their GP. The scheme offers counselling and support back into employment.
- Birmingham - No Wrong Door - a group of organisations who work together to support people with complex needs including Homelessness, Mental Health, substance misuse and offending. (They include Mind, St Basils CGL, Crisis, Shelter and Midland Heart).

Women

25. Female offenders in Birmingham and the Black Country are referred onto Anawim or New Chance. This can be either via an Out of Court Disposal or as a voluntary referral following either Charge or NFA decisions. New Chance provides assessment of the needs of each participant and a bespoke, holistic support programme. Since 2016:
 - 144 have been referred to New Chance (Black Country)
 - 274 have been referred into Anawim (Birmingham). Anawim takes female referrals but also covers families in need.
26. Solihull Integrated Addiction Services support families of addicts as well as individuals, as do KIKIT in Birmingham.
27. All O OCD courses including the DA courses accept both male and female offenders, most are mixed, however the DA female courses are run separately. A number of the women sent on these DA courses are identified as long-term victims of abuse and referred into appropriate support although they have presented as offenders at the time of referral.

Young people

28. Diversion schemes for Young People are delivered by the Youth Offending Service in each Local Authority area. Officers are encouraged to refer into YOS whenever appropriate for an in depth review of the cause of offending behaviour and where appropriate, a bespoke programme of intervention. Interventions may include, for example; mentoring, Victim Awareness, Consequences, Knife Crime or reparative work. Officers cannot refer directly into these pathways. The offer and capacity varies between Local Authorities

Developments in diversion pathways

Supporting the Gangs and Violence recommendation on diversion

Recommendation: The Gangs and Violence Commission will agree a broad, preventative public health based action plan for addressing gangs and violence, recognising that enforcement does not offer enduring solutions.

Recommendation: The commission partnership should learn from Birmingham Youth Offending Service and consider a roll out of its family-empowerment approach as a template for working with families, with needs to be linked to the criminal justice system, youth violence and criminality.

Recommendation: A flexible and culturally responsive community based preventative and reactive mediation and conflict intervention capability is required.

29. Diversion is a thread that runs through the Guns, Gangs and Organised Crime strategic partnership. All partners are bought into the 4P approach which includes 'Prepare' - provision of diversionary schemes and 'Prevent' – making best use of any scheme or tactic that divert away from organised crime or the gang lifestyle.
30. Access is provided to mentoring services and other statutory services, (e.g. MST/Think Family). Siblings and other family members of an OCG member are always considered for a diversionary approach even if the OCG member themselves does not want any diversionary support. Injunctions or licence conditions always consider the inclusion of a positive requirement to engage with a mentoring or other diversionary programme.
31. A number of diversion based work streams are in place in relation to 'Gangs and Violence':
- 'Teamworx' and 'Inspired choices'

- 'Pathways' project
- Early Help hub
- Kicks, Princes Trust, and a pathway for girls at risk of gang involvement
- LCSP commissioned summer diversionary work
- Police Cadets
- The Multi Agency Gang Unit (MAGU)
- YOS
- A dedicated member of staff at Broadway Academy (OPCC funded)
- SOVA have been commissioned to undertake mentoring for gang involved youth in South Birmingham
- Mentors in violence prevention in schools (OPCC funded into Violence Prevention Alliance)
- Red Threads youth workers in Emergency Departments in Queen Elizabeth Hospital and Heartlands Hospital (OPCC funded into Violence Prevention Alliance)

Supporting the Substance Misuse recommendation on diversion

Recommendation: West Midlands Police and partners to establish a formal diversion scheme that includes tackling problematic drug use primarily through routes other than the criminal justice system, in order to reduce reoffending, protect public health and improve community safety. This will build on the success of the West Midlands Police Turning Point pilot.

32. All of the local substance misuse providers accept referral into treatment for Class A drugs via the Criminal Justice route as well as voluntary referrals. For heroin this route is the DIP, for Cocaine based substances it is a Conditional Caution.
33. New Psychoactive Substances are more problematic as the exact chemical composition determines their legality
34. WMP are working with substance misuse providers to develop an educational early intervention which can be delivered as part of a Community Resolution the first time a low level 'user' comes to notice. All substance misuse providers also run Cannabis User Groups and referrals into these groups can be made as part of an Out of Court Disposal.
35. WMP work with treatment agencies to ensure female offenders are referred into the New Chance programme for more holistic support away from criminal behaviour.

36. The PCC DIP review is on-going and will design a new model for delivering the DIP from custody referrals through to the subsequent treatment provision.
37. Data has shown that 800-900 drug tests are conducted per month in custody blocks and an average of 71.6% offenders test positive. (76% of 'Serious Acquisitive Crime offenders test positive).
38. All offenders who test positive are required to attend drugs treatment pathways. 25% of those testing positive are new to treatment therefore providing the greatest opportunity for engagement in treatment and diversion from crime. This cohort is being mapped against reoffending rates and engagement with service providers. The findings of the review will be published by the end of 2018.

The current and future challenges to successful implementation of diversion strategy

Culture Change

39. The use of rehabilitative Conditional Cautions is still relatively new to WMP. The Neighbourhood Justice Team will concentrate on embedding the practice this year.

Non-English Speakers

40. The West Midlands has a diverse population but with the exception of substance misuse courses, offenders who do not speak English are currently difficult to place in rehabilitative interventions, particularly group-based workshops where use of an interpreter would create a challenge.
41. The numbers of each language per pathway are too small to commission specifically adapted interventions (although WMP are piloting this approach with the CARA Domestic Abuse intervention and hope to do the same with the Victim Awareness Course) as the providers have a 'break-even point' in relation to numbers. Until this can be resolved, the Neighbourhood Justice Team have agreed with ESOL providers in each LA area that non-English speakers will be accepted on courses free of charge as part of a Conditional Caution.

The challenges relating to the availability, accessibility (regional) and sustainability of existing and desired pathways

Funding/Sustainability

42. Whilst most of the pathways used by WMP are already funded or provided by the third sector, some offences require specifically designed interventions if they are to be effective at reducing offending; CARA and the Alcohol Related Violence Course are examples of this, both being commissioned by the PCC.
43. Pathways require funding. Evaluation demonstrates an overall return on investment of at least 10:1 for cases diverted from court plus other benefits, both financial and qualitative of reduced reoffending; however around 90% of the benefit lies with other agencies including CPS, Courts, Health and Social Care, whilst the pathways are currently funded exclusively by the PCC.
44. Some Forces rely on offenders paying to attend interventions. This is problematic as it
 - a. Creates a 'diversity gap' as those who cannot pay may be charged. The more deprived the area, the more this would be an issue.
 - b. It restricts the length and depth of course that can be offered to one that is affordable to the individual rather than aiming for the depth necessary to impact on offending behaviour (for example, the Alcohol/Violence Course and CARA both have 10 hours 'contact time' with the offender, most 'pay to attend' courses have 3 or 4).
45. WMP only use pay to attend courses for low level offending where the primary aim is to educate or remind the offender of the victim perspective.

Accessibility

46. The new National OOC Strategy is a National Police Chief Council 'Roadmap' rather than a change in the law; Forces are at varying stages of adopting Conditional Cautions. This currently poses an issue in relation to offenders who live out of Force but commit crime in the West Midlands. Substance misuse courses can generally be sourced in other Force areas and the Victim Awareness

Course is widely available but some of our more specialised interventions are only available across the West Midlands Police area.

47. The DPP is keen to avoid a post-code lottery whereby offenders may be offered a Conditional Caution in one Force area but not another.
48. In an attempt to address this, the Neighbourhood Justice Team has been promoting the success of the Alcohol Related Violence Course, which is designed for night-time economy offending; the aim being to have it included in mainstream substance misuse commissioning nationwide.
49. Likewise CARA, WMP are now the second Force to show the impact of CARA on reoffending rates, the DPP has now approved an enlarged trial which will hopefully, eventually lead to national rollout.
50. Once more forces increase the catalogue of OOCs they can offer, it should become possible to put in place SLAs for referral based on area of offender residence.

How learning from pilots and other work has been used to inform on-going diversionary work

51. The current Neighbourhood Justice pilot is building on the learning from Turning Point and the CARA pilot in Hampshire. Other projects and pilots are underway in various other forces.
52. Evaluation of the Neighbourhood Justice pilot will continue for two years, tracking reoffending for each course at 6 month intervals. This will provide evidence of the continuing effect of the interventions and enable a robust cost: benefit analysis.
53. The success of the pilots is adding to the national evidence base on early intervention.
54. Evaluation is also starting to show the limits of where early intervention is effective, for example the cohorts where early intervention is more (or less) effective at reducing reoffending. This is relevant for cost: benefit analysis as well as the interest of justice. Considerable effort is being made to draw out all the lessons in this area, including work with various universities for more in depth analysis.
55. The pilots have provided learning in relation to what works in early intervention notably:

- The effectiveness of motivational interviewing and CBT
- The 'contact time' required with offenders
- The leverage that can be applied if the consequence of non-engagement is a court appearance or criminal record
- Victim safeguarding
- Construction of a robust evaluation framework

56. As a result of the current pilots, WMP has been provisionally selected by the MOJ to be a pilot site for the use of DA and Hate Crime Conditional Cautions. Learning from the current pilot will inform the approach to the new WMP courses and is being shared nationally via the OOCW Working Group attended by most Forces.

57. In respect of Hate Crime, WMP will be working with Hampshire and Avon and Somerset Constabularies which will allow us to share our experience with running a randomised control trial and design of an intervention.

58. The Force has recently agreed to pilot and evaluate a new intervention targeted at lower level inappropriate sexual behaviour including lower level offences of:

- Touching
- Harassment
- Exposures
- Malicious Communications

(As with the Victim Awareness Course, this intervention is being run on a Pay to Attend model, the impact of this will be included in the evaluation).

Opportunities for further diversion schemes, to expand diversion activity and the barriers to doing so.

59. Opportunities to refer non-English speaking offenders are limited but this is problematic to address as the numbers are very low and there is no one language which consistently features. (Less than 5 cases per month are considered by PIPT to be 'blocked by language').

60. Homelessness services are lacking on the western side of Force.

61. There is currently a gap in relation to Anger Management. This was subject of a PIF pilot in Birmingham but the course commissioned and the referral criteria were probably too ambitious, as a result referral numbers were low and breach rates

relatively high. Outside of Birmingham, referrals were made to courses run by MIND and other similar organisations, however these no longer accept Conditional Cautions as the offenders were too disruptive. It is therefore felt that this will require an intervention to be commissioned, designed around criminal justice referrals.

62. Hate Crime is currently a gap and requires a 2-tier approach with both a short 'Victim Awareness' and longer 'Behaviour Change' type course being made available.
63. Both of the latter two will require funding to procure a purpose designed intervention by an experienced provider. This issue with all commissioned interventions is that at present the cost is met by WMP or the OPCC, whereas only around 10% of the diversion benefits (25% of the reduction in demand benefit) return to the Force, the remainder of the benefits are felt in the criminal justice system post-charge or by other agencies such as Health or Local Authorities/Housing Providers. This is an issue that has been raised at a national level and may require government action to resolve.
64. There are a number of challenges to the future of projects and diversionary activities. The Turning Point scheme provided access to supervised voluntary work organised by the Probation Service as part of a Conditional Caution. This is no longer available free of charge for adults, similar opportunities now have to be commissioned at a cost to West Midlands Police.

An update on WMPs work with the CRC regarding them undertaking pre-court diversionary work

65. At present WMP does not work with the CRC on Conditional Cautions. Whilst the CRC may provide suitable interventions, WMP are obliged to run a full procurement process when commissioning interventions. To date, the CRC has not bid when these tenders have been advertised.

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