

# Out of Court Resolutions and Young Adults

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## Executive Summary

The purpose of this briefing is to provide practitioners with practice principles to improve the use of out of court resolutions for young adults, aged 18–24. These good practice principles are developed in this paper through an exploration of the evidence context, current policy, case studies and lived experience research.

### Evidence context

Young adults represent a group with increased potential for desistance, as per the age–crime curve, if the right support is in place, and if they are protected from unnecessary criminalisation. The literature highlights that this group is still in the process of maturation, with brain functions still in development, resulting in a lack of impulse control, greater susceptibility to peer influence and decreased ability to consider consequences. Social factors in this transitory period of life also mean that relationships, education pathways, employment and finances can be unstable. These elements contribute significantly to a young adult’s likelihood of offending, and thus effective support in addressing these needs and challenges lowers the likelihood of recidivism. The literature around effective practice for young adults in the justice system emphasises the importance of several key approaches. Trust and relationship-building, specially trained practitioners, provision of holistic support that includes skills and basic support through multi-agency working, and interventions tailored to intersectional needs are all central to effective practice.

### Policy context

Out of court resolutions (OOCRs) aim to provide a proportionate response to low-level offending. The past decade has seen conditional cautions make up a growing proportion of OOCRs, a shift which has coincided with forces moving towards the two-tier OOCR framework. Conditional cautions can include rehabilitative, reparative and punitive conditions. The practice around conditional cautions differs significantly between adults and children. Needs assessments are carried out less often for adults, and the type of conditions imposed on adults is determined by the police rather than through a multi-agency process. As a result of the discretion available, practices around adult conditional cautions varies significantly between police forces.

### Case studies

The case studies explored in this briefing are examples of good practice approaches to working with young adults in the justice system. The Gateway Project is a conditional caution programme developed specifically for 18–24-year-olds. It provides useful insights into key features that create effective conditional cautions for this group including external ‘navigators’ who carry out needs assessments and adopt mentorship roles, peer group courses focused on behaviour, and tailored support. The Devon and Cornwall Enhanced Prosecution Scheme highlights the centrality of partnerships with service providers and third-sector organisations to implementing personalised interventions for young adults. The Newham Youth to Adult Probation Hub accentuates the benefit of multi-agency working and services such as mentoring, speech and language therapy and basic provisions of food and clothing in supporting young adults out of offending.

## Young adults' experiences

As part of this research, we spoke to six young adults about their experiences of receiving conditional cautions and their priorities for improvement. Many of those we spoke to reflected that they had negative experiences in the police station as they felt police used inaccessible language, which resulted in them feeling confused about what conditional cautions are and what they entail. Some mentioned that they had a profound distrust of the police based on past experiences and a general wider perception. These findings align with the evidence in suggesting that the police may not be best placed to carry out needs assessments and coordinate interventions. The young adults who described having a negative experience with their intervention said they felt that the topic of the course they were put on, as well as the approach, was neither appropriate nor tailored to their needs. Conversely, those who had a positive experience explained that they were given a multi-pronged approach that accounted fully for their needs and circumstances. Of these participants, several had been given in-person group interventions focusing on building employment pathways and addressing emotional regulation needs. Others had interventions that accounted for their neurodiversity and were tailored to their need for one-to-one support.

## Promising practice principles

These practice principles have been developed using the above evidence and wider practice insights. They aim to provide guidelines to support improved practice for police in relation to giving young adults OOCRs.

- Avoid formally cautioning young adults for drug possession offences where community diversion, and specifically outcome 22, can be used.
- Ensure age and maturity are considered as mitigating circumstances under the gravity matrix when determining an outcome.
- To ensure a thorough and appropriate assessment, establish a needs assessment process that leverages specialist practitioners rather than relying on police officers.
- Ask young adults about any history of youth justice system (YJS) involvement, in order to access and build on previous needs assessments and interventions.
- Check whether young adults are care leavers and if they are entitled to any additional support from leaving care services.
- Tailor interventions to distinct needs by mapping out the range of existing local services rather than commissioning narrow pathways of interventions.
- Prioritise skills-based interventions and mentorship programmes that focus on young adults' prevalent needs, including entering employment and education.
- Consider intersectional needs, for example by referring young adult women to women's hubs, racially and ethnically minoritised young adults to by-and-for services that fit their needs, and those with disabilities to services that cater to them.

## Introduction

Research on brain development has demonstrated that, on average, people don't reach maturity until their mid-20s.<sup>1</sup> Yet the criminal justice system (CJS) deems someone an adult on their 18th birthday. From this point onwards, they will face a significantly less understanding, more punitive system. This is true even in the earliest points of the criminal justice process involving the least severe offending. Out of court resolutions (OOCRs) are outcomes that are given as an alternative to prosecution for the least serious offences and include both formal and informal disposals. The approach to OOCRs within the adult system differs significantly from that in the youth justice sphere, providing much less in the way of rehabilitation and support interventions. Yet young adults still have notable potential for desistance within this transitory period of life, before becoming increasingly entrenched in the system. OOCRs provide a key opportunity to support young adults out of the justice system by adapting an approach to better suit their needs.

This briefing provides an overview of the evidence and policy context around young adults and OOCRs, and explores how practice can be improved to better support this group to desist from crime and avoid further entrenchment in the CJS. Using existing case studies and examples of good practice as well as the perspectives of young adults themselves, it aims to provide guidance on how to tailor OOCR approaches to better respond to the needs and challenges faced by young adults through promising practice principles.

## Evidence context

### Young adults and desistance

The age-crime curve, established as a universal and enduring phenomenon in criminology, shows that the overwhelming majority of people who offend in their teenage years desist from crime in their early adulthood.<sup>2</sup> Theorists have pointed out the correlation between this trend and the process of maturation in young people, which suggests that most of them will naturally desist or “grow out” of crime as their life circumstances change, their prefrontal cortexes fully mature, and their social responsibilities increase.<sup>3</sup>

Formal processing within the CJS, however, inhibits this desistance and further entrenches young people's offending behaviour due to labelling, disruption to education or employment and social networks, and the impact of a criminal record.<sup>4</sup> Without unnecessary criminalisation and with more of the right support in place, young adults have strong potential to desist from persistent and long-term offending.

Historically, there has been a vast over-representation of young adults in the CJS. However, the proportion of people in the CJS who are young adults has declined in recent decades. Ministry of Justice data shows a marked decrease of 76.3% in young adults' court appearances between 2010–11 and 2018–19 in England and Wales (compared to a 64.1% reduction across all ages).<sup>5</sup> Despite this, young adults remain over-represented in the CJS, with the greater opportunity for encouraging desistance at this age not currently being fully leveraged.

### Brain development and maturity of young adults

Research within developmental neuroscience suggests that young adults constitute a distinct group in the adult population in terms of maturity, more closely resembling under-18s than fully mature adults.<sup>6</sup> Evidence shows that the prefrontal cortex does not fully develop until early adulthood.<sup>7</sup> This impacts higher-order cognitive processes and executive functions of the brain such as emotional regulation, interpretation of emotions and control of impulses.<sup>8</sup> Psychosocial research also points to the ongoing development of temperance (ability to evaluate consequences of actions) as a significant factor that continues to affect young adults' more limited “maturity of judgement”.<sup>9</sup> Less developed psychosocial maturity is linked to poor impulse control, lower ability to delay gratification in service of

long-term goals, and increased susceptibility to the influence of peers, all of which are attributes that contribute to offending behaviour. As described in a report on maturity considerations at magistrates' courts, "levels of psychosocial maturity have also been found to predict offending behaviour 'beyond the effects of age, gender, education, socioeconomic status, race, and antisocial attitudes'".<sup>10</sup>

The process of maturation varies between different groups of young adults, and between individuals. Notably, maturity can be hindered for many young people by adverse childhood experiences (ACEs), traumatic brain injury (TBI), alcohol and substance use, as well as psychiatric or neurodevelopmental disorders.<sup>11</sup> Strong evidence suggests that ACEs, in particular, have a significant impact on the process of development and lead to a higher likelihood of involvement with the CJS. The aforementioned behavioural factors that increase the likelihood of CJS involvement are worsened as "the effect of trauma in childhood and adolescence compounds issues with maturation as those affected experience heightened levels of flight or fight reactions, and hence increased chances of risk-taking behaviour".<sup>12</sup> Indeed, one study demonstrated that people with four or more ACEs were 20 times more likely to have been incarcerated.<sup>13</sup> TBI has also been shown to have strong association with CJS involvement. Different studies have found that between 25% and 87% of the offending population have experienced a TBI,<sup>14</sup> with more recent UK-based studies estimating this number to be around 60%,<sup>15</sup> compared to 8.5–12% in the general population. Longitudinal studies have shown a link between TBI and offending, both in national and international research.<sup>16</sup> As young adults with TBI are even less likely to reach full neurological maturity by their mid-20s, factors such as poor impulse control, increased aggression, attention problems and mental health problems are more prevalent. Unsurprisingly, these attributes are linked to earlier-onset, more frequent and more serious offending.<sup>17</sup>

## **Best practice evidence for working with young adults in the CJS**

There is a robust evidence base around good practice approaches for working with young adults in the justice system. While literature focused specifically on good practice in OOCRs for young adults is limited,<sup>18</sup> the evidence from other areas of the justice system outlined below provides useful insights for effective practice approaches here. Research around effective engagement of young adults in probation, in particular, is highlighted here to develop an understanding of the principles that are applicable to this group more widely.

Firstly, building trust is identified as particularly pertinent to young adults given the higher likelihood that they are basing decisions around emotions and personal relationships rather than on an evaluation of long-term consequences.<sup>19</sup> Practices such as demonstrating respect and care, reducing formality, building rapport over common interests, setting boundaries and avoiding unrealistic targets have all been found to be crucial factors in building trust and engagement with young adults.<sup>20</sup> The effective training of practitioners – focusing on the specific needs of young adults and on adopting a trauma-informed approach – is emphasised as key to this aspect of practice.<sup>21</sup> This may translate to using specialised practitioners during needs assessments and tailoring of interventions to target specific needs.

Providing practical and holistic support is also key to helping young adults navigate their crucial transition into adulthood and enable their desistance from crime.<sup>22</sup> Support with life skills, accommodation, benefits and access to training and employment are particularly relevant. Multi-agency liaison and communication, as well as the use of local mentoring services, are therefore also recognised in the literature as fundamental to effective practice.<sup>23</sup> Ensuring practitioners explore family background and involve family in the process, where appropriate, can also be beneficial to young adults, who often have more direct involvement of family in their lives than older adults. Meeting young adults at home, or alongside a family member (where consent is given), can be helpful in this respect – although there are cases in which this could be detrimental, and thus this principle needs to be assessed on a case-by-case basis.<sup>24</sup>

Furthermore, intersectional needs of young adults with characteristics that may put them at greater risk of disadvantage based on gender, sexuality, race and neurodiversity, for example, should also

be considered within tailored approaches. A gender-sensitive approach and knowledge of the circumstances that often affect young women in the CJS has been identified as crucial to effective practice, for example.<sup>25</sup> Furthermore, evidence shows that racially minoritised young adults are less likely to receive OOCRs in place of prosecution than their white counterparts.<sup>26</sup> Practice needs to recognise and address this disparity as well as the additional barriers faced by these young adults in accessing other forms of support – such as mental health services, housing and employment.<sup>27</sup> Given the prevalence of neurodiversity and TBI in the offending population and the enhanced barriers this presents to maturation and transition to adulthood, particular attention should be given to providing support with this.

Good practice has also been shown to include: screening tools; the checking of literacy levels of all young adults in contact with the system; provision of a range of accessible resources; the opportunity to work with specialist organisations; and the maintaining of good contact with liaison and diversion services.<sup>28</sup>

Evidence also suggests that young adults as a group may particularly benefit from OOCRs or pre-court diversion.<sup>29</sup> This reflects the increased potential for desistance that young adults exhibit, which suggests that avoiding unnecessary criminalisation is particularly beneficial to them. The use of community resolutions instead of statutory OOCRs, where appropriate, has been highlighted as a key aspect of good practice for this group. Ministry of Justice statistics show that 31% of drug possession offences for young adults between 2020 and 2021 resulted in either a statutory OOCR or a prosecution,<sup>30</sup> despite evidence supporting a strong presumption in favour of community resolutions for drug possession.

## **Transferable practice evidence from the YJS**

Much of the evidence that has shaped the best practice approach for pre-court diversion in the youth system may provide transferable learnings for OOCR practice that caters to young adults.

Firstly, the provision of tailored support to address the specific problems that caused the offending behaviour has been shown to have a positive impact in reducing reoffending.<sup>31</sup> The practice in youth diversion of assessing children’s needs and strengths thoroughly upon induction provides a valuable example of effective tailoring of interventions.

The principles of effective practice regarding interventions in youth justice also highlights the importance of avoiding “overdosing” in interventions, and instead focusing on targeted, informal and light-touch interventions.<sup>32</sup> Given the developing maturity of young adults, as well as the evidence around impulsivity and relationship-based engagement, this also applies to this group. Using evidence-based interventions is another key point of practice for youth diversion, as it increases the chances that the programme will add value for the child and reduce reoffending.



## Policy Context

OOCRs refer to the range of options available to the police to respond to low-level offending without resorting to prosecution. The purpose of OOCRs is to address less serious offending with a proportionate response that can often include a rehabilitative approach or reparation to victims and community. The original six-tiered framework for OOCRs, still used by some forces, includes conditional cautions, simple cautions, community resolutions, khat warnings, cannabis warnings and penalty notices for disorder. The last three options comprise the lower end of outcomes, where the offence is usually dealt with on the street with no intervention. Community resolutions also represent a less severe outcome, where restorative justice can be used to address any harm caused to victim or community through a quick resolution. Simple cautions and conditional cautions are more formalised and require admissions of guilt. Conditional cautions often come with a set of rehabilitative, reparative or restrictive conditions attached, which may take many different forms. The new two-tier framework, which will be explained in the next section, includes a diversionary caution and a community caution. Both are similar to the conditional caution, with the former retaining the option to resort to prosecution if conditions are breached, as the “upper tier” of the new framework, while the latter is spent immediately. The new two-tier framework will also retain the use of community resolutions.<sup>33</sup>

### Evolution and current structure of the OOCR framework

During a 2013–2014 public consultation on the existing six-tier OOCR framework, both the public and CJS practitioners expressed the need for reform.<sup>34</sup> Consultation respondents felt that unnecessary complexity was impeding both implementation and public understanding of OOCRs, in turn reducing confidence in the justice system. Over half of respondents also felt that OOCRs did not deter reoffending and needed to move towards stricter repercussions rather than simple warnings and cautions.<sup>35</sup> This prompted the move toward a two-tier framework involving diversionary cautions and conditional cautions, which were perceived more favourably by respondents and seen to make police forces and police and crime commissioners more accountable and justified in their use of OOCRs.<sup>36</sup> Following this consultation, three police forces piloted the new two-tier framework. After the pilot, the option of moving to the two-tier framework became discretionary.<sup>37</sup> The National Police Chiefs’ Council (NPCC) supported a move towards a two-tier framework in its strategy in 2017, encouraging forces to adopt this voluntarily.<sup>38</sup> In 2020, the Ministry of Justice published a White Paper proposing legislative change that would reform the OOCR framework into this two-tier model.<sup>39</sup> However, as it stands currently, legislative reform has not taken place and police forces’ approaches to OOCRs are nationally inconsistent, with use of both the six-tiered and the two-tier frameworks.

Between 2019 and 2023 there has been an overall fall in the number of cautions given to adults. This has been driven by a significant decrease in the number of adult simple cautions, from 43,587 to 18,940 (a decrease of 56.5%), although this has been offset by an increase in the use of adult conditional cautions from 13,055 to 21,014 (an increase of 61%).<sup>40</sup> The departure from the six-tiered model towards a two-tier model by many regional forces may help to explain this trend, and the increasing focus on conditional cautions.

### Current practice in the use of conditional cautions for young adults

The purpose of the conditional caution is to provide quick and proportionate sanctions for low-level offending that focuses on rehabilitation while also taking the victim’s needs into consideration, where possible. A conditional caution may be given where the five key requirements are met: i) evidence that an individual has committed an offence; ii) sufficient evidence to charge the individual with the offence; iii) an admission by the individual; iv) adequate explanation of the conditional caution; and v) signed consent.<sup>41</sup> It is considered to be the highest of the six tiers within the existing framework of OOCRs and is similar to the diversionary caution in the two-tier framework. It can be used where an authorised person, usually a police officer, deems it appropriate and in line with the existing

code of practice.<sup>42</sup> A conditional caution would not usually be given where a court would likely impose a significant community sentence or imprisonment for the offence, should the individual be convicted.<sup>43</sup> The types of conditions attached to the caution must include one or more of the three types of objectives: rehabilitation, reparation or punishment.<sup>44</sup> Rehabilitative conditions are usually aimed at tackling causes of offending, and enabling behaviour change, which could typically include attendance at a drug or alcohol treatment programme, gambling or debt management course, and so on. Reparation focuses on repairing damage done to a victim or community through an apology, repairing property damage, unpaid community service, or financial compensation to a victim or community fund, for example. Punitive conditions may include paying a financial penalty. Restrictive conditions, such as avoiding a certain person or location, may be imposed if their purpose is rehabilitation, reparation or punishment.<sup>45</sup>

Current practice in the implementation of conditional cautions remains inconsistent across regions and lacks a standardised process. It often fails to include any meaningful needs assessment and the fostering of relational support that has been evidenced as key to good practice with young adults.

The use of the conditional caution for young adults differs from the youth justice model in many ways, including, crucially, that OOCRs and related interventions are managed directly by police forces, rather than by more specialised practitioners. This means that police forces have a much more discretionary role in decision-making when it comes to OOCRs for young adults. Assessments of risk and need are mandatory for all children entering the youth justice service (YJS) who have received an OOCR,<sup>46</sup> which means that children are examined holistically, with their circumstances, needs and strengths considered both in diversion decision-making and design of interventions. Young adults do not have standardised processes that include input from a range of services for determining outcomes and interventions, and as a result these can often be carried out solely by police officers without the time, training and instruction to perform any specialist needs assessment. There is a lot more variation for young adults in relation to the type of intervention they will receive, or indeed whether they will receive one at all, as a result of the lack of a standardised approach across police forces. Some forces will refer individuals to third-sector interventions (on substance use, for example) while others deliver them in-house. The lack of scrutiny or input from other agencies in the adult system means police forces have much more discretionary power in shaping interventions.

Funding and availability of programme providers in the local area also determine what interventions are available for young adults receiving conditional cautions. However, even where funded places on programmes are available, police training and knowledge about the process and availability of these interventions can also be a limiting factor. For example, the Thames Valley programme, funded by the Thames Valley Violence Reduction Unit in 2021, found that conditional caution interventions were significantly underused due to lack of training. Evaluations found that for the 100 places available for young adults receiving cautions from March to September 2021 on the Prince's Trust programme, a charity working to prepare people for employment, only one referral was made.<sup>47</sup>

## Case studies

### 1. Gateway Project, Hampshire

#### Introduction

Gateway was a police-led conditional caution programme for young adults (aged 18–24) who committed low-level offences. It was aimed at addressing the root causes of offending, including health and social needs, in order to improve young adults' life chances and facilitate desistance. The rationale behind this programme was to ease the steep difference in provision and approach for under-18s in comparison to young adults. As put by one of the programme managers:

“You’ve got all that support for you up until the age of 18 – well, 17 and 364 days – and the moment you get up on your 18th birthday, so much support has gone and yet you are exactly the same person you were when you went to bed.”

The Gateway Project was initially set up in Hampshire as part of an evaluation study, assessing the impact of its approach to health and reoffending outcomes in comparison to that of a standard conditional caution. The research faced unforeseen challenges in contacting a large enough number of participants after the intervention, in order to reach the threshold for completing the impact study, and the programme is currently no longer running. However, the design, learnings and qualitative reports of impact from Gateway provide useful insights into understanding good practice for OOCRs given to young adults.

#### Operating model

The Gateway Project model worked with young adults over the course of 16 weeks and consisted of three main components: working with programme navigators, attending two workshops, and committing to not reoffend for the duration of the intervention.

1. Firstly, young adults were given a “navigator” or mentor who was responsible for carrying out a full needs assessment and who made referrals to relevant services based on this. These could be to mental health services, drug and alcohol services, housing or other services. The navigators aimed to carry out three face-to-face assessments – at the beginning, halfway through the intervention, and at the end of the intervention – to monitor progress. Navigators also helped young adults with any basic practical needs they had, such as setting up a bank account, procuring a form of identification, applying to college or making doctors' appointments. The navigators themselves were external to the police, coming from a specialist third-sector organisation called No Limits. This was reported to be an important aspect of facilitating engagement with young adults:

“I preferred that our navigators were outside of the police force because, I think to come back and work with a police officer when you’re an 18–24-year-old who’s just been arrested by the police... it’s just not the same as having an external company doing it.”

2. Young adults would then take part in two LINX workshops run by the Hampton Trust, on empathy and the causes and consequences of harmful behaviour. These were carried out face-to-face at a neutral venue, taking place over the course of a whole day, and in peer group work settings. It allowed young adults to share life experiences and personal perspectives with a group of peers and focus on understanding behaviours that may lead to harm and risk of offending. The second workshop focused on the nine pathways to offending, building on young adults' understanding of their strengths, self-esteem and resilience. During the Covid-19 restrictions, this had to take place as a one-to-one, two-hour intervention over the phone for part of the duration of the programme.



3. Lastly, young adults committed to not reoffend within the 16-week period. A breach of any of the three mandatory conditions could result in the young adult being prosecuted for the original offence. Participation in restorative justice process, where applicable, was voluntary, and the addition of other conditions such as writing an apology letter or compensation was at the investigator's discretion.

## Impacts

Although the impact of Gateway's approach could not be evaluated fully as a randomised control trial due to the aforementioned challenges, qualitative reports from staff and young adults in the project highlighted its positive impact.

Staff reported that Gateway had an impact on building young adults' self-esteem, allowing them to feel believed-in, and increasing their confidence in interacting with new people through completion of the LINX workshop. Staff also described the "life-changing" impact on the young people from the practical support that the navigators provided, underlining how receiving a form of identification could enable them to access housing, apply for benefits and pursue job opportunities. As a senior manager put it:

"A lot of these young people, they need a bit of a push to, say, go into the bank and speak to the bank assistant, a lot of these young people do struggle with going out there on their own because they may never have to have done it, so it's just giving them the confidence to be able to do it."

Young people reported that they felt navigators were supportive, passionate, accommodating and non-judgemental and highlighted the therapeutic impact of having someone to talk to in this capacity. Many described LINX workshops as helping them to improve decision-making, coping skills and emotional regulation. Young adults expressed apprehension about the programme being associated with the police and emphasised the importance of navigators being independent from the police. Gateway was seen to provide an opportunity to initiate change, including facilitating a reduction in drug and alcohol use, as well as improving access to employment, financial stability, housing and relationships.

Overall, it was felt Gateway addressed the underlying needs that young adults had, filling a gap in providing them with the opportunity to forge a trusting relationship and receive advice as well as practical support.

## Lessons learned

Gateway relied on multi-agency collaboration, which came with certain challenges, as described by staff. Communication between agencies was identified as a point for improvement within the programme, as differences in processes around sharing of confidential information prevented partners from continuing to share information that could have helped tailor support, particularly between navigators and LINX workers. The duty of police to report certain information obtained through Gateway as intelligence was identified as an equally significant issue in this regard. Staff turnover and lack of training around the Gateway Project was another challenge reported by staff in relation to collaborative working.

Covid-19 restrictions meant that LINX sessions had to be run as a one-to-one over the phone rather than a group session for a period of time, allowing practitioners to compare the different models. The two-hour one-to-one discussion on the phone reportedly had better engagement, as many young people struggled with anxiety and with the idea of a group workshop. However, the impact of group sessions was said to be more beneficial for young adults once they participated in it.

Young adults commented that greater emphasis could have been placed on mental health support

within the workshops. There were feelings of anxiety and apprehensiveness about the intervention prior to taking part in it, and suggestions were made that more information about the programme could have been provided beforehand.

## **Resources**

### **Gateway published evaluation:**

An out-of-court community-based programme to improve the health and well-being of young adults offenders: the Gateway RCT

## **2. Devon and Cornwall: Enhanced deferred prosecution scheme**

### **Introduction**

The “Enhanced Deferred Prosecution” programme was set up in March 2023 as a part of the wider Deferred Caution and Deferred Prosecution programme (formerly known as Pathfinder) run by the OOCR team within the Devon and Cornwall police force. The enhanced programme focuses specifically on 18–25-year-olds or those with care experience, and includes additional provisions tailored to young adults in comparison to the mainstream programme.

The programme is funded through the Serious Violence Prevention Programme, which receives funding from the Office of the Police and Crime Commissioner. When it was originally set up, it had two dedicated key workers and one administrator working specifically on the enhanced scheme with young adults. The wider deferred prosecution programme is made up of a 23-person team, which now encompasses the young adult scheme within its caseload.

### **Operating model**

The operating model of the deferred prosecution programme entails four months of mandatory engagement from participants, with regular contact with key workers, who are specialised practitioners working for Devon and Cornwall police. As part of the contract, individuals need to fulfil the baseline minimum of three meetings with their key worker, with higher frequencies of contact varying case-by-case, alongside a list of conditions to be met. If participants successfully complete their interventions, the charges are dropped. However, if conditions are breached, the individual is sent back to court.

Key workers carry out a comprehensive needs assessment covering the nine criminogenic areas of need as well as a strengths-based assessment to determine the types of interventions and onwards referrals that will take place. The aim of the key worker role is to remove the needs assessment and intervention decision-making from police officers, and to allow more specialised practitioners to carry this out instead. The needs assessment includes examining vulnerabilities, drivers of offending behaviour, previous support that has been in place for individuals as well as their effectiveness, and an evaluation of what needs may be realistically addressed within 16 weeks. Key workers will also carry out a mid-term and an end review of needs to measure change as the intervention progresses.

This scheme also enables swifter results for victims, as compensation may be added as a condition where relevant, with restorative justice (RJ) also being offered as part of the intervention. Where a victim has expressed interest in RJ, the individual who has offended must have an initial conversation with RJ services before deciding whether to engage with it.

The intervention model in this programme is unique in that organisations are not commissioned to create a limited number of pathways; instead, Devon and Cornwall police foster a multitude of close relationships with third-sector partners to be able to refer individuals to local providers that can meet their specific needs. As a result, individuals’ needs can be met in a more comprehensive and tailored way. It was estimated that in an average month, the programme makes referrals to over 50 organisations. As one of the managers of the programme explained:

“We foster, through the key workers, really close relationships with organisations, because it’s about embedding people in the support in their local communities... it’s about using what’s available in your statutory and local voluntary sector, which is rich and supportive in a common purpose... and then you can flex according to your needs.”

The enhanced part of the scheme encompasses all the provisions followed in the mainstream programme as detailed above, with some additional services provided for young adults. These supplementary elements include the use of personalised budgets, Mental Health Treatment Requirements, and key workers with more specialised, young adults-specific training. The personalised budgets are allocated for a range of reasons, and may help young adults with engagement, wellbeing or reduction in reoffending. This could be, for example, financing rail travel to a service that may otherwise be inaccessible, access to a gym subscription, support for gaining a moped licence in order to travel to work from a rural area, and so on. The Mental Health Treatment Provision is a formal requirement to attend a mental health assessment and subsequent voluntary access to 12 therapy sessions, funded as part of the programme.

## Impact

The engagement of participants in the programme has been very positive, with completion rates of the deferred prosecution scheme in the year leading up to March 2023 at 89%. The flexibility that is provided through the approach, and particularly in the enhanced service, allows for leniency and creativity in accommodating young adults, which increases engagement. This could be in the use of the personalised budgets, the approach to communication or even the tailoring of location for meetings with key workers. As put by one of the practitioners:

“So I think a lot of the time we’ve been quite good, whether that’s meeting people at a café, or maybe, you know, there’s lots of places in the community, libraries – I’ve been to people’s own houses before. It’s trying to find a good neutral ground, again securing engagement rather than just sending a letter saying, why haven’t you come.”

The impact of the one-to-one support from the key worker has also reportedly been a positive element of the programme. Responsive support – driving young adults to hospital when they have been reticent to go, or to college application interviews, or providing warm handovers to a multitude of other organisations, for example – is key to the impact that the scheme delivers for young adults. As one practitioner described:

“It’s the relationship coordinator model that works.”

## Lessons learned

The programme provides a useful case study for approaching good practice in relation to young adults in the out of court disposal space. However, a number of areas for potential improvement have also been identified, which might offer learning for future projects. Once such learning point has been the geographical constraints posed by key workers covering large areas, which has meant that meetings between key workers and mentees have been less frequent than originally planned, limiting the development of this relationship. A practitioner we spoke with explained:

“Being able, then, to develop that mentee/mentor-type relationship with someone [...] I suppose became a little more difficult because we were only seeing people monthly.”

Bureaucratic barriers were reported in the use of personal budgets, due to the nature of the funding, which has deterred its use in certain cases. The dual role presented by the duty to report any sensitive or crime-related information, in contrast with trust-building and attempts to forge a mentor/mentee relationship, could sometimes be at odds for practitioners working within the police service.

### 3. Newham Youth to Adult Hub

#### Introduction

The Newham Youth to Adult (Y2A) hub is a specialised probation service designed to address the needs of young adults (aged 18–25). It was funded initially for three years through the Treasury’s Shared Outcomes Fund, before receiving joint funding from a range of agencies to continue work past 2023, including from the Barrow Cadbury Trust. The aims of the hub were to provide a space that was better adapted to working with young adults, co-locating services that could address their most pressing needs within the space, and promoting pro-social identity, desistance and future oriented support.

Although this case study sits within probation and is not an out of court intervention, the design and implementation of the programme may provide useful learning for effective approaches to young adults in the justice system.

#### Operating model

The Y2A hub functions as a probation service with enhanced provisions such as a dedicated adapted space, a multi-disciplinary team composed of different services, and trained practitioners who specialise in working with young adults. The services available through the hub include emotional wellbeing, speech and language therapy, mentoring and coaching, housing support, employment support, sexual health services, food bank, substance use support and women-specific services. The involvement levels of each of these support services varies, with mentors based in the hub three days a week, and a speech and language therapist co-located full time, while other agencies may have one allocated day per week.

Another important aspect of the hub’s approach is the staff specialism in working with young adults, enabled by the four-day in-depth training course provided to all staff working in the programme across agencies.

Embedded service user engagement within the hub through a partnership with the lived experience organisation User Voice has empowered young adults to have a say in the design of the hub, feeding back on its effectiveness and proposals for improvement.

#### Impact

The provision of key services and case workers trained in carrying out effective needs assessments has allowed young adults to be supported effectively in addressing root causes of offending. The speech and language therapist access has been one of the biggest assets to the programme due to the high demands and waiting lists for similar services in the community. Young adults are provided with “communication passports” through this, alongside diagnoses and help with specific needs, allowing them to improve communication in applications for benefits, college or jobs, for example. Mentoring services were also identified as being crucial to young people’s engagement with the programme and enabling referrals to individually relevant services. Facilities within the hub that focused on meeting basic needs, such as the food bank, sexual health supplies and clothing, were also described as critical before any other work could be done within the programme. The approach of sequencing referrals to deal with priority needs first, before referring to services for other needs, avoided the risk of overwhelming young adults in order to maximise continued engagement and the effectiveness of the interventions.

#### Lessons learned

Certain services within the hub were found to be less effective for young adults and received lower rates of referrals. This included the “meaningful activities” service, which was seen to overlap

with interventions that young adults were receiving through other services, such as outdoor activities already run by mentors or art therapy received through emotional wellbeing services. The duplication of work was therefore an issue in rendering some services less useful in the programme.

RJ services also received a low number of referrals due to reticence on the part of young adults to engage with this. Staff reflected that this could be a result of the young adult needing to open up to and trust a separate professional in this process and speculated that RJ may be more successful if it was embedded in the mentoring service, given the importance of relationship-building and trust for this age group.

# The experiences of young adults

## Methodology

As part of this project, we aimed to include young adults' perspectives on their experiences of receiving OOCRs, and their opinions on the priority areas for change.

We partnered with peer research organisation User Voice to recruit young adults for the project, inform research materials and carry out interviews and focus groups alongside us. Through this, our intention was to ensure that all parts of the project were shaped by a lived experience perspective. The research design included questions centred on how young adults experienced conditional cautions, what interventions they received as part of this, any youth justice experience they may have had, and their perception on how practice in this area could be improved. We carried out an in-person focus group with three young adults who had received a conditional caution, and online semi-structured interviews with another three young adults who had received a conditional caution, speaking to a total of six participants. Of these, two were women and four were men. The offences that had led to their conditional cautions included: shoplifting (2), common assault, hate crime, malicious communication and GBH. Two of the young adults were care experienced.

One limitation of this part of the research was the low number of participants we were able to recruit due to difficulties in reaching and engaging this group. Our initial ambition had been to carry out two in-person focus groups with five to eight participants in each, and we subsequently adapted our approach to include interviews when we were not able to engage with as many service users in this way.

## Findings

### Needs and challenges faced as young adults

The first theme that emerged from the conversations with young adults was the needs they had and challenges they faced at this stage in their lives, and that these needs were often linked to the offence that they had been arrested for.

As some participants were describing experiences that had taken place several years earlier, they were able to take a more reflective approach to their offence and spoke about the influence of their still-developing maturity on their arrest. This aligns with the literature on the causes of young adults' offending, showing that there was some consciousness from young adults themselves of the influence of socio-emotional processing maturity on behaviour. One young adult detailed an incident that had taken place when she was 18 years old, and retrospectively recognised that she had not developed the skills to regulate her emotions at the time. Another recounted that he had been very susceptible to the influence of his peers at the age of 18 and 19, which had led to his offences.

**“When you're young, you don't really have control of your emotions, you're not emotionally mature.” –Focus group participant**

**“It was actually sort of getting into the wrong crowd when I was 18/19... people were showing me the tricks and stuff.” – Focus group participant**

Other participants highlighted the role of the practical challenges they were facing in their offending behaviour. Several evoked financial difficulties and the inability to find employment as key drivers of the shoplifting offences that had led to arrest. They mentioned that their priorities for support would include signposting to basic services such as local food banks or referrals to professionals who could help with employment access. This also reflects the evidence context that social factors, such as the development of independent roles, and stability in employment, finances, housing and relationships, are often challenging for young adults to achieve, and can be a driving factor in offending where this is absent.



“Shoplifting, the reason why I done it, ‘cause basically it’s too expensive... products and stuff like that, it was too expensive, basically, food.” – Focus group participant

“Even an advisor guiding me on where to go for information, like where to look for a job or something like that, it would’ve helped me out.” – Focus group participant

Care-experienced participants also pointed to their specific circumstances and needs relating to the lack of ongoing support received in early adulthood. Some reported that inadequate support given to them in their childhood and teenage years had left them distrustful of services and professionals as a whole. It seemed that the care leavers’ support that these participants should have been entitled to was not in place for them.

“I was kind of dumped in a hostel and left on my own.” – Interview participant

“I just would’ve wanted more people around me to help me... but now, I’ve just learned and dealt with it, so I just carry on.” – Interview participant

Overall, these conversations made it clear that participants were often aware of the link between their needs and the offences they had committed. The challenges highlighted in the literature as prevalent in young adults were reflected in the experiences described by participants we spoke to.

### **Difficulties in understanding processes**

In terms of the process of receiving a conditional caution, the young adults we spoke to seemed to experience difficulties at the police station, and with understanding what this disposal would entail for them.

Many participants emphasised the complex language used by police at the station when they were explaining the process to them, the conditions attached to their caution and the consequences of breaching these. Although several also recognised that their frame of mind after arrest and while at the police station lessened their capacity to absorb information, they had expected that the important points would be conveyed to them in a more accessible way. The written information and forms that some young adults were given to fill out as part of the caution were also found to be overly complex and included unnecessary jargon that made it inaccessible to them.

“They don’t explain it; they just say all this jargon – what they should say is this means that if you don’t do that.” – Focus group participant

“You need a law degree to understand it.” – Focus group participant

“I was meant to fill out some forms and stuff, but I would say their forms were very difficult, very hard to understand.” – Interview participant

Some participants suggested that this could be addressed by using different mediums such as simplified leaflets or videos to explain what a conditional caution is and how it works.

### **Lack of trust in police**

Several participants expressed a more deep-rooted distrust of the police, which had only been worsened by poor communication during their conditional caution. Previous interactions that young adults had as children with the police, or indirect contact they had through family members’ encounters, had shaped perceptions and relationships with them.

“[the police officer] said, why would I listen to you, you’re just a child, a stupid little girl.” – Interview participant

Others highlighted the need for a voice that is independent from the police to support them, both within the police station and as a point of contact throughout their interventions or conditions. One participant also highlighted her need for a safe space and independent professional with some understanding of sexual abuse, as she had recently experienced abuse, which had led to her offence and subsequent arrest.

**“Having somebody there that isn’t a lawyer or a police officer to kind of sit down and explain what is happening and understand the options.” – Focus group participant**

**“Someone that was specialised [in dealing with sexual abuse] because I don’t think they understood the situation” – Focus group participant**

This distrust in the police, as well as the need for support that went beyond a police officer’s role, meant that police were often not the best-placed people to talk to young adults, determine the causes of their offence, and therefore decide on and coordinate interventions. This reflects evidence and case study findings that a mentor or caseworker outside of the police would be better placed to complete a needs assessment and be the point of contact for conditional caution interventions.

## **Experiences of ineffective interventions**

Among the young adults that we spoke to, a number spoke negatively about the conditions or interventions they received as part of their caution. They reported that negative experiences were primarily due to a lack of personalisation of interventions, which resulted in them being inappropriate or ineffective.

Some young adults described their interventions as being based on surface-level causes of behaviour rather than on more thorough examinations of the factors that had caused offending. None of those who experienced this seemed to have had any thorough needs assessment done as part of their caution. One participant expressed that he felt a behavioural course could have been beneficial to him, but that the narrow and specific anger management session he was put on was entirely irrelevant to his drivers of behaviour. Another believed that unaddressed and unsupported poor mental health was the primary cause of his offending and reflected that support with this rather than the questionnaire on “rights and wrongs” he was given would have had more impact on his ability to address his offending behaviour.

**“I think they gave me the wrong course, you know? I didn’t need an anger management course because I’m not an angry person... I feel like they could have put me in something different just to, like, help me understand what had happened.” – Interview participant**

**“I would more say I was having problems with mental health, and the support wasn’t there for me.” – Interview participant**

This illustrates that the young adults consulted were not reticent to address the root causes of their offending behaviour or participate in interventions, but were often receiving conditions that did not support them in moving towards desistance. In other instances, interventions attached to cautions were not only ineffective and untailored but also inaccessible to participants. One of the young adults spoke about the impact of her learning disabilities, autism and dyslexia on her offence, and explained how she was put on a course about consequential thinking that did not account for this and was made to fill out a questionnaire that she could not read.

**“[the course] was useless; it was basically saying things I already knew, but obviously with my disability and that, I just go, like, I don’t have time to think – it just comes out. ‘Cause with me, I’m like a toddler, I’ve got no filter... If someone was reading out the questions and me just answering it, all that would be easier because I’ve got dyslexia.” – Interview participant**

Overall, the young adults who reported having unhelpful experiences with interventions were all given courses that took place online, often as a one-off session that did not encompass any assessment of needs or any tailored approach to support.

## Characteristics of effective interventions

The young adults we spoke to who conversely had positive experiences with their interventions described receiving tailored and multi-pronged approaches that focused on their underlying needs, including behavioural, emotional, financial and any other relevant issues faced. These interventions also encompassed punitive conditions that accounted for individual needs and contexts.

Firstly, of those who found their experiences helpful, all three explained that they had been given several different conditions as part of their interventions. These included support with addressing basic practical and mental health needs, sessions focusing on behavioural factors, participation in community services or similar volunteering, and counselling or assessments for relevant special educational needs and disabilities (SEND) diagnoses. All of them reported that the combination of interventions was based on the wider pressing needs they had in their lives that had contributed to their offending, as well as the more direct influence of behavioural triggers that were relevant. One participant summarises the life-altering impact of the range of interventions he received:

**“I had, like, a multi-pronged approach with, like, the anger management, with the job stuff, with the community service as well; it was quite intense, and at times I would say it was overwhelming but in understanding the positive intention, it was definitely steering my life in the right direction.” – Focus group participant**

The importance of addressing basic needs, before delving into a more specific focus on altering behaviour, was highlighted by some of the young adults we spoke to. As several had received conditional cautions for offences caused by financial hardship – such as shoplifting – support with accessing direct services, food banks and employment in the longer term, was crucial to them.

**“For me, we had an employment officer, and they came and they kind of like sat with us one to one, tried to build a CV, tried to look at courses which would be paid.” – Focus group participant**

It was also mentioned, however, that financial considerations needed to be accounted for more broadly when those struggling with money were made to attend various in-person parts of their interventions. One participant described having difficulty keeping up with the cost of travel and food while carrying out the in-person reparative conditions with his intervention, despite finding the experience rewarding overall. The provision of a personalised budget to cover these types of costs, as in the Gateway Project case study, would be valuable in addressing this issue.

**“If you’re struggling with money – that would be a bit of a help for me, even, like, on my transport or something like that... even food and stuff like that.” – Focus group participant**

Another participant worked with a social worker as part of her intervention, who she described as helpful in supporting her with the range of vulnerabilities and issues she was facing as a survivor of abuse. The social worker was able to assess her needs to inform the wider interventions given as part of the caution and fast-tracked a referral to a speech and language therapist who diagnosed her with autism. This then guided the other interventions she received, including support from a therapist and cognitive behavioural therapy sessions, as well as a more punitive volunteering condition attached, which was sensitive to her needs. As she struggled in certain environments due to her autism and experiences of abuse, the volunteering element accounted for this and placed her at a youth justice mentoring centre, which also aligned with her career ambitions to work with children.

**“I couldn’t be able to sit in a group and divulge... it was very one-to-one. It was customised for me, so I felt like they really refined me to get better.” – Focus group participant**

The courses that these participants were given around socio-emotional regulation and behaviour, such as anger management, were also seen to be much more effective than those given to the group who had negative experiences. Key differences reported between these two interventions were that those who had positive experiences explained that their courses ran as in-person sessions that took place over a sustained period rather than as a one-off online session. Participants reflected on some of the useful elements of these interventions, such as the sharing of experiences between peers and the use of immersive techniques, as one young adult described being brought to a boxing gym to channel his energy as part of this course.

**“The anger management course was really interesting because it looked at things like triggers... and looking at strategies to prevent it from escalating, like breathing... I’m using some of these techniques even today,” – Focus group participant**

In summary, where interventions took into account a thorough assessment of young adults’ needs and looked to address some of the root causes of offending through support, the impact of these conditional cautions seemed to be much more positive in their lives, and reportedly on the likelihood they would desist from offending.

## Promising practice Principles

These promising practice principles have been developed using the literature around young adults, evidence relating to current practice failings, case studies of successful OOCR approaches for young adults, and the experiences of young adults heard through this research. These principles aim to provide guidelines to support improved practice for police in relation to giving young adults OOCRs.

### Principles for electing a caution as an appropriate outcome

- 1. Avoid formally cautioning young adults for drug possession offences where community diversion, and specifically outcome 22, can be used.**

Drug possession is the second-highest category of offence for which young adults receive a criminal disposal. Evidence strongly supports a presumption towards the use of community diversion for drug possession, to minimise contact with the justice system and the resulting implications of a criminal record, as well as to avoid the racial disproportionality created by the requirement for an admission of guilt in other disposals.<sup>48</sup>

Ministry of Justice statistics show that 31% of drug possession offences for young adults between 2020 and 2021 resulted in either a statutory OOCR or a prosecution.<sup>49</sup> This suggests that there is still some variation in how OOCRs are used by police forces, and the practice of community diversion for drug possession needs to be increased.

- 2. Ensure age and maturity are considered as mitigating circumstances under the gravity matrix when determining an outcome.**

Evidence around brain development and maturity outlined in this briefing highlights the importance of this in contributing to young adults' offending. This is recognised in the adult gravity matrix, since "age and or/lack of maturity where it affects the responsibility of the offender" is considered a mitigating factor.<sup>50</sup> However, literature points to some cultural reluctance within the police to consider maturity in relation to outcomes at times,<sup>51</sup> suggesting there is still some work to be done in establishing this as standard practice.

### Principles for implementing cautions

- 3. To ensure a thorough and appropriate assessment, establish a needs assessment process that leverages specialist practitioners rather than relying on police officer discretion.**

The body of evidence around distrust of the police among young adults, as well as the centrality of effective relationship-building to their engagement with interventions,<sup>52</sup> strongly suggests that an external practitioner would be better placed to carry out needs assessments. Senior police practitioners from the Gateway Project also emphasised the importance of having external "navigators" assessing needs and establishing interventions in order to foster engagement and success in the project.

- 4. Ask young adults about any history of youth justice service (YJS) involvement to access and build on previous needs assessments and interventions.**

Many young adults entering the adult justice system have had experience in the YJS, from which resources and relationships could be taken and built upon. The increased difficulty in engaging young adults, as highlighted in the evidence around the importance of relationship-building, can mean previous youth justice resources and relationships are especially useful.

- 5. Check whether young adults are care leavers and if they are entitled to any more support upon leaving care services.**

Care-experienced individuals are hugely over-represented in the justice system. Although care

leavers are legally entitled to a certain amount of support until the age of 25, including a personal advisor, many are not accessing this.<sup>53</sup> As reflected in the experiences of those spoken to through this research, many of these young adults feel abandoned by the system, and may have a lot to benefit from by accessing the support they are entitled to.

**6. Tailor interventions to distinct needs by mapping out the range of existing local services rather than commissioning narrow pathways to interventions.**

The quality of interventions is reliant on needs assessments as well as the availability of services and funding to carry out interventions. Narrow pathways that lead to one-size-fits-all approaches are not effective at supporting or rehabilitating young adults. While there are few “young adult”-specific services, officers and navigators should seek out skills-based interventions and services that respond to the needs often present in young adults. As outlined above, the practice adopted by the Devon and Cornwall police force to forge strong partnerships with a multitude of statutory services and third-sector providers, with over 50 organisations available to them, has allowed for much more tailored and effective interventions.

**7. Prioritise skills-based interventions and mentorship programmes that focus on young adults’ prevalent needs, including entering employment and education.**

The evidence shows a correlation between young adults’ offending behaviour and the transitory phase of social development that this group are often experiencing, with financial, employment and relationship instabilities in their lives, as well as the impact of emotional and developmental factors. Focusing on skills-based interventions can provide a pathway to stability in these areas, as well as addressing emotional regulation through mentorship and behavioural programmes.

**8. Consider intersectional needs, for example by referring young adult women to women’s hubs, racially and ethnically minoritised young adults to by-and-for services that fit their needs, and those with disabilities to services that cater to them.**

As young adults are not a homogenous group, and have distinct needs based on their gender, race, ethnicity and neurodiversity, for example, tailoring approaches to this is also crucial to ensuring effective intervention provision.

## Conclusion

Improvements in the delivery of OOCR practices for young adults provide an important opportunity to increase long-term desistance and decrease the number of people becoming entrenched in the CJS. Adopting a needs-informed, tailored and empathetic form of practice is crucial to supporting young adults in this regard. While the argument may be made that this approach should extend to everyone in the justice system – which is not necessarily incorrect – the prevalence of needs paired with a lack of maturity and stability to cope with these needs among young adults makes them especially worthy of focus. The increased potential for desistance among young adults, given the age–crime curve, also suggests this group may be particularly receptive to interventions that could facilitate desistance.

The promising practice principles outlined above provide a guide to how police forces can ensure their approach is adapted to young adults. Standardising these principles across police forces would prevent regional inequalities in support and enable young adults to receive a more phased approach, with similarities to the youth justice approach. Developing these practice principles into official guidance, by the NPCC, would also be invaluable in implementing good practice as standard. Building on existing services by forming strong partnerships with existing third-sector organisations and implementing effective needs assessments will be central to developing effective interventions. However, those with responsibility for commissioning these services – such as police and crime commissioners or mayors would also need to provide funding for these services and third-sector organisations in order to create capacity for additional activity.



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