

Quick Guide to Out of Court Disposals

Evidence is key to a successful outcome following an arrest but the police must also consider public interest factors when deciding whether to take a suspect to court. How serious is the offence? What is a suspect's culpability (responsibility)? What was the harm caused? What was the age of the suspect at the time of the offence? Is a court prosecution a proportionate response? Are there sources of information which require protection?

There are other disposals that the police can use as an alternative to court:-

Penalty Notices for Disorder (PNDs) provide the police with a swift punishment to deal with low level, anti-social and nuisance offending and may be given either at the police station or on the spot. The person given a PND has 21 days to either pay a penalty of £60 or £90 (depending on the offence) or request to be tried at court. If the person fails to do either option then a fine of one and a half times the penalty amount is registered in the Magistrates Court for enforcement. PNDs can only be given to persons aged 18 years and over.

<https://www.gov.uk/government/publications/penalty-notices-for-disorder-guidance-for-police-officers>

Simple Cautions may be offered by the police when the offender admits an offence and there is sufficient evidence for a realistic prospect of conviction but it is not in the public interest to prosecute through the courts. Only in exceptional circumstances, and with agreement between the police and the Crown Prosecution Service, would a simple caution be given for a more serious offence or for certain types of offences such as domestic abuse and hate crime.

<https://www.gov.uk/government/publications/simple-cautions-guidance-for-police-and-prosecutors>

<https://www.gov.uk/government/publications/youth-cautions-guidance-for-police-and-youth-offending-teams>

Conditional Cautions are the same as simple cautions but have conditions attached that the offender must comply with. This may be things like attending drug or alcohol services, carrying out community service (youths) or paying compensation to the victim. If the offender does not comply with the conditions, the case is reviewed and the offender may be sent to court for the original offence.

<https://www.gov.uk/government/publications/code-of-practice-for-adult-conditional-cautions>

<https://www.gov.uk/government/publications/code-of-practice-for-youth-conditional-cautions>

Restorative Approaches provide the victims of low level offences the opportunity to communicate with their offender through police officers to explain the real impact of the crime and to have a say in how they want the offender to put right the harm caused. This may be an apology, compensation or making good damage caused. The approach encourages offenders to recognise how their activities affect others and that they are responsible for their choices and actions and can be held accountable for them. Restorative approaches can be used in conjunction with other penalties.

<https://www.gov.uk/government/publications/restorative-justice-action-plan--2>

Cannabis Warnings are a formal warning from a police officer given for possession of small amounts of cannabis for personal use.

<https://www.gov.uk/penalties-drug-possession-dealing>