

Conditional Cautioning – DIP Condition FAQs

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1. What is the purpose of a Conditional Caution with a DIP condition?

Conditional Cautions are intended to be a swift and effective means of dealing with straightforward cases where the offender has admitted to the offence and agreed to comply with specified conditions. The disposal should be used where the Crown Prosecution Service (CPS) have decided it provides an appropriate and proportionate response to the offence and the offending behaviour.

2. Does a Conditional Caution replace a non-statutory police caution?

No. Non statutory police cautions continue to be available as an alternative to prosecution in certain cases. However, a Conditional Caution places an extra requirement onto an offender to either address the cause of their offending or to apologise/compensate the victim.

3. What types of Conditional Cautions' are available?

There are several different types of Conditional Caution including rehabilitative (including drug misuse), reparative (including compensation & letter of apology to the victim) and restrictive. More than one condition can be attached to any caution.

4. What is the Conditional Caution - DIP condition?

A Conditional Caution with a DIP condition is designed to direct drug misusing offenders into DIP to address their drug misusing behaviour. This condition needs to be an appropriate and proportionate response to the offending behaviour. The DIP condition is flexible, responding to the specific needs of the offender. It may range from a One Session Condition, requiring an offender to remain at a single session with a CJIT drugs worker, to a Three Session Condition with a Follow-Up Condition (requiring an offender to attend three separate sessions in addition to participating in follow-up treatment and/or any other help and support.

5. What should the Conditional Caution - DIP condition include?

As a minimum it should include:

- An assessment of the offender's drug misuse, to establish their dependency on or propensity to use drugs. The assessment should include: evaluation of risk, drug misuse and potential referral to other specialist agencies.
- The CJIT drug worker providing harm minimisation and general drug awareness advice in addition to outlining the availability of relevant wraparound services.
- A review of the offender's readiness to engage and their suitability for further intervention.

6. When should a Conditional Caution – DIP condition be administered?

A Conditional Caution – DIP condition is appropriate where a Crown Prosecutor believes that while the public interest justifies a prosecution in the first instance, the interests of the victim, community or offender outweigh the seriousness of the offence. Therefore it may be more appropriate for the offender to comply with suitable conditions aimed at reparation or rehabilitation. The Crown Prosecutor must also carefully assess the likelihood of further offending. The Crown Prosecutor should consider whether the expected outcome of the case at court could have an impact on future offending that could not be achieved by the Conditional Caution. Where this is so, the matter should proceed to court.

7. What type of offender is a Conditional Caution – DIP condition aimed at?

A Conditional Caution – DIP condition can be particularly effective with first time offenders and drug misusers who have not yet realised or acknowledged the possible consequences of their continued drug misuse and offending behaviour. Previous offending history does not preclude an offender from receiving a Conditional Caution and therefore each case should be judged on its own merits. This out of court disposal may be utilised to re-engage offenders who have

dropped out of treatment. It may also be considered for offenders who have, for example, failed to attend and remain at required assessments.

8. Do I need to complete a DIR as part of their Conditional Caution - DIP condition?

For those not already on the caseload, a DIR should be completed on every individual who has a triage assessment as part of their Conditional Caution, as it would be for other DIP clients. The fact that the contact was prompted because of a Conditional Caution should be recorded in section 4.5 of the DIR form.

9. Can offenders be charged a fee for attending a Conditional Caution – DIP condition appointment?

No. Conditional Caution – DIP conditions are administered by the CJIT and should be funded through the DIP Main Grant.

10. Is the use of a Conditional Caution - DIP condition restricted to DIP intensive areas?

No. This out of court disposal can be utilised in both DIP intensive and DIP non intensive areas. A Conditional Caution – DIP condition therefore provides non-intensive areas with a further DIP intervention to direct drug misusing offenders into the help and support they need which may include treatment where appropriate.

11. What takes priority a Required Assessment, or a Conditional Caution - DIP condition and how is it recorded on the RA – Assessment Form?

An Initial Required Assessment would usually be conducted in all instances. When a Required Follow Up Assessment has already been arranged it will become necessary to cancel this appointment, once the offender has agreed to the DIP conditions (of the Conditional Caution) and the Police have administered / documented the disposal on the form MG14. The cancellation of the Required Follow Up Assessment should be recorded at 5.1 on the RA – Assessment form endorsing 'No' and at 'Did not attend – other – give details' by stating 'Conditional Caution administered' in the free text box. If a Required Follow Up Assessment has not been arranged because the Conditional Caution was administered prior to the appointment being made, then this fact should be recorded at 4.3 on the RA – Assessment form endorsing 'No' and 'Conditional Caution administered' in the 'Other – give details' free text box.

12. Is administering a Conditional Caution with a DIP condition a bureaucratic process?

No. The normal process for administering a Conditional Caution with a DIP condition is the offender must first accept responsibility by admitting the offence in compliance with the requirements of the PACE 1984 and then agree to comply with the conditions of the conditional caution as recommended by the police. This information together with any relevant facts obtained from a CJIT drug worker assessment should be communicated to the Crown Prosecutor by means of the form MG14. The Crown Prosecutor will then decide whether a Conditional Caution is an appropriate disposal for the offender.

13. Are CPS aware of Conditional Cautioning with a DIP condition?

Yes. All CPS Crown Prosecutors, including CPS direct, have been fully trained in the Conditional Cautioning process including the use and benefits of the DIP condition as a rehabilitative disposal.

14. How successful is Conditional Cautioning with a DIP condition?

Only 6% of people who are given Conditional Cautions fail to comply with the conditions. Local CJITs will want to ensure the effectiveness of Conditional Cautioning within their own areas as a means of engaging drug misusing offenders into treatment and/or other help and support.

15. What happens when someone fails to attend?

If an offender fails to attend a session of a DIP condition the CJIT drug worker must notify the police and provide them with a witness statement detailing the circumstances. Legislation states that the police may arrest any person under section 24A (1) of the Criminal Justice Act 2003 if they have reasonable grounds for believing they have failed without reasonable excuse to comply with any conditions of a Conditional Caution. Where the police are satisfied that there is no reasonable excuse for non-compliance they will refer the case to the CPS. A Crown Prosecutor will decide whether or not the offender should be charged with the original offence.

16. Whose responsibility is it to consider administering a Conditional Caution with a DIP condition?

The Director's Guidance on Conditional Cautioning – issued by the Director of Public Prosecutions under Section 37A of the Police and Criminal Evidence Act 1984 – makes it clear that Police officers and Crown Prosecutors should work together to ensure that a Conditional Caution is considered wherever it is appropriate. Please see pages 16-17 of the Conditional Cautioning - DIP condition guidance for more information on this process.

Please see http://cps.gov.uk/publications/directors_guidance/conditional_cautioning.html for further information.

17. How effective is Conditional Cautioning with a DIP condition in non-intensive areas?

Non-intensive areas have found Conditional Cautions with a DIP condition to be an effective intervention to engage drug misusing offenders into treatment and/or any other help and support.

18. What kind of offender is suitable for a Conditional Caution with a DIP condition?

A Conditional Caution with a DIP condition can be considered for drug misusing offenders. It is expected that the majority of offenders who are offered a Conditional Caution with a DIP condition will have misused a Class A drug. Examples of offenders include: those arrested for simple possession; those arrested for low level acquisitive crime; most will be relatively new to the Criminal Justice System and have a limited criminal record. But, a history of previous convictions does not preclude the use of Conditional Cautioning where appropriate. Each case should be considered on its own merits, the Crown Prosecution Service (CPS) will decide if the disposal provides an appropriate and proportionate response to the offence and the offending behaviour.

19. What are the benefits of administering a Conditional Caution with a DIP condition?

The use of Conditional Cautioning with a DIP condition allows the police, drug services and prosecutors to make an informed decision about an individual's drug misuse and offending behaviour. In conjunction with each other an out of court disposal can be offered to divert an offender from the court and into a structured disposal designed to address their drug misusing offending.

20. What appears on a criminal record when administering a Conditional Caution with a DIP condition?

Conditional Cautions form part of an offender's criminal record. Conditional Cautions given for recordable offences will be entered on the Police National Computer (PNC) and quoted on Standard and Enhanced Disclosure certificates. Therefore, this information will be disclosed to an employer if the offender is employed in a notifiable occupation.

21. Would a Conditional Caution with a DIP condition be an appropriate disposal for those arrested for prostitution offences?

Yes. 97% of individuals involved in 'on-street' prostitution have a Class A drug problem. A conditional caution with a DIP condition would present the opportunity to break the cycle of drug misuse and prostitution. This disposal will offer the chance to divert these individuals away from the Criminal Justice System and into help and support, and those services that help women out of prostitution.

22. Is it appropriate to administer a Conditional Caution with a DIP condition for failing to attend and remain at a Required Assessment where the offender has numerous previous convictions?

Each case should be judged on its own merits in relation to offending history. However, a Conditional Caution with a DIP condition may be suited to individuals who are not being prosecuted for other criminal offences but are in need of help and support. In this instance a Conditional Caution with a DIP condition may provide a constructive and effective disposal.

23. Should a Conditional Caution with a DIP condition be administered for Non-problematic Drug Users (NPDU)?

A Conditional Caution with a DIP condition may well be appropriate for NPDUs (non-problematic drug users) or 'recreational' users. A Conditional Caution with a DIP condition would allow a CJIT worker to offer harm minimisation and other appropriate advice, and help them into treatment and other forms of support where appropriate. A Conditional Caution with a DIP condition in these circumstances may be particularly beneficial in preventing an escalation into problematic drug misusing offending.

24. Does a Conditional Caution with a DIP condition fit into a hierarchy of out of Court disposals?

There is no hierarchy of out of Court disposals. The police should consider each case upon its own merits and utilise a disposal which is both appropriate and proportionate to the offence and the offender. Further guidance may be found at: http://police.homeoffice.gov.uk/publications/operational-policing/Out_of_Court_Disposals.pdf?view=Binary

I. CONTACTS

Please send any questions to

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