

NIPPING IT IN THE BUD

A swift and effective alternative to prosecution, the Conditional Caution with a Drug Interventions Programme (DIP) condition provides an early opportunity to identify drug-misusing offenders and engage them in appropriate treatment and support before they spiral into a more serious cycle of drug misuse and crime.

No soft option, DIP conditions call for a genuine and practical commitment to individually tailored programmes with a sanction of prosecution for the original offence if offenders don't comply.

AN APPROPRIATE AND PROPORTIONATE RESPONSE

Designed for use in less serious cases, the DIP condition responds to the specific needs of the offender. It can range from a one-session condition, which requires an offender to remain at a single session with a Criminal Justice Intervention Team (CJIT) drugs worker, to a three-session condition with a follow-up. This more stringent condition, which requires an offender to attend three separate sessions and to participate in follow-up treatment and other help and support if required, demands much more commitment and may be appropriate for a low-level offender even where there's some history of previous drug-related offending.

Either way, Conditional Cautions appear on an offender's criminal record and will be quoted on Standard and Enhanced Disclosure certificates.

From December 2008, Conditional Cautions will fall within the scope of the Rehabilitation of Offenders Act 1974 and will carry a rehabilitation period of three months.

SIMPLE TO ADMINISTER

Provided the offender admits the offence in a Police and Criminal Evidence Act 1984 (PACE)-compliant interview and agrees to fulfil specified conditions, administering a Conditional Caution with a DIP condition is as simple as submitting form MG14, together with any relevant facts from a CJIT drug worker assessment, to the Crown Prosecutor. They will then decide whether a Conditional Caution is appropriate for the offender.

Each DIP condition should include:

- an assessment of the offender's drug misuse (including evaluations of risk, drug misuse and potential referral to other specialist agencies) to establish their dependency on or propensity to use drugs;
- the CJIT drugs worker providing harm minimisation and general drug awareness advice in addition to outlining what relevant wraparound services are available; and
- a review of the offender's readiness to engage and their suitability for further intervention.

AN EFFECTIVE DETERRENT

Conditional Cautioning is an extremely effective way of engaging drug-misusing offenders both in DIP intensive and DIP non-intensive areas in treatment and other help and support if required. Research shows that four out of five people who are given Conditional Cautions are found to comply with the conditions.

Particularly effective in the case of first-time offenders and drug misusers who haven't yet realised or acknowledged the possible consequences of their continued drug misuse and offending behaviour, Conditional Cautioning can also be used to re-engage offenders who have either failed to attend or failed to remain at required assessments.

The consequences are severe for those who fail to meet a DIP condition. Where the police are satisfied that there's no reasonable excuse for non-compliance, they will refer the case

to the Crown Prosecution Service (CPS). A Crown Prosecutor will then decide whether or not the offender should be charged with the original offence.

THE RIGHT SOLUTION

Generally speaking, the DIP condition is intended for use in less serious cases involving drug misusing offenders in the early stages of their offending behaviour. Specific examples include those arrested for:

- misuse of a Class A drug;
- simple possession; and
- low-level acquisitive crime.

Other groups for whom it may be appropriate include those involved in 'on-street' prostitution, non-problematic drug users or 'recreational' users where a Conditional Caution with a DIP condition may prevent an escalation into problematic drug misuse.

Most offenders will be relatively new to the Criminal Justice System and have a limited criminal record. However, a history of previous offending should not preclude the use of Conditional Cautioning where appropriate. Each case should be considered on its own merits.

A JOINT RESPONSIBILITY

The Director's Guidance on Conditional Cautioning makes it clear that police officers and Crown Prosecutors should work together to ensure that a Conditional Caution is considered wherever it's appropriate. Conditional Cautioning therefore provides a unique opportunity for prosecutors, the police, defence lawyers and treatment services to be jointly involved in this out-of-court process.

ACHIEVING KEY TARGETS

Along with other DIP interventions, Conditional Cautioning with a DIP condition can also be a key tool in helping local partnerships deliver against priority national indicators, such as:

- PSA 25, relating to the reduction of the harm caused by drugs; and
- PSA 23, which relates to making communities safer through the reduction of acquisitive crime and re-offending.

FURTHER INFORMATION

Conditional Cautions aren't the only alternative to prosecution. Non-statutory police cautions

(also known as simple cautions) can also be used, but Conditional Cautions place an extra requirement on an offender to either address the cause of their offending or to apologise to and/or compensate the victim.

Drug Interventions Record (DIRs) should be completed on every individual who has a triage assessment as part of their Conditional Caution. You should record the fact that the contact was prompted by a Conditional Caution in section 4.5 of the DIR form.

If a Conditional Caution is administered after a required follow-up assessment has been arranged, you should cancel the follow-up assessment. Simply write 'No' at section 5.1 on the RA – Assessment form, then in the free-text box at 'Did not attend – other – give details', state 'Conditional Caution administered'. If the Conditional Caution was administered prior to an appointment being made for a required follow-up assessment, write 'No' at section 4.3 on the RA – Assessment form and state 'Conditional Caution administered' in the 'Other – give details' free-text box.

An arrestee's own admission to the offence and related drug misuse is sufficient to make it worth considering use of the DIP condition, providing it meets the criteria set out under PACE, regardless of the type or classification of drug involved.

Four out of five people who are given Conditional Cautions are found to comply with the conditions.

FOR MORE INFORMATION

To get the best outcomes from this type of disposal you should read the latest guidance. This builds on its practical application in several pilot areas.

For operational guidance:

<http://drugs.homeoffice.gov.uk/publication-search/dip/DIPCCGuidance>

For the latest FAQs on DIP and Conditional Cautioning:

<http://drugs.homeoffice.gov.uk/publication-search/dip/DIPCCFAQs>

Further guidance on out-of-court disposals:

http://police.homeoffice.gov.uk/publications/operational-policing/Out_Of_Court_Disposals.pdf

For more information on how police officers and Crown Prosecutors should work together to administer Conditional Cautions:

http://cps.gov.uk/publications/directors_guidance/conditional_cautioning.html

For general information on Conditional Cautioning:

www.cjsonline.gov.uk

If you have any specific questions, please contact:

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