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Police use of diversion: The voices of people with lived experience of criminal justice



Key points

- Diversion through out-of-court resolutions is widely recognised for reducing reoffending and saving costs and resources in the criminal justice system. However, police use of diversion is inconsistent, with significant variation in availability and quality of provision and funding.
- Greater use of police diversion with vulnerable adults has the potential to break the cycle of crisis and crime.
- People with lived experience of the criminal justice system are rarely consulted when policies or guidance on the police use of diversion are developed. Yet, they offer profound insights to inform effective change.
- For people with lived experience, diversion programmes offer a meaningful opportunity to improve a criminal justice system in crisis. To succeed, diversion must be timely, easy to understand, and supported by person-centred interventions that address individual needs and tackle the root causes of crime and vulnerability.

Summary

This research was undertaken in collaboration with Revolving Doors, a charity that aims to improve services for people with multiple needs, who are in repeat contact with the police and criminal justice system.

The project explored police use of diversion with Revolving Doors lived experience members to understand in what context police diversion could be offered, how it should be implemented, and

what impact it could have on future offending. The project highlights the importance of including lived experience voices in discussions on diversion, and the transformative potential these schemes could have on those stuck in the revolving door of crime and criminal justice. As part of the Centre's commitment to co-produce research with service providers and lived experience, these findings will influence the project team's wider study of police diversion. This will contribute to national conversations around the use of diversion in policy and practice.

Background

Out of Court Resolutions (OoCRs) in England and Wales are strategies that aim to resolve an offence without an individual needing to appear in court. Police diversions are discretionary interventions offered during the pre-charge process, diverting an individual away from prosecution and towards support. Alternatives can include 'no further action', cautions, warnings, restorative justice measures and programmes utilising community resources to address individual vulnerabilities and unmet social needs.

The National Police Chiefs' Council (NPCC) advocates for the use of diversion, providing guidance to police forces in England and Wales to ensure mechanisms are proportionate and effective alternatives to formal prosecution. The NPCC promotes the use of diversionary programmes to address contributing factors of offending, namely mental health, problems with drugs and/or alcohol and other social vulnerabilities. Guidance also advocates for a victim-focused approach, with emerging research indicating growing support for diversion amongst those who have been affected by crime. Police forces nationwide are adopting a new statutory two-tier system, consisting of an upper tier disposal 'diversionary caution' and a lower tier 'community caution'.

Most OoCRs require an admission of guilt or acknowledgement of responsibility as a condition before diversion is offered and consent secured. While this encourages the acceptance of responsibility, for some groups, namely ethnically

minoritised and young people, ingrained mistrust in police and a reduced likelihood of pleading guilty, can exclude them from this type of support. Deferred prosecution schemes allow for criminal charges to be suspended on condition that the individual fulfils an agreed programme. Criminal charges for the offences can be dropped and excluded from a criminal record, upon successful completion. Deferred prosecutions result in an Outcome 22. This Home Office code, intended to reflect where a diversionary intervention has been used in a case that does not meet the public interest test to take any further action, currently is not considered a positive outcome by His Majesty's Inspectorate, despite their constructive use in diverting people away from future criminality.

Yet, as evidenced by the **Leveson Report (2025)**, support for diversion programmes has been growing. The need to address prison overcrowding and court backlogs has become a financial burden and political issue. Recycling vulnerable people through the criminal justice system creates huge family and societal costs, and highlights the need for rehabilitation over criminalisation. By adopting a public health approach, diversion has the potential to be a cost-effective solution to dealing with low-risk and repeat offenders, with reoffending costing the UK economy £23bn annually, **according to Revolving Doors**. However, police-initiated diversion is not mandatory, even when an individual meets the criteria, and is inconsistently used, resulting in something of a postcode lottery.

While there are ongoing debates about the role of police-initiated diversion in the criminal justice system, discussions are often top-down and expert-led, centring on young and first-time offenders, frequently overlooking individuals who are caught in a cycle of crime. Our research aims to address this oversight by exploring the perspectives of people with experience of significant contact with the police and multiple vulnerabilities.

What we did

Working with Revolving Doors, we conducted three online focus groups with their Lived Experience Members. These aimed to involve people with significant criminal justice experience in co-designing our diversion research, using their insights and giving them a voice in line with the Centre's lived experience co-production strategy.

To create safe spaces, participants were organised demographically; male (n=4), female (n=5), and ethnically minoritised (n=5 with 2 male and 3 female) groups – a total of 14 individuals. Participants were aged 31 to 60, half had experience of the care system and four had knowingly experienced a diversion programme. Participants talked about unmet needs, including mental health, neurodiversity, addiction and homelessness, and links to offending behaviour. Support throughout the process was provided by a professional from Revolving Doors. Anonymised transcriptions were analysed thematically by the research team.

Key findings

Participants supported diversion becoming a standardised offer for individuals who commit low-risk and low-harm offences. Diversion programmes need a multi-agency approach, enabling root causes of offending behaviour to be holistically addressed and supported, with eligibility thresholds extending beyond young or first-time offenders. Lived experience voices need to be included in decisions.

Understanding of police diversion

Participants understood the nature and purpose of diversion – finding solutions outside of court – but were not always aware that 'diversion' was the term used to refer to this process or that it could occur prior to a court appearance. Participants themselves were not always aware whether they had been the subject of diversion.

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If I'm being completely honest, I never knew about diversion until I came into Revolving Doors. I didn't know there was, like, I can't remember what it's called, something Outcomes 22. I never knew about any of that stuff until I came here.

Ethnically Diverse Focus Group Participant

Eligibility for police diversion

Participants believed that diversion should be offered to those who engage in low-risk or low-harm crimes and have underlying vulnerabilities e.g. mental health issues, addiction and homelessness. While diversion has often been focused on young and first-time offenders, participants felt that people caught up in repeat contact with policing and criminal justice could significantly benefit from diversion. Custody sergeants were seen as well positioned to offer diversion, while also demonstrating both the seriousness of the situation and the importance of the opportunity for change. Clarity of the offer and its implications was seen as vital. Mistrust in the police means that requirements to admit guilt may present a barrier to accessing diversion.

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People who have been caught in the cycle, are prolific offenders, but low-level risk to themselves and to society... So, if... their offending behaviour is related to addiction, substance misuse, homelessness, then I feel that they should be given an opportunity rather than go through the courts and get a custodial sentence. I've experienced that and that doesn't serve anything...

Female Focus Group Participant

Delivery of police diversion

There was strong support for community-based diversion with structured, holistic support that is tailored to unmet social needs and linked to evidence informed behaviour-change programmes. The involvement of people with lived experience in the offer and oversight of diversion schemes can play an important role in overcoming barriers of distrust. Initial, intensive support needs to be delivered by relevant professionals who take the time to understand the individual and their situation.

“One of the things I've found most beneficial is relational. It's about how people engage you and how you relate to people. I've been lucky to have been blessed with a group of professionals that have taken time... to want to understand my racial background and how that affects my behaviour... What it's done is enabled me to engage with them, from a perspective of actually trusting them, believing that they actually care about my welfare... It makes that level of engagement more honest.

Ethnically Diverse Focus Group Participant

Future of police diversion

For participants, features of effective diversion offers included: a holistic and individualised approach; adequate resource and funding; not limiting to young or first-time offenders; with evidence informed practices shaping services delivered by professionals. An independent eligibility screening process would reduce perceived police bias around who is deemed 'worthy' of being diverted, alongside identifying appropriate offers based on needs.

“I think any design should be co-designed with lived experience because everything so far has been designed by government, by policy, by politicians, and actually they have failed. So, it's time to start including us in the design process.

Male Focus Group Participant

Moving forward

The research team aims to explore the role of police-initiated diversion within policing and criminal justice. In collaboration with policing partners, this will seek to explore the use and impact of deferred prosecution schemes with vulnerable people and the capacity of police forces to scale up and standardise their use of diversion as a means of breaking the cycle of crisis and crime. Throughout the development of the research, we will continue to engage the voices of people with lived experience, ensuring recommendations around police use of diversions are created with, not simply for, those most likely to have contact with police and the criminal justice system.

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**revolving
doors**

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For further information

Read more about this project at: vulnerabilitypolicing.org.uk/diversion

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