

Response from the Police & Crime Commissioner of Devon and Cornwall to [The effectiveness of diverting children from the criminal justice system: meeting needs, ensuring safety, and preventing reoffending](#)

As Police and Crime Commissioner and Chair of the Local Criminal Justice Partnership Board (LCJB) I have led the way for innovation and the early adoption of deferred charging for adults and more recently for children, with the aim of reducing reoffending and providing swifter justice for victims.

When used effectively, OoCRs provide an alternative to criminalisation, which is particularly important in child cases, and can address behaviour which could otherwise lead to further offending. However, OoCRs must be used proportionately and ensure that victims of child perpetrators understand why an OoCR is being used for their case, and what this means.

My office leads the scrutiny of OoCR locally, bringing together a panel of key partners from across the criminal justice system including police, CPS, magistrates and youth justice teams. This panel scrutinises a sample of cases to assess whether OoCRs have been applied in a suitable, relevant and timely manner within practice and policy guidelines. This provides assurance to criminal justice partners and the public that OoCRs are being applied appropriately. Findings are then disseminated to both the force and criminal justice partners so that they can apply this learning in their individual practice. Scrutiny panel reports are [published here](#).

As the APCC's co-lead for Criminal Justice I was recently invited to speak at the National Out of Court Resolution Conference where I outlined Devon and Cornwall Police's innovative approach to OoCRs, positive outcomes achieved through the deferred prosecution scheme, and the [Criminal Justice and You](#) resource, which provides clear information to victims about what to expect when an offender received an Out of Court Resolution.

The Chief Constable has recently committed to prioritising youth cases to enable a swifter resolution - with an ambitious target of six weeks (for less complex investigations). I will continue to monitor the force's progress on achieving this target.

Recommendation 11

Chief constables should improve how out-of-court disposals are managed by:

- working with YJSs to establish formal data-sharing arrangements to ensure timely and consistent access to information on all types of out-of-court disposal
- ensuring decisions about the use of crime Outcomes 20 and 21 are consistent and appropriate and reflect revised NPCC guidance
- ensuring that police always use the NPCC child gravity matrix guidance when making decisions relating to outcomes for children and that the rationales for those decisions are always recorded.
- ensuring that joint decisions with the youth justice service about out-of-court disposals are made at the appropriate level of seniority.
- ensuring that children's legal rights are met before issuing a community resolution; this includes the need to caution and make sure that an appropriate adult is present
- ensuring that safeguarding referrals are made when appropriate.

Action planned/taken: In summer 2025 Devon and Cornwall Police introduced the Child First Justice Pathway which includes:

- The Youth Justice Joint Decision Protocol which sets out the force's process of joint working with all four Youth Justice Services (YJS)
- The force's Child First Justice Strategic Aims & Purpose
- The force's Child First Approach to Diversion and OoCR
- The Child First Deferred Prosecution Scheme
- The Informal Diversion process to fast-track suitable cases to immediate diversion and intervention
- Development of a new online Child Gravity Matrix indicator tool to encourage and mandate use of the matrix at all stages of an investigation.
- Development of a comprehensive internal Devon and Cornwall Police youth justice intranet page which provides officers with advice and guidance including videos and guides for diversion, the OoCR framework, and the informal and formal decision-making processes.

Working with YJSs to establish formal data-sharing arrangements to ensure timely and consistent access to information on all types of out-of-court disposal

A new Devon and Cornwall Police - Youth Justice Service Information Sharing Agreement (ISA) was agreed in summer 2024, however this remains an ongoing area of challenge for the force and has already been highlighted during a previous internal Youth Justice themed appraisal completed in March 2022.

There is no current formal mechanism in force to share details of community resolutions (CRs) with the YJS within 24 hours, and where it does happen it will be via local child protection teams and YJS officers. The force has however identified the opportunity to use the development of a new children/safeguarding APP to extract and share this data.

Similarly, there is an opportunity to integrate this specific action under the Children and Young Person (CYP) portfolio work which will provide the necessary level of force strategic oversight.

Ensuring decisions about the use of crime Outcomes 20 and 21 are consistent and appropriate and reflect revised NPCC guidance

Guidance for both outcomes is referenced in the force's Child First Approach to Diversion and OoCR and is reflective of current NPCC guidance, and is subject to consultation with relevant force stakeholders including the crime registrar. Both outcomes are available through the joint decision-making processes within the force-YJS Informal Diversion Meeting and the formal force-YJS Joint Decision Panel.

Ensuring that police always use the NPCC child gravity matrix guidance when making decisions relating to outcomes for children and that the rationales for those decisions are always recorded

This has been a focus within the Child First Justice Pathway implementation. An entire section of the new YJ intranet site is dedicated to the Child Gravity Matrix (CGM), and it is highlighted as a key tool within child first investigation guidance. To help embed use of the CGM the force has created an online CGM Indicator Tool that makes use of the CGM much easier for frontline staff. The tool has been highlighted as good practice by the NPCC CYP lead and there is potential for it to be rolled out nationally.

Ensuring that joint decisions with the youth justice service about out-of-court disposals are made at the appropriate level of seniority

This has been achieved in the implementation of the Child First Justice Pathway. The force has set clear policies and processes around the use of OoCR and within the Informal Diversion process, the wider OoCR framework and the Deferred Prosecution scheme have laid out guidelines regarding authorisations required to use specific outcomes.

Ensuring that children's legal rights are met before issuing a community resolution; this includes the need to caution and make sure that an appropriate adult is present

Force messaging regarding the requirement for an Appropriate Adult to be present when a community resolution (CR) is administered has previously been circulated and is referenced within the new YJ intranet site. It is also included as a requirement within the Operational Procedure, and the child CR form includes a requirement that an AA must be present and countersign the form.

The inspection report highlights that children are rarely cautioned prior to a CR being offered. CRs are informal disposals, that do not criminalise, and for which associated interventions are voluntary and carry no consequence if not met. Adding the formality of the caution may potentially do more harm than good in terms of confusing a child regarding the seriousness of outcome and thereby harming their engagement with it.

For these reasons the suitability of this addition is being considered carefully by the force.

Ensuring that safeguarding referrals are made when appropriate

The Child First Justice Pathway highlights that safeguarding should be a guiding principle in all policing activity. It is explicitly referenced in the Strategic Aims, guidance regarding disparity and adultification, and guidance for investigators. It is also explicitly referenced in the new force definition regarding child centred policing. The force approach is clear that child offending should be understood as a vulnerability.