

**Operation Turning Point: interim report on a  
randomised trial in Birmingham, UK**

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## *Abstract*

*Operation Turning Point is a randomised controlled trial based in Birmingham, UK. The trial has been designed to compare the relative effectiveness and cost benefit of police prosecuting low harm offenders with a treatment, a "turning point contract", which combines a deferred prosecution with a set of conditions agreed with the offender, which are intended to support desistance. The 2 groups – control (prosecuted) and treatment (Turning Point) are allocated by random assignment by the Cambridge Gateway. The trial will be evaluated by comparing the control and treatment groups against their outcomes for prevalence and seriousness of offending and the cost-benefit of the two interventions. The trial, which has been implemented in stages, commencing in November 2011, is intended to run in the four Birmingham Local Policing Areas until Summer 2013. The research is part of a wider programme focused on reducing crime harm supported by the Monument Trust. This paper presents an interim report, describing the setting up of the trial and some emerging findings from the research.*

## Executive Summary

Operation Turning Point is a randomised controlled trial, which is comparing the effectiveness of court prosecution for low harm offenders with a structured diversion to a deferred prosecution linked to a “Turning Point Contract”.

There have been very few major quantitative studies of diversion, but those that there have been suggest that diversions may well be more effective than formal processing, particularly for younger offenders. Turning Point draws on the lessons of studies such as Operation HOPE that suggest that swift and certain action by criminal justice agencies will have enhanced deterrent effects and on the lessons of criminal career and desistance studies on strategies to encourage desistance.

### The Experiment in action

The experiment starts with offenders whom the custody officer has decided that it is in the public interest to prosecute – informal warning and cautions have already been discarded. At that point custody officers go to the Cambridge Gateway – a randomiser tool –, which takes them a series of questions that exclude offenders with multiple convictions, a high likelihood of prison and a serious offence. The Gateway will then, if they are eligible for the experiment, randomise them into prosecution or a Turning Point treatment.

Offenders given Turning Point are asked to attend a meeting the following day with an offender manager or Youth Offending Service officer. They are warned that non-compliance with this requirement, reoffending or failure to meet the terms of the Turning Point contract will result in prosecution. They agree the contract as a result of a structured conversation at their meeting. It is voluntary, but backed up by the threat of prosecution. The carrot is that successful completion of the contract will result in no further action.

### The implementation of the experiment

Experiments are a complex change process as well as a research study. This one has been implemented in careful stages:

- Stage 1 was preceded by training custody staff and offender managers and then switching the Gateway on, but with every case set to prosecution, so that custody officers would get used to it and would road test it
- Stage 2 (December to May 2012) saw the Gateway set to Turning Point treatment only, so that Offender managers could build up their practice and, through regular debrief meetings, share it and debate it.
- Stage 3 (started June 1<sup>st</sup> 2012) the Gateway went to full randomization
- Stage 4 the expansion of the experiment to two further Local Policing Areas and the inclusion of Hate Crime

### Ethics in experimentation

This is one of the first experiments to randomise the prosecution decision so ethical considerations have been high on the agenda:

- Randomization only occurs after the decision to prosecute, so there is always a non-worsening effect
- The Gateway carefully excludes serious offences and potentially high harm offenders
- The accuracy of custody officers decisions on Turning Point cases has been independently reviewed by CPS

Ultimately, the key justification for such an experiment is we do not know the answer and the question – how effective is prosecution v diversion – is a critical one for the criminal justice system.

### Ensuring validity and measuring the outcomes

The great advantage of an RCT design is the ability to reduce the selection bias. The two samples being compared – those prosecuted and those diverted – should be different only because they have been sent to a different treatment. But we still need to check this. The ‘internal validity’ of the experiment is critical to the confidence in the results. The Gateway has been designed to provide a check on the consistency of custody officer decisions. The data in the Turning Point contracts allows the research team to monitor consistency of contract conditions and enforcement

The outcomes of the experiment will be measured by two key yardsticks: the prevalence and harm level of offending; the costs of the treatments. The former will be done with data from the Police National Computer, the latter by using cost data from the contracts and estimates of court prosecution costs.

An RCT is a highly quantitative research design but it would be a mistake to ignore the qualitative aspects of the research. The research team are also doing observation and interviewing of police officers, offenders and victims to understand what is going on inside the 'black box' of the experiment and assist the force to continue to improve practice. This report presents some of the initial findings of that work, which provides important lessons for police practice in setting conditions, enforcing them and in managing the relationship with the victim.

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## 1.1 Introduction

In their 2011 joint Inspection of “out of court disposals” decided on by police and Crown Prosecutors, the joint Criminal Justice Inspectorate (CJJI, 2011) observed that there had been a substantial expansion in the use of such disposals over the previous decade. They expressed concern about the quality of the decision-making, variations in practice and the types of offences. The right wing think tank Policy Exchange expressed similar concerns about variation and inappropriate use (Sosa, 2012). Yet the Inspectorate also acknowledged that the out of court disposals cost less, showed comparable levels of victim satisfaction to court disposals and appeared to result in fewer convictions.

The quality of the research underpinning the Inspectorate report suggests caution about their analysis. The report provided a snap shot of a small dip sample of police disposals. The reoffending data compared those cautioned with those charged and is, therefore, likely to have a serious selection bias. Nevertheless, their report raised crucial issues for the criminal justice system in England and Wales at a time when all the agencies involved have been forced to confront significant falls in their operating budgets (HMIC, 2012). If out of court disposals are less costly, at least as good from the victim’s perspective and produce comparable outcomes for reoffending, then, subject to the need to address consistency, it is arguable that effective deployment of out of court disposals is a cost effective option at any time, but particularly at a time of financial stringency. Moreover, the political parties all appeared committed to “restorative justice” and “neighbourhood justice” approaches in the autumn of 2012<sup>1</sup>. The key question that the Inspectorates left open is where is the boundary between the appropriate use of out of court disposals and prosecution before a court? This has been a key question since the earliest studies of police cautioning (Steer, 1970). Implicit in the Joint Inspectorate analysis are a range of competing principles: effectiveness in reducing re-offending; victim’s rights and confidence; the wider legitimacy of the criminal justice system.

However, there are wider and more compelling arguments in favour of using alternatives to prosecution than those presented by the Inspectorate. In a systematic review of the “formal system processing of juveniles”, Petrosino et al. (2010) reviewed the evidence comparing the effectiveness of formally processing juveniles with alternatives including diversion or counselling. Their conclusions, based on an analysis of 29 controlled trials in the USA, were that “juvenile system processing appears to not have a crime control effect, and across all measures appears to increase delinquency” (Petrosino et al., 2010:6).

Further good reasons for exercising care in setting the boundaries for formal processing for juveniles and adults are offered by recent work on deterrence by Durlauf and Nagin (2011). Their analysis, drawing on 30 years of research on sentencing and prevention, suggests that strategies that focus more on certainty rather than severity, appear to offer the greatest likelihood of a positive deterrent outcome. They also suggest, more

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<sup>1</sup>[http://www.restorativejustice.org.uk/news/ed\\_miliband\\_launches\\_local\\_election\\_campaign\\_with\\_call\\_for\\_greater\\_use\\_of\\_restorative\\_justice/#.ULdST6WzLdk](http://www.restorativejustice.org.uk/news/ed_miliband_launches_local_election_campaign_with_call_for_greater_use_of_restorative_justice/#.ULdST6WzLdk) and [http://www.restorativejustice.org.uk/news/may\\_community\\_remedy/#.ULdSmKWzLdk](http://www.restorativejustice.org.uk/news/may_community_remedy/#.ULdSmKWzLdk)

tentatively, that celerity is an important component alongside certainty. In support of certainty, they cite preventive strategies such as hot-spot patrols by police and the deferred imposition of short spells of custody in Operation HOPE as more effective than strategies based on severity. Indeed, elsewhere, Nagin and his colleagues' analysis of the impact of short-term prison sentences suggests a 'backfire' effect of increased reoffending rather than a positive preventive outcome (Nagin and Cullen, 2009 and Nieuwbeerta et al, 2009).

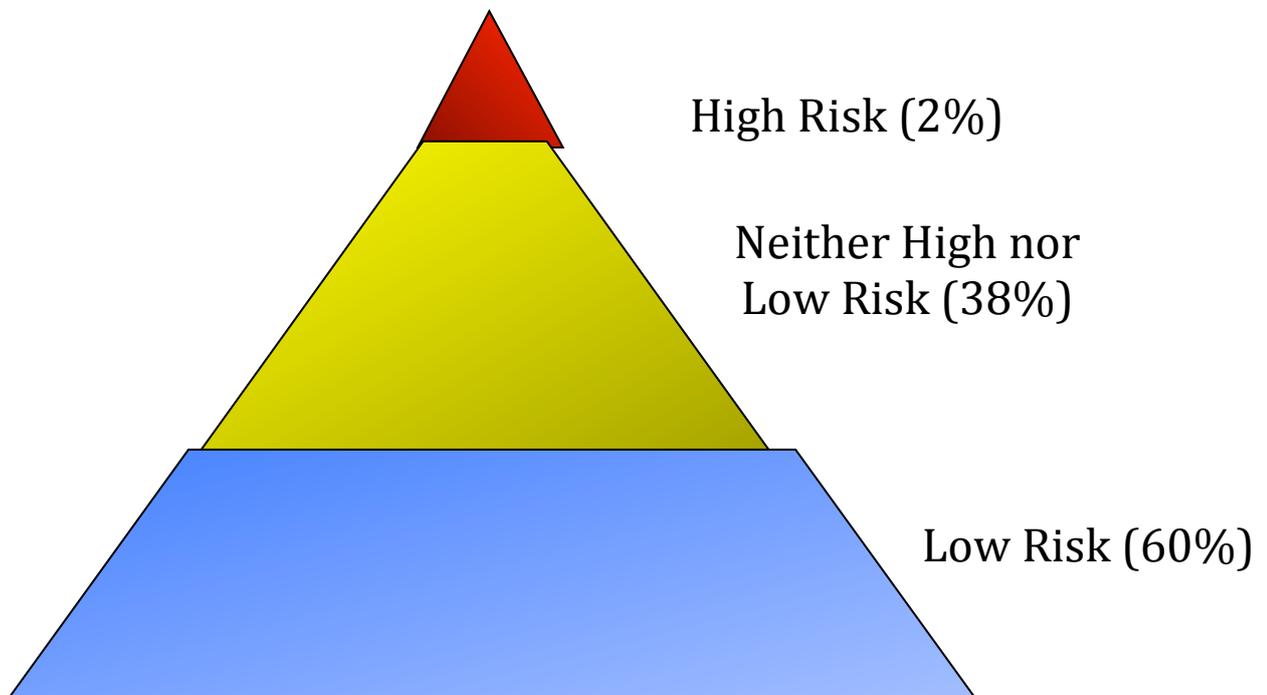
The research on out of court disposals and court-based interventions would seem, therefore, to suggest that criminal justice agencies should be very careful, on grounds of both cost and effectiveness, to consider the boundary between prosecution and 'out of court of disposals'. The Joint Inspectorate report summed this up as the need for a "strategy" based on "what works to improve victim satisfaction, reduce re-offending and provide value for money" (CJII, 2011: 3).

## **1.2 Operation Turning Point: a strategic and experimental approach:**

Such a strategic approach is central to "Operation Turning Point" in the West Midlands. The experiment forms part of a wider programme of research funded by the Monument Trust. Sherman and Neyroud (2012) have described the overall approach as "offender desistance policing", in which the police take on a responsibility not simply for diverting offenders but also for coordinating efforts to try to encourage them to desist from further offending. The strategy aims on the one hand to focus effort on reducing re-offending by low harm offenders through structured diversion and, on the other hand, on allowing the police and the formal criminal justice system to bring more concentrated efforts to bear on the "power few" (Sherman, 2007) whose offending accounts for the highest harm and greatest volume of offences. The approach is the offender-focused equivalent of the place-based strategies that have been developed in response to research on hot spots of crime (Weisburd, Groff and Ming-Yang, 2012).

A starting point has to be the ability to distinguish between low and high harm offenders. This has not always been easy in criminal justice. Indeed, the reliance on clinical, rather than statistical forecasting models has produced risk models that fail to predict and a low level of confidence in such models in the system (Sherman, 2011). The work of Berk and Barnes in Philadelphia, using random forests statistical forecasting techniques on very large databases of information about offenders, has offered a new approach to answering this question (Berk et al, 2009 and Barnes et al. 2010). They have been able to distinguish between offenders, convicted and sentenced to probation or parole, with a high harm and low harm profile. The model has been field tested in a randomised trial in which offenders assessed as 'low harm' were allocated to reduced levels of supervision. Evaluation showed no increase in the level of offending compared to the group offered higher levels of supervision (Barnes et al., 2010). In their analysis, Berk et al. (2009) were able to identify a very significant statistical difference between a small – around 2% - group of offenders with a high potential for serious harm and a much larger – around 60% - group with low potential.

# High, Medium and low risk offenders



## Data from Philadelphia Probation records

Berk and Barnes's work has used data from the Probation service in Pennsylvania and Maryland. Cosma, Sherman and Neyroud (forthcoming) have applied similar techniques to a large (100,000), random sample of criminal records drawn from the Phoenix criminal records database within the UK's Police National Computer<sup>2</sup> (PNC). Instead of Berk et al's threshold for serious offending – homicide or attempted homicide – Cosma, Sherman and Neyroud have set the threshold much lower and defined 'serious' offending in terms of assault (beyond common assault), sexual offences, robbery and arson. Yet, the model emerging from applying random forest techniques to the PNC has produced a similar profile to the Philadelphia model: a small percentage of offenders with a high harm potential with the majority of offenders rated as low risk (Table 1). The 61% identified as "low risk" have a very small risk of committing a high harm offence compared to the "high risk". The Cambridge model is based on identifying the set of variables within the offending history of a randomly selected 75% of the sample that most accurately predict the likelihood of a serious harm event and then using the remaining 25% as a "training" sample to assess the accuracy of the predictions.

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<sup>2</sup> This research is also funded by Monument Trust  
Operation Turning Point interim report v 14.0

	Low Risk	Medium Risk	High Risk	Not assessable
Number of offenders	59162	35054	2137	70
% of offenders	61	36	2.2	0.07

Table 1: Assessed risk of offenders against the “Cambridge” model: Cosma, Sherman and Neyroud (forthcoming).

The accuracy levels achieved within the Berk et al. and Cosma, Sherman and Neyroud prediction models, suggests that they may be capable of being used to triage offenders at an early stage of investigation between low and high harm, with a potential for a presumption towards less formal processes to intervene with the low harm offenders. For high harm offenders tactics based on offender management and more focused targeting (Martin and Sherman, 1986) are already available, but approaches that offer a tested alternative for low harm offenders are not so well established. In the absence of such rigorously tested models, cautioning and out of court disposals can too easily be characterised as a convenient means of saving money or “letting offenders off with a caution” rather than a “a swift and effective response to low-level offending that is more cost-effective and proportionate than formal prosecution” (Sosa, 2012: 10).

### 1.3 The evidence on cautioning and diversion:

For a disposal that accounts for 38% of the criminal justice outcomes in the UK (CJII, 2011), there have been remarkably few randomised trials of the relative effectiveness of cautioning against prosecution in England and Wales. Sadly, this is not a new observation (Farrington and Bennett, 1981). The studies reviewed by Petrosino et al. (2010) were US based and, moreover, were exclusively focused on juvenile offenders. However, they produce strong evidence in favour of considering diversion rather than formal processing. In the UK, the early studies of cautioning by Steer (1970), Ditchfield (1976) and Giller (Jones, 1982) were based on either an analysis of official statistics or, in Giller’s case, detailed work in Hampshire Constabulary comparing the cases in which deferred cautions, instant cautions or prosecutions had been administered<sup>3</sup>. Steer was able to draw conclusions that police cautioning, which has a surprisingly long history going back into at least mid-Victorian times, was “a sensible and useful way of dealing with certain types of offender, and that police discretion not to prosecute is exercised widely” (Steer, 1970: 59).

Giller concentrated more on the process of cautioning and found that instant cautions appeared to be more effective, judged by reoffending rates, than deferred cautions. We will return below to the merits of “celerity” over extended processes. Landau and Nathan’s (1983) study of cautioning also focused on the process, but

<sup>3</sup> The author assisted Giller with aspects of this research and then used the research to provide recommendations for changing the force’s policy to emphasise instant cautions wherever possible (see Jones, 1982).

in their case on the ways in which offenders were selected for cautions. They found what they judged to be racially disproportionate practice. Other studies (Mott, 1983, Laycock and Tarling, 1985, Giller and Tutt, 1987, Sandars, 1988 and Evans and Wilkinson, 1990) raised concerns that the expansion of cautioning through the 1970's and early 1980's had created an unhelpful diversity of practice and impacted on the fairness and justice of the system.

Studies that have examined the effectiveness of cautioning and diversion from court in the UK have been more limited. Farrington and Bennett (1981) conducted an analysis of the police cautioning of juveniles in London and concluded that police cautioning had both increased the number of juveniles formally processed – “net-widening” – and failed to result in better reoffending rates compared to court. However, they drew attention to the fact that their conclusions could only be tentative because of the lack of any randomised controlled trials. In the 1990's interest turned to the potential effectiveness of “restorative cautions”. Young and Goold (1999) carried out an “exploratory study” which identified “restorative cautions” as a “welcome shift”. However, the study did not adopt a high quality design so, as Farrington and Bennett (1981) had earlier observed, it is difficult to rely on the conclusions.

Strang et al. (forthcoming) on the other hand, in the Campbell systematic review of restorative justice examined the studies with randomised designs and strong implementation. They found that restorative justice conferences, whether used as a part of a diversion or as part of the court process, produced a “modest, but highly cost effective reduction in repeat offending” (p.1). They also observed that contrary to the assumptions apparently held by many in policy roles, restorative justice appeared to work at least as well, if not better, where the offender was an adult. One additional finding that is particularly relevant for this report is that they observed that restorative approaches showed their greatest cost-effectiveness when applied to more serious offenders. Moreover, Strang et al. (2009) also found that restorative justice would be likely to be least effective with drug addicted property offenders.

There have, however, been a significant number of studies of other diversion strategies for adult offenders with drug problems. Harvey et al. (2007) reviewed 19 studies, which involved both pre-court and court based diversion. None of the pre-court studies had used a randomised design and the lack of high quality designs made comparisons between the studies difficult. Nevertheless, the authors concluded, “there is tentative evidence that diversion, in particular, can result in reduced criminal recidivism, drug use and possibly improved psychological functioning” (p.385). They found that more mature offenders responded better to the diversionary approaches.

Even this short review serves to illustrate that, despite the importance of cautioning and diversion, with the honourable exception of restorative justice and drug offenders, there has been rather limited attention paid to conducting high quality studies of these critical interventions. Part of the reason, as Harvey et al. (2007) observe, is the “logistical, ethical and financial difficulties associated with randomisation in naturalistic settings” (p.384). Part is also connected with the cultural reluctance in policing and criminal justice to experiment before implementing new practices (Weisburd and Neyroud, 2011). Yet, even from the studies

discussed here, there is significant evidence that well designed and implemented cautioning and diversionary approaches may well be cost-effective, whereas formal processing through the criminal justice system, at least for juveniles, may not be. The studies also provide encouragement that the approach has to be capable of tailoring for the crime type, the offender and the drivers of their offending. They also suggest that paying attention to the process is important. Giller's finding that speed or celerity through instant cautions appeared to work better than deferred cautions identifies the need to be clearer about how the caution or diversion is expected to work its effect on the offender and how that effect might be best operationalized.

## 2.0 Leveraging Deterrence and Desistance: a brief review of the evidence

The most important body of theory, which applies to cautions and diversions, is deterrence theory. At its simplest deterrence theory proposes that crime can be avoided by deterring offenders through a credible threat of punishment, which includes the risk of apprehension (Entorf, forthcoming). Deriving from 19<sup>th</sup> century philosophical foundations in the work of Beccaria (1819), Bentham (1830) and Chadwick (1829), deterrence theory was given modern shape by Becker (1968) and greater definition by Nagin, whose recent work (Durlauf and Nagin, 2011) has re-examined the theory against modern research and tried to understand the differential effect of the different operating elements of the theory. The research has tended to focus on understanding the relative efficacy of 2 elements – certainty and severity – to the neglect of a third, celerity. This is partly because the focus on certainty and severity was central to Becker's central proposition that crime would be committed if the expected utility from committing a crime exceeded the expected utility from obeying societal norms.

Becker's classical model of deterrence has generated a huge amount of debate and much controversy since 1968 (Entorf, forthcoming). There have been a number of important critiques. Becker's model has been shown to be out of step with the way that many offenders make decisions. Offenders have high discount rates and tend to place a higher value on present utility and rather less on future costs, such as punishment (Jolls et al., 1998) and Lee and McCrary, 2009). Likewise, Kahnemann and Tversky (1979) developed their 'prospect theory' to show how people, not just offenders, tended to assess the probability of unlikely events very inaccurately. This becomes important when considering the offender's assessment of the probability of apprehension. Piquero and Pogarsky (2002) have suggested that offenders routinely under-estimate their probability of getting caught a second time around. This suggests that efforts by the police to deploy deterrent strategies may need to work at very clear communication of risk perception.

Becker's model has also been criticised for failing to account for the context of decision making by offenders and, in particular, the perceptions of the legitimacy of the law enforcement and societal institutions around them. As Tyler (2007) has been able to demonstrate, perceptions of legitimacy, including the perceived fairness of the procedures, appear to play an important part in decisions to obey the law.

Durlauf and Nagin (2011) have argued that more reliance should be placed on certainty than severity and that, when considering the most cost-effective strategies to leverage deterrence, policing strategies, particularly a focus on hotspots, appear to offer the most reliable return for investment. Entorf (forthcoming) suggested that Durlauf and Nagin needed to emphasise more the differentiation of crime types in their analysis and this argument is supported by Rupp's (2008) meta-analysis of crime prevention effects, which showed wide variation in effectiveness dependent on the crime category studied.

Durlauf and Nagin's emphasis on certainty and celerity over severity is given, however, some support in two randomised trials, which were undertaken in Omaha, Nebraska in the late 1980's (Dunford, 1990 and

Dunford et al., 1990). The experiments centred around the way that arrest policies for domestic violence offenders were implemented. In the first experiment, where the suspects were present when the police arrived, the suspects were randomly allocated to either arrest or non-arrest and a warning. In the second experiment, where the suspects had left the scene, the police either advised the victims how to seek a warrant or the police themselves sought the warrant. Overall, there was little difference in the outcome between arrest and non-arrest, but there was a significant reduction in recidivism where the police sought a warrant, whether they were subsequently executed or not. Sherman and Neyroud (2012) have argued that this suggests a possible hypothesis that the threat to punish is a more powerful deterrent than an actual punishment

It is possible a complementary effect from the evaluations of Operation HOPE. In this treatment, a post-release project, which started in Hawaii and has now been replicated in several mainland USA trial sites (Hawken, 2011), offenders are threatened with instant custody for breaches of drug testing conditions. The emphasis is on certainty of punishment – the non-discretionary imposition of a pre-specified period of incarceration – and celerity of response – the prison sentence starts immediately upon detection of the breach. Hawken (2011) found that, far from increasing the use of detention, the approach drove up compliance and reduced the use of prison.

In Operation Turning Point, the treatment process has been designed to test whether a deterrence approach which deploys certainty and celerity can be at least as effective as one which relies on the perceived severity of the court process and court imposed sentences. However, in addition to being underpinned by a deterrence hypothesis, Turning Point also seeks to improve the chances of reducing offending by combining the deterrence approach – a deferred prosecution in this case rather than a warrant – with a contract with the offender designed to support their desistance.

The very name of the Operation – Turning Point – was drawn from Sampson and Laub's 1993 study "Crime in the making: pathways and turning points through life", in which the authors drew on their analysis of the Gluecks' cohort of young boys to identify that desistance from crime is a process not an event. As Bushway and Paternoster (forthcoming) suggest in reviewing the evidence, desistance is not just a process but an "inherently non-stationary" one – a series of events that do not always follow a smooth path of deceleration or cessation. Desistance can be explained by a number of factors. In Gottfredson and Hirschi's (1990) theory of self control, the process of ageing is critical. The Glueck's (1974) differentiated ageing from maturation, a process that happens at different ages for different people. For Agnew (2005) the coincidence of desistance with ageing and maturation is more accounted for by the passage through the strains of adolescence, which provide pressures that a less mature individual is less able to cope with.

Research has also explored the impact of key life events or the "life course" on desistance. Sampson and Laub (1993 and 2003) identified the importance of a number of such events as potential 'turning points': for example, marriage, employment and national service. Some events appeared to turn offenders away from

crime, others to trigger or sustain their involvement. The concept of 'turning points' raises the question of how the event interacts with other factors in the individual's character and maturity (Thornberry, 1987). Nagin and Paternoster (1994) raised this question specifically for the interaction between a punishment event and the individual's character and self-control. For Giordano et al. (2007), Maruna (2001) and Farrell (2005), it is important, in understanding this interaction, to focus on the individual's sense of identity and the cognitive transformation required, which enables the individual to redefine a troubled past to be consistent with an intended pro-social future. In the work of these 'identity' theorists, the importance of 'hooks for change' and the support of others is emphasised.

Bushway and Paternoster (forthcoming) suggest that the process of desistance requires an offender to "recognise that their identity as an offender is no longer satisfactory" (p.12). But, intentional self-change requires, according to Kiecolt (1994), "structural supports" for change, including professional support as well as family and friends. The "benefits of a new identity must outweigh the cost of leaving the old one"(Bushway and Paternoster, forthcoming: 12), which suggests that tackling employment issue, dealing with substance abuse, supporting skills to enable the individual to cope better with strains in their life, may all be important.

Wikstrom et al.'s (2012) study of 'breaking rules' provides a further important insight in the interaction between individual offenders and high crime places. Their work has shown the strong connection between high rates of crime and a "weak law-relevant moral context" (p.363). It suggests that one of the necessary "structural supports" for change is to restrict the offender from access to such places and to their peers with whom they associate in those spaces.

### **3.0: From theory to practice: the evidence for Turning Point conditions:**

The research provides, therefore, evidence that, in order to encourage desistance, attention needs to be paid to the reasons why an offender is offending, the circumstances of their offending and the presence or absence of supporting structures. As part of the process of developing the treatments within Turning Point, we undertook an analysis of the effectiveness of programmes designed to reduce offending or rehabilitate offenders.

Recent analyses of studies of rehabilitation programs (Cullen and Johnson, 2011; Lipsey and Cullen, 2007; Lipsey, 2009) find an overall average effect of between a 10% and a 40% reduction in reoffending. This stands in contrast to evidence that we have set out above in respect of court processing which does not, on the whole, reduce reoffending for many types of offences and offenders (Petrosino et al., 2010). Cullen and Jonson (2011) argue that programs work better when they are specifically and explicitly linked to the offending or problem behaviour. Effectiveness of a specific rehabilitation program appears to depend on 3 key factors: the quality of programme implementation (Latessa and Smith, 2006); the deployment of an approach that is tested and of demonstrable effectiveness; and the application of the intervention to the appropriate types of offenders and offenses—one intervention approach rarely fits all categories of offenders. One caution from their analysis is that it appears that using intensive treatments, designed for high risk or persistent offenders, with low-risk offenders may increase rather decrease offending.

It is possible to divide the programs into three broad categories:

(a) Behavior/Mental Health/Anger Management/General Offending:

An important and effective approach are programs that utilise cognitive behavioral therapy, defined as “programs that are based on the view that cognitions—what and how we think—are learned and affect behavioral choices, including the choice to break the law” (Cullen and Jonson, 2011: 305). Lipsey’s meta-analysis (2009) demonstrates that such programmes can work exceptionally well and are supported by some of the strongest evidence for rehabilitation programs. Cognitive behavior therapy-based programmes have been found to be effective in a variety of settings, including: anger management; drugs treatment; and programs targeted at reducing general reoffending.

Lipsey (2009), Cullen and Jonson (2011), and others also identify a number of other effective approaches:

- Interventions based on social learning or changing clearly identified, overt behaviors;
- Programs oriented towards developing an offender’s skills;

- Programs targeted at changing attitudes, behaviors, and life circumstances that specifically contribute to the offending behavior, and that can actually be changed;
- Programs that address the multiple problems that offenders have—particularly the problems that are related to the offending—rather than just trying to “fix” one aspect of an offender’s life or behavior, and the program must be able to adapt to fit each specific offender’s risk factors.
- Structured rather than loose-flowing programs.
- Mentoring programs for juveniles, particularly mentoring programs that include emotional support (Tolan et al, 2008).
- Restorative Justice, particularly for adults, violent offenders, and high-risk offenders (Strang et al. forthcoming);
- Enforced curfews.
- Family-based skill building counseling/therapy for juveniles.

There is also quite clear evidence on the type of programmes that do not produce effective results. The first group focuses on the individual and their identity. These include programmes based on only building an offender’s self esteem; therapies to encourage an offender to tell their secrets or talk about their childhood; psychoanalysis-oriented therapy; programmes that are targeted towards changing factors that are unrelated to the offender’s offending (Lipsey, 2009).

The second group relies on deterrence and a ‘shock therapy’: these include programmes such as ‘Scared Straight’; Boot camps; Shock incarceration. The first two, Scared Straight and Boot Camps, have been shown to increase offending levels (Petrosino et al., 2010a and MacKenzie, 2006). MacKenzie has also shown that control-oriented programs (involving surveillance or threats of punishment) only seem to reduce to recidivism when they include treatment aspects – a potential argument in support of the Turning Point approach of combining a threatened prosecution with a range of treatments. It would also appear to be important to match the severity and intrusiveness of the intervention with the offender. Thus, the evidence suggests that many intermediate sanctions (harsher than probation but less harsh than prison) are ineffective. This includes some forms of intensive supervision and many forms of electronic/home monitoring.

#### (b) Education and Employment

As Sampson and Laub (1993) identified, getting a *quality* job, not just any job, is one of the most effective turning points in an offender’s life leading to desistance. However, simple diversion from court to short-term job training with no attention to the other risk factors in an offender’s life does not reduce repeat offending for adults, and may in fact increase reoffending for juveniles (Sherman et al., 1997).

(c) Drugs and substance abuse:

Overall, it appears that drugs treatment can be effective (Belenko et al., 2005; Boyum et al., 2011). However, the evidence for what types of programs, and what treatment works for what type of offenders, is less convincing. Many drugs treatment programs are hampered by understaffing, leading to an inability to put adequate time and attention into clients. Many of the same therapy/treatment characteristics that work or do not work for general reoffending also hold true for drugs: Multi-modal drugs treatment programs that not only address drugs but also the other offending-related risk factors in an offender's life; programs targeted at changing behaviors specifically related to offending and drug use; treatment programs that are structured as opposed to loose-flowing; etc. all appear to be more effective. Programs involving Cognitive Behavioral Therapy, training in thinking skills using behavior modification techniques or rewards and punishment work to reduce drugs use. (Mackenzie, 2006; Sherman et al, 1997).

For those who are dependent on cannabis, counseling interventions have some evidence of reducing cannabis use, although more studies are needed (MTPRG, 2004). Some enforced drugs treatment programs (e.g. Project HOPE, drug courts, etc.) seem to work particularly well (Hawken, 20011; Mitchell et al 2011). Motivational interviewing does appear to reduce future substance use across a review of the current research, although much more in the short and medium term, less so in the long term, and higher quality research is needed (Smedslund et al, 2011).

#### 4.0 Methodology for Operation Turning Point:

(a) Design:

Operation Turning Point has been designed from the evidence outlined above as an experiment to test whether low harm offenders, who might otherwise have been prosecuted, could be effectively dealt with by a combination of deferred prosecution – the deferred deterrence we have suggested may work – and tailored conditions to encourage desistance. Operation Turning Point is a randomised controlled trial (RCT). The trial is being conducted in four Local Policing Areas within the West Midlands Police Area: the original two areas, Birmingham East and Birmingham South; two further areas, Birmingham North and Birmingham West and Central. The final area covered by the trial includes the whole of Birmingham. The trial involves taking offenders whom the police have decided to prosecute, sifting out those with more than one conviction or a recent conviction or whom are excluded by a set of qualifying questions (see Appendix 3), and then randomly assigning those eligible to either a control condition, prosecution, or a “turning point” treatment. The allocation is carried out automatically by a computer programme – the Cambridge Gateway – which randomly allocates eligible cases on a 50-50 basis between control and treatment. The trial will be evaluated by comparing the prevalence and seriousness of subsequent offending and the relative cost-benefits of the control and treatment conditions<sup>4</sup>. Stage 3 of the trial, in which full randomisation went live, started in June 2012. The sample size required for a reasonable effect size (see Appendix 2) suggests that the trial will, on current estimates of case flow, need to run into the second half of 2013.

There are four conditions within the design, corresponding to the two independent variables: age of the offender (whether a juvenile under the age of 18 or an adult); the treatment allocated by the randomiser – either prosecution or Turning Point. The Cambridge Gateway (Appendix 3), which automatically allocates the offenders to treatment and control, includes questions that allow the researchers to distinguish between adults and juveniles.

(b) Ethical considerations:

Punch (1986) and Miles and Huberman (1994) have set out the main ethical issues that researchers need to consider in approaching their research. The issues are raised primarily in the context of qualitative research, but, as Punch suggests, most of the issues are also relevant to quantitative. Moreover, Turning Point, whilst primarily quantitative, has used qualitative methods to review the impact on offenders and victims. There are a number of Punch and Miles and Huberman’s issues that are highly relevant to Turning Point: the worthiness of the project; the question of informed consent; the benefits of the research; the potential for harm and risk; the integrity of the research and the ownership of the data and conclusions.

The most important issue for the experiment’s design and implementation has been addressing the issues of harm and risk. The trial is unusual in that the process of allocation involves the randomisation of the decision

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<sup>4</sup> The Crimport protocol for the RCT is at Appendix 1

to prosecute an offender. Moreover, in contrast to previous trials that have tested cautioning, Operation Turning Point does not exclude offenders who have not admitted the offence (a key pre-requisite for a caution). Instead, all offenders deemed suitable for prosecution, because they satisfy both the sufficiency of evidence test and the public interest test, may be eligible, subject to passing through the triage questions in the Gateway. Randomly allocating potentially prosecutable cases does raise important ethical considerations for the criminal justice system. The first consideration has to be to ensure that there is no breach of the fairness principle that offenders should not be worse off as a result of randomisation, nor should the treatment provide a disproportionately tough set of conditions compared with the trial nor should they be assigned to a treatment that causes them harm or worse consequences than the control (Torgerson and Torgerson, 2008 and Edwards et al., 1998).

Firstly, in order to satisfy this condition, offenders are not put to the Gateway until and unless a clear decision to prosecute has been taken by the police custody officer. Hence, were it not for the random assignment to the treatment, they would be prosecuted and be at risk of a criminal conviction and punishment. By being offered the trial, their prosecution is deferred. The treatment conditions have been designed by drawing on the research evidence above, so as to ensure that conditions offered are supported by the best evidence available and that treatments identified as causing increased levels of offending have been avoided. Finally, the proportionality of the treatment conditions under Operation Turning Point was both central to the training provided to officers and independently audited by the CPS, who examined a sample of 20 or more of the early cases.

The second key consideration relates to Punch's (1986) category of 'worthiness' and the question as to whether or not there is sufficient evidence within the body of research to suggest that we already know the answer to the questions being examined by the trial. The short literature review set out above argues strongly that, consistent with Farrington and Bennett's findings in 1981, there has been insufficient attention to the subject of diversion and the potential effectiveness of structured approaches such as Operation Turning Point. Even the innovation of Conditional Cautioning, introduced in the Criminal Justice Act 2003, has not been subjected, until very recently in Operation CARA in Hampshire, to an experimentally designed evaluation.

Two further ethical considerations relate to the need to avoid a scheme like Operation Turning Point widening the net by including cases that would otherwise have been cautioned or, at the other end of the scale, drawing in potentially harmful and persistent offenders, in a way that might adversely impact on public protection and, ultimately, the legitimacy of the experiment in the eyes of the public. The process to exclude those who might otherwise have been cautioned, relies on the fact that the Gateway, which is literally the entry point to the trial, is not triggered unless a decision to prosecute has been made. Equally, the Gateway questions have been carefully designed to exclude high harm and persistent offenders by criteria that exclude offenders with multiple convictions, who are to be sentenced to imprisonment and whose offending fits one or more of the exclusion criteria.

The fifth area of ethical consideration relates to the offenders admission and consent to participate in the trial. It is unusual to include those who have not admitted the offence in a trial of diversion. However, prior research on cautions and diversions, such as that by Landau and Nathan (1983), have suggested that the reliance on admission to trigger diversion may have discriminatory impacts. Landau and Nathan found lower levels of admission amongst black suspects and, therefore, lower levels of cautioning. Although some of the difference could be accounted for by the nature of the offending behaviour, a significant element appeared to be linked to lower levels of trust in the police and criminal justice system. A decision was taken very early on in the Steering Group for Operation Turning Point to include all eligible offenders, whilst emphasising that it was important that all offenders would make their decision to participate within the protective framework of the Police and Criminal Evidence Act 1984, including their access to legal advice. The decision to include those who had not admitted offences was also shared with the Crown Prosecution Service (CPS) to ensure that they were content with the treatment to be accorded post-assignment admissions or partial admissions where they were provided.

Alongside the issue of admissions lies the connected issue of the offender's consent to participate in the trial. It was decided that, given that the decision to prosecute was to be taken before the random assignment, offenders assigned to Turning Point would not be asked for consent until after assignment and would only be asked to consent to detailed conditions after their interview with offender manager. Consent would, therefore, be sought in two stages: agreement to consider the experiment and return voluntarily to the police station at an appointed time (but with the clear warning that failure to attend would trigger prosecution); fully informed consent, following a detailed, structured interview. All those assigned to the Turning Point treatment are treated as intended to treat (Hollis and Campbell, 1999), whether they decline treatment, fail to attend the initial appointment or decline to sign a contract. The final evaluation will include an intention to treat analysis, which will take account of each of the possible stages of attrition from the programme.

A final consideration was the relationship between the decision to place an offender in the trial and the victim of the crime. The Code of Practice for Victims of Crime, which was introduced in 2006, provides a statutory framework for the obligations to victims in the criminal justice system. The Code places an obligation on the police and CPS to ensure that vulnerable victims or victims with special needs are identified and their needs taken into account and that victims are informed about significant events or changes in the investigation. The latter includes the decision to caution or divert an offender or to charge an offender to go before the court. However, the decision to divert remains with the police and CPS, having taken account of the victim's wishes. Within the experimental design, the Steering Group recognised a clear difference between crimes with no personal victim, property crimes and crimes against the person. They concluded that there should be a sliding scale of obligation on the officers dealing with the crimes, with a greater obligation on the police to consult the victim in crimes against the person. As we shall see below at x, this has proved to one of the more problematic aspects of the trial.

Overall, the ethical considerations were complex and interconnected. Miles and Huberman (1994) suggest that research tends to involve dilemmas and conflicts and that negotiated trade offs need to be made as the

research progresses. In this trial, they have made within the context of the governance structure of the experiment. Moreover, they have also been made within the wider context of the trial – sharply falling budgets and an urgent need for the police to find new and financially sustainable ways of reducing offending.

(c) Participants

Most of the studies of diversion, other than those drug diversion schemes reviewed by Harvey et al. (2007) and the studies of restorative justice (Strang et al., forthcoming), have been concerned with the diversion of juveniles from prosecution (Petrosino et al., 2010). In Operation Turning Point the decision was taken at an early stage for the trial to be extended to all offenders, regardless of age. Data from the first 2 stages of the trial shows the spread of offenders ages (table 1), Gender (table 3), ethnicity (table 4) and employment status (table 5). Of the 45 offenders assigned to Turning Point treatment in the first 2 phases of the experiment, 25 were adults (over 18) and 20 were juveniles. Males represented 34 as against 11 females. The ethnicity split was almost even between white and ethnic minority and almost half the offenders were unemployed.

**Turning Point Project: Pilot Phase  
Demographic Information**

Figure 4.

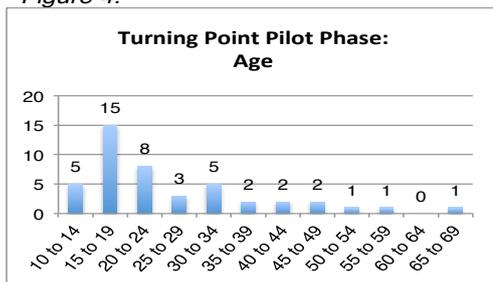


Figure 5.

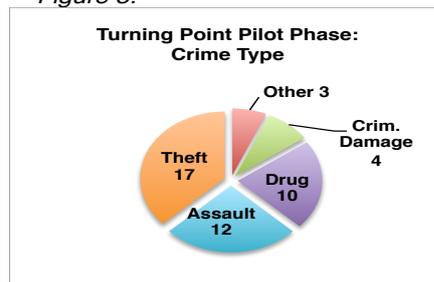


Figure 6.

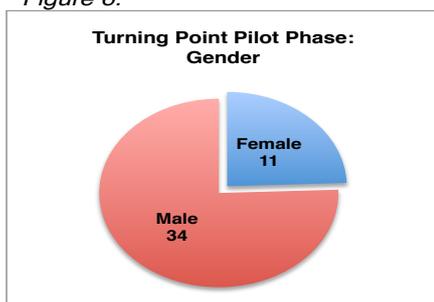


Figure 7.

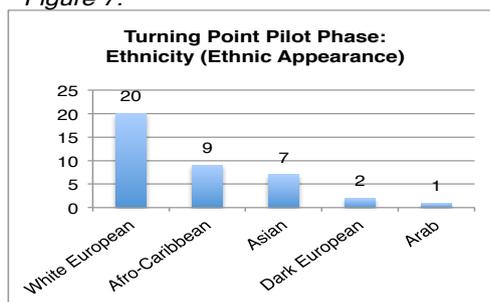
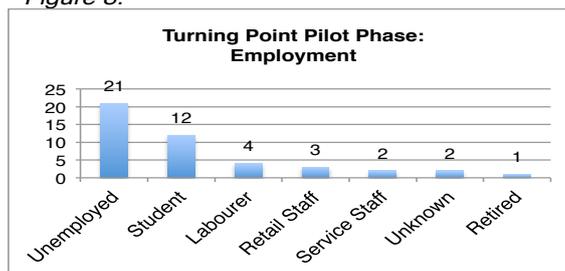


Figure 8.



#### (d) The Cambridge Gateway

A critical part of the operation of the experiment is the use of the Cambridge Gateway (Appendix 3). The Gateway or “randomiser” provides a “low cost” tool to ensure consistent allocation of cases and data to the researchers (Ariel, et al. 2012). The Gateway has an embedded algorithm which randomises the cases in line with the ratio agreed within the experiment. In this experiment, the use of the Gateway has provided a number of significant advantages. Firstly, the Gateway has provided a simple decision tool that can be completed in seconds by a busy custody officer, but which ensures that all offenders are tested for eligibility in the same way. The Gateway questions were carefully tested with operational staff and improved in the light of their suggestions. The Gateway emails all the decisions to a list of contacts – key operational staff, local and HQ managers and the research team – which allows the experiment to be monitored live. The email database, which had reached nearly 4000 cases by the end of November 2012, provides anonymised data on every case, the decision-making patterns of every custody officer involved in the case, comparative data on each of the custody blocks where cases are being processed and allows the research team to gather some key data on all the offenders, both eligible and excluded. Gateway data allows both the researchers and the force to monitor the levels of compliance with the project at each Local Police Unit and, therefore, provide a key measure of control over the internal validity of the experiment.

#### (e) Procedure

The experiment started in November 2011 at 2 Birmingham Local Police Units: Birmingham South (BS) and Birmingham East (BE). There are 3 custody suites in the 2 Units: Stechford and Kings Heath (in BE) and Bourneville (BS). In the phased roll out of the experiment in 2012, 2 further Local Police Units, Birmingham North (BN) and Birmingham West and Central (B W&C) were added in June and October, with their 2 custody suites at Sutton Coldfield (BN) and Steelhouse Lane (B W&C).

At each of the custody suites, the Police Sergeant(s) designated as the Custody Officer(s) under the Police and Criminal Evidence Act 1984, have responsibility for the decision-making on disposal once the investigation has reached a conclusion. Whenever, in the 5 Operation Turning Point stations, the investigation of an offender in custody reaches the point where there is sufficient evidence to charge and, on considering the case, the custody officer considers that it is in the public interest to prosecute the offender, the custody officer is required to open the Cambridge Gateway and complete the Gateway questions. The decisions around sufficiency of evidence and public interest are informed by reference to national guidance issued by the Director of Public Prosecutions (Moreno and Hughes, 2008), supported by guidance from the Home Office (2008) and Association of Chief Police Officers on cautioning and “gravity factors” (ACPO, 2009).

If the Cambridge Gateway questions indicate that the offender is eligible for Operation Turning Point, the Gateway will finish with a screen that states either “Eligible – assigned to TPP” or “Eligible – assigned to prosecution”. Where the offender is assigned to prosecution, the custody officer is instructed to charge them to the court as normal. Where the Gateway assigns them to “TPP” (Turning Point Project), the custody officer has been trained to provide a simple, scripted explanation of Operation Turning Point and to ask the offender whether they agree to attend the police station within the next 48 hours for a meeting with an offender manager or, if they are a juvenile, a member of the Youth Offending Team. At weekends, the appointment is made for the Monday following. Careful attention has been paid through the experiment to ensuring that offenders are seen as fast as possible, given that the underpinning hypothesis suggests that ‘celerity’ matters. Moreover, consistent with the principle of ‘certainty’, the offender is warned that if they fail to turn up for the meeting or they decline to take part in the experiment, they will, without fail, be charged for their original offence.

When the offender turns up for their appointment the following day, they will meet a police officer from the Offender Management Team (OMT) (if an adult) or a Youth Offending Team (YOT) member (if a juvenile). Both have been trained and provided with a standard Turning Point pro-forma (Appendix 5), which has been developed and tested during the first 2 stages of the experiment. The meeting is intended to allow the OMT or YOT member to discuss the offence and the reasons for offending with the offender, to explain the Turning Point experiment and encourage the offender to suggest and agree a set of conditions, which could reduce the likelihood of them offending. At the beginning of the experiment, the conditions were fairly open ended, but gradually, as the experiment has progressed, the OMT and YOT teams have refined the conditions into a core set (Appendix 4), with the assistance of the research team. By the end of the interview, the aim is that the offender and the OMT and YOT team member have agreed a “Turning Point Contract”, which should last for around 4 months and must always include two generic conditions – to comply with the contract and not to re-offend – together with two or more conditions that have been agreed with the offender and which are tailored either to their offending pathways or the specific risks associated with the offence they have committed.

Once the offender has signed and agreed the contract, they must comply with it or be prosecuted for their original offence. Offenders are flagged on the local West Midlands ISIS Custody system, the West Midlands CORVUS Offender manager system and on the Police National Computer, so that if they are re-arrested they can be breached where an offence is subsequently charged. A major concern in other cautioning trials, particularly the trials of restorative justice (Strang et al., forthcoming), is the challenge of ensuring that the conditions are actually enforced. In this experiment, the onus has been placed on the offender to produce evidence of compliance. As the standard set of conditions set out in Appendix 4 show, the conditions have been designed to be ‘SMART’ (Specific, Measurable, Attainable, Relevant and Time-bound (Doran, 1981)), so that it is not only clear to the offender what is required of them, but also so that there is a fair and transparent means of assessing a breach. This was seen as being important for a number of reasons, but particularly because of the need to justify a breach to the CPS and, secondly, because the clear body of research indicating the importance of procedural justice in criminal justice processes (Tyler, 2007).

The OMT and YOT members agree a set of additional meetings with the offenders, including a final meeting to sign off the Turning Point Contract, in the event that the offender successfully completes the process. The primary responsibility for compliance rests with the offender, supported and monitored by the OMT or YOT member. The incentive for successful completion is that the deferred prosecution will be dropped and they will not be prosecuted. Although the West Midlands Police will retain a record of their involvement in Turning Point (in order to ensure that offenders are not offered a second Turning Point), they will not have a criminal record or, even, a caution record, for the offence.

(f) The sample size and Statistical power of the experiment

The Turning Point experiment is deliberately targeted at lower harm offenders. The Gateway has been designed to exclude those who have committed offences seriousness enough to trigger an immediate prison sentence, those with significant criminal records and those who are alleged to have committed higher harm offences. However, this means that the sample population are also likely to be offenders with a relatively lower level of recidivism. There is, in such circumstances, a danger of the experiment producing a low level of effect, unless the sample size has been calculated carefully in order to ensure a good prospect of a significant level of statistical power. As Britt and Weisburd (2010) have observed “in most cases, researchers maximise the statistical power of a study by increasing the sample size” (p. 319). However, they point out that, in complex studies – they cite a complex intervention with high risk young people – expanding the effect size can jeopardise the internal validity of the experiment by increasing the risks that the treatment is not delivered consistently.

In this experiment, the starting point for calculating the sample size was a small piece of work undertaken by the West Midlands police team to identify cases, from a sample of custody cases in the preceding 2 years, that appeared to be consistent with the criteria and then analyse the level of reoffending after 12 months in the potential sample. This was not an easy exercise to undertake. In order to improve the potential accuracy, a number of officers reviewed each others judgements as to the likely inclusion or exclusion of cases. What resulted was a 'best guess' based on the original criteria for the experiment, which excluded any offender with a prior conviction. Since that calculation was made, the criteria for the experiment have been expanded to include offenders with one conviction as long as the conviction was more than 5 years before (if an adult) or 2 years where a juvenile.

The estimated reoffending data was used to populate the calculation at Appendix 2, which demonstrated that a sample size of around 400, 200 control and 200 treatment, was necessary to ensure that the experiment was likely to produce a significant effect size. In the initial stages of the experiment, the number of cases coming through the Gateway averaged at around 1 every 2 days, which would have provided a sample of less than 200 in total in the 12 months envisaged for the full randomly assigned stage of the experiment. Hence, a decision was taken an early stage, once the pipeline trajectory had become stable, to expand the experiment from 2 Local Policing Areas to 4 LPUs. By mid November 2012, this has accelerated the pipeline

of cases to just under 1 per day. On current projections, this will deliver the target sample of around 400 cases by the second half of 2013.

(g) Internal and external validity

Taxman and Rhodes (2010) stated that “the field experiment requires the researcher and/or research team to be sensitive to the impact of the design and implementation decisions on the integrity of the experiment, as well as the generalizability to the wider target population” (p.538). In the same paper, they used case studies from two research projects to illustrate the potential threats to internal validity. A number of these are particularly relevant to an experiment like Turning Point, which involves a pipeline or “trickle-flow” (Sherman, 2010) of cases over an extended time period. These include maintaining consistency in selection, the impact of events, changes to the instruments and experimenter bias.

In his chapter for the Handbook of Quantitative Criminology, Sherman (2010) presents a series of key steps towards conducting strong and effective field experiments, which minimise the threats to internal validity. He strongly recommends that, following the development of a clear hypothesis supported by a strong theoretical framework, the careful choosing of a “field station” and the establishment of a research protocol, the crucial next step is to test the experiment with a “dry run” (p.400). Not only is this important, he suggests, for rehearsing the experiment, but it is highly likely to lead to changes in the design and procedures. In the case of Operation Turning Point, the experiment had a carefully staged approach which can be divided into four: the training of custody staff, offender managers and Youth Offending team members; the first, formal stage 1 of the experiment, in which the Gateway was switched live, but all the eligible cases were assigned to prosecution; stage 2, in which all the cases were assigned to Turning Point treatment; stage 3, the formal switch to full randomisation. Each of the stages had a clear aim.

In stage 1, the purpose was to ensure that as many custody officers as possible had used the Gateway so that it could be given as wide a testing as possible and that any flaws in the Gateway or the criteria for inclusion/exclusion had been ironed out. There were a number of significant adjustments at this stage: the Gateway was adjusted to apply to cases rather individuals; driving offences which could lead to disqualification were added to the exclusion criteria, because the custody officers felt strongly that losing disqualifications was an unacceptable risk to road safety; offenders on bail for outstanding offences were excluded.

In stage 2, the focus shifted to developing the work of the Offender Managers. This stage had originally been intended to run for a couple of months, but it rapidly became clear in the Working Group meetings that the process of setting Turning Point contracts required more practice and debriefing than had originally been envisaged. Both the force and the research team became concerned about the consistency and proportionality of the contract conditions. To address the latter, the CPS were commissioned to review a sample of contract conditions and comment on whether they would be happy to prosecute cases in the event of a breach. In order to address consistency, a number of steps were taken: an ‘expert’ group’ of Offender

Managers was set up to work with a member of the research team; the contracts were closely monitored by the force project managers and the research team and feedback given; a standard template of conditions was built up from the emerging practice (Appendix 4).

Finally, in Stage 3, with the Gateway switched to full randomisation, the focus has been on gathering the experimental sample, whilst maintaining as consistent approach as possible. In order to ensure that the lessons of Stages 1 and 2 were absorbed by as many staff as possible, a second stage of training was organised for all custody officers at BE and BS, all Offender Managers and Youth Offending Team members. Given the turnover of staff, this also allowed the force project team and the researchers to train new staff as well. Shortly after Stage 3 started, it was agreed, in order to achieve the sample size required, to expand the experiment to BN and B W&C, but to do so in phases, with all BN custody staff and offender managers trained before then starting on B W&C. That process of expansion was completed in October 2012.

As Britt and Weisburd (2010) outline, there is a balance to be made between achieving a large sample size and sustaining the consistency and internal validity of the experiment. In Turning Point this challenge has been complicated by seeking to conduct the experiment in 'real conditions'. The decision was taken at an early stage, by the Steering Group and the researchers, to use existing teams, both in custody and Offender Management, to carry out the decision making and Turning Point contracts. In many ways, it would have been much easier for the research team to work with a small dedicated team. In another experiment in West Midlands, the Anti-Social Behaviour project, a dedicated team was utilised. The advantage of this approach is the consistency of practice, but the problems arise when seeking to replicate the experiment or translate the lessons to another force. In the climate of 20% cuts, the force representatives felt that a special team was neither achievable nor desirable. However, the decision also provides an experiment that it is much closer to "real life" and avoids to some extent a criticism of randomised controlled trials that Gerris (2012) has called "artificial settings constructed by the researcher and not at all reminiscent of real-life settings that are of ultimate theoretical interest" (p. 271)

The implications of this decision were considerable for the experiment and have meant the need to pay close attention to what Sherman (2010) has called the "social elements of experiments". Sherman laid particular stress on managing the relationships between the researchers and the executive leadership, mid-level operating liaison and the agents delivering the cases. In Turning Point, the relationship is qualitatively different because the Principal Investigator, as a recently retired senior Chief Police Officer, is close to the "practitioner-investigator" model (Weisburd and Neyroud, 2011). Equally, the relationship between the research team's institution and West Midlands had already been established by a prior randomised controlled trial, which had meant that research protocols, personal relationships and a willingness to be a 'research field station' were already established. It is also important not to underestimate the impact of the emerging Society of Evidence-based Policing<sup>5</sup>, which had developed strong roots in West Midlands during the experiment, the establishment of the College of Policing (following a Review report authored by the Principal Investigator) or the commitment to evidence based policing announced by the Chief Constable at a

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<sup>5</sup> [www.sebp.co.uk](http://www.sebp.co.uk)

series of road shows during the field work and supported by the newly elected Police and Crime Commissioner. It was noticeable, during the progress of the research, that more and more officers felt that engagement with the research was likely to offer positive professional benefits and that they had been given 'permission' to participate.

Whilst this created a helpful context, it did not remove the necessity for a tight process to manage the experiment. Consistent with other force projects, Turning Point was treated as change programme, to be run according to PRINCE 2 programme management disciplines. This provided for a Steering Group at strategic level, chaired by the Assistant Chief Constable, a Project Board or Working Group, chaired, in rotation, by a member of the Senior Leadership Team at one of the Local Policing Areas and a practitioner or 'expert' group. The Steering Group, which had membership from the LPA Commanders, HQ Commanders, CPS, Probation Service and the researchers, made the key decisions, such as to go live or to include hate crime, and made the link to the Local Criminal Justice Board. The Project Board, which met monthly, monitored the progress of the project, received a regular report on cases and tried to resolve emerging practice issues referred from the practitioners group.

As Sherman (2010) asserts, however, from his experience of experiments such as the Minneapolis Hot Spots patrol experiment (Sherman and Weisburd, 1995), formal meeting structures are insufficient to maintain an experiment, particularly one, like Turning Point, that needs to run for 18 months or so to secure the required sample. As he recommended, a combination of training events, seminars, briefings and face to face support have proved essential to maintain momentum and support consistency in the experiment. Sherman observed that "experiments cannot be 'put in the oven and removed when fully baked'" (2010: 415). It has proved vital to ensure that there are regular, formal and informal contacts between the researchers and West Midlands staff at all levels, but particularly the custody staff and Offender Managers.

Alongside this and supporting it with objective data, has been a continuous process of auditing the compliance with the Gateway, a comprehensive review of Turning Point plans, the reviews of key samples of data by the CPS and the work to test that the comprehensive data required to evaluate the experiment is available. The Gateway proved a particularly valuable tool for monitoring compliance. The Custody Inspectors worked hard to ensure that 95% or more charge decisions made it into the Gateway and then researched the missing cases for any possible Turning Point cases. Their analysis, reported to the Working Group in October 2012, was that no eligible cases escaped the net by that means. There were two other areas of potential 'seepage' that emerged from this analysis: cases that ought to have been cautioned that had been allowed to go forward into Turning Point and, therefore, both widened the net and offered the danger that 'easier', lower harm cases would enter the experiment; cases that were excluded under Question 14 under the custody officer's discretion to exclude cases for "any other reason". On the former, the key method of control lay with the Offender Managers. After one case crept through in Stage 2, in which the custody officer admitted to an Offender Manager that the case had been assigned to Turning Point because he wanted to give the offender a chance to avoid a conviction, Offender Managers were encouraged to return any such cases for caution or informal warning.

The second issue was more complicated. One underlying theme that the force wanted to emphasise with the experiment was the discretion of police officers, custody staff and Offender Managers, to make professional, informed decisions relying on principles and their training, rather than reams of guidance. Question 14 was added as a means of ensuring that the discretion to exclude cases was matched by the requirement to provide reasons for the exclusion. Some of the reasons for exclusion such as “the prisoner in custody has assaulted a police officer” demonstrated that there was a clear divide in opinion between some custody officers who judged that assaulting a police officer was eligible for Turning Point (a number of assault police cases have been put through Turning Point) and others who felt that it was not. This issue alone provoked a lively debate in the training sessions. The Gateway emails allowed the research team and custody Inspectors to ‘patrol’ the boundaries of the experiment and challenge custody officers with low Turning Point numbers or unusual reasons for exclusion.

## 5.0 Emerging findings

Six months on from the experiment moving to full randomization, it is too early to start reporting results. However, there are some significant findings already from the experiment. In particular, the research team have focused on the quality of treatment plans, the treatment of offenders, the treatment of victims and the extent to which restorative justice has been used in the Turning Point plans. These findings are of much wider significance than the immediate experiment. In October 2012, the Ministry of Justice began a consultation on changes to the regime for Conditional Cautioning in England and Wales<sup>6</sup>. When Conditional Cautioning was originally introduced, the secondary legislation required that the CPS approved a Conditional Caution. As has been commented by a number of subsequent studies (Flanagan, 2008), this led to a somewhat bureaucratic process and a much lower usage than the programme board has envisaged<sup>7</sup>. The Ministry of Justice's published proposals would shift the sole responsibility for Conditional Cautioning onto the police. In such circumstances the Turning Point experiment provides a major test of a similar disposal and the challenges of police setting and managing conditions aimed at reducing offending and encouraging desistance. This interim report, therefore, devoted considerable attention to the lessons of the process of setting conditions in Stage 2. A member of the research team reviewed every plan and interviewed victims, offenders and Offender Managers involved. The interview process was semi-structured and designed more to support the continued development of practice in the experiment rather than a formally constructed qualitative research process. The findings presented below should be viewed in this light, but are, nonetheless, significant, because we are not aware of similar piece of work exploring the process of setting conditions in such depth.

### Review of TPP Treatment Plans

The treatment plans created in the TPP pilot phase for adult offenders were directly relevant to the offending behavior identified by offender managers (OMs). However, several issues arose regarding the conditions set during this period relating to creating S.M.A.R.T. (specific, measurable, attainable, relevant, and time-bound) conditions. Since that time, the offender management teams (OMTs) received additional training on creating plans, as is described below. This input improved plans to some degree, but has not appeared to be sufficient in improving the S.M.A.R.T. quality of treatment plans. Therefore, a set of recommended conditions has been created to foster consistent and S.M.A.R.T. TPP plans.

The following analysis refers to adult TPP plans. The plans designed by the YOT for juveniles did not experience these issues. This is largely because work with TPP offenders is very similar to the day-to-day work of the YOT, while it represents a significant departure from the non-TPP tasks of the OMTs. Therefore the YOT had a pre-existing structure in place supporting the design of S.M.A.R.T. treatment plans, whereas this was not the case for the OMTs.

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<sup>6</sup> <https://consult.justice.gov.uk/digital-communications/code-youth-conditional-cautions>

<sup>7</sup> the Principal Investigator chaired the Programme Board and was the Senior Responsible Owner for the programme to introduce Conditional Cautions

It is worth saying at this point that Offender Management was still a relatively new area of work for Police, having evolved partly out of need for police to respond to “dangerous offenders” identified by the Multi-Agency Public Protection processes (MAPPA) and partly from a recognition, drawn from various priority offender programmes instituted under the previous Labour government that police needed to continue their focus on priority offenders beyond arrest and charge. Whilst initially focused on offenders identified as the most persistent or harmful, by the time of the Turning Point experiment, offender management in West Midlands had branched out to include medium harm offenders and had been drawn into partnerships with Probation, Arrest Referral Workers and Employment support agencies. Whilst the process of agreeing conditions for Turning Point was more novel, because the offenders were “low harm offenders”, the offenders managers had developed a framework of practice which went beyond enforcement tactics. The research team observed that this had been largely allowed to evolve rather than be supported by defined training and practice standards.

### ***Specificity of Plans***

Due to a lack of training, guidance, and enforcement mechanisms regarding creating S.M.A.R.T. treatment plans, the conditions set by the OMs in the pilot phase were overwhelmingly vague. Fairly standard conditions included:

- “Obtain GP’s appointment to get a referral to a drug worker”
- “Remain of good character”
- “Attend GP and get a drink awareness group”
- “Refer to Gamcare website”
- “Seek alternative accommodations”
- “Refer to debt advice charity”

The initial approach taken to improve the specificity of plans was to conduct additional training. OMs across the study area received S.M.A.R.T. training from the WMP training staff, as well as the research team. Additionally, as new LPUs were added to the project, the standard TPP training package provided by the TPP team was adjusted so as to focus significantly on creating S.M.A.R.T. plans. OMs were given examples of previous treatment conditions that were insufficiently S.M.A.R.T., and as a group they pointed out issues and proposed ways to improve the conditions. They were also given scenarios using past TPP cases and worked under TPP staff guidance to develop complete treatment plans. Guidance was provided regarding the structuring of conditions.

Following the additional training input, treatment plans did improve markedly—particularly regarding drugs and alcohol treatment. However, improvement was inconsistent, and the additional training did not appear to solve the problem of vague treatment plans. Many of the conditions set at this stage were more specific than their predecessors in terms of the time and engagement commitment required. Examples of these more specific conditions at this stage include:

- “Attend 3 x 1 hour appointments with SMART worker to address alcohol misuse”
- “Attend 3 appointments with alcohol charity if referred on by SMART worker”

However, many vague conditions still remained, such as:

- “Contact Sanswell drug services”
- “Actively seek employment”
- “Engagement with ARW”
- Attend doctor’s for drug counseling
- Attend GP for advise on anger management
- “Seek advice for debt”

The remedy of additional training to improve the specificity and overall quality of treatment conditions did not appear to be sufficient.

This presented the research team and the force with a dilemma that had been very familiar in policing over the previous decade or so. As Fox (2012) set out in his study of police practice guidance, police forces found that there is a very delicate balance between prescriptive guidance, which was often ignored because it failed to cater for exceptions and principles, which could be seen as too vague. He recommended that guidance should be developed in very close cooperation with those who actually have to use it.

This is the approach that is now underway, starting with the identification a set of recommended standard treatment conditions, so that each common risk factor (drugs, alcohol, mental health, etc.) identified by officers has associated recommended condition. TPP researchers, OMTs, and partner agencies are working together to design specific and enforceable conditions. Officers will still be free to use discretion and identify other options, however this approach is designed to streamline conditions. See Figure 1 for an example of the framing of the recommended conditions:

<b>Education Training &amp; Employment</b>	1.	Attend 3 appointments with EESPro who will prepare and agree to a Customized Action Plan with you. This may include creation of a CV, practicing of interview or other job skills, attendance at a training course, and/or pursuit of volunteer or paid positions. Follow action plan for a period of four months.	EESPro will provide feedback within a 60-day period on engagement with the service.
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Figure 1

Several characteristics of the condition in Figure 1 that that are illustrative of the structure of recommended conditions include: specific time commitment (3 sessions); specific but flexible clarification of tasks the partner agency may require of participant (4 examples of possible requirements are described); and a specified mechanism for ensuring condition compliance. Additionally, as the offender will not know exactly what tasks they are committing to when agreeing to this condition in their TPP treatment plan, it is important that they are aware they will have the opportunity to participate in the development of the EESPro (a partner service provider agency) Customized Action Plan and consent to the specific components.

**Measurable Conditions**

While there was a system in place for collecting information to measure plan compliance, the compliance system did not work in practice. The original plan for measuring compliance was for OMs to contact the partner agency and obtain confirmation that plans were followed. In some cases this did take place. For example, one offender whose treatment plan included school attendance was breached because of contact with his school, which provided his less-than-exemplary school attendance records to the OMs. However, for the most part this approach was not realistic; OMs did not take the time to make the necessary contacts, and in some cases, such as the many treatment plans that included reaching out to offenders' GP, this would not be feasible due to confidentiality issues.

Probing uncovered failure of agreed conditions to take place in some cases. For example, while 7 offenders among the first 42 cases treated by the OMTs received restorative justice as conditions, only 2 actually received restorative justice conferences as of 2 months after the completion of the pilot phase. The status of the condition compliance was not always clear on the TPP plan documents.

To address this, the treatment plan document was altered to require explicit information regarding the completion of conditions (see Appendix 5). The list of conditions, signed by both offender and OM, now includes a column for "proof of completion". There is additionally a page in the final treatment section in which OMs are asked to confirm the completion of each condition, and describe the evidence attained of each condition's completion.

**Attainable**

For the most part, there were very few apparent issues with attainability of TPP conditions. In terms of the onerousness of the treatment plans, the plans averaged 4.6 conditions, including the two permanent conditions of not reoffending and attending meetings with the offender manager. The highest number of conditions was 8, with the majority of offender receiving 4 or 5 conditions (see Figure 2). The offender who received 8 conditions was one of the first offenders through the project, and whether or not this number of conditions was too harsh was discussed among the OMs (this offender did not

breach her conditions); while the general agreement was that this was not too harsh of a plan for the situation, from that point onward OMs set fewer conditions.

There was also no clear pattern regarding the number of conditions and the likelihood of an offender breaching conditions (see Figure 3). In other words, neither receiving more nor receiving fewer conditions appeared to be associated with a

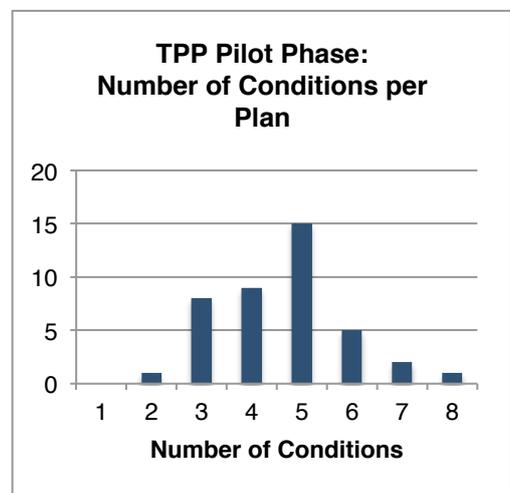
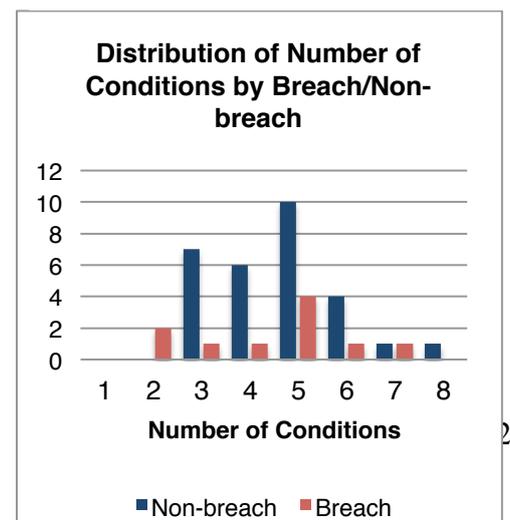


Figure 2



higher likelihood of breaching, although the sample in the pilot was far too small to generalize any patterns observed in this subsample.

Offenders who were interviewed saw their treatment as fair, and did not think they received too many conditions. Some even suggested additional conditions that would have been helpful. Some comments from offenders who participated in TPP include:

### Figure 3

- “[TPP] keeps you out of trouble and gives you something to look forward to... It keeps it in your head that you’ve got people there who actually want to be there to help you change the way you are, and your future.”
- **Offender who got a job as part of his Turning Point Plan:** “I just think if I never had a job I’d still be really horrible to everyone. Because before I was really horrible to everyone, like my mom and dad.”
- **Offender with a curfew as part of her Turning Point Plan:** “I just don’t go out with the people I used to go out with to get into that predicament again. I stay in more now. I go out with my family, my gran and my mom and stuff like that.”

This stood in stark contrast to the experience of one young offender who went to court, who, when asked about the impact of his experience on him, stated:

- “When I’m older, if I go to court, I won’t be as scared because I’ve already done it.”

In terms of the conditions themselves, there were no conditions that stood out as unreasonably harsh, and almost none were unattainable for practical reasons. One exception came about in one of the early treatment plans; one of a father’s conditions was to “support daughter with meeting with domestic violence department at.[Police Station]” As the actions of the daughter were not in the control of the father, this condition was removed and used in later trainings as an example of an unattainable condition.

One recurring condition that did face issues with attainability was restorative justice conferencing (RJC) with the victim. In a few cases, participation in an RJC was the only condition beyond no reoffending and meetings with the OM, and when the conference did not go forward due to victim refusal—an issue beyond the control of the offender—the offender was left with no additional conditions. This has been addressed by an improved process of offering restorative justice to the victims, as well as encouraging offender managers not to consider it a guaranteed condition, as it requires victim consent.

### **Relevant**

Without survey data it is impossible to know how accurately the OMs identified the life problems experienced by offenders, however almost all of the problem areas identified by OMs were addressed in the conditions.

The conditions set were closely related to the offending, with virtually no conditions that appeared to be completely unrelated to the offending behavior or reasonably inferred causes of offending (see Table 1).

### **Time-Restricted**

The end time period inherent in the Turning Point Project ensures that a time restriction is placed on the conditions, and the plan documents were clear in this element.

### **Interviews With Offender Managers**

Most offender managers who had created a TPP plan were interviewed shortly after the pilot phase of the project. This included 12 officers on Birmingham East, and the single officer who created most of the plans on Birmingham South.

The delivery mechanism differed between the two different LPUs. On Birmingham South, while a variety of officers tried one plan, the Turning Point project soon fell to a single officer. This seemed to be due to a combination of less officer interest in participating, and her stronger ability to create quality treatment plans. However, this provided very little resilience; she departed on maternity leave part way through the project, leaving no experienced TPP officers. The positive for this was that this officer was dedicated and skilled at creating high quality treatment plans, however lack of resilience was an issue.

On the East LPU, most offender managers attempted at least one TPP case. Over time, officers with less interest did not continue to receive cases. The division of labor was primarily allocated based on area; offender managers in this OMT are generally divided up by area within the LPU, and when a TPP offender lived in a certain area, they would be allocated to the offender managers covering that area. Each area group contained offender managers who were focused on TPP who would handle those cases, although the allocation of TPP cases in this way was not strict or formalized.

Overall, OMs who were interviewed were supportive of the project. They felt that it gave them a good opportunity to make a difference; and they expressed a general sense that the project would be effective in reducing reoffending. Concerns about the project tended to relate to specific procedural issues, or particular types of offenses/offenders. A few representative positive comments about the general project concept and approach:

- “When people get locked up, we’re just scratching at the surface of a problem and we put them through the justice system, and that’s it... With this, we’re not just scratching at the surface of a problem, getting an arrest and [credit for] a detection, we’re finding the reason why they’ve committed

<b><i>Treatment Conditions Set by Offender Managers in First 45 Plans</i></b>	
<b>Drugs/Alcohol</b>	<b>17</b>
Drugs Treatment	8
Alcohol Treatment or Support	7
Random Drug Testing	6
<b>Restorative Action</b>	<b>14</b>
Restorative Justice Conference	7
Letter of Apology	5
Mediation	3
Reparation Payment to Victim	2
<b>Movement Constraint</b>	<b>11</b>
Ban on Location	5
Non-Association w/ Certain Peers	6
Curfew	4
Non-Association with Victim	3
<b>Mental Health</b>	<b>12</b>
Contact GP for Mental Health	10
Anger Management Course	5
<b>Self-Sufficiency Support</b>	<b>19</b>
Employment	17
Accommodation	3
Education	2
Debt/Money Management	2

Table 1

an offense and trying to help solve that. Which for me is just, a far better way of trying to help someone than just by banging them in the justice system.”

- “I initially didn’t like [TPP]. Your typical mentality as a bobby, is that they’re not getting punished and that it’s just more cost cutting. And it is cost cutting. But I’ve come around to it now. I do like the system. It’s effective because obviously we can take people who would otherwise have gone to court and get a slap on the wrist... and put more constraints on people, safeguarding, etc. So there is more of a punishment with TPP than there is when they’ve gone to court.”
- “I think that [the conditions I created] kind of ticks all the boxes and covers everything and will hopefully stop anything like that from happening in the future... It’s dead simple, and if it’s going to save a bloke from getting a criminal record who is a young man and who’s acted a bit impetuously, then so be it, I think it’s a good thing...”
- “I think they’re brilliant, I think that if it’s someone’s first time, then I think that it can work, and if it is say a drink related offense then of course bringing them in here and having sessions and referring them to alcohol groups or help is so much better than sending them to court and giving them a fine. You need to get to the root cause of the problem to prevent it from happening again. So in that way, yeah, I totally agree with it.”

The most common concerns expressed by officers was difficulty in the referral process from custody, including a lack of timely notification about cases, cases inappropriately referred to OMTs that should have been sent to the YOT, and cases that OMs felt that should not have been included. These issues were generally worked out on an individual basis eventually, but took time and attention to address.

Some officers stated that when they first heard about the project they had general concerns about the project concept. However, all officers with initial concerns expressed that they had more or less “come around” after experiencing (or vicariously experiencing) the project, although some still felt that the implementation of the project was not for them. Officers generally felt that TPP was self-correcting, in that offenders who would not cooperate with the project would be breached and prosecuted. The remaining issues generally related to specific substantive or procedural scenarios, as opposed to overall concerns about the overall project. These included:

- **Concern regarding specific types of cases** (eg. Anything impacting points on the driving license, inclusion of drug dealers). *This was addressed by the Turning Point leadership team by considering each of the issues raised, changing guidelines when necessary (such as ensuring license points were still pursued when necessary) and including officers in discussions about each.*
- **Difficulty creating plans with offenders who did not admit to the offense or acknowledge any life problem areas.** *This is being addressed by the inclusion of community service options to ensure TPP condition options are available when risk-based conditions are not accessible, as well as adjustment of TPP OMT trainings to focus on improving interviewing skills of officers to identify relevant life issues.*

- **Concern that they (offender managers) did not have time to sufficiently check up on curfews.** *This has been addressed by conversations between the various LPUs to determine best practices regarding how often curfew checks were necessary.*
- **Concern that they (offender managers) were not taking the time to follow up with partners to ensure plan conditions are completed.** *This has been addressed by adjusting the Turning Point Plans to ensure the mode of compliance enforcement is stated at the beginning of the plan, and confirmed when a plan is completed.*
- **Failure to contact victims, or difficulty attaining support (and in the case of restorative justice offers, participant) from victims.** *This has been addressed with the creation of the Victim Contact Plan, which is discussed below.*

### **Restorative Justice**

The use of RJ in the pilot phase was exceptionally low. Of the initial plans, 7 included restorative justice conferencing; only 2 of these actually went to conference as of 2 months after the completion of the pilot phase. In any restorative justice initiative, a fair amount of refusal is to be expected. However, the conversion rates in TPP were much lower than usual.

As an evidence-based tool for fostering desistance, the use of RJ is an important component of this experiment. There is clear evidence that, for at least some types of offenders, RJ can be a turning point away from reoffending (Strang et al, forthcoming), and is identified as one of the key tools for Offender Desistance Policing (Sherman and Neyroud, 2012).

There are a variety of reasons that RJs did not take place in almost any cases in the pilot phase. Steps have been taken to improve the use of RJs in TPP addressing five main problems identified in the pilot phase of TPP. These are:

- 1) **Screening:** In the TPP Pilot Phase, there were many cases where RJ was not offered when it was possible.

***Solution: Expanding RJ Screening:*** Offenders will now be screened for appropriateness for RJ by experienced facilitators for all cases with personal victims, not only cases referred by OMTs. Therefore, no cases will be ruled out prematurely as inappropriate for RJ by inexperienced facilitators.

- 2) **Experience:** Virtually none of the OMs offering RJ in the TPP Pilot Phase had ever facilitated a conference, although some had been trained in RJ facilitation. The evidence is clear that training alone is not sufficient to prepare an officer to successfully offer RJs; instead a case where an RJC

is offered to victims and offenders is much more likely to go forward if the facilitator is experienced (Shapland et al, 2011; Strang, 2002). Experience of the facilitator, as well as fidelity to the treatment model, are also predictors of success of the RJC in reducing reoffending (Sherman et al, 2003).

**Solution: RJ Offer by Experienced Facilitators:** WMP's experienced facilitator officers are now tasked with offering RJ to the victims and offenders until such time as trained facilitator OMs gain enough experience to make successful offers. Restorative Solutions has committed to providing the mentoring necessary to develop OM facilitator's skills.

- 3) **Face-to-face:** There is some experience from past RJ studies suggests that offenders and victims are less likely to participate when offered RJCs over the phone (Shapland 2011). While all offenders who did receive an offer for RJ were offered RJ face-to-face during the initial meeting to set TPP conditions, all victims who were offered RJ during the pilot phase were contacted over the phone. This was confirmed by statements by OMs, as well by some victims and offenders, during interviews.

**Solution: Face-to-face offers:** Whenever possible, RJ will be offered to both victims and offenders face to face, as is the normal procedure for WMP facilitators.

- 4) **Phrasing:** The phrasing of the offer—and the conversation leading up to the explicit suggestion of RJCs—are important in achieving acceptance. In past studies of RJCS, the offer of a conference had to be done very carefully in order to be effective. Victims and offenders had to be approached in a particularly gentle manner (Strang, 2002; Shapland, 2011). In addition, more difficult cases—often including cases with prior relationships—took longer to bring to conference. As most of the cases with victims in the TPP pilot project involved prior relationships between the offender(s) and victim(s) (eg. family, colleague, neighbor), it is important that facilitators invest extra time into the offer of RJCs in these cases (Strang, 2002; Shapland, 2011).

The recommended RJC offer process begins by allowing the offender to discuss the crime and their motives, moves towards the offender imagining what the victim must think of them, and only then moves into a discussion of whether or not they would like to sit down and discuss this with the offender. A similar process exists for achieving victim consent to participate in the process. Statements by OMs, victims, and offenders confirmed that in many cases, this process was not followed; often they were asked if they wanted “mediation”, or to “sit down with the offender” to “discuss the crime”.

It is suggestive that during the interview process, most victims stated that they would have liked to participate in an RJC when asked in a way resembling the recommended RJ offering process. This includes some victims who initially expressed that they would not like to participate in an RJC, but then changed their minds when asked in the recommended way.

**Solution: Training and Mentorship:** To improve take-up rates of RJC's, facilitators received supplementary input regarding the offer of RJC's. Training focused on both the importance and the skills of going through the process according to the recommended procedure. WMP is also looking at designing a mentoring process for facilitators to develop these skills.

- 5) **Pressure** Past RJ studies suggest that offenders are more likely to participate in RJC's if there is some type of pressure to do so, either in the form of pressure from the criminal justice system or from trusted social authority figures (Strang, 2002; Shapland, 2011).

**Solution: Increasing Pressure to Participate in RJ:** Strategic phrasing of the TPP RJ condition has been included to apply some pressure to offenders. All treatment plans have the pre-printed condition to "Attend a restorative justice conference if asked". This phrasing implies a mandatory condition, however, facilitators will screen all offenders for appropriateness for a conference; if an offender is adamant about not participating, the offender will be deemed ineligible for RJ—as it is based on consent—and not formally asked to participate. The added pressure of such phrasing has been used successfully in Thames Valley in the past.

An additional hypothesis considered to explain the low use of RJ was the lack of buy-in among OMT staff. While there was some evidence that there was some lack of prioritization of RJ—and feeling that RJ was their "thing"—among some staff, overall this did not seem to be a primary factor in the low conversion rate. All officers felt that it should be tried for TPP offenders, and most expressed confidence that it would work with many of these "types" of offender, although there was specific hesitance regarding the value of RJ for more serious offenders. Hesitance was also expressed regarding the time commitment of RJC's, and the difficulty of convincing both victims and offenders to agree to participate. A few OMs expressed that they did not feel that it was their role to work with victims, as they were "offender" managers.

It is possible that there was a hesitance to express negative sentiment regarding RJ to the interviewing researcher. However, precautions were taken to ensure accurate responses: officers were interviewed under the clear condition of anonymity; questions were asked in multiple ways to triangulate answers; officers were not interviewed by WMP officials, in order to remove pressure to satisfy job requirements; and officers were strongly encouraged by researchers and their sergeants to be honest, as their opinion would be taken into account. Additionally, the researcher took note of apparent differences between active support for RJ, and passive support—statements that seemed animated in their support for RJ, and those that were more subdued—and most officers expressed more enthusiastic responses.

## **Victims**

Researchers attempted to contact all of the victims from the pilot phase to determine their level of satisfaction and receive their input in identifying any potential problems. A total of 20 victims were reached, either over the phone or in person—due to difficulty in reaching victims, a few of these victims came from cases that entered the project shortly following the pilot period. Many victims were generally satisfied with the handling

of their case in Turning Point, however the majority expressed significant dissatisfaction. Evidence-based changes in the TPP approach to victim involvement have been instituted to improve the overall satisfaction of TPP victims.

Victims that were satisfied tended to express their satisfaction in terms of a sense that the offender might be possible to rehabilitate, and/or a sense that the problem was being solved. The majority of satisfied victims were either near-stranger neighbors or true strangers, however the sample size of victims was too small to be able to infer that this observed trend would be reflected in the full sample of TPP victims. The victims who had received RJ felt satisfied with their experience.

Those who were dissatisfied generally expressed significant anger regarding the treatment of their case through diversion to in Turning Point. While many of these dissatisfied victims were angry at the offender, all were angry at the police as well. Virtually all victims who were dissatisfied stated among their main concerns that they did not think the offender would understand impact of their actions, and that the treatment via TPP would not stop them from reoffending. Some victims stated that they wished the offender was treated in court for the purposes of punishment, but virtually all followed this comment up by saying they believed that otherwise the offender would not understand the impact of their crime. For example, one victim who was assaulted by a relatively distant family member—when asked what she would have wanted to happen with the offender after arrest—stated:

“Just give them a list of good punish about it, because if you don’t give them good punish about it, they think they get away with it. If they had been given a bit of bad record kind of, then they will understand, they will have their own medicine to think ah, I attacked someone, how did that person feel?”

This theme of skepticism regarding the effectiveness of the TPP program was taken into account when creating the plan for addressing the needs of victims, which will be addressed below.

The dissatisfaction of victims may be attributable to a few procedural problems in the pilot phase. During this phase, the approach to explaining Turning Point to the victims was not handled in a strategic and uniform way. The initial training left the approach to explaining the TPP to the professional judgment of OMs. Some victims were told by the Officer in Charge or another investigating officer (as opposed to a TPP related officer), none of who were briefed on the TPP project and therefore were unequipped to fulfill this role. There is evidence that officers sometimes communicated with victims in ways that increased victims’ anger. For example, one victim stated repeatedly that the officer told them that the offender was diverted to TPP “to save the taxpayer’s money”. At one point, he stated:

“[The TPP officer] tried saying to me yeah you know what they’re going to put him on a [expletive] course yeah, they’re going to put him on a little course to save the taxpayers money. That was the exact words. You think I want the taxpayers money to be saved? Think about it. I’m paying these police officers, I’m paying the tax yeah, just so they could say to me oh we’re trying to save your money. You’re not saving my money. My money’s gone out of my pocket already.”

Additionally, victims reported other communication concerns. Three victims were not told about the project, and were upset to find out at a later date. Some victims were upset that they did not receive follow-up information about the progress of the offender after the initial contact explaining TPP. In two cases victims who reported potential trauma symptoms were told they would receive follow-up support from Victim Support, and they were upset they had not been enrolled in the services.

### ***Improving victim satisfaction***

Three key adjustments were made to increase overall victim TPP satisfaction:

- 1) Restorative justice:** The increased use of RJ is the cornerstone of the TPP approach to victim satisfaction. RJs will be attempted in all cases with personal victims. In cases where an offender is not determined to be inappropriate for restorative justice or does not agree to participate in a conference, a victim-absent conference will be held.

**RJ** is shown to increase victim satisfaction, leaving victims with more improvement in their view of the criminal justice system, less anger, and less fear (Shapland et al 2011; Sherman et al 2012; Strang 2002). Additionally, victims who participated in RJs have been less likely to believe the offender would offend again (Sherman et al 2012)—which is particularly relevant because one of the main themes expressed by victims was the concern that offenders would not stop reoffending.

- 2) Victim Contact Script:** A script was created to ensure the explanation of TPP to victims is consistent and strategic, regardless of who explains the program. Research has found that the police response in engaging victims is more important than even solving the crime to victims (Maguire 1982). Victims are more satisfied when they believe the police and criminal justice officials care about them and are concerned about the crime that happened to them; a sense of being cared about increases victims' perception of the fairness of the procedure (Shapland 1986). The feeling that the process is fair is particularly important for victim satisfaction, in part because they face a high degree of uncertainty regarding the outcome of the crime (Wemmers 1996). Whenever possible, the facilitator who conducts the RJ process will explain TPP in a face-to-face manner, as evidence suggests that face-to-face contact leaves victims more satisfied (Shapland 2011). However, when this is not possible in a timely manner, the explanation will be offered by the TPP OM over the phone using the TPP script.

A script is additionally important because victims tended to equate the placement of the offender in TPP with the police “not doing anything” about the crime. For example, one victim stated:

“[The diversion of the offender to TPP made me feel] not cared for. You start thinking... you know I pay county tax, I should be treated better, but it kind of made me agree with people who say that because it's just, I paid for [police] service and I'm not getting it...”

A clear explanation of why the police believe that TPP is a better option for reducing reoffending is important for fostering the feeling that the police are being proactive about fighting crime.

- 3) Victim Follow-Up:** The third component is asking for the victim's request regarding their desired level—and timeframe—of follow-up contact regarding the progress of the offender under TPP. The treatment plan now includes a location for the OM to confirm that this follow-up contact has taken place. This approach has been instituted because research into victim satisfaction has consistently shown that an important factor associated with victim dissatisfaction in court is the lack of follow-up and continued contact by the police. In research regarding victim satisfaction with the criminal justice system, the more contact victims have by criminal justice authorities, the more victims are satisfied. Victims want information about both the processing and the outcome of their cases, and while they are generally satisfied with police at first, their satisfaction reduces over time as they receive less contact after the initial investigation is complete. For example, in one study of 200 victims of violent crimes in 2 cities in the UK, victim satisfaction was initially high as the police were investigating the crime, and then satisfaction dropped off over time as victims stopped receiving information. Victims blamed the police for the lack of information about case processing, even if the offender was already in the hands of criminal justice officials and no longer in police custody (Shapland 1986). This pattern is evident in TPP, as many victims expressed that they were largely satisfied with the initial police response, but their satisfaction eroded after that point.

## 7.0 Conclusions and future developments:

Operation Turning Point experiment has been set up and carefully implemented in stages. The Operation is now set to achieve its target sample size by the second half of 2013. However, there are already important findings to report, which have been presented in this, interim report. The findings are particularly timely given that the Ministry of Justice has been consulting about changes to the regime for Conditional Cautioning, which would almost certainly lead to a wider use of that disposal. Our findings provide, we feel, some important evidence on the challenges for police in setting effective conditions and managing them.

The findings on the challenges of getting Turning Point to work effectively have also been very important in determining how the project should move forward. From the start, two categories of offending – hate crime and domestic violence – were deliberately excluded from the experiment. In both cases, it was felt by the Steering Group to be essential to have substantial experience of the application of the experiment to other crimes before applying it to two categories, which were perceived as both politically sensitive and professionally challenging. In the case of hate crime, the force and the CPS had been engaged on a joint effort to raise the level of reporting and criminal justice outcomes, particularly following the Pilkington case and the subsequent Inspection reports (CJIT,?). With domestic violence, a series of adverse IPCC reports (IPCC, ) and a national focus on it as a priority under both Labour and Coalition governments, have encouraged advice from ACPO against using diversion. However, the Hampshire Operation CARA was eventually sanctioned to test a standard perpetrator programme as a condition for low harm offenders against a conditional caution without the programme (CARA protocol).

The Steering Group has reviewed the progress of the experiment and agreed that hate crime could be included in the trial from the beginning of 2013. The potential for this to happen had already been shared with the Hate Crime Forum representing groups from across West Midlands. They were broadly supportive of the experiment, provided that the conditions for hate crime include a requirement for consent from the victim and the exclusion of offenders with a prior conviction or caution for hate crime. The Gateway has already been set up to allow for these conditions, once work to provide guidance to OMT's and custody staff is complete.

The Gateway has also been set up to provide similar conditions for domestic violence, with the addition of an eligibility criteria which would exclude offenders with other than a low MARAC risk assessment. However, the Steering Group recognised that a careful process needs to be gone through before a decision to go live with domestic violence. In particular, given that there is less substantial evidence to support effective programmes with domestic violence perpetrators, it is proposed to adopt the same approach as the Operation CARA trial and specify a single perpetrator programme rather than allow OMTs the discretion to set conditions. They would be responsible only for tailoring conditions to reflect the needs and wishes of the victim in respect of the level of contact or non-contact from the offender. Furthermore, the Steering Group recognised the need to engage the new Police and Crime Commissioner and the CPS before taking a decision to go live.

Beyond this there are some major pieces of work that will need to be done over the next year:

- Cost effectiveness data: The Turning Point plans have already been set up to provide some cost data, but the research team recognise that considerable work remains to be done on this and on the extraction of accurate enough cost data for prosecutions.
- Control data: it is important that the research team undertake a full analysis of the prosecution cases in order to be clear about the actual experience of the control condition of the experiment. It is a common criticism of randomised controlled trials that too much attention is focused on the treatment to the detriment of understanding the control.
- Victim and offender perceptions: the research team has already committed to a further exploration of the victim and offender experience of the experiment, particularly to explore whether changes in Stage 3 have begun to deliver expected improvements.
- Reoffending data: the research team have already undertaken one, preliminary download of reoffending data from the PNC in order to assess the ease with which data can be extracted. The results were reasonably satisfactory, whilst highlighting the need for further work cleansing the data. It is proposed to undertake regular 6 monthly download and analysis to support the experiment.

Over the next year, the challenge of maintaining the momentum of the experiment, starting to consider how its lessons might be embedded into practice and carrying out a full, objective analysis of the outcome are considerable and will require continued commitment and leadership from the research team and the force.

The research team would like to recognise their gratitude for the continued support of the Monument Trust, without which this, independently funded programme would not be possible.

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**Appendices**

## **Appendix 1: Operation Turning Point: an experiment in “offender desistance policing”**

**West Midlands Police and Cambridge University**

### **Crim-PORT 1.0:**

*Criminological Protocol for Operating Randomized Trials*

@ 2009 by Lawrence W. Sherman and Heather Strang

**INSTRUCTIONS:** Please use this form to enter information directly into the WORD document as the protocol for your registration on the Cambridge Criminology Registry of EXperiments in Policing Strategy and Tactics (REX-POST) or the Registry of EXperiments in Correctional Strategy and Tactics (REX-COST).

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- 12. DUE DATE AND DISSEMINATION PLAN**

## **1. NAME AND HYPOTHESES**

### **1.1 Name of Experiment:**

*Operation Turning Point: a randomized trial of “offender desistance policing” in the West Midlands Police area*

### **1.2 Principal Investigator:**

1.2.1 (Name) Peter Neyroud

1.2.2 (Employer) University of Cambridge

### **1.3 1st Co-Principal Investigator:**

1.3.1 (Name) Professor Lawrence W. Sherman

1.3.2 (Employer) Universities of Cambridge and Maryland

### **1.3.3 2<sup>nd</sup> Co-Principal Investigator**

1.3.4. (Name) Barak Ariel

1.3.5. (Employer) University of Cambridge

### **1.3.6 3<sup>rd</sup> Co-principal investigator**

1.3.7 (name) Molly Slothower

1.3.8. (employer) University of Maryland

### **1.4 General Hypothesis:**

Offenders who have not been previously been convicted at court, but whom the police would otherwise charge for prosecution, can be more cost effectively dealt with by police-led offender management than by prosecution, subject to a condition of the certainty of prosecution in the event of reoffending or breaking an agreed “contract” about their conduct.

### **1.5 Specific Hypotheses:**

#### **1.5.1 List all variations of treatment delivery to be tested:**

1.5.1.1 All those arrestees randomly selected for treatment will have a rapid (within 72 hours) diagnosis meeting with a police officer, after which the officer will offer the arrestee the option of not being prosecuted upon the arrestee’s

agreement to a “turning point contract,” unless the arrestee then breaches conditions of the contract or reoffends within 4 months (if the offence is one with a statute of limitations restricting prosecution to 6 months) up to a maximum of 6 months. Reoffending or contract breach will automatically trigger prosecution for the original offence as well as any subsequent offences.

1.5.1.2 the contracts will involve a set of tactics including voluntary curfew, voluntary exclusion zones, voluntary drug and alcohol testing/treatment referral, not associating with named individuals or categories of people.

1.5.2 List all variations of outcome measures to be tested:

1.5.2.1 Frequency of reoffending within 12 months/2 years and frequency of reconviction within 12 months/2 years as compared between the treatment and control group.

1.5.2.2 Frequency of compliance with the agreed contracts of the treatment group, including measuring the compliance levels with different contract tactics (as at 1.5.1.2) –

1.5.2.3 the sentences given to the control group and the level of compliance with sentences.

1.5.2.3.1 the level of victim satisfaction comparing those allocated to the treatment and control groups, subject to the availability of funding for this element.

1.5.2.3.2 the costs to the criminal justice agencies of the treatment and control groups.

## **2. ORGANIZATIONAL FRAMEWORK**

**2.1 Multi-Agency Partnership:** West Midlands Police delivers treatments with an independent research organization (Cambridge University) providing random assignment, data collection and analysis

**2.1.1** Name of Operating Agency: West Midlands Police

**2.1.2** Name of Research Organization: University of Cambridge (analysis)

## **3. UNIT OF ANALYSIS**

**3.1** People: Offenders arrested by the police and considered to have met the criteria for charging.

**3.2** Locations: Offenders will be arrested and taken to one of 3 Custody locations and dealt with one of two Offender Management teams. Data will be gathered to enable analysis of any differences of decision-making, process or outcome between the 3 custody suites and 2 offender management teams.

**3.2.1.** WMP and Cambridge may seek to expand the area of the trial by phases to include the whole of Birmingham and/or other areas, subject to implementation progress, but this will be treated as a separate experiment. WMP and Cambridge may also seek to expand the trial to include domestic violence and hate crime cases, subject to the

agreement of the CPS. This will also be treated as separate experiment.

## 4. ELIGIBILITY CRITERIA

### 4.1 Criteria Required

**4.1.1** Offenders who have been arrested by West Midlands Police within the 2 Divisions (Birmingham South and Birmingham East) within the trial area and who the custody officer decides satisfy the following conditions: there is sufficient evidence to meet the CPS Code evidential test; they are not considered suitable for informal resolution, caution, Penalty Notices for Disorder (PND) or conditional caution; their case meets the CPS Code threshold as being in the public interest to prosecute; they have no prior court convictions for a criminal offence.

### 4.2 Criteria for Exclusion

**4.2.1** Cases will be filtered out where, despite meeting the criteria in 4.1.1. nevertheless fulfill one or more of the following:

- 1) **where the offender has any previous conviction for a criminal offence;**
- 2) **where, if found guilty, the sentence the court is likely to impose in this case, for this offender, will be custodial;**
- 3) **all drink-driving offences**
- 4) offences involving the use or threatened use of a firearm, imitation firearm, knife or an offensive weapon *'per se'*
- 5) **where the consent of the DPP or a Law Officer is required to prosecute;**
- 6) **that involves a death;**
- 7) **connected with terrorism or official secrets;**
- 8) sexual offences involving offenders or victims aged under 18;
- 9) **hate crime according to CPS policies.**
- 10) domestic abuse cases according to CPS policy

**4.2.2.** Victims will be consulted as early as possible in the process and, if Domestic Violence and Hate Crime are included as a separate experiment within the trial, victims in these cases will be asked for active, informed consent to

the treatment being used. If Domestic Violence and Hate Crime are agreed for inclusion this will be treated a separate experiment within the overall trial.

**4.2.3** Offenders will not be required to give informed consent to the trial before randomisation. But given that this means that some offenders selected for treatment may decline the treatment, the level of those declining must not exceed 10%. This issue will be tested in the dry run phase and if the level appears likely to exceed 10%, the Project Manager and Principal Investigator will consider a change to an active consent model before randomization.

## **5. PIPELINE: RECRUITMENT OR EXTRACTION OF CASES**

### **5.1** Where will cases come from?

Cases will be identified by a 2 stage process: stage 1 – a custody sergeant decides that an offender has met both the evidential and public interest test for prosecution AND that they have no previous court convictions AND that they are not excluded by any of the criteria at 4.2.1: Stage 2 they will be randomized to treatment or control.

### **5.2** Who will obtain them? As 5.1

### **5.3** How will they be identified? As 5.1

### **5.4** How will each case be screened for eligibility? As 5.1 and 4.

### **5.5** Who will register the case identifiers prior to random assignment? West Midlands Police as above at 5.1 in the Cambridge randomizer

### **5.6** What social relationships must be maintained to keep cases coming?

#### **5.6.1 Offender managers and principal investigators must stay in close contact with custody officers.**

**5.6.2** There is a steering group with WMP, Cambridge University and Crown Prosecution Service membership to provide oversight and a working group of frontline staff involved. The Steering Group is linked to the Local Criminal Justice Board within West Midlands, which includes the other criminal justice agencies (Probation, Courts, Witness Service and Defence solicitors).

Additionally, because the Monument Trust has provided the funding for the research, there is a national steering group with senior representatives from the Judiciary, CPS, Police, Parole Board and NGO's.

**5.6.3** The protocol is to be tested with a two-phase “dry run” and practice for the custody staff and offender managers before live data collection. The first phase, starting on 16<sup>th</sup> November 2011 will require all offenders with no prior convictions, whom the custody officer is considering for prosecution, to be entered on the Cambridge Randomiser, which will be set to “all prosecute”. This will allow Custody staff to get accustomed to the Randomiser and the decision tree for the experiment. In the second phase, the Randomiser will be switched to “all treatment” and all those within the

criteria will be referred to the Offender Managers to provide practice with the process of the Turning Point Contract. The full go live will not be switched until the Project Manager and Principal Investigator are satisfied that sufficient volume has been achieved to iron out initial implementation problems.

**5.6.4** There will be weekly correspondence between Cambridge University and WMP during the experiment, with summaries of the cases and progress.

**5.6.5** Prior to experiment, the offender managers are to be trained by WMP/Cambridge and other key staff, including custody staff briefed.

**5.7** Has a Phase I (no-control, “dry-run”) test of the pipeline and treatment process been conducted?

**5.7.1** A dry run of the protocol will take place in November/December 2011 as 5.6.3. Full go live and data collection will be subject to the decision of the Project Manager and Principal Investigator.

## **6 TIMING: CASES COME INTO THE EXPERIMENT IN**

**6.1** A trickle flow process, one case at a time, with an estimated 40 cases per month in total (control and treatment).

## **7 RANDOM ASSIGNMENT**

**7.7 How is random assignment sequence to be generated?**

7.7.1. Random numbers case-treatment generator program in secure computer (Cambridge Randomizer)

7.8 Who is entitled to issue random assignments of treatments?

7.8.1 Role: Barak Ariel (via Cambridge Randomizer)

7.8.2 Organization: Cambridge University

7.9 How will random assignments be recorded in relation to case registration?

7.9.1. The format of the Randomiser for the Turning Point experiment is shown at Appendix B. This will record the decisions by Custody Officers, coded to location and officers collar number.

7.9.2. Cases allocated to treatment will be recorded on the WMP Corvus database, kept by the WMP Offender Management team. Cases prosecuted will be recorded on the ISIS database managed by the WMP CJ Department.

7.9.3 Location of data entry: WMP

7.9.4 Persons performing data entry: WMP Offender Management and CJ & Custody teams

## **8 TREATMENT AND COMPARISON ELEMENTS**

### **8.1 Experimental or Primary Treatment**

8.1.1 What elements must happen, with dosage level (if measured) indicated.

8.1.1.1 All the subjects allocated to treatment must have a “diagnosis meeting” with a member of the offender management team within 72 hours of arrest (normally within 24 hours but because of a lack of weekend cover some cases may need an appointment up to 72 hours) and must sign a “turning point contract” setting out the actions, including no reoffending, which they have agreed to following on from the “diagnosis meeting”. Cases where these two conditions are not applied cannot be considered to have met the conditions of the treatment.

8.1.1.2 All subjects within treatment who breach their “turning point contract” or reoffend within the agree period of the contract (a minimum of 4 months, up to a maximum of 6 months) must be referred for prosecution. There needs to be a high level of fidelity to this condition because “certainty” of prosecution is a key element of the hypothesis for this experiment.

8.1.1.3. All subjects who accept the treatment but then subsequently decide to change their minds within the contract period must be referred for prosecution.

#### **8.1.2 What elements must *not* happen, with dosage level (if measured) indicated.**

8.1.2.1 Arrestees should not be told that they were selected for deferral of prosecution by random assignment. But given that this means that some offenders selected for treatment may decline the treatment, the level of those declining must not exceed 10%. This issue will be tested in the dry run phase and if the level appears likely to exceed 10%, the Project Manager and Principal Investigator will consider a change to an active consent model before randomization.

8.1.2.2 Offenders who have been allocated to treatment must not be allowed to breach their contracts or reoffend without instant referral for prosecution.

8.1.2.3 CPS must not discontinue prosecutions, where an offender subject to treatment is referred for breach of the contract or reoffending. The decision to prosecute is one independently taken by CPS. It is possible, particularly in assault cases, that there will be some discontinuance. The Project Manager and Principal Investigator will monitor the level of discontinuances closely.

### **8.2 Control or Secondary Comparison Treatment**

8.2.1 What elements must not happen, with dosage level (if measured) indicated.

8.2.1.1. Offenders who are allocated to the control must be charged and referred for prosecution.

8.2.1.2 Offenders who are allocated to control should not be told that this allocation was based on random assignment. However, general information about the trial is being provided to defence solicitors.

## **9 MEASURING AND MANAGING TREATMENTS**

### **9.1 Measuring**

9.1.1 How will treatments be measured? By examining the official record in Corvus, which will include any contracts and any record of their being breached.

9.1.2 Who will measure them? Data will be gathered from WMP systems and analysed by the Principal Investigator

9.1.3 How will data be collected? From WMP operational systems (Custody and CORVUS)

9.1.4 How will data be stored? On secure WMP systems and Cambridge data systems.

9.1.5 Will data be audited? By the CJ Department.

9.1.6 If audited, who will do it? As 9.1.5

9.1.7 How will data collection reliability be estimated? Cambridge calculations

9.1.8 Will data collection vary by treatment type? Data for Treatment will be derived from the Corvus system, data for those prosecuted from the ISIS system.

### **9.2 Managing**

9.2.1 Who will see the treatment measurement data? Management at divisional and force level, the Steering and Working Groups.

9.2.2 How often will treatment measures be circulated to key leaders? Monthly

9.2.3 If treatment integrity is challenged, whose responsibility is correction? The Criminal Justice Department at WMP.

## **10 MEASURING AND MONITORING OUTCOMES**

### **10.1 Measuring**

10.1.1 How will outcomes be measured?

(a) Frequency, prevalence, time-to-failure and harm index level of rearrests and reconvictions as compared between the treatment and control group

(b) Costs to the agencies of prosecution (control group) and offender desistance policing (treatment group). Costs for experimental cases will be estimated by a diary of the offender managers.

(c) If funding is available, interviews with victims of arrestees in both treatment groups will be compared on the same kinds of dimensions as in the WMP ASB experiments.

10.1.2 Who will measure them? Corvus, cost and any victim data to be analyzed under direction of all Co-Principal Investigators by second co-PI

10.1.3 How will data be collected? Data transfers from WMP to Principal Investigators

10.1.4 How will data be stored? In Cambridge secured systems (for offending data) and Cambridge secure systems (

10.1.5 Will data be audited? Yes

10.1.6 If audited, who will do it? WMP CJ Department

10.1.7 How will data collection reliability be estimated?

Sampling of the custody records before, during and after the experiment (both treatment and control groups), for expected numbers, cases included and potential cases excluded. A one month set of sample data of potential cases will be drawn for January 2010 and together with the data from the dry run will be used to provide “expected” data to compare to actuals.

10.1.8 Will data collection vary by treatment type? No.

## **10.2 Monitoring**

10.2.1 How often will outcome data be monitored? Monthly by WMP/Cambridge University by an agreed report process

10.2.2 Who will see the outcome monitoring data? WMP/Cambridge University

10.2.3 When will outcome measures be circulated to key leaders? Monthly

10.2.4 If experiment finds early significant differences, what procedure is to be followed?

Regular reports will be tabled at the quarterly Steering Group and monthly working group. Only the Steering Group will have the power to sanction changes to the protocol.

## **11 ANALYSIS PLAN**

11.1 Which outcome measure is considered to be the primary indicator of a difference between experimental treatment and comparison group?

11.1.1 the comparative harm index of rearrests between the two groups over the first 730 days after random assignments.

11.2 Which outcome measure is considered to be the secondary indicator of a difference between experimental treatment and comparison group?

11.2.1. the comparative costs and benefit ratio of the treatment and control groups as measured by 11.1.1.

11.2.2 Cost-benefit in relation to frequency or rearrest.

### **11.3 What is the minimum sample size to be used to analyze outcomes?**

11.3.1 400 cases (200 treatment and 200 control)

### **11.4 Will all analyses employ an intention-to-treat framework? Yes**

We reserve the option to analyse the data using Instrumental Variables analysis, depending on treatment compliance rates.

### **11.5 What is the threshold below which the percent Treatment-as-Delivered would be so low as to bar any analysis of outcomes? 80%**

11.6 Who will do the data analysis? The 2d co-principal investigator

11.7 What statistic will be used to estimate effect size? Cohen's *D*

11.8 What statistic will be used to calculate P values? t-tests and, if the distribution is appropriate, zero-inflated Poisson regression.

11.9 What is the magnitude of effect needed for a  $p = .10$  difference to have an 80% chance of detection with the projected sample size for the primary outcome measure.  $d = 0.4$  (see appendix A for power calculations.)

## **12 DISSEMINATION PLAN**

12.1 What is the date by which the project agrees to file its first report on CCR-RCT? (Report of delay, preliminary findings, or final result).

Preliminary findings will be given to stakeholders within 120 days after completion of experiment and its follow up period.

12.2 Does the project agree to file an update every six months from date of first report until date of final report?

12.2.1. Yes.

12.3 Will preliminary and final results be published, in a 250-word abstract, on CCR-RCT as soon as available?

12.3.1. Yes.

12.4 Will CONSORT requirements be met in the final report for the project? (See <http://www.consort-statement.org/>)

12.4.1. Yes.

12.5 What organizations will need to approve the final report?

Cambridge University will provide any conclusions or Aggregated Data it intends to disseminate or transmit to WMP, for review, at least 90 days prior to submitting such materials for publication. WMP shall then have 90 (ninety) days to respond, provide comments and suggestions based on the said materials, whereas Cambridge University agrees to take under full consideration, at the very least in the way of including such comments and suggestions in the disseminated reports.

12.6 Do all organizations involved agree that a final report shall be published after a maximum review period of six months from the principal investigator's certification of the report as final?

12.6.1. Yes.

12.7 Does principal investigator agree to post any changes in agreements affecting items 12.1 to 12.6 above?

12.7.1. Yes.

12.8 Does principal investigator agree to file a final report within two years of cessation of experimental operations, no matter what happened to the experiment? (e.g., "random assignment broke down after 3 weeks and the experiment was cancelled" or "only 15 cases were referred in the first 12 months and experiment was suspended").

Yes. Save conditions stipulated in 12.5 above.

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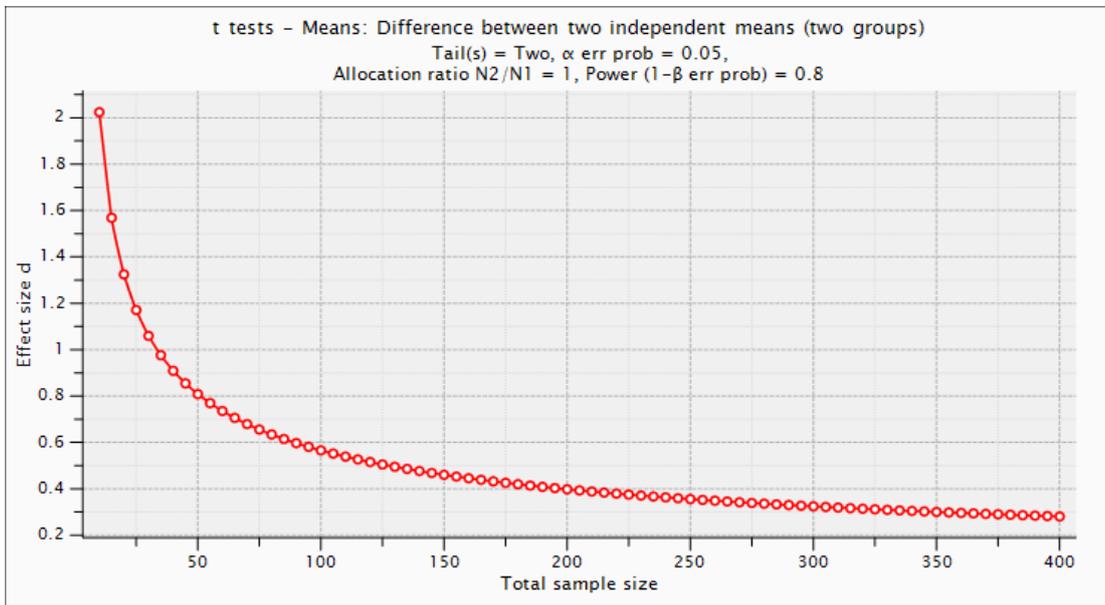
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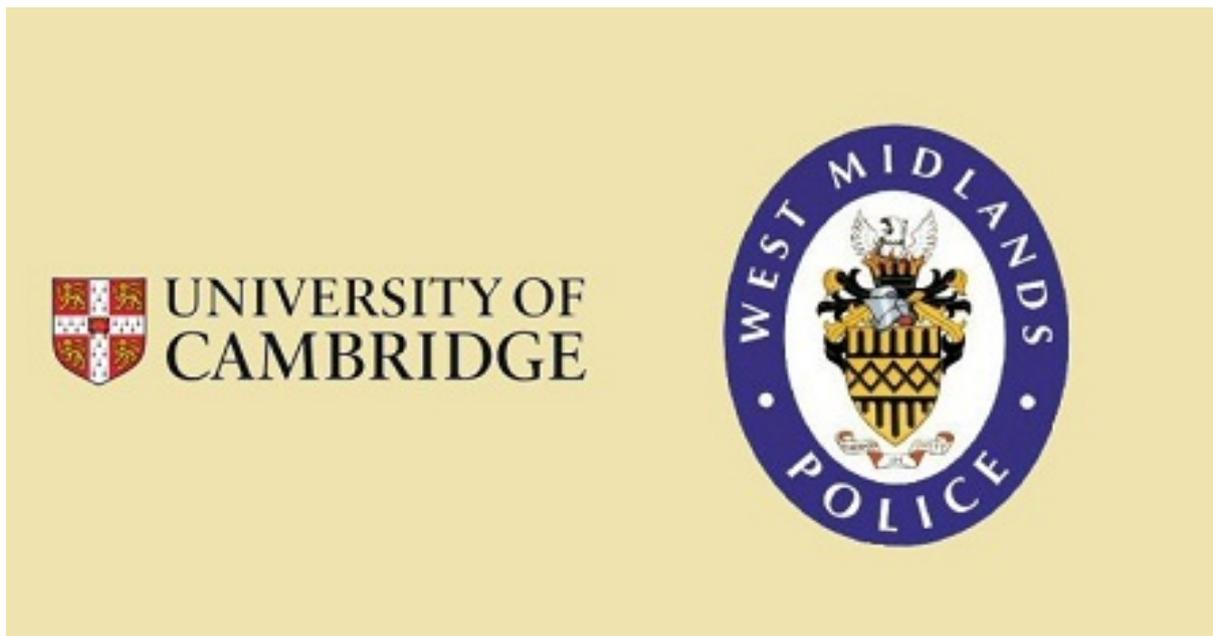
Appendix 2: Power Calculations:

t tests - Means: Difference between two independent means (two groups)

Analysis: A priori: Compute required sample size

Input:	Tail(s)	=	Two
	Effect size d	=	0.28
	$\alpha$ err prob	=	0.05
	Power (1- $\beta$ err prob)	=	0.80
	Allocation ratio N2/N1	=	1
Output:	Noncentrality parameter $\delta$	=	2.8139652
	Critical t	=	1.9658827
	Df	=	402
	Sample size group 1	=	202
	Sample size group 2	=	202
	Total sample size	=	404
	Actual power	=	0.8015793





### Operation Turning Point Project

#### Questions

Randomizer Case Number:

Custody No:

Custody Officers Collar No:

1. Is this a case involving a single defendant? Yes/No
2. If no, please list the custody record numbers for all the defendants  
Defendant 1:  
Defendant 2:  
Defendant 3:  
Defendant 4:  
Defendant 5:
3. Is the defendant (are any of the defendants) under 18? Yes/No
4. Does the defendant (any of the defendants) have any previous convictions for a criminal offence? Yes/no
5. Is this offender (are any of the offenders, where there are multiple defendants) likely to be sentenced to a period of custody for this/these offences? Yes/no
6. Is this a driving offence, including drink/drugs driving, that is likely to lead to a driving disqualification? Yes/No
7. Does this offence involve the use or threatened use of a firearm, imitation firearm, knife or an offensive weapon 'per se'? yes/ No
8. Did this offence contribute to a death of any person? Yes/No
9. Is this offence connected with terrorism or official secrets? Yes/No
10. Is this a sexual offence involving offenders or victims aged under 18? Yes/No
11. Is this offender (are any of the offenders, if multiple defendants) currently on police bail, bail to court for an offence, on licence or serving a court-imposed sentence in the community? Yes/No
12. Does this offence fit the hate crime policy according to CPS? Yes/No
13. Does this offence fit the domestic abuse policy according to CPS? Yes/No

14. Are there any other reasons to exclude the case?      Yes/ No  
Reason if Yes:

Not Eligible/Eligible – assigned to TPP/Prosecution.

Appendix 4: Standard Conditions for Operation Turning Point

1) ALL participants involved in crimes with victims will be assessed by Restorative Justice facilitators. DO NOT DISCUSS RESTORATIVE JUSTICE WITH PARTICIPANTS—facilitators will take care of this.

2) **When necessary, adjust recommended conditions—including specific hours for curfew, number of required hours/sessions of required activity, etc.-- to fit specific offender or offense.**

3) This is not an exhaustive list of conditions but they have been drafted after a careful review of the Turning Point Plans from the early stages of the trial and from reviewing the existing literature. If you decide that a different condition is appropriate for a particular offender, then please remember the principles:

- a. It is important that conditions are S.M.A.R.T. and simple to check compliance.
- b. Keep the list of conditions simple and straightforward.
- c. Every offender already has 2 key conditions: not to reoffend; to comply with the plan; and to participate in restorative justice if asked—remember that if they really don't want to participate in RJ, you should not ask them to do so as a condition, however you can continue to pursue it on a voluntary basis.
- d. Make sure you explain the purpose of each condition to the offender - each one should be linked to the factors driving their offending behaviour.
- e. Reinforce the fact that compliance is a condition of the plan.

		<b>Recommended Conditions</b>	<b>Proof of Compliance</b>
<b>Lifestyle and Associates</b>	1.	Remain at home address between 8PM and 6AM on all nights for the duration of the TPP Plan.	Random checks by police at curfew address for duration of Plan.
		<i>For more effective curfews:</i> <ul style="list-style-type: none"> <li>• <i>Combine with non-association conditions.</i></li> <li>• <i>Clearly explain the connection between the curfew and the crime to the offender; for example, this crime took place because you were out drinking in the evening, so we want to keep you home for evenings so you do not put yourself in a position where you may reoffend.</i></li> </ul>	
	2.	Non-association with negative peers for the term of the plan: [name], [name], [name].	Random police checks to confirm not found with these peers.
	3.	Not to enter [designated public house or address] for the duration of plan. [Attach MPAA with area marked clearly]	Random police checks to confirm not found at locations.
<b>Relationships</b>	1.	Not to contact victim in any way victim for the term of the plan.	Notification by victim.
	2.	Banned from location for duration of Plan: [address—attach MPAA with area marked clearly].	Random police checks to confirm not found at this location.
	3.	Write a letter of apology to the victim.	Letter delivered to the police station to be forwarded to victim.
	4.	Compensate victim by (paying for	[Determine how your OMT wants money exchange to be

		damage caused/repairing damage/returning stolen items etc.)	<i>handled] and when by.</i>
	5.	Attend Community Payback for individualized reparations activity. This will involve placement in a charity organization for 3 days of 7 hours each within the next 4 months.	Participant provides letter from Community Payback confirming hours completed.

<b>Attitude/Anger Management/Self Control</b>	1.	Attend Fircroft College for anger management/self-control course.	Participant provides a letter from Fircroft College proving completion of course.
<b>Alcohol/Drugs Treatment</b>	1.	Attend appointment with the SMART <i>[or ARW]</i> team who will prepare and agree to a customised action plan with you. This may include attending additional appointments and taking other actions as determined by the SMART team. Follow your action plan for the duration of your time period on the Turning Point Project.	Participant provides a letter from <i>[SMART Team or ARW]</i> confirming he/she followed plan for duration of TPP period.
	2.	Abide with all requests for random drugs testing either at a Police Station or at home address.	Police will contact to conduct drugs tests.
<b>Mental Health</b>	1.	Attend at least 2 counseling sessions.	Participant provides a letter from counselor confirming attendance at 2 sessions.
	2.	Consult GP regarding mental health and follow GP advice for 3 months. This may include counseling, research into pharmaceutical options (actual consumption of pharmaceutical options is NOT required by TPP), exercise, specialist appointments, lifestyle adjustments, etc.	Participant provides a letter from GP detailing GP advice AND a letter from agency or GP confirming he/she followed GP advice for 3 months.
<b>Education Training &amp; Employment</b>	1.	Attend 3 appointments with EESPro who will prepare and agree to a Customized Action Plan with you. This may include creation of a CV, practicing of interview or other job skills, attendance at a training course, and/or pursuit of volunteer	EESPro will provide feedback within a 60-day period on engagement with the service.

		or paid positions. Follow action plan for duration of TPP plan.	
	2.	Create CV and apply for at least 15 jobs (unless a job is found) before <i>[plan completion date]</i> .	Participant provides CV and list of jobs applied for, or proof of employment.
	3.	Attend Community Payback for placement in charity organization, and attend 3 days of at least 6 hours each so as to include volunteer work on CV.	Participant provides letter from Community Payback confirming hours completed.
	4.	Research educational options for <i>[participant's area of interest]</i> , and apply to 3 options.	Participant provides a list of researched pros and cons of at least 10 educational options, and provides proof of application for at least 3.
	5.	Complete one course at Fircroft College.	Participant provides letter from Fircroft College confirming course completion.
<b>Debt/Money Management</b>	1.	Attend Citizens Advice Bureau and create your own action plan for addressing debt problems.	Participant provides a copy of action plan.
<b>Accommodation</b>	1.	Attend <i>[partner agency]</i> and apply for at least two alternative housing options.	Participant provides letter from agency and a copy of completed application for two options.