

Report to the Thames Valley Police & Crime Panel

Title: Proactive Scrutiny of Criminal Justice

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Nationally

Crest Report 'Taking back control of the criminal justice system'

'A cursory glance at the figures shows the extent to which our criminal justice system is failing. There are record backlogs in our courts, up 34% since March 2013, reflected in victims having to wait longer than ever to get justice: the average time taken from an offence to an offender receiving some kind of disposal has risen to almost six months (171 days) for all criminal cases, up 15% since 2010. Our prisons are overcrowded and on the brink of crisis. The same proportion of people leaving prison (60%) reoffend as over a decade ago. These figures threaten the fundamental integrity of the criminal justice system. Already, more than a third of the British population do not have confidence in the system's effectiveness. Only 55% of those who have been a witness say they would do it again. If victims and witnesses stop reporting crimes and giving evidence at court, the system will literally grind to a halt.

The government introduced Police and Crime Commissioners (PCCs) in 2012, in order to address the accountability deficit in policing. Yet whilst PCCs now have a mandate to improve policing and cut crime, their leverage over other parts of the criminal justice system is negligible. The Crown Prosecution Service and Courts Service are centrally managed institutions that report upwards to Whitehall, rather than downwardly to citizens. Prisons are heavily constrained by the National Offender Management Service (NOMS). Probation contracts are centrally commissioned by the Ministry of Justice.

In our paper we argue that local leaders should be empowered to join up services across a local area – in order to deal with the root cause of crime and end the cycle of repeat offending – rather than continuing to pay for failure '

The Crest Report then goes on to make the following points:-

- Charlie Taylor's report into youth justice - one of his most important recommendations was that local areas should be given responsibility for management of the youth justice system. Many of the levers for preventing young people from ending up in prison lie outside of criminal justice – in better education, health, or access to housing. Yet,

currently, local areas lack both the means and incentive to invest in alternatives to prison. Moreover, for those young people that do end up in prison, local areas should be given an opportunity to commission their own secure provision, enabling young people to stay closer to their families and communities rather than travelling miles to the nearest Young Offender Institution.

- Devolution should also extend into the way offenders are charged, prosecuted and sentenced. The rate at which crimes, such as domestic abuse and hate crime, are charged and successfully prosecuted and the number of successful trials vary hugely across the country. Yet there is virtually no local scrutiny of performance.
- Police and Crime Commissioners should be given a role in overseeing the performance of local prosecutors and magistrates' courts. And if PCCs want to change the way low level offenders are dealt with outside the court, or introduce New-York-style problem solving approaches within it, they should be free to work with the relevant criminal justice agencies in trying new approaches.
- Finally, devolution offers an opportunity to deal with the cycle of repeat offending, which drives so much of the cost of criminal justice. If PCCs or directly elected mayors were given responsibility for managing the budget for short sentenced prisoners or women prisoners, as well as a role in overseeing probation services, they would have a powerful financial incentive to invest in community alternatives, which are cheaper and more effective at both punishing and rehabilitating those offenders.

The **Police and Social Responsibility Act 2011** sets out a duty for PCCs as follows:-

“The PCC and criminal justice bodies (including the police, the Crown Prosecution Service (CPS), youth offending teams and probation) must make arrangements to provide an efficient and effective criminal justice system for the police area”

The report of **Frontline Consulting's fifth national conference for Police and Crime Panels** refers to the following in relation to criminal justice:-

- Good partnership working is key to a proactive approach to scrutiny and there is a duty under the legislation for the PCC to work with other criminal justice bodies in their area
- The appointment of PCCs is often cited as an expression of the Government's general commitment to devolved responsibility for service delivery and enhanced local, democratic accountability. Yet other criminal justice services have simultaneously been centralised, stripped of local accountability mechanisms or broken up. The Courts and Tribunal Service has been wholly centralised and its inspectorate abolished and the shape of the Probation Service fixed within the Ministry of Justice and a large part of it privatised.
- It is clear, that there are many challenges to reaching a point where local partnerships in criminal justice areas are truly effective. Reporting recently on six areas in England and Wales (Thames Valley not included) – HMIC, HM Inspectorate of the Crown Prosecution Service and HM Inspectorate of Probation found that there was little evidence that these partnerships, often chaired by the police or the PCC, were visible, accountable and influential bodies working successfully to improve the efficiency and effectiveness of the criminal justice system at a local level. The inspectorates were adamant that there was a compelling case for agencies to come together with a common purpose and specific aims with a new vision for partnership working.
- The report includes a case study of youth justice. There are currently 861 children and young persons in custody aged 10-17 which is less than one third of the number of children

who were in custody in 2007. There is also a reduction during roughly the same period in the number of children and young people being drawn into the youth justice system down from 110,000 to 20,500 per annum which is a 80% reduction. They have been accompanied by substantial reductions in costs, youth custody being a very expensive commodity. Young offender institutions, a secure training centre and several local authority secure homes have either been closed or their functions changed. This has been addressed in different ways such as pathfinder projects to encourage early intervention e.g restorative justice.

- Theresa May speech to Policy Exchange in February 2016 said 'a number of PCCs have argued , youth justice, probation and court services can have a significant impact on crime in their areas and there are real efficiencies to be had from better integration and information sharing'.

HMIC Report

<https://www.justiceinspectors.gov.uk/hmic/wp-content/uploads/local-criminal-justice-partnerships.pdf>

A joint inspection of local criminal justice partnerships by HMIC, HMCPSP and HMI Probation

Barriers to successful partnership working

There was broad consensus that the main barriers to establishing more effective local arrangements are fundamental differences in the drivers, structures, objectives and success criteria of the principal criminal justice agencies, which were seen as inconsistent and misaligned.

For example:

- Structures – the police service operates in a devolved structure, where performance targets have, to a large extent, been withdrawn and replaced by a single aim to reduce crime. Police forces are held to account locally by PCCs. By contrast, HMCTS, CPS, and the NPS are national organisations, accountable at national level with standard operating practices, performance measures and regional structures which are not coterminous, either with one another or with police force areas.
- Success criteria for individual agencies are not always reinforced with other agencies. The aim of making efficient use of court buildings can, in practice, undermine the aim of supporting and encouraging victims of crime to participate in the system. When courts are closed, victims may have to travel long distances to attend hearings, which may affect their willingness or ability to support the criminal justice process.
- Criminal justice agencies measure and record success differently, making it difficult to track progress. The police measure current cases, whereas both the CPS and HMCTS measure cases which have reached a conclusion. This makes meaningful comparison difficult. Some attempts have been made to overcome these obstacles, for example by agencies working together at regional (as opposed to local) level to implement national programmes such as digitisation; or by adopting individual agency performance measures to monitor progress locally. We conclude that there is limited flexibility for local criminal justice agencies to address the issues outlined above and make decisions that reflect local circumstances. This inhibits fundamentally the constituent parts of the system from working together towards the same set of outcomes. There was no consensus among those we spoke to during the inspection about how these issues might be resolved. However, there were calls for greater clarity about the role of LCJPs, for access to better shared data, and for solutions to the challenges partners faced in allocating time and resources in making boards work.

'There is a compelling case for criminal justice agencies to come together, with a common purpose and specific aims, in an operating framework which delivers justice locally. We ..recommend that steps are taken by the leaders of the criminal justice agencies to provide greater clarity and direction, pace and purpose to inter-agency working at local, regional and national level'.

We recommend that, within six months of the Criminal Justice Board establishing the operating framework, leaders of local criminal justice agencies acting together, and in co-operation with the PCC, should undertake a fundamental review of local partnership arrangements to assess whether they are fit for purpose to lead improvements to the efficiency and effectiveness of the CJS at local level. As a minimum, the review should include:

- an assessment of the health of the CJS locally, including its impact on victims and witnesses, especially the most vulnerable, and the extent to which perpetrators can expect swift justice;
- a local assessment of risk (informed by national threats, risks and harm) and the views and experiences of the public to inform local priority setting;
- the business and analytical support required for effective partnership planning, commissioning and co-ordination; and
- identification and clarification of links with related partnerships so that work is co-ordinated and mutually reinforcing.

The findings from this review should result in:

- a set of agreed local collaborative arrangements which have been refreshed and reinvigorated, which are visible to the public and which ensure that the right issue is tackled at the right level by the right agencies;
- an evidence-based, multi-agency action plan, with shared priorities, clear objectives and measurable outcomes which should be updated annually; and
- an agreed system for reporting progress nationally and to the public.

West Midland Police and Crime Panel Inquiry

- Held a one day scrutiny inquiry (20 March) into ‘supporting the PCCs wider criminal justice remit – case study of partnership working in the youth justice system’
- Members decided that it was sensible to focus on one area of work to use as a case study for exploring relationships.
- The partners who attended were the PCC, WM Police, Head of the Midlands Region Youth Justice Board, Public Service Reform Lead for Criminal Justice, Youth Offending Team Managers.
- Their key lines of enquiry can be found in the attached link:-
<http://westmidlandspcp.co.uk/meeting-20-march-2pm/>
- In addition the report refers to the Police Reform and Social Responsibility Act and its explanatory notes refers to the following ‘It is anticipated that these arrangements will involve the agreement of a protocol or memorandum of understanding between the various bodies setting out the matters in respect of which they will co-operate and the means by which they will do so’. In January 2017 the WM PCC reported to the Panel that this agreement had not happened.
- Areas that came out of discussion include the need for resourced prevention strategies and the need for closer working to ensure efficient and effective use of resources. Other areas included secure schools (see article below), the need for good role models, provision of services across the region e.g to deal with mental health, addiction, troubled families.
<http://www.bbc.co.uk/news/uk-38278829>
<https://www.theguardian.com/society/2016/dec/10/secure-schools-to-help-tackle-youth-crime>
<https://www.theguardian.com/society/2016/feb/09/youth-jails-should-be-replaced-by-secure-schools-finds-review>

Thames Valley

<https://www.thamesvalley-pcc.gov.uk/lcjb/>

Information on the Board from the PCC website

Local Criminal Justice Boards (LCJBs) bring together criminal justice organisations at police force area level to support joint working and improve services. The purpose and vision of the LCJB is to reduce crime, harm and risk by increasing the efficiency and credibility of the Criminal Justice System. By working in partnership, the board aims to improve services to the public with the minimum costs, supported by the best available evidence.

The PCC currently chairs the Thames Valley LCJB and is working with them to reduce re-offending and improve the experience for victims and witnesses.

In the Thames Valley the LCJB consists of:

Police and Crime Commissioner (PCC)

Thames Valley Police

Thames and Chiltern Crown Prosecution Service (CPS)

http://www.cps.gov.uk/thames_chiltern/

The Crown Prosecution Service (CPS) was set up in 1986 and is the principal prosecution authority in England and Wales, and is responsible for:

- advising the police on cases for possible prosecution;
- reviewing cases the police have submitted;
- determining any charges in more serious or complex cases;
- preparing cases for court; and
- presenting cases at court.

Thames and Chiltern Crown Prosecution Service (CPS) is one of 13 CPS Areas across England and Wales and covers three police force areas; Thames Valley (Berkshire, Buckinghamshire and Oxfordshire), Bedfordshire, and Hertfordshire.

Her Majesty's Courts and Tribunals Service (HMCS)

Her Majesty's Courts Service (HMCS) is an executive agency of the Ministry of Justice (MoJ). It is responsible for delivering justice effectively and efficiently to the public. They are also responsible for managing the magistrates' courts, the Crown Court, county courts, the High Court, and Court of Appeal in England and Wales.

Thames Valley Probation

Thames Valley Probation Service works with people who have committed different types of offences, such as burglary, violence, car crime and sex offences. They provide probation supervision, offending behaviour programmes and specialist support services which aim to stop people committing further offences.

Thames Valley Community Rehabilitation Company

Thames Valley CRC is one of 21 Community Rehabilitation Companies in England and Wales. They work with all offenders on Community Orders, Suspended Sentence Orders or on licence from prison, except those who are high risk of serious harm or under MAPPA. They cover Oxfordshire, Berkshire and Buckinghamshire

Her Majesty's Prison Service

Her Majesty's Prison Service serves the public by keeping in custody those committed to prison by the courts. Her Majesty's Prison Service has a duty to look after prisoners with humanity and to help them to lead law-abiding and useful lives in custody and after release from prison.

Youth Offending Service

Youth Offending Teams (YOTs) are made up of representatives from the police, Probation Service, social services, health, education, drugs and alcohol misuse and housing officers. YOTs are crucial to the success of the youth justice system, which is overseen by the Youth Justice Board for England and Wales (YJB). The YJB works to prevent offending and reoffending by children and young people under the age of 18.

Legal Aid Agency

Provides civil and criminal legal aid and advice in England and Wales

The Board is further supported by Victim Support, Witness Service, Health (Public Health England and NHS England) and a representative of the Local Authority Chief Executives.

Priorities and Delivery 2016-17

<https://thamesvalley.s3.amazonaws.com/Documents/About%20us/TV%20LCJB%20Strategy.pdf>

The board will meet 5 times a year to review performance and to consider and approve any new initiatives.

Priorities are determined on an annual basis and have been agreed to be:

- Delivering improvements in performance across the Criminal Justice System (CJS), particularly with regard to increasing the proportion of effective trials.
- Identifying and creating efficiencies across the CJS including the delivery of digital working by all agencies and working with as little paper as possible.
- Improving victim and witness satisfaction - putting people at the centre of the CJS.
- Supporting the principle of facilitating the required Criminal Justice processes necessary to make Restorative Justice a timely, safe and efficient intervention in order to reduce re-offending and the risk of repeat victimisation.
- Reducing Re-offending – reducing crime, harm and risk by removing adult and youth offenders from the CJS, especially through the use of Integrated Offender Management.
- Improving access to health provision for offenders and reducing health inequalities.
- Supporting Children and Young People who are going through the CJS and increasing diversion from it, where appropriate.

The Board has several delivery groups, consisting of strategic and operational agency leads. The groups will be responsible for delivery of improved performance, achieving the priorities in their area of business through strong leadership, management and supervision.

Police and Crime Draft Plan

Quote from the Plan

‘The financial cut backs to the other public services, such as local councils, the Crown Prosecution Service and her Majesty’s Court and Tribunal Service can cause increased workload for the police’.

Related key aims include:-

- Improved recognition across the criminal justice system of mental health distress experienced by both victims and offenders leading to referral pathways into appropriate support agencies and improved access to mental health care for those in contact with the criminal justice system.

- Improvements in criminal justice experience and outcomes for victims of domestic and sexual abuse
- Improved use of technology by police, in order to prevent crime and support earlier intervention with known offenders.
- A review by police and other criminal justice partners on whether processes for identifying and referring individuals in contact with the criminal justice system into substance misuse are as effective as they could be.
- Improved data sharing on gangs with the aim of reducing exploitation of young people through gang membership and reducing and preventing violent crime.
- A modern offender management strategy addressing gaps in existing schemes and tackling offenders across the crime spectrum who pose the greatest risk of threat or harm. (The Integrated Offender Management Scheme has been operating a number of years in the Thames Valley and aims to bring together organisations to prioritise intervention with offenders who commit the most crime)

The OPCC Strategic Delivery Plan 2016-7 refers to Objective 4 (this relates to the PCC's last Plan) 'Identify and implement process for scrutinising individual and collective effectiveness of Local Criminal Justice Board (LCJB) partners and optimising joint performance – this process was to be considered at LCJB Planning Day

RECOMMENDATION

That the Panel ask all LCJB partners to complete a survey on partnership working with the PCC and a selection of partners to attend a themed meeting (this could be scheduled in for September Panel)

Background documents

Criminal justice system near breaking point

<http://www.bbc.co.uk/news/uk-36394842>

Charlie Taylor review

<https://www.gov.uk/government/publications/review-of-the-youth-justice-system>

<http://www.thamesvalley.police.uk/aboutus/aboutus-depts/aboutus-depts-cj.htm>

<https://www.mix96.co.uk/news/local/1886765/thames-valley-polices-pcc-against-court-closures/>

<https://www.clinks.org/.../Navigating%20the%20Criminal%20Justice%20System.pdf>