

Criminal Justice

A more effective, transparent and responsive criminal justice system for victims and the public



45%

Increase in offences brought to justice since 2001/02

Criminal Justice Reform

6.1 MoJ shares responsibility for the Criminal Justice System (CJS) with the Home Office and the Attorney General's Office. In November 2007, the Government published its Strategic Plan for Criminal Justice: Working Together to Cut Crime and Deliver Justice: The Criminal Justice Strategic Plan 2008-2011¹³. This sets out the shared vision for a CJS which:

- is effective in bringing offences to justice
- engages the public and inspires confidence
- puts the needs of victims at its heart
- has simple and efficient processes.

6.2 This vision, and the specific commitments set out in the CJS Public Service Agreement (PSA)¹⁴, supports the delivery of the Government's wider crime and reducing re-offending strategies. The strategies, and the PSAs which support their delivery, provide a greater focus on tackling serious violent and serious acquisitive crime, while providing local services with greater flexibility to respond to local community concerns.

6.3 The three CJS departments work in partnership, supported by the trilateral Office for Criminal Justice Reform. Partnership is also central to delivery at local level through Local Criminal Justice Boards (LCJBs) made up of local criminal justice delivery agencies working increasingly with Crime and Disorder Reduction Boards (Community Safety Partnerships in Wales) and other local partnerships.

Effective in bringing offences to justice

6.4 Effectiveness in bringing offences to justice is fundamental if the CJS is to play its part in reducing crime and re-offending. The prosecution process needs to be well managed, the guilty convicted and the innocent acquitted in a way that meets the needs of victims and treats all sections of the community fairly. Sentences and orders of the court must be robustly enforced.

6.5 The CJS is better able to reduce re-offending by taking a problem-solving approach, focusing on offence and offender and working with a range of partners so that offenders are able to access the services needed to reform.

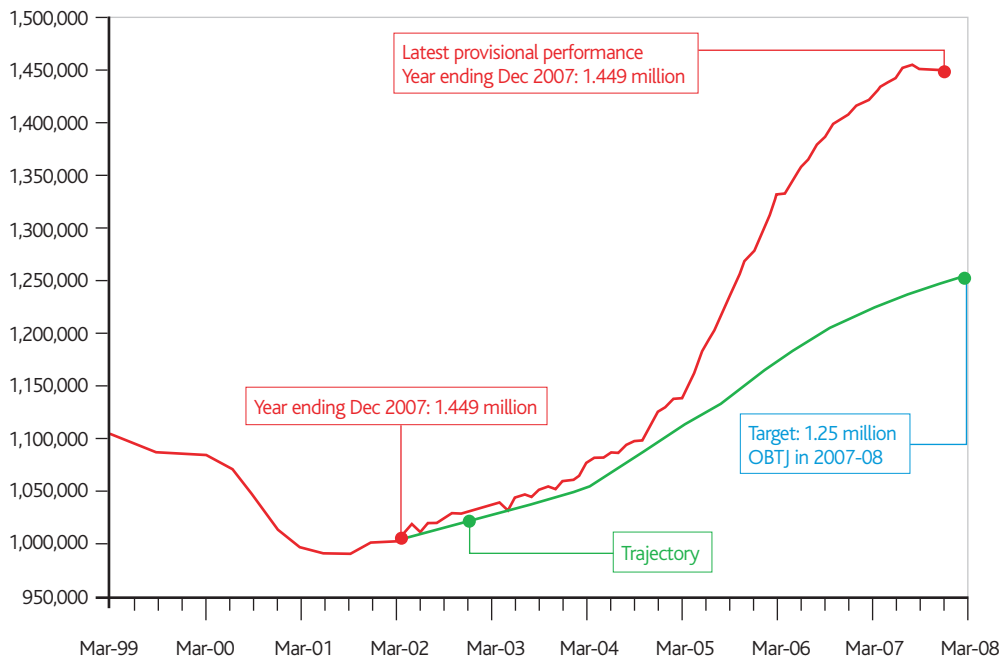
Offences Brought to Justice

6.6 Performance against the Offences Brought to Justice (OBTJ) PSA target has been very strong: 1.449 million offences were brought to justice in the year to December 2007 – a 45 per cent increase since 2001/02 and well above the level required by the PSA. Key performance targets for LCJBs were set in the CJS Business Plan 2007/08. We continue to work with and provide support to LCJBs to assist them in improving their performance in bringing offences to justice. Local board performance information is available on CJS Online (<http://www.cjsonline.org/index.html>).

6.7 We have made progress on a new PSA measure more focused on tackling serious crime and driving efficiency throughout the CJS. The 'Justice for All' PSA seeks to deliver a more effective, transparent and responsive CJS over the period 2008-11, and includes a commitment to improve

¹³CM 7247, November 2007.

¹⁴PSA 24. Deliver a more effective, transparent and responsive Criminal Justice System for victims and the public http://www.hm-treasury.gov.uk/media/5/C/pbr_csr07_psa24.pdf



the efficiency and effectiveness of the CJS in bringing offences to justice.

6.8 We have increased the focus on more serious offences including the investigation and prosecution of rape. LCJBs are now provided with enhanced data on their performance in bringing to justice serious violent, sexual and acquisitive crimes. They are developing plans to support local delivery of the crime strategy and agency performance frameworks have been assessed on how they support strategic priorities. A cross-agency Rape Performance Group now drives improvements in the investigation and prosecution of rape by examining police and CPS performance quarterly and reviewing systems and procedures supporting victims with the aim of achieving successful judicial outcomes.

6.9 We have improved handling of serious offences including support for the CJS terrorism simulation model to map CJS resource and capability requirements for terrorist cases. 14 high security courtrooms

at key locations and suitable for hearing terrorist trials were operationally effective by the end of March 2008. A cross-CJS operational meeting convenes regularly to monitor operational issues affecting the management of terrorist cases and these arrangements will continue.

6.10 Provision was made in the Criminal Justice and Immigration Act to create a presumption that defendants who fail to appear for trial in a magistrates' court will be tried in absence.

6.11 We are working towards a more consistent and effective use of out-of-court disposals (such as cautions and penalty notices). A steering group now oversees and ensures a coherent framework for their development and use. Guidance for practitioners on the use of out of court disposals for adults has been produced and a leaflet is being finalised for adult offenders. We completed national roll-out of the Conditional Caution Scheme on target (by 31 March 2008) and will issue

£250m

Target to recover assets from proceeds of crime in 2009/10

a revised circular on simple cautions later in 2008.

6.12 We have commissioned guidance on effective practice in dealing with offenders with mental health issues - *A Review of Effective Practice in the Provision of Mental Health Services to Individuals in the Criminal Justice System* has been prepared and will be published soon. A 'Mental Health Effective Practice Audit Checklist' has been produced and piloted, and a simpler version developed for use in a review of provision across England.

Enforcement

6.13 In order to develop a national framework for a more distinct, professional and better skilled enforcement service, and to ensure a greater focus on the hard-core group of offenders, we have undertaken a programme of work to improve collaboration and increase intelligence sharing across agencies.

6.14 We tested new or enhanced ways of working through the pathfinder, which commenced in April 2006 in the North West and Cheshire to establish whether best practice models for implementation could be developed, which could then be replicated nationally.

6.15 Guidance on improving the enforcement of backed for bail warrants (where the defendant is re-bailed to attend at a specified time) has been agreed and will be published shortly. Good results are being achieved from access to credit databases to help trace people wanted on a Failure to Appear (FTA) warrant. We are on track to deliver the national target for improvements in timeliness of FTA warrant execution. Text messaging of fine defaulters was piloted in the North West and showed itself to be an effective tool for communicating with

individuals with chaotic lifestyles who are normally unresponsive to traditional forms of enforcement methods, such as the sending of a letter. This also showed how text messaging can reach people who are normally unreachable for minor fines offences. For example a text message was sent to an individual who responded while on holiday in Spain, he paid £500 immediately and is now making regular payments against the rest of his fine. Texting was rolled-out nationally within HMCS during 2007.

6.16 The establishment of Regional Confiscation Centres allows Her Majesty's Courts Service (HMCS) to play a major part in achieving its part in the target, set by the Prime Minister, to double the amount of assets recovered from the proceeds of crime, from £125m in 2006/07 to £250m in 2009/10. The centres provide an operational environment where highly skilled and specialised officers, who have an innate understanding of national best practice and access to the latest intelligence, are successfully enforcing confiscation orders in co-operation with local criminal justice partners throughout England and Wales. HMCS has developed a network of nine regional confiscation centres, rationalising 63 confiscation units/sites. There is one centre in each region, except the Midlands and North West, where due to the size and the location of the staff with expertise in this area of work, the local management boards have decided two centres will be more beneficial. The last centre was established in July 2007

Engaging the public and inspiring confidence

6.17 To build public confidence, the CJS needs to inform, consult and involve local communities, and to account to them on both performance and how the CJS is responding to local concerns. To do

this, delivery must be locally led and supported nationally.

Public confidence in the criminal justice system

6.18 We are ahead of the target to deliver the 'Confidence' PSA 'to build public confidence in the CJS without compromising fairness'. In the year to December 2007, 44 per cent of people were confident that the CJS is effective in bringing offenders to justice and 60 per cent of victims and witnesses were satisfied with the police and other agencies' handling of the incidents.

6.19 Work in 2007/08 has included a new PSA target measure for 2008-11 'to increase public confidence in the fairness and effectiveness of the CJS'. This will be measured using a series of questions in the British Crime Survey. Data for the period October 2007-March 2008 will provide the baseline for the new target. A new performance management framework has been agreed. This will require LCJBs to deliver strategies and action plans to demonstrate improvements in effective community and staff engagement.

Community engagement

6.20 Justice must be seen to be done in order to build confidence in the CJS. Some communities are blighted by the problems of drug-related crime, others by anti-social behaviour. Work with these communities is important in order to tackle these crimes and to ensure that penalties imposed are visible.

6.21 A Community Engagement Strategy is being developed making a clear commitment to ensuring that criminal justice services are accessible and accountable to all sections of the community. The strategy draws together good practice and provides a set of core

principles which will be at the heart of all CJS community engagement activity. It highlights the benefits of criminal justice agencies working together to maximise the benefits for communities and for the CJS.

Improved services to jurors

6.22 Juror needs are of high importance, reflecting MoJ's belief that jury service is one of the most important civic duties a person can be asked to perform.

6.23 We have implemented a long trial strategy with the judiciary, comprising a number of measures designed specifically to assist those juries on longer trials. In conjunction with the Samaritans, a national counselling service for jurors who feel distressed by their experience has been introduced. HM Inspectorate of Court Administration (HMICA) has reported on the services for jurors in HMCS. We are currently working on the recommendations in the report. These include reviewing the guidance on pursuing non attendance by jurors, ensuring that correct action is taken by courts to confirm jurors' eligibility to serve, and ensuring that all information provided to jurors by HMCS is clear and non-discriminatory.

6.24 We have published the results of a major research project into the ethnicity of jurors, whether juries reflect the communities they represent and whether race has an effect on jury verdicts. The study concluded there is no evidence of any unwillingness to do jury service or any particular lack of trust in the fairness of the jury system among the BME community or the British public in general. As to whether juries discriminate against defendants based on race, the case simulation research demonstrated that mixed race juries in highly diverse communities do not discriminate against defendants (based on the race of the defendant). Following this,

we have commissioned supplementary research into the verdicts of all-white juries.

Public awareness

6.25 Information and promotion of greater understanding so as to increase public confidence in CJS has included:

- public involvement in the People's Award, as part of the Justice Awards, which recognises teams and individuals in the CJS who have made outstanding contributions to delivering justice
- the public were also encouraged to participate in more than 100 public-facing events in 40 Local Criminal Justice Boards during 'Inside Justice Week' in November 2007
- CJS Online continued to evolve as a source of information for the public and jurors will benefit from an interactive walkthrough in 2008.

Bichard 7 project

6.26 The Bichard 7 project was established to take forward Recommendation seven of the 'Bichard Inquiry Report' issued in June 2004, which required that the responsibility for updating court results onto the police national computer should be transferred from the police to the courts. A technical solution has been developed. Nationwide roll-out will commence in 2008/09 and should be completed by March 2009. The successful roll out of Bichard 7 will mean that 90 per cent of court results will be on the police national computer within one day of the case being validated on the court's computer system.

Human rights issues in the CJS

6.27 A framework for advice, training and communications on human rights and a web-based advice service (located on the Frontline Matters section of the MoJ website) has been created to promote a better

understanding of human rights issues amongst criminal justice practitioners. A Human Rights Scrutiny Panel has been established to monitor Human Rights Act issues in the CJS.

The Criminal Cases Review Commission

6.28 Work on improving performance in handling miscarriages of justice-related cases has included improving efficiency in handling applications for compensation by agreeing a new three-step procedure for deciding on eligibility for miscarriage compensation. The Criminal Cases Review Commission is meeting its target to complete reviews on as many cases as it receives. It has also reduced significantly the number of cases waiting for reviews to begin and the time taken before a review starts.

Putting the needs of victims and witnesses at the heart of the criminal justice system

6.29 A strong focus on supporting victims and witnesses, especially victims of serious crime, is essential to public confidence and supports the Government's wider harm reduction and public protection aims.

6.30 The continued effectiveness of CJS relies on the contribution of victims, witnesses and jurors and improving their experience in court is a Government priority. CJS partners are working locally and nationally to deliver these outcomes.

Victim and witness confidence in the CJS

6.31 We are on course to deliver the 'Confidence' PSA target 'to increase the proportion of victims and witnesses who are satisfied with the CJS. Support for LCJBs in improving performance has included extensive guidance on using surveys and other data sources to help improve victim and witness satisfaction.

6.32 A review of compliance with the code of practice for victims of crime was undertaken. Help and support has been provided to LCJBs and guidance on methods of monitoring compliance revised and reissued.

6.33 Roll-out of the Witness Charter began in 2007/08 in the ten Beacon LCJBs (Cheshire, Cumbria, Greater Manchester, Lancashire, Leicestershire, London, Merseyside, Staffordshire, Suffolk and Thames Valley). The charter will be rolled out to remaining areas during 2008/09, subject to evaluation of the police standards.

6.34 The Victims Advisory Panel continues to advise ministers and CJS policy makers of the views of victims and has met CJS Ministers twice this year. Recommendations being taken forward include improving the collection of data about the experiences of victims of serious and sexual crime and young victims of crime.

Delivery of improved services for victims and witnesses

6.35 Victim Support 'plus' began national roll-out in September and provides an improved business model, expanding and improving services to victims through the national charity, Victim Support – making them faster, more consistent and practical, and more tailored to victims' needs. The specialist support sector received support through the Victims' Fund: £1.25m for victims of sexual violence and £250k each for victims of homicide and hate crime. The Victims' Surcharge which provides funding for additional services was implemented at the start of the year. The Criminal Injuries Compensation Authority began implementing a major reform programme to speed up its case processing and improve its user-focus.

6.36 The Victims' Advocates Scheme has been piloted in five Crown Court centres to explore how the CJS can improve the support, information and voice available to relatives in murder and manslaughter cases.

6.37 Work has continued on supporting vulnerable and intimidated witnesses and improving assistance to give best evidence in court. Updated practitioner guidance on interview techniques and support for vulnerable and intimidated witnesses was published in October 2007. An intermediary scheme for providing support for vulnerable witnesses with communication difficulties was rolled out nationally from November 2007. The consultation paper *Improving the Criminal Trial Process for Young Witnesses* was published in June 2007. The consultation period closed in October and the Government is currently considering responses.

6.38 Video link equipment has been installed in all major Crown Court Centres and 77 per cent of magistrates' courts. Older equipment has been replaced in 56 Crown Court courtrooms. Amongst other benefits, the new equipment can easily be upgraded to allow videoconferencing links to be made. These enable evidence to be given remotely, which will mean that victims and witnesses will not have to go to the courthouse where the trial is being held, but give evidence from another location. A rolling programme of videolinks upgrade is planned during 2008-11.

DVD: Going to Court – A step by step guide on being a witness

6.39 Going to court as a witness or a victim to a crime can be a difficult experience. For most people the court is an unfamiliar environment and it can be rather daunting, since witnesses are not sure of

£1.25m

Funding for victims of sexual violence through Victim Support 'plus'

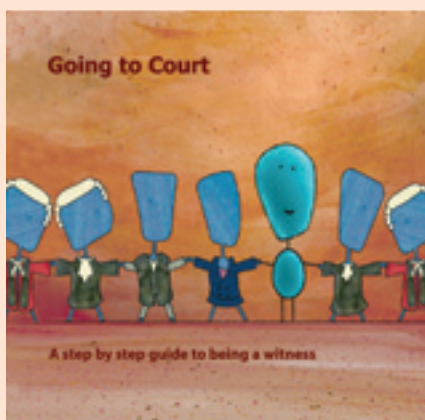
what to expect. If their first language is not English, then the experience can be even more stressful. To improve understanding a DVD was launched throughout England and Wales at the end of September 2007.

6.40 The DVD targets all victims and witnesses, particularly socially-excluded and vulnerable witnesses. It is available with voiceovers and subtitles in English and Welsh, and eight additional languages all on one disc. The DVD is distributed

via Witness Care Units, defence solicitors and the court-based Witness Service. It is available to view and download online at www.direct.gov.uk/goingtocourtvideo. Initial feedback has been very positive.

Simple and efficient processes

6.41 Efficient services make best use of resources, expertise and technology. They free up the police to tackle crime and criminal justice agencies to be more effective in processing the more serious



DVD: Going to Court Case study

Witnesses who have watched the DVD felt more confident about appearing at court: "The DVD was the only thing that persuaded me to go to court because I thought it was reassuring."
Witness 1

"The DVD made me feel more confident because you knew where you were going...when you don't know where you are going you are more apprehensive."
Witness 2

'The DVD 'Going to Court – A step by step guide to being a witness' is an interactive, multilingual, animated DVD designed especially to help adult prosecution and defence witnesses understand their role in the court process.

It is an easy to follow animation seen through the eyes of a witness. It explains what to expect throughout the court process and follows the journey a witness makes from making a statement right through the criminal court process and after the trial.

The DVD aims to:

- improve victim and witness understanding of their responsibilities
- improve victim or witness attendance
- improve witness confidence and satisfaction in the CJS.

In making the DVD, HMCS worked with Victim Support, the agency that helps around 400,000 victims and witnesses through court every year. Gillian Guy, Victim Support Chief Executive, believes: "Going to Court will be a useful source of information for witnesses and will complement the work the Witness Service does."

cases. Improved efficiency helps drive up public confidence and improves the experience of victims and witnesses as people see cases handled in a speedier and more streamlined way.

Publication of a new CJS PSA in October and CJS Strategic Plan

6.42 A new CJS PSA was published in October and the CJS Strategic Plan in November 2007. These launched new targets for the CJS for the period 2008-11 and support the 'Crime Strategy and the Make Communities Safer' PSA by focusing on increasing the effectiveness and efficiency of the CJS in bringing offences to justice, especially serious offences. The CJS targets and project portfolio to implement the new Strategic Plan and PSA during 2008/09 were published in the CJS Business Plan 2008/09 in February.

6.43 We have made progress in delivering the CJS targets for 2007/08 by LCJBs. We are piloting the Beacon Approach, working with ten LCJBs to develop a new way of managing the criminal justice reform programme nationally and of delivering sustainable improvements locally. The Beacon Approach aims to improve the ability of LCJBs to identify, manage and implement change locally, to strengthen the relationship between OCJR and the local boards based on an agreed reform agenda and ultimately deliver tangible improvements in the efficiency and effectiveness of LCJBs. The approach is being evaluated in March.

6.44 Delivery of IT-based systems improving efficiency, included CJS Exchange links between police, CPS and courts case management systems (covering a third of the CJS so far) which speeds up cases and reduces unnecessary hearings. PROGRESS, a tool to help manage case progression through the system, was

piloted and work started on 'virtual courts' which use video links between the police and magistrates' courts for first hearings.

6.45 We have produced high-quality statistical and performance management information and research evaluations to provide public information, improve performance management and support reform. Performance reports included Criminal Statistics and Race and the CJS, and quarterly reports on public confidence in the CJS and the experience of victims and witnesses at court. An end-to-end simulation model of the CJS at local level and a high level process map of the CJS have been developed to help identify possible system performance improvements.

Review of remand population

6.46 A review was conducted of how to reduce the remand population by identifying and disseminating ways of improving custody timeliness. The key focus of this work has been on improving the timeliness of Pre Sentence Reports (PSR) as a means of ensuring that those not eventually given custodial sentences do not spend unnecessarily long times on remand. Work is now focusing on six areas where the largest improvements can be made. Pilots are also underway to improve the timeliness of psychiatric reports.

Criminal Procedure Rule Committee

6.47 Work on streamlining and modernising the rules underpinning the running of trials in criminal courts included two statutory instruments to amend the 2005 Criminal Procedure Rules. The first made new rules about service of documents, the indictment and witness summonses, warrants and orders. The second standardised rules about appeals to the Court of Appeal, introduced procedures for making an application to change a plea of guilty in summary proceedings

and introduced procedures for making an application in a trial on indictment. Some changes were made to the rules about appeals to the Crown Court to accommodate new primary legislation about football banning orders and to clarify by whom appeals to the Crown Court can be heard.

Sentencing policy

6.48 The Criminal Justice Act 2003 introduced the first radical change to the sentencing framework for over a decade. It provides a sentencing framework that is clearer and more flexible. The legislation sets out for the first time in statute the purposes of sentencing for adults, namely, punishment, crime reduction, reform and rehabilitation, public protection, and reparation. Sentences were reformed. Most significantly, the various kinds of community order for adults were replaced by a single community order with a range of possible requirements. New sentences for serious and violent offenders were introduced to ensure that they are kept in prison or under supervision for longer than previously in order to manage the risks they present. The framework has enabled the courts to provide each offender with a sentence that best meets the need of the particular case, at any level of seriousness, and for sentences to be more effectively managed by the correctional services working closely together in delivering the new sentences.

6.49 The new sentences have proved popular with the courts and are generally working well. But in the criminal justice field it is inevitable that measures have to be kept under constant review. We are now refining the legislation so that it focuses even more where the real need lies – on the most serious and dangerous offenders – so that we make the very

best use of resources. This is against a background of more than 20,000 prison places provided during the past decade due to more offenders being brought to justice, including 60 per cent more violent and dangerous offenders, and being sentenced for longer. In 2006/07 the probation service had its best performance year with the highest ever rates of enforcement, record numbers of offenders completed accredited programmes and unpaid work, and more offenders starting and completing drug rehabilitation than in any previous year. At the same time the fine payment rate is higher than ever before at over 90 per cent. These efforts to improve performance have carried over into 2007/08, against a backdrop of a rising community sentence caseload.

6.50 The Government's constant attention to sentencing policy ensures that it remains responsive to the demands of a modern society and sensitive to the needs of victims and the general public.

Lord Carter's recommendations on a Sentencing Commission

6.51 In his report on the use of custody, *Securing the future*, published in December 2007, Lord Carter of Coles recommended that the Government should establish a working group to consider the advantages, disadvantages and feasibility of a structured sentencing framework and permanent Sentencing Commission, which will lead and inform the public debate on these issues.

6.52 The Government accepted this recommendation, and the Justice Secretary and Lord Chief Justice have established the Sentencing Commission Working Group under the chairmanship of Lord Justice Gage. The group comprises 16 further members, including judges, academics, parliamentarians and criminal justice professionals. It is supported

by a secretariat of MoJ policy officials, statisticians and researchers, led by a senior civil servant.

6.53 The working group has embarked on a wide process of consultation, including visits to see comparable systems in the United States, to courts in England and Wales, a seminar for the judiciary and other stakeholder meetings. A public consultation document was issued in March and a large scale conference to discuss the issues involved is planned for April.

6.54 The Working Group will report to the Justice Secretary and Lord Chief Justice in summer 2008.

