

# Thematic Briefing

## Criminal Justice Services

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## **1.0 Background / Context**

- 1.1 Criminal Justice Services (CJS) consists of several teams working together to ensure that prosecutions are managed effectively and efficiently and in line with appropriate legislation requirements, which are often subject to change. Criminal Justice traditionally consists of four teams; Prosecutions (which includes Audio Summarisers and Central Archives), Traffic, Witness Care and Evidence Management Unit (which includes the Identification Unit). All the work overlaps, however the teams have different functions, demand, and challenges.
- 1.2 CJS also incorporates the custody function across four custody suites and is also the key liaison point with a range of partners, including the Crown Prosecution Service (CPS) and His Majesty's Courts and Tribunal Service (HMCTS), to ensure a partnership approach to the outcome of investigations and a focus on the service to victims and witnesses throughout the criminal justice system.

## **2.0 Developments over last 6-12 months**

- 2.1 In April 2022, staff within the CJS Prosecutions team transferred from G4S back to the employment of Lincolnshire Police. The service provided by Custody Detention Officers is now provided by Mitie Care and Custody, so G4S staff moved across to Mitie Care with some different management, training, and governance. Mitie are experienced at providing this service to other forces and we continue to have regular contract meetings to work on any issues that arise.
- 2.2 Given this had been a 10-year strategic partnership with G4S the changes have gone well, and this has given great opportunity to remove duplication and establish new ways of working. The transfer saw some growth for CJS with Imaging, Evidence Review Officers, Police Led Prosecutors, Identification Unit, Central Archives and Audio Summarisers all moving into the department, to streamline process and support efficient ways of working. CJS now sits as part of the Crime Command, reporting into the Head of Crime.
- 2.3 Until August 2022, CJS was part of a regional collaboration, East Midlands Criminal Justice Services (EMCJS), that provided some business and reporting support to the team and enabled the sharing of best practice across regional forces. This collaboration ceased at the end of August 2022 and Lincolnshire is now beginning to work with Leicestershire who will provide these additional services to support the smooth running of the team. This will initially be for

a period of 12 months, when this will be reviewed to determine if the collaboration is successful and will continue.

2.4 The introduction of the Bail Act (Oct 2022) is likely to reduce the number of defendants that are Released Under Investigation (RUI) and subject to a crime summons or postal requisition. This will need to be monitored to ensure compliance and that Bail is being managed effectively.

2.5 Following its introduction, the Directors Guidance 6 (DG6) and the Attorney General's Guidance 2022 (AGG 2022) have had a significant impact on police officers and the CJ, as they have seen the introduction of an increased requirement for redaction and file compliance at pre-charge stage, meaning more work is required early in the process. A national reporting requirement has also been introduced in respect of compliance to these changes.

2.6 CRG Medical Services continue to provide the service of Health Care Professionals (HCP) and Force Medical Examiners. We have recently moved to a fully embedded model meaning that there will be an HCP in each of the four custody suites 24hrs daily rather than the HCP needing to travel between suites, therefore providing detainees prompter health care assistance when needed.

### **3.0 Current Position / Performance (where applicable)**

3.1 Overall performance is strong for CJS. Introduction of the Director's Guidance Assessments (DGA) and the national Delivery Data Dashboards by the UK government, have brought increased focus on the performance and outputs of the team and wider investigation quality and timeliness. Lincolnshire performance continues to improve in these areas due to the work of the CJ team and colleagues from the Crime Standards Team (CST). Learning is shared with individuals and improvements are being seen across the board as the learning starts to embed with officers. The CJS data delivery dashboard is accessible to the public via the government website and enables national and force comparisons.

3.2 DGA compliance has improved since the measures were first introduced. Lincolnshire has improved from one of the lowest performing forces in the country to eighth in the country, with the latest data showing 66.7% compliance against a national average of 52.7%. This is due to a combination of the reviews undertaken by Evidence Review Officers and pre-charge

team which ensures files are at the required standard prior to submission to CPS for a charging decision, but also the supportive feedback and learning provided to officers and supervisors where files have not met the standard. Since the introduction of the DG6/AGG 2022 the evidential and file quality requirements have become more complex, taking some time to embed with officers. The team have provided education and support which is starting to have a positive impact on overall quality of the files submitted by officers.

3.3 The CJ system is still in recovery from Covid, which led to backlogs of court cases, and whilst Lincolnshire Magistrates Courts have recovered in the main, the Crown Court remains impacted, with backlogs and cases being listed well into 2024. This has been exacerbated by the Barrister strikes, the availability of the Judiciary and HMCTS staffing numbers. This leads to frustrated victims and witnesses and high caseloads for the Witness Care team. Witness Care maintain regular contact with all involved to keep victims and witnesses as up to date as possible. The Head of Prosecutions continues to work with CPS and HMCTS to seek to list aged cases in a timelier manner particularly where there is vulnerability, to clear backlogs and prevent victims and witnesses withdrawing from the process, ultimately leading to cracked trials. The Lincolnshire Criminal Justice Board (LCJB) brings all the agencies together to provide governance and scrutiny over matters of whole system CJS performance. This Board is co-chaired by Lincolnshire Police (ACC Davison) and the Office of the Police and Crime Commissioner (DPCC Clark) and supported by a jointly funded co-ordinator.

3.4 Our colleagues in CPS across the East Midlands are also operating with reduced staffing numbers as they work through recruitment challenges. This can lead to delays when reviewing files for a charging decision and last minute requests for information to progress court cases.

3.5 Lincolnshire Police Custody was inspected by the Her Majesty Inspectorates of Constabulary and Fire (HMICFRS) in the summer of 2022. The full inspection report is available to the public on the HMICFRS website. Lincolnshire Police received two recommendations and have an action plan in place to address the areas for improvement that were highlighted.

#### **4.0 Forward look 6-12 months**

4.1 CJS sits within an evolving national landscape and there are several national changes on the horizon that will impact the way of working for the team and wider force. We have recently implemented the changes to Pre-Charge Bail legislation (28<sup>TH</sup> Oct) which moves the service

back towards the effective use of bail with conditions, and there is revised Out of Court legislation and a Victims Bill which is to be passed through parliament in early in 2023. All of these legislative changes rightly place increased focus on keeping victims central to decision making, and a range of performance measures have been introduced to increase transparency and hold criminal justice agencies to account.

4.2 Currently the impact of all the national changes is broadly unknown and needs to be worked through to understand how the team need to respond to the changes.

4.3 Nationally forces are moving to a two-tier Out of Court disposals framework, with the aim of making out of court disposals more meaningful and effective by diverting some offenders into intervention and diversionary activities rather than prosecutions. This legislative change was written into the Police, Crime, Courts and Sentencing Act 2022 and is currently due to be fully enacted in April 2023. There is a significant amount of work involved for forces to introduce this and Lincolnshire now have some staff dedicated to the implementation. The new framework could increase levels of administration work for the team as prosecutions will be required to administer and manage the process, potentially building files where breaches occur and liaising with the providers, the defendant, the victim(s) and HMCTS. There are however great opportunities to gain swifter justice for victims and meaningful interventions for offenders with greater use of Out of Court Disposals.

4.4 A Digital Case File (DCF) is being introduced nationally and is currently in testing. DCF will see many of the manual of guidance (MG) forms, that make up a case file, retired and a more structured approach to the way that case files are built on Niche, our central records management system. It is anticipated that DCF will change the focus of the CJS team and it may be possible to realign resources as some of the manual checking and file build is reduced, but again change comes with challenges and will need to be fully embedded with some training and communication implications.

## **5.0 Issues of Exception – Opportunities / Risks**

5.1 Although demand is expected to remain steady, prosecutions is in a significant period of change with many changes on the horizon over the next 12 to 18 months and limited knowledge of the overall impact that will alter what is required from prosecutions and the wider CJ team.

5.2 This will bring some workload increases, some reductions, and some changes to the way that work is processed. The current impacts aren't fully understood, but there will need to be a review/remodel of the way that the prosecutions team operates to ensure resource is matched to demand and working processes provide the right outcomes, maintaining or improving overall performance.

## **6.0 Key Public Messages**

6.1 Criminal Justice is a complex arena and is subject to significant change over the coming months. We will continue to provide the highest level of service to victims and witnesses whilst we adapt to changes in demand and working practices.

6.2 Overall the system is recovering well from Covid but a significant backlog remains in Lincoln Crown Court that will take some time to recover. Our Witness Care team will continue to liaise with victims and witnesses and keep them engaged.