



Strategic Policing and Crime Board

Tuesday 23rd July 2019

Police and Crime Plan Priority: *Reducing Re-offending*

Title: *Working with the Criminal Justice System*

Presented by: Chief Superintendent Mat Shaer and Meg Jones, Policy Manager

Purpose of paper

1. To provide members of the Strategic Policing and Crime Board update on partnership working across the criminal justice system.

Update from the OPCC

Local Criminal Justice Board

2. The West Midlands Police and Crime Commissioner chairs, provides the secretariat and policy support for the Local Criminal Justice Board (LCJB).
3. The purpose of the LCJB is to improve efficiency and effectiveness of the criminal justice system (CJS).
4. Membership of the LCJB is extended to the following organisations:
 - CJS service user representation
 - Community Rehabilitation Service (CRC)
 - Crown Prosecution Service (CPS)
 - HM Courts Service (HMCTS)
 - HM Prison Service (HMPPS)
 - Judiciary
 - Mental health representation
 - National Probation Service (NPS)

Victim service user representation

West Midlands Combined Authority (WMCA)

West Midlands Police (WMP)

West Midlands Police and Crime Commissioner (PCC)

Witness Service representation

Youth Offending Team Representation

Youth Justice Board

5. The core functions of the LCJB are as follows:

- Annual priority setting and tasking for working groups to address cross-cutting local issues
- Monitoring of delivery of working group tasks and performance in achieving intended outcomes
- Co-commissioning of specific research or other activities if required
- Increase visibility of CJS partners and agencies in the local area

6. Through the LCJB, its delivery groups and task and finish groups, the key priorities over the next 12 months include the following:

- Criminal Justice System compliance with the Victims code of practice
- Understanding and development of an action plan to support the actions from the Lammy Review and to ensure that equality in the CJS is a key priority in all other areas of business
- The Reducing Reoffending Delivery Group has focused on substance misuse. The group will deliver and monitor a newly commissioned Drug Intervention Programme (DIP) for the West Midlands region. In addition, the group has prioritised continuity of care to ensure that individuals released from prison have the tools and support available to them in order to reduce reoffending.
- A common performance report, developed by the newly created Criminal Justice Analysts Network. This will help to achieve better insights into the system as a whole and drive future priorities.
- Development of a West Midlands wide whole system approach to women in the Criminal Justice System which will tackle the drivers behind criminality, reducing offending and reoffending.
- Care Leavers are massively overrepresented in the Criminal Justice System. Children in care and care leavers account for less than 1% of

the general population (DfE 2013), yet in the Criminal Justice System, over 25% of the adult prison population has previously been in care (Berman, G. and Dar, Am 2013). 49% of young men under the age of 21 in the criminal justice system have spent time in care (HMIP 2011) and 61% of girls in the 15-18 age group have spent some time in care (Kennedy, E. 2013). Therefore, the CJS needs to develop a whole system approach to identifying care leavers in the system, supporting individuals and implementing measures to prevent offending and reoffending such as specific diversion opportunities for lower level offending.

- The four Police and Crime Commissioners in the wider West Midlands region, Staffordshire, Warwickshire and West Mercia have been working together on tackling Criminality in Prisons. Partners are currently delivering a 5 point action plan to help reduce criminality in our prisons.

Criminality in Prisons

7. The Criminality in Prisons piece of work is a collaborative regional project by the four PCCs in the wider West Midlands region.
8. An academic report was commissioned in 2018, the full report can be found [here](#).
9. The work identified a number of key vulnerabilities in the purpose of prisons, with offenders able to continue to operate illicit business from behind bars. Individuals behind the prisons gates and outside were able to capitalise on prison as a key market for commodities such as drugs and mobile phones.
10. A taskforce of key partners is now delivering an action plan based on five key themes to reduce criminality in the region. These include; multi-agency working, including intelligence sharing, taking money from organised criminals, dealing with crimes in prison, prevention and the impact of short sentences.
11. There have already been a number of key successes including tackling the high number of recalls. Some individuals are coerced into being deliberately recalled into prison in order to convey contraband back in. This work has developed a whole system approach to prevent and disrupt this activity.
12. Better multi-agency working and sharing of intelligence has also led to greater success in the criminal justice system dealing with those who commit crimes in prison.
13. A practical, operational meeting between key partners such as police, CPS and the judiciary has also led to a better understanding of requirements at each stage of the criminal justice process in regards to dealing with crimes in prison. The result has been more successful outcomes in the criminal justice process.

Regional Criminal Justice

14. The West Midlands Police and Crime Commissioner is currently working with colleagues across the wider West Midlands region, Staffordshire, Warwickshire and West Mercia to develop a regional governance mechanism for Criminal Justice.
15. A regional governance board for criminal justice has been identified as a priority due to the following:
 - a. The geographical footprint of partners, which exist wider than individual force areas, the current Local Criminal Justice Boards are sometimes duplicating efforts and attendance across the four force areas in the West Midlands region
 - b. The contracts for Community Rehabilitation Companies (CRCs) were terminated early due to failures in the system. The new proposals sit the CRCs at a regional level, covering the four PCC areas. Therefore a regional governance arrangement will be required to assess performance and strategic direction.
 - c. Regional projects such as the criminality in prisons piece of work has successfully pulled regional partners together to drive change and efficiency across the whole criminal justice system, including influencing national government.
 - d. A regional function would allow strategic conversations to take place with the most senior people in the region. It would also provide a direct link into the National Criminal Justice Board.
 - e. Other regions in the country are also moving to a regional model, reflecting the above points.
16. The current landscape for criminal justice is presented at paragraph 17. The proposed regional governance tier is in red.

17. Criminal Justice governance



WMP Update

Prosecutions

18. CJS is working with partners on the national change to the charging process. This is designed to streamline the way officers and Crown Prosecution Service (CPS) interact to obtain charging advice. This consists of five key principles – one route into CPS for all Pre-Charge Decision (PCD) submissions for forces, the digital submission of cases, local lawyers providing the advice in hours for all remand cases and the option to have a fast time turn around for domestic abuse cases, simplified technology across the agencies and consistency of submissions both in and out of hours. WMP are examining the potential for a go live in October 19 and have an established Local Implementation Team (LIT) both internally and with CPS. WMP also has attendance at the national charging board(s).
19. Due to a range of shared and organisation specific concerns identified across the CJS partnership, a Criminal Justice Frustration working group was established. The group meets monthly to review progress. The plan is, in due course, to re-run the survey across the force that originally identified the WMP concerns, to see how the changes have impacted.
20. There have already been improvements achieved in amending the regional Pre-Charge Decision process which has significantly reduced officer frustrations and allowed CPS to focus staff on reviewing cases in a more timely fashion. The result has been a large reduction in the overall backlog of PCD cases and allowed a process to be developed for cases that are subject of either the MAPPAs (Multi-Agency Public Protection Arrangements) and / or MARAC (Multi-Agency Risk Assessment Conference) processes that are still outstanding a charging decision. Any identified cases can now be fast tracked through the PCD process.
21. Additionally, progress has been made in refining the regional pre-charge system. Re-configuring the process of chasing outstanding pre-charge advice has assisted in backlogs being reduced significantly in magistrates courts cases (since December 18 a reduction from, in excess of, 1000 cases down to 400 cases in May 19).
22. The force continues to work with its criminal justice partners in relation to the digitisation of file provision. A move to the digitisation of remand file cases on Saturdays and Bank Holidays is moving forwards with a pilot and business assurance phase likely to begin in July 19.
23. The department is also working with CPS to further the provision of body worn video evidence digitally, this will negate the requirements for providing a hard disc and the associated transporting across the agencies.
24. It is also worthy of note that despite a wide-ranging Force CJ department review (referenced at para. 21) and the challenges change often brings, there has been a steady increase in the effective prosecution rates seen by the Force and CPS overall, in particular from December 19 through to May 19.

Integrated Offender Management

25. The Reducing Reoffending Steering Group is developing its access to regional partnership information in order to improve the efficiency of offender management and identify the effective practise to promote across the force area.
26. A Child First approach policy that focuses on reducing the unnecessary criminalisation of children and young people is currently under consideration. This policy approach aims to encourage closer working with Youth Offending Services and Social Care to reduce the criminalisation, offending and re-offending of Looked After Children.
27. WMP are in dialogue with the NPCC knife crime lead and have volunteered to be part of an Out of Court disposals pilot for young people involved in knife crime.
28. New Chance is a specialist project for women who are identified as early entrants into the Criminal Justice system to support them away from further offending. The project is currently run as a pilot by Black Country Women's Aid in Sandwell and Dudley and by Anawim in Birmingham. The project is funded to the value of £100,000 by the OPCC through its 'external funding' budget with key operational and strategic support from WMP. Its development has been guided by the "Whole System Approach" for female offenders bid document (Ministry of Justice, November 2015) recognising the need for a multi-disciplinary approach to meet the needs of these offenders who are often from a vulnerable section of the population.
29. Evaluation work is ongoing but early indications are that the programme has provided valuable support to the women who have taken part and has had a positive impact on reducing reoffending. Monitoring, case studies and evaluation of the provision has highlighted the challenges of supporting this group who invariably were found to have multiple complex needs. Some of the lessons learnt from this project have been:
 - Almost all the women supported had also been victims of domestic abuse
 - Substance misuse treatment provision was often slow (including access to scripts) and often offered only group work which some felt did not work for them
 - Issues with housing were widespread and difficult to resolve and had a knock on impact on ability to achieve other positive outcomes including moving into employment.
30. The project is currently available in Sandwell and Dudley, a proposal has been presented to the West Midlands Community Safety Partnership to consider additional funding to provide the intervention across the force area to support women offenders and reduce entrants in the Criminal Justice System.

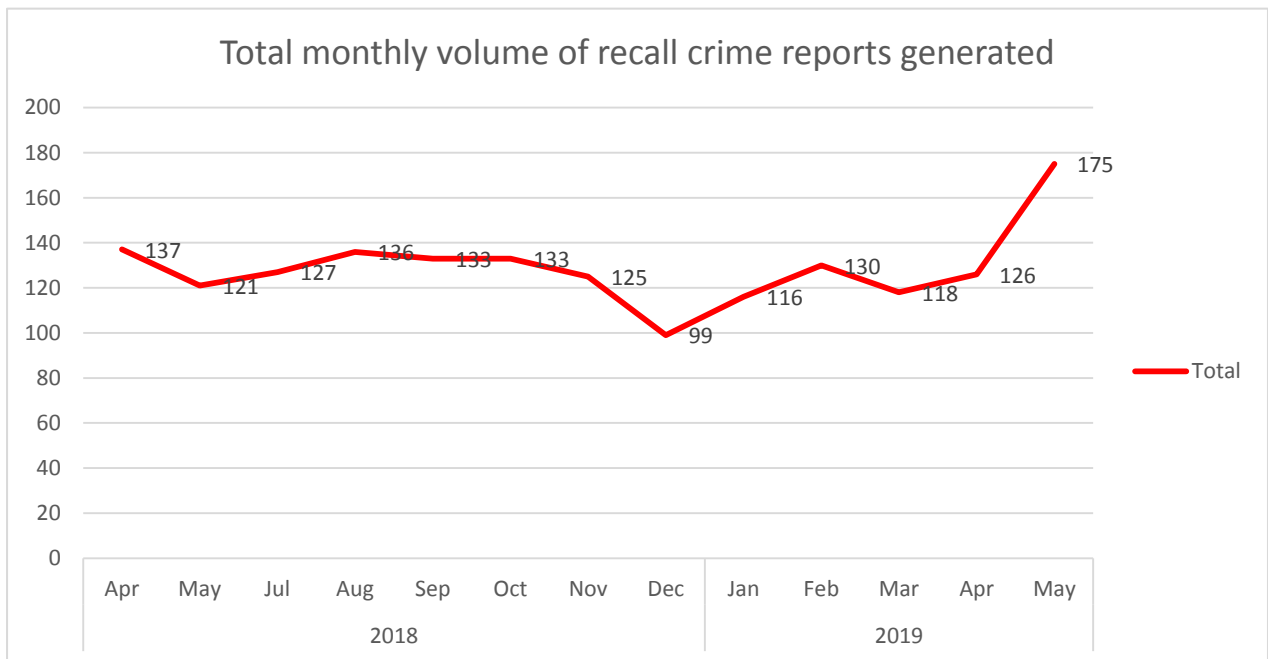
Prisoner recall data

May 2018-2019 shows 1495 offenders recalled.

Row Labels	Count of CRIME_REF
EMERGENCY LICENCE RECALL - NON CRIME	236
STANDARD LICENCE RECALL - NON CRIME	1259
Grand Total	1495

31. There is no data capture in respect of prisoner recall file quality, as a recall file is not required to be completed. However, the total number of recalls that are converted to 'unlawfully at large' is consistently below 10% of the total, indicating 90% of recalls are resolved promptly.

32. The chart overleaf details the recalls by date of crime reports recorded. It demonstrates a level of controlled offender management.



Victims and witness care

33. CJS, through the Witness Care Unit and CPS have now established a process of checking trials two weeks before the trial date to assess the readiness of the Victim/Witness and case. This has proven to be very effective and has raised the overall effective prosecution rates by around 7%

34. WMP has introduced the use of Community Impact Statements, utilised as part of all Hate Crime related prosecutions. Community Impact Statements have been sought from community leaders of groups representing the five hate crime areas of; sexual orientation, disability, race, religion and transgender. The Community Impact

Statements are introduced to the court in a similar manner to a victim impact statement, and are designed to highlight to the court the far reaching impact that even an isolated instance of Hate Crime can have on a wider community.

Public Sector Reform and West Midlands Police

35. There is potential for a continued period of instability within National Probation Services (NPS) following the cessation of the Community Rehabilitation Company. This comes at a time when there are resource shortfalls within NPS, posing a risk to the continued effectiveness of joint offender management. West Midlands Police and partners will need to strengthen the partnership and provide support through what could be a turbulent time.
36. It is anticipated there will be learning regarding the risk management of Sex Offenders highlighted for NPS and WMP from the Serious Case Review in to the death of Lisa Skidmore. The Inquest has recently concluded and the narrative verdict will be subject of full review.

Criminal Justice Department review

37. The project has achieved the following original objectives as set out in the PID:

Create a Criminal Justice Service that is fit for the future, delivers positive outcomes at Court and supports the Force by:

Original Objective	Description of Achievement
<p>CJS becoming self-sufficient: By realigning the custody model to reduce overtime spend and changing the shift pattern. Deliver an enhanced service offer from Prosecutions to the wider Force.</p>	<p>Shift pattern realigned and overtime spend reducing (aim for £22k but currently £34k due to large number of vacancies). Prosecutions restructure offers a service that is Force-wide and integrated with partners to provide a more streamlined service</p>
<p>Improving case file support and quality of case files: By creating 3 Centres of Excellence, relocating staff alongside Investigation file builders to improve knowledge and working practices.</p>	<p>The three centres have been created and PPU joined the Hubs in February 2019. Already working practices are improving. There has been a very positive effect in CMU with the introduction of the file build teams, this has reduced the issues in Magistrates Court files by 10% month on month since its inception.</p>
<p>Improved service delivery through positive leadership: Transforming culture through shared values and behaviors and improving relationships and ways of working.</p>	<p>Culture and leadership plan and activities have been taking place over the last 12 months.</p>

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38. The following objectives have not been achieved at the time of project closure. The Board has agreed that the objectives are either in progress or will not be delivered by the project as detailed below:

Original Objective	Anticipated Objective Achievement
<p>Maximising income generation opportunities: By increasing the number of police-led prosecutions and recover administration costs.</p>	<p>Court costs have been amended in agreement with the CPS so we are now recovering our administrative costs however due to staff shortages we have not been processing as many cases as usual. Recruitment is underway and we expect this to be back on track by August 2019. Proposals have also been submitted to OCB with options to look at increasing revenue into the Force.</p>

39. One of the challenges identified has been how these changes affect other departments. There have been concerns around an increase in travel time for investigating and arresting officers brought about by the changes to the custody estate. However, the six month trial found that the average increase in travelling time for arresting officers was two minutes. The waiting time to book in a prisoner has reduced.

40. There has been a relocation of investigation teams within PPU to the two large custody blocks. This aims to reduce the amount of time spent travelling to interview and process persons in custody.

Reducing reoffending

Partnership working

41. The Drug Intervention Programme (DIP) Task and Finish Group has been meeting since February 2019. The key objectives for the group are;

- Improved working relationship between DIP team and custody staff
- Streamlined process, reduction of demand for custody
- Consistent performance between teams/sites – and if this can't be achieved understanding why
- Improving the reputation of DIP/raising the profile with internal colleagues

42. Progress against the DIP Task and Finish Group objectives are as follows:

- Improved working relationship between DIP team and custody staff
- Identification and nomination of SPOC's from each custody Suite to attend and represent their blocks at the T&F Group. SPOC's also driving the importance of DIP within their own working environment
- DIP Support team providing training to all new custody staff
- Phase 21 training within Custody will include an ex-Service User attending and providing 'Their Story' to staff
- Custody Teams briefed by Inspectors – Reasons to do what you do document
- Streamlined process, reduction of demand for custody
- Laminated guidance for booking RA1's completed and in each BIO room
- Creation of a checklist/standard protocol to ensure consistent process across all sites
- Identification that the process in serving RA1's is inefficient and has a detrimental effect upon performance. A recommendation to increase the designated powers of DEO's to enable them to serve the RA1 to the offender is being considered to address this.
- Greater understanding of the consistency of performance between teams and ability to share good practise across the sites through the DIP SPOCs
- Review and calibration of the Alere machines to sample tolerance standards
- A planned pilot utilising Deferred Sentencing, for nominals who have breached their required assessment
- Improved the reputation of DIP and raised the profile with internal colleagues
- The Task and Finish Group has now been opened up to other departments, PPU, FCID and soon Response, to identify opportunities where these departments can assist around the DIP process and around the non-trigger offences

Barriers to joint working

Joint reoffending strategies

43. Joint working with NPS and YOT could be assisted by ready access to regional and localised performance data to identify how effectively offenders are being managed. The current timeline required to claim a reduction in reoffending, is two years.

Access to quarterly, six monthly, annual and bi-annual data would provide greater understanding of the impact of successful pathway interventions to reduce reoffending. A 'systems approach' data set is being progressed through the Reducing Reoffending Steering Group, which will assist in identifying and sharing good practise and interventions, and contribute towards the reducing reoffending evidence base.

44. The main barriers to the DIP process and joint working are;

- The current provision of key drugs workers within the custody blocks at all relevant times across the region means there are times that engagement opportunities are missed. This will be remedied with the new service in procurement, which will provide uniformity of access to drugs workers across the custody environment within WMP.
- Community orders could be maximised at court to benefit the user and ensure they engage with a drug program.

Barriers to partnership working

Prosecutions

45. The introduction of Video Enabled Justice (VEJ) proposes a move to digital provision of evidence to court via a live link for persons in custody, within WMP custody suites. While there will be benefits to this, there is potential of having to retain people in custody for longer as a result of any delay experienced in progressing cases. WMP has an opportunity to influence and test scenarios through its representation on the Digital First and VEJ Boards.

46. The Courts reform will likely see more centralisation of the HMCTS estate – this may have a negative impact on defendants, victims and witnesses in traveling further to attend court hearings.

Management of Sex Offenders & Violent Offenders (MOSOVO)

47. Not all probation officers have the capability to access ViSOR due to national licensing issues. This is being progressed by a further 250 licenses being issued to WM Probation in the forthcoming months. In the interim, WMP will continue to update the system in relation to uploading ARMS assessments, which will continue to remain a requirement until such time as it can be resolved.

48. Increasing Registered Sex Offender (RSO) numbers (on average 8% per year) will affect partner capacity as much as it will affect WMP capacity. Probation have just recruited a number of new probation officers who are just completing their training.

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