

London Criminal Justice Board meeting minutes - 26 May 2021

Key information

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Board and advisors

Present

Louisa Rolfe, MPS (Chair) – AC Met Operations

Barbara Gray, MPS - DAC

Barry Hughes, CPS CCP- London North

Damian McCleave, HMCTS – Head of Crime

Sara Lewis, MPS – Head of Met Prosecutions

Sue Williams, MPS – Commander CJ

Louise Capel Cure, MOPAC

Mat Pickering MOPAC

Chloe Iliesa, MOPAC

Stephen McAllister, HMCTS – Magistrates Court

Damon Williams, MPS – LCJB Business Manager

Suzanne Burke MPS – LCJB Support (minutes)

Ali Hinchliff, MPS – LCJB Support

Lionel Idan, CPS CCP- London South

Adeela Khan, London Criminal Court Solicitors' Association

David Cain, MoJ

Tom Dodsworth, MoJ

Katie Nash, Probation Service

Stephen Beckett-Carroll, Probation Service

Dominic Daley, Youth Justice

Helen Isaac, CoLP

Apologies

Darius Hemmatpour, Chief Superintendent NPCC CJ Lead - MPS

1. Welcome - introduction, minutes and actions

The Board agreed the previous minutes without amendment.

The Board reviewed and discussed LCJB outstanding actions. Actions agreed for closure as per recommendations.

Disproportionality Dashboard: this is still being progressed and still proving to be technically challenging. The MPS are trying to discover what disproportionality we *can* be provided, bearing in mind some of the more basic IT being used to discover the data.

2. Case progression, court backlog and timeliness

During the presentation of the data, The Board discussed the following areas:

Released Under Investigation (RUI) rates

- A small increase in the number of current RUI cases has been occurring for a number of months. This is generally believed to be due to reasons of housekeeping on IT systems rather than an actual increase in the number of suspects currently RUI.

Use of witness live link

- The Board discussed that the use of live link for witnesses including the police to give evidence is a useful tool. It was suggested that a more detailed look at the data of how and when it is used would be beneficial to all as there may be knock on implications of it being used more prominently (such as courts not being able to cope with the number of witnesses using live link).
- Live Link usage may be useful whilst we are still experiencing some aspects of COVID restrictions, however it may not be long until these restrictions are lifted and this may also have an effect on Live Link's use.
- Also mentioned was that a proposed new MG2 is helpful for explaining the use of Live Link to officers.

Action 2021/12 SM - Convene meeting with CPS, Courts, Police and the LVWS to discuss witness live links and look at the numbers and establish further scope for the increased use of Live Links.

Trial effectiveness

The Board considered that data surrounding trial effectiveness seemed to suggest that many Crown Court trials are vacated (86 went ahead during the last week and 87 were vacated). HMCTS confirmed that this data is likely to be accurate. Reasons for this high rate may include:

- judges not being available
- the use of backup trials (both in response to COVID)
- trials are vacated the day before they are listed which causes many problems for all stakeholders.

A desire was expressed for a deep dive in to why so many trials are being vacated, particularly in the Crown Court.

It is possible that the reasons for vacated trials may become clearer after 21 June if COVID restrictions ease.

Sentiment was also made that the data surrounding cracked/ineffective/effective and vacated trials can be looked in to at the Data and Analysis Board Sub-Group Board. The Data and Analysis Sub-Group Board are currently considering all available data, in addition to working with all partner agencies to locate appropriate data to help understand the reasons behind the vacated trials.

3. Court recovery

Magistrates' Courts

Magistrates' Courts will be operating normally again very soon. There is a possibility that extra courts will be opened to help with social distancing if this is necessary. Best use of all options to improve recovery including

use of VRH is still being made, along with some IT tools which are being considered to help with scheduling of these VRHs. Identifying appropriate IT to help with trials listing remains a challenge, although HMCTS are keen to make use of staggered trials listings even after the pandemic. The Board also discussed the plans for possible near future rise in custody receipts that could occur once COVID restrictions are lifted.

Crown courts

Crown courts are still accumulating a backlog but this is reducing and beginning to stabilise. In particular Snaresbrook CC is making an improvement. Disproportionality is still occurring of backlogs across the CC estate, HMCTS continue to try to improve this. The Agency continue to discuss how to move cases out of London in to less burdened CCs, this is a complicated and challenging process.

An effort is being made at each CC to understand receipts and disposal of cases. The continued use of Nightingale Courts is also being explored. Social distancing measures and possible upcoming changes to them are still being considered. There are likely to be upcoming problems with staffing the increased future sitting days which are planned, particularly with the judiciary and recorders. More crown court clerks are also being recruited. MoJ are planning to legislate to be able to send cases from CC back to Mags for trial and sentencing where appropriate.

The processes of sentencing and appeals are also being considered as avenues for improved efficiency. A pilot is also underway to help with the use of S.28 for intimidated witnesses. Three more sites can possibly be opened for this and two of them have already been procured, being Isleworth and Wood Green. There is no definitive timeline for how long this pilot will take.

MOPAC GPS tagging

MOPAC are currently running a pilot for the use of GPS tags for violent and domestic abuse offenders. Since 2019 a pilot has been running for knife crime offenders (on determinate licence). Pilot now extended until March 2022. So far nearly 496 offenders GPS tagged compulsorily on leaving prison. 255 of these were completed successfully, 123 were recalled. 14 per cent of those recalled were done so directly because of a breach of the GPS exclusion zone and 24 per cent of those recalled were done so with the use of the GPS tag being a secondary factor (such as not charging their tag).

The MOPAC pilot for domestic abusers is designed to help improve risk management of the offender until March 2022. GPS tags are used for adult offenders being released from a London Prison, to an address in London and serving a determinate sentence only. The GPS tag also seems to work as a deterrent to the wearer from re-victimising people. GPS tags have only been used in 20 cases so far. 11 of these have already been recalled, with a minimal number of these due to breaching an exclusion zone as shown by the tag.

MoJ are running a pilot for acquisitive crime offenders which will come to London in September. This will be for adults only, serving sentences of at least 12 months. There are six pathfinder areas already live with this in Counties forces. 13 more will go live in late September including the MPS. There are early predictions that around 600 tags may become readily used at any one time in the MPS. One small issue with using the tags is that they can't be used if an offender does not have suitable accommodation for it.

This issue is currently being worked through. External Agency Requests (EARs) are in place so that tagging data can be applied for if necessary. Another useful tool of the tags is Crime Mapping where police forces can export large acquisitive crime maps to the MoJ where these maps are compared with the tag data to see if there are any hits for a tag as being in the same location and time. Any matches are sent back to the police force along with a

statement. So far 60 tags have been issued, eight of which have been matched to crimes

The Board expressed enthusiasm for these pilots and it was re-iterated that any breaches would firstly be sent to Probation to deal with and then any recalls would be dealt with in the normal way between Probation and the Police.

4. Victims and witnesses

The idea was discussed that an update for Victims and Witnesses as an agenda item each month is no longer necessary and can be dealt with as a separate update from the LVWS as part of Agenda item 8. This was agreed amongst board members.

5. Common Platform (CP)

Common Platform (CP) has been implemented at pilot sites and so far it is working relatively smoothly. The next sites due to use the CP are Harrow and Isleworth in early July. HMCTS are also trialling some new tools which may improve administration of the system. The HMCTS role-out plan for CP is available on their intranet, although some changes are still being made to this.

Further issues discussed:

- The CPS are not shown as the prosecuting authority on CP, which causes problems with the CPS receiving documents from CP. A change to COPA needs to be implemented to correct this and it may be some time until this is implemented.
- There is an issue with CP not being able to display drink and drug levels. Police are currently having to enter this data manually which is time consuming, again a fix for this may not be implemented for some time.
- A sign off process is in place at each court which begins to use CP where all stakeholders have a say in sign off before it is given a go ahead by the senior presiding judge.
- A number of other issues may well appear during CPs role out and all stakeholders ought to be mindful of communicating these issues so that they may be troubleshoot.

Action 2021/13 - All - All parties to consider issues associated with CP and communicate these with other stakeholders as soon as possible.

6. New LCJB governance structure update

Representatives from MOPAC explained that a new LCJB Governance Structure is being implemented and that this is being represented in some charts and diagrams which can be shared with other Board members. Furthermore, some consultancy partners have been hired by MOPAC to help with moving forward and they would like to invite them to future LCJB meetings.

Action 2021/14 – LCC – New Governance structure charts to be shared with all board members.

7. Agency updates

1. **CPS** – Focus is still on clearing backlogs in the both courts. With Magistrates' courts this is going well, with Crown Courts there are still concerns, although Snaresbrook CC is starting to make improvements. Preparations are also being made for a sharp increase in trials (especially with appropriately deployed advocates) once restrictions ease and hopefully other agencies are also preparing for this. We are also being mindful of ensuring that both Mag's and Crown Courts can be serviced correctly by lawyers as trials ramp up.
2. **HMCTS** – Court recovery plans had already been given as part of Agenda item 3, however discussion was drawn to how well a ramp up in trials listings in both Crown and Mag's Courts could be co-ordinated with the CPS and other partners, to ensure that resourcing does not become too high for some at any particular time. A desire that the MPS and other partners will also be able to meet resourcing levels as trials ramp up was also expressed.

Action 2021/15 DM/SM – HMCTS plans for COVID recovery to be shared. All members to be privy to the plans for making use of court time so that other members can co-ordinate with the same timescales

3. **Prisons** - No representative present.
4. **Probation and CRC** – Unification will occur on the 25 June. Due to the reunification of the National Probation Service, CRC will soon no longer exist. From this date London will be split in to three districts, with a Head of Service responsible for each. Currently more staff are being mobilised to come in to offices and carry out appointments. On the day reporting is also improving with more staff becoming available to carry this out. Efforts are being made to make best use of video slots with courts. Preparations are also being made to increase throughput when Mags' courts begin an uplift. Some discussion was made that statistical data relating to Probation's activities might be beneficial to other board members, especially the CPS.
5. **LVWS** - Referrals to the LVWS are now approximately back to pre-COVID levels, with pre-trial visits taking place face to face. Efforts are still being made to improve a back log by making resourcing changes and improve partnership working with HMCTS. Funding has also been received for an additional 21 Independent Sexual Violence Advisers (ISVAs) and 23 Independent Domestic Abuse Advisers (IDVAs) for the next two years, which will hopefully become recruited by the summer.
6. **Defence Community (LCCSA)** - Mention was made that the Magistrates' Court backlog was now manageable although it would be pertinent to know plans for increased trials so that furloughed staff can be brought back by law firms. Some progress is being made in Crown Courts although this is slow. There are still some issues with attending prisons to see clients and it would be advantageous to speak with the Prisons Service surrounding this, particularly as trials begin to increase. Members are attending Police Stations again and still have concerns for room sizes and distancing measures (especially during interviews). This is an issue acknowledged by the MPS that not much more can be done to help although lateral flow tests can be used and some efforts are to be made with the MPS estates team to see if anything more could be done.

Action 2021/17 SW – Speak with the MPS estates team and see if anything more can be done to improve distancing in custodies.

7. **Youth Justice** - Yots are now using a blended approach of face to face and virtual meetings. There are still some concerns again around distancing in the custody environment. There is also apprehension of a possible spike in youth violence which may occur this coming summer

8. **Metropolitan Police** - As a result of Video Recorded Interviews, conversations are ongoing to decide whether the extra redaction required of these before they are sent to the CPS (for reasons of confidentiality) should be done by the interviewing officers or other resources. A request from the NPCC was made to raise the issue of drug driving, however this is not an area of issue for the MPS. A new community resolution option for young persons is being brought in to place (bringing the MPS in line with most other Police Forces). This ought to help with levels of disproportionality. HMIC have conducted an inspection with Met Detention (MO9) regarding persons with Mental Health ailments and good feedback was received from them. Identity kiosks are also being rolled out across the MPS (in custody suites) to capture suspect IDs. A pilot will also soon begin with Bail Kiosks which will allow persons to sign on for bail using automated facial recognition kiosks.
9. **City of London Police** - A backlog of traffic offences still exists and work is being done to reduce this including the use of additional courts. This may well go on past December.
10. **British Transport Police** - No representative present.

8. Risk register

The risk register was reviewed by the board and accepted as being up to date. One issue of amendment was that in the two risks recorded as 'Rising Magistrates and Crown Courts Backlogs', mitigating actions have been reflected to record that all stakeholders are to be mindful of when an increase in the activity of both the Crown and Mags' Courts occurs that HMCTS will require support from other stakeholders making use of the extra court time.

9. Agenda setting

- **Disproportionality** - A discussion was held regarding the plans for a disproportionality board. This is still being planned and it has not yet been decided in which board the discussions around disproportionality may actually be placed, although one possibility may be that a Disproportionality Board may soon be set up.
- **Community Resolutions for under 18s** – The use of community resolutions for under 18-year-olds as described earlier may have a small impact in reducing the number of youths who attend Youth Courts.

10. Any other business

- **Common Platform** - There are instances where if previous convictions are not sent by the Police with a case file, then an offender's file on Common Platform will need to be rejected and the legacy system used instead. A task and finish sub-group can be set up to look in to this, in combination with a long standing and difficult to resolve issue of Police supplying PNC prints in case files.

Action 2021/18 SL, BH, LI – A task and finish sub-group is to be created to look in to the issue of PNC prints in Officers' case files.

- **Upcoming large scale events UEFA European Championships and G7** - HMCTS had a desire to be included in any upcoming intelligence/planning relating to large scale events which may increase trials at Courts. Including HMCTS in key stakeholders of such planning would be beneficial.

Action 2021/11 LR – LR to speak with Commander Jane Connors and ensure that HMCTS are included where necessary in Stakeholder conversations regarding possible large-scale events.

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