

London Criminal Justice Board meeting minutes - 25 August 2021

Key information

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Board and advisors

Present

Louisa Rolfe - MPS (Chair) – AC Met Operations

Suzanne Burke - MPS – LCJB Support (minutes)

Ali Hinchcliffe - MPS – LCJB Support

Alex Murray - MPS - Commander

Alan Catlin - Head of London CJ Partnership

Andy Carter - MPS – Superintendent, CJ

Wayne Matthews - MPS – Superintendent, Youth Crime

Simone Oram - MPS – Police Sergeant, Youth Crime

Louise Capel Cure - MOPAC

Mat Pickering - MOPAC

Hannah Jones - MOPAC

Damian McCleave - HMCTS – Head of Crime

Stephen McAllister - MMCTS – Magistrates Courts

Barry Hughes CPS CCP – London North

Lionel Idan CPS CCP – London South

Adeela Khan - London Criminal Court Solicitors Assoc

Helen Isaac - CoLP

Stephen Beckett-Carroll - Probation

Gary Poole - Prisons

Bianca Bamieh - BTP

Apologies

Damon Williams MPS – LCJB Business Manager

Barbara Gray MPS – DAC

Sara Lewis MPS – Head of Met Prosecutions

Sue Williams MPS – CJ Commander

Darius Hemmatpour MPS – Chief Superintendent

David Clarke - MOPAC

Ashlie May - MOPAC

Charlie Doyle - BTP

Susan Yeomans-Jones - BTP

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.

2. Case progression, court backlog and timeliness

During the previously circulated performance pack presentation, the below item was discussed:

Cracked trials

The Defence Community raised that previously, when a trial was cracked, the solicitor was provided with a pink form on which the reasons for the trial cracking were recorded. Solicitors report that these forms are no longer available for them to complete, causing the loss of vital data. Due to COVID there was a time where paper forms were not able to be used due to PHE rules, but data was collected throughout this time in a digital format.

ACTION 2021/32 SM/AK: Data collection around reasons for cracked trials – Stephen McAllister will look into this and ensure the data collection method is shared with Adeela Khan to enable defence solicitors to contribute.

3. Custody Time Limits (CTLs)

Extended CTLs and ordinary CTLs are due to come together for expiry at the end of the 2021. A Criminal Justice group is currently in the process of being arranged to consider the necessary data, review the existing processes and introduce effective management of the existing CTLs, well in advance of the end of 2021.

The CPS are confident that the Judicial process in place manages CTLs, and the protocols effectively, it does mean that the Courts have to accommodate these kinds of cases, by moving cases outside of London etc. CPS continue to apply to extend CTLs where the necessity arises. The level of cases involving CTLs has remained stable.

The Board felt assured that there is a plan in place that for ensuring these cases go to trial especially for serious, violent and at risk offenders – the partners involved are aware that this maybe a difficult period and that the preparations are in progress to effectively manage any heightened risk. A more detailed update will be provided to The Board.

4. CJ options to reduce youth homicides and violence

The Board discussed how CJ Agencies working in partnership could look at work to help reduce youth homicides and violence.

Offenders and victims of these types of crimes are often already known to CJ Agencies for various reasons. Some youth homicides are committed while the victim and/or the suspect are on RUi/Bail. The below points were discussed:

Crime types

most of the crime types involving suspects on RUi/Bail are possession of offensive weapons and Possession of drugs with intent to supply (PWITs), where a suspect has been arrested for both offences. A disparity in the charging arrangements between the two seems to exist. Offensive weapon crimes can often be charged immediately as they tend to be straightforward when an offender is found in possession of a knife/other weapon. The PWITs offences often require RUi/Bail because drugs are required to be sent away for analysis to prove that they are a controlled substance.

Splitting charges

The Board discussed the possibility of splitting the charges. This would involve charging immediately for the offensive weapon and leaving the suspect on RUi/Bail for the PWITs. This is a current live topic (for high harm offences) at National Level. CC Nick Dean is leading the National discussions on this.

Gangs matrix

The gangs matrix is an effective tools for establishing risk to individuals. The Board discussed how a similar method could be used to assess risk.

Bail

There were arguments in favour of bail over RUi in these circumstances due to the governance that is in place for suspects that are on bail. This governance is a reminder to very busy police officers that their suspect is outstanding and so may be dealt with more expeditiously than those where no reminders exist (RUi)

Charging earlier

The Board discussed how suspects that are charged earlier may still be back out on the street earlier and the risk may remain.

Youth remand

The Board agree that further work in relation to remanding youths is vital, especially in terms of secure accommodation. The lack of appropriate secure accommodation across London often prevents youths being remanded even where the threshold to remand may be met.

YOTs

The Board discussed the involvement of YOTs in these cases – YOTs are always involved.

Policing Minister

The Policing Minister meets with all police forces to discuss different types of homicide. The Board agree that it would be beneficial to provide The Commissioner with appropriate information to be able to raise with The Policing Minister.

PYOs

The Board discussed the opportunity to reintroduce a similar model to PYOs (Persistent Young Offenders) as they may have worked well in these types of crimes/offenders.

Pilot

The Board discussed the possibility of a pilot. A pilot where an identified cohort in an identified area (for example Lambeth) assesses a different way of charging (express charging in identified cases for example)

ACTION 2021/33 LI/BH/AM : Youth Violence Pilot - Partners to discuss further to explore the feasibility of a Youth Violence Pilot.

5. Community Resolution for U18s

Community Resolution for under 18s went live on 1st August, 2021 which has proved to be a very useful tool, especially for possession of cannabis. Currently work is still in progress to ensure all front line staff are fully trained in its use.

Disproportionality

The Board discussed the work between MPS and MOPAC which ensures that disproportionality is being considered in this work.

Scrutiny Panels

MPS hold two Scrutiny Panels per BCU per year where these will be looked at.

6. Victim Care Hub update

There has been a delay in awarding the contract, the tenders are in and are at the evaluation stage. The aim is to begin the project in September, 2021. This will be presented in further detail at the LCJB - September, 2021.

7. Agency updates

CPS

CPS are still working through issues relating to Crown Court recovery. The current Crown Court capacity is limited by Judiciary not space. The CPS are still facing resourcing issues and are still looking for more Counsel to be recruited, vetted, trained, etc.

HMCTS

Crown Courts

Resourcing continues to be an issue although staff numbers are recovering well. Judiciary numbers remain an issue but measures are in place to address for example moving Judiciary from outside London to inside London

Magistrates Courts

Magistrates Courts are still carrying a small 8 week backlog from COVID although the clearance rate of trials is almost back to pre-pandemic rates.

Around 200 additional Magistrates Court trials due to trial blitz are planned for.

Common Platform

HMCTS London has adopted some changes to its proposed Common Platform roll out. The revised dates, which see our next tranche moved from September back to December to allow further time for recovery and planning to be completed more generally are:

- **25 October** – Westminster and Highbury Magistrates Courts, Central Criminal Court and Southwark Crown Court. – BTP and City of London Police will also go live on this date.
- **15 November** – Thames, Stratford, Barkingside, Romford Magistrates Courts, Snaresbrook and Wood Green Crown Courts.
- **7 December** – Croydon, Bromley, Bexley Magistrates Courts, Inner London, Woolwich and Croydon Crown Courts.

LITs

Local Implementation Teams will be put in place in due course

Prisons

Outbreak status

Two London prisons are currently in outbreak status but there is no interruption to business of sending and receiving prisoners to and from Court. Prisons communicate with Court to make arrangements if there are any likely issues due to infections etc.

Resourcing

Staff absences remain an issue in prisons and continues to be addressed.

COVID vaccinations

COVID vaccination take up has been low. There are many factors that could be driving this including a younger population who often display anti-establishment ideals or a feeling that the pandemic will be over by the time the

prisoner is released. Prisons continue to work on education to address this.

Probation

Probation are currently working through their risk assessments to enable efficiency (PPE etc.)

Face to face

70 per cent of meetings are currently being conducted face to face

Community payback

This continues to be a challenge for the Probation Service. It is currently running at 53 per cent work continues to improve this.

Accredited programmes

Accredited programmes are currently running at 20 per cent due to reduced group sizes.

London Victims and Witness Service (LVWS)

Referrals into the service are almost back to pre-pandemic levels, with a high level of S28 referrals which are mostly children and young people.

Intermediaries

The Board discussed that there are a shortage of intermediaries which are vital for S28 cases in courts. This was raised by the Judiciary and was taken away by MoJ colleagues to look at further.

Defence Community (LCCSA)

Defence solicitors are finding scheduling issues booking face to face client prison visits and virtual visits at the below prisons:

Snaresbrook

Many reported issues arranging visits.

Thamesford

Appear to have only 1 person that deals with requests. When they are off, no one covers which delays visits.

Pentonville

Large delay in getting an email response to a visit request (weeks). In addition, if a prisoner is isolating (due to COVID) a prison visit is not allowed to be booked. Once the prisoners isolation ends, the delay in getting a visit is applied.

The Defence Community would like these issues to be addressed to enable face to face and virtual visits be conducted with their clients. Previously, face to face visits were arranged by telephone which was a more effective process for solicitors.

ACTION 2021/35 GP: scheduling face to face and virtual prison visits for defence solicitors – Prisons will take the issues raised by LCCSA to the prison managers and provide LCCSA with contacts so that issues can be addressed.

Youth Justice

No representative present at the meeting.

Police

Metropolitan Police

Witness Care Units (WCU)

Continue to have high workloads and are progressing with recruiting additional staff to provide support.

City of London Police

Witness Care Units (WCU)

Recruiting an additional Witness Care staff member with the funding provided for this.

Magistrates Courts

We are making good progress with our backlog at the Mags court.

Resources

Staffing in custody and in Criminal Justice is good at present.

PPE

Enhanced PPE continues to be used in custody suite to protect all.

British Transport Police

Witness Care Units (WCU)

Working with higher volumes and continuing to support the additional work with overtime until more staff are recruited.

8. Risk register

Common Platform

The Board discussed whether this continues to be a risk. As only a small number of sites have received Common Platform and there has been some functionality issues, it was agreed that the risk will remain until further roll out has completed.

LCJB governance structure

This risk is to remain the same, as the work progresses and is agreed, the risk can be reassessed.

CTLs

The Board agreed that this is to remain at this time.

Readiness for elevated Crown Court caseload

The Board agreed that as more cases are listed in the Crown Courts, there is a risk that all supporting agencies may not be fully able to support the additional caseload due to resourcing issues.

ACTION 2021 38 AC: All agency readiness for elevated Crown Court caseload (resources etc.) – draft appropriately to reflect the risk across all agencies in London.

9. Agenda setting

- **CJ Options to Reduce Youth Homicides and Violence** – the Board agreed the importance of looking at this from a CJ perspective.
- **Domestic Abuse (DA)** – the Board discussed that more focus on how to improve Criminal Justice for victims of DA for example DA Specialist Courts etc.

ACTION 2021/37 DW : Domestic Abuse (DA) – to be added to the LCJB Agenda.

- **Hate Crime** – the Board agree that there are many aspects of Hate Crime that can be looked at from a CJ perspective.
- **Extension of S28** – extension to S28 to include intimidated witnesses.

10. Any other business

- **LCJB Meeting Re-Structure** – the Chair updated The Board that the draft of the new structure is currently with The Mayor's Office where a few issues remain.

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