



Ministry of
JUSTICE

Swift and Sure Justice: The Government's Plans for Reform of the Criminal Justice System

July 2012



Swift and Sure Justice: The Government's Plans for Reform of the Criminal Justice System

Presented to Parliament
by the Secretary of State for Justice
by Command of Her Majesty

July 2012

© Crown copyright 2012

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or email: psi@nationalarchives.gsi.gov.uk

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

Any enquiries regarding this publication should be sent to Criminal Justice Reform, Post Point 8.02, Ministry of Justice, London, SW1H 9AJ.

This publication is available for download at www.official-documents.gov.uk and on our website at www.justice.gov.uk

ISBN: 9780101838825

Printed in the UK by The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office
ID 2501130 07/12

Printed on paper containing 75% recycled fibre content minimum.

Contents

Foreword	3
Executive Summary	5
1. Introduction	11
2. The Government's wider programme of reform	20
3. Swift justice	28
4. Sure justice	35
5. Efficient justice through technology	43
6. Transparent justice	52
7. Accountable justice	55
8. Impact Assessment and Equality Impact Assessment	60

**Swift and Sure Justice:
The Government's Plans for Reform of the Criminal Justice System**

Foreword



It is a basic principle of justice that it should be delivered without delay. Magna Carta asserted that “To no one will we refuse or delay right or justice.” Justice delayed is justice denied, especially to the victims of crime.

Yet our criminal justice system routinely tolerates delay. On average five months elapse between offence and sentence in a magistrates’ court. Complex cases understandably take time to prepare. But the large majority of cases are relatively minor, don’t have to go to trial, or are uncontested. There’s no reason why these shouldn’t be brought to justice far more quickly.

Swift justice is in the interests of victims, witnesses and the public. It happened in response to last summer’s disorder. Police, prosecutors and courts worked together – and offenders were brought to justice within days, sometimes even hours.

This White Paper sets out a very clear ambition and plan to normalise much of this response so that justice is routinely swift and sure. It shows how we are already making better use of technology and managing cases more efficiently. It also sets out proposals for a new role for magistrates, reinforcing their historic role in community justice.

The lay magistracy is one of the most important assets in our criminal justice system and we should greatly value their role. I want to give magistrates new roles and responsibilities, including to oversee the use of out-of-court disposals and support the new Neighbourhood Justice Panels.

This enhanced role for magistrates will also help deliver sure justice as part of our ambition to create a system that grips offenders at an early stage. By being smart on crime we can prevent the slide into ever more serious offending.

From November Police and Crime Commissioners will be in a unique position to help galvanise the local police, prosecution and courts to work together and focus on preventing crime and reducing re-offending. The system will also be made more accountable and transparent. With access to real information the public will be much better equipped to drive change, and have greater confidence in a system that should work for them.

**Swift and Sure Justice:
The Government's Plans for Reform of the Criminal Justice System**

From a so-called 'system' which operated in silos, we are moving to a criminal justice service where police, prosecution and courts work more effectively together. None of these reforms will compromise historic legal rights or important principles of justice. Rather the reverse: justice must be swift, sure and seen to be done, or it is not done at all.

Nick Herbert

Minister of State for policing and criminal justice

Executive Summary

Introduction

This White Paper sets out the Government's programme of reforms to the criminal justice system in England and Wales. It is in part a response to the commitment given by the Prime Minister to learn the lessons from the highly effective and rapid reaction of the criminal justice agencies to last summer's disturbances. The Paper sets out reform programmes already in train across the criminal justice services to tackle delay and waste, increase accountability and transparency and improve public confidence.

The public has a right to expect the justice system to be swift and sure:

- swift: so that the low-level, straightforward and uncontested cases, where a quick response is appropriate, are dealt with promptly and efficiently; and
- sure: so that the system can be relied upon to deliver punishment and redress fairly and in accordance with the law and public expectation. A criminal justice system which fails to command public confidence in this way has fallen at the first hurdle.

Our diagnosis of the problem

Too often the public view the criminal justice system as complex and remote, with processes that seem obscure. Target chasing has replaced professional discretion and diverted practitioners' focus from delivering the best outcomes using their skill and experience.

The system is in need of modernisation, with old fashioned and outdated infrastructures and ways of working that suit the system rather than the public it serves. The wheels of justice grind too slowly. Too often the system tolerates unnecessary work and hearings which do not go ahead on time.

This comes at a great cost to the taxpayer: over £20 billion each year. A large proportion of this is spent processing offenders, rather than on early, targeted interventions which help to prevent problems escalating.

Many of those working in or around the criminal justice system will recognise these problems and there is a real appetite for improvement. The response to last year's disturbances showed what was possible: a quick and flexible response, dispensing justice in some cases in a matter of hours and days, rather than weeks and months.

In this White Paper we set out how we intend to reform criminal justice by:

- creating a swift and sure system of justice; and
- making it more transparent, accountable and responsive to local needs.

**Swift and Sure Justice:
The Government's Plans for Reform of the Criminal Justice System**

In this way, we will transform criminal justice from an uncoordinated and fragmented **system** into a seamless and efficient **service**.

Swift justice

Justice needs to be **swift** if it is to be effective. Offenders need to be made to face the consequences of their actions quickly, using effective, locally-based solutions.

We want to make sure that cases are ready to proceed quickly and to plan. The focus of our reforms is the simple, straightforward and uncontested matters that represent the large majority of cases prosecuted through the criminal courts. Our reforms are designed to secure guilty pleas earlier in the prosecution process, improving efficiency, reducing paperwork and process times and alleviating some of the burden on witnesses and victims of crime.

Two programmes of reform are being implemented by the judiciary to strengthen the way that cases are managed through the courts – the *Early Guilty Plea scheme* for Crown Court cases and *Stop Delaying Justice* in the magistrates' courts. These are designed to fast track cases in which a guilty plea is anticipated, reducing the amount of work that has to be undertaken in these cases, so that they can be completed much more quickly and cheaply. We will support the judiciary to roll out these initiatives nationally to ensure they are properly embedded across the criminal justice system.

We will also simplify and extend police-led prosecutions. The Home Secretary recently announced that, in addition to existing police powers to prosecute low-level traffic offences, we will introduce changes to enable the police to continue to prosecute these cases when there is no plea or the defendant fails to appear, avoiding unnecessary adjournments and the handing of cases over to the Crown Prosecution Service. We will also extend this simpler, police-led, approach to a wider range of low-level offences.

The criminal justice system must also respond to local demands and priorities, whether that is the extremes of the disturbances, local events, or planned police operations. Up to 100 magistrates' courts are sitting on Saturdays and Bank Holidays, reducing delays and delivering swift, sure, flexible justice. We will continue to test innovative approaches to court sitting times, assessing the merits of more flexible sittings, including early morning, evening and weekend sittings for different types of hearings.

We are also looking for more opportunities to apply public service reform principles to the delivery of criminal justice services. This includes opening the services to new providers and introducing alternative models of delivery including new forms of partnership with the private sector and mutuals. This will build on what has already been achieved with offender management services, for example, through the payment by results pilots we are taking forward.

These are ambitious plans which will help to deliver justice more swiftly.

Sure justice

However, it is not enough for justice to be swift. Justice must also be **sure**, in the sense of commanding public confidence, if it is to provide an effective punishment and deterrent. Criminal justice services must do more to get a firm grip on offenders, making them face up to the consequences of their crime, taking action which both punishes them and supports them to address their offending behaviour.

We have already introduced reforms to make prisons places of meaningful work and we have set out proposals to include a punitive element in every community sentence. We are testing the principle of payment by results. A programme of pilots is underway applying a range of different approaches under which those delivering rehabilitation services to offenders will be paid according to their success in reducing reoffending. In the case of the justice reinvestment pilots, funding will be reinvested if savings to the system are made. This provides the platform for introducing greater diversity in the supply of these services, using the public, private and voluntary sectors and innovative approaches to how those services are delivered.

Neighbourhood Justice Panels, which are being established in 15 areas, are a good example of this type of approach. These involve community representatives and use restorative justice techniques to get a firm and early grip on offending, preventing problems escalating unnecessarily.

The unprecedented rise in the use of out-of-court sanctions (for example, cautions and penalty notices for disorder) has raised concerns about whether they have been used appropriately. We are therefore developing the Justice Test which will provide a helpful tool to help professionals exercise their discretion in a fair and consistent way.

We have also started to look more fundamentally at the way that summary justice is delivered, so that it commands the confidence of the public. These are the relatively the low-level, straightforward matters, often uncontested, that are handled every day by magistrates up and down the land. We are determined to build on the important contribution of magistrates which has been a feature of our system of justice for centuries. The reforms we are setting out will engage magistrates and harness their potential, returning to them a pivotal role in their communities. We are developing proposals to empower a lay magistrate, sitting alone, to deal with certain low-level uncontested cases, in some cases outside traditional court buildings.

This community based approach complements our recently announced plans to tackle anti-social behaviour.¹ We want communities to see quick and effective action taken, but we want to go further and involve the community in shaping this action. The introduction of Police and Crime Commissioners is

¹ *Putting Victims First - More Effective Responses to Anti-Social Behaviour*, Cm 8367, Home Office, May 2012.

another fundamental policy change which will make a contribution to delivering sure justice, while ensuring that proper safeguards are in place to ensure the independence of the judiciary and prosecutors.

The causes of crime are complex and families with a history of offending and anti-social behaviour will often face a number of other issues requiring a response from a range of public services. Our work with *Troubled Families* is one example of this collaborative focus. This initiative is investing nearly £450 million over three years targeting the 120,000 most troubled families. This will help to get children off the streets and into school, reduce youth crime and anti-social behaviour and help adults off benefits and on a path back to work.

What we are proposing is not an alternative to the formal criminal justice system, but a measured return of power and responsibility to communities to resolve less serious crimes quickly and rigorously.

Efficient justice

We want to ensure that the criminal justice system has an infrastructure fit for the 21st century. Although significant sums of money were invested in IT projects over the last decade, the public has not seen sufficient return on these substantial investments. Programmes, for example, LIBRA and C-NOMIS suffered serious delays, ran over budget and did not deliver the functionality promised. Put simply, systems did not integrate well across the agencies, reinforcing 'silo' methods of working and creating waste.

Our approach is to make the best of what we have, exploiting these investments in technology to join up service delivery, moving away from a slow, paper-based system. Progress has been made, with most police forces now preparing non-custody cases using a digital case file; Crown Prosecution Service prosecutors are beginning to use tablet devices to prosecute cases in open court; and all magistrates' courts are able to receive digital case files from the Crown Prosecution Service.

The next stage of reform is to expand, embed and sustain the progress we have made throughout the criminal justice system so that digital case files are used routinely in criminal justice proceedings.

We are investing to upgrade video equipment in the courts with the intention of ensuring that such technology is used wherever it offers a more effective alternative.

We have already announced that we will establish an independent Police Information and Communications Technology company to exploit the potential of information technology in the criminal justice system and we will be exploring how we can use social media to improve the transparency of, and public engagement with, the criminal justice system.

Our ambition is for all the information and evidence collected and relevant to an investigation to be captured once, digitally, in a format which can be shared

immediately and electronically with all criminal justice agencies with minimal manual intervention.

Our plans will provide the foundation for a seamless and efficient criminal justice service.

Transparent justice

It is important that our plans for reform are built on transparency so that the public can understand what happens when a crime is reported and how the criminal justice system is responding to their concerns. In addition, we must build on the real strengths we have, in particular magistrates, who serve as a vital link connecting the criminal justice system to local communities.

This is not about institutions and buildings, but about ensuring that those working in the criminal justice system, including magistrates, engage with the people in their communities to listen to what they have to say and give the public a voice in how criminal justice services are delivered in their areas.

Our first responsibility in this area is to victims of crime, who need accurate and timely information about the progress of investigations and prosecutions of those who have committed offences against them. We also need to ensure that witnesses, who we expect to give of their time to give evidence in court, are kept informed about the progress of cases so they can prepare themselves for what can be a daunting and stressful experience. Witnesses, particularly those who are vulnerable or intimidated, should receive appropriate support so they are able to give their best evidence.

To improve transparency, we are publishing more local information about crime and justice, including crime maps, which link to information about the outcome of criminal proceedings in the courts. Shortly, we will start to broadcast parts of proceedings in the Court of Appeal. And we will move towards more widespread naming of offenders, so that communities are easily able to find out who has been convicted in their local court.

Our plans will enable the public to understand what is happening to crime in their local area and how the criminal justice system is responding.

Accountable justice

Greater transparency is a critical tool in ensuring services can be held to account. We are therefore also taking steps to put in place, for the first time, mechanisms to allow communities to hold their local criminal justice services properly to account.

We have scrapped the distorting Public Service Agreements and the centralised targets which underpinned them, restoring professional discretion to do what is right and supporting our plans to deliver justice more swiftly.

In November 2012, elections will take place for local Police and Crime Commissioners, bringing greater accountability to the way communities are policed.

Although they are not yet in place, we are starting to consider how Police and Crime Commissioners might play a wider role in criminal justice reform. We have already announced that they will take on responsibility for commissioning services for victims of crime and we are considering whether over time they should also be involved in commissioning services for the management of offenders.

Criminal justice is a complex landscape and Police and Crime Commissioners will need to forge effective working arrangements with their partners. Local Criminal Justice Boards are well established local partnerships bringing together local criminal justice leaders. It is for local areas to determine the arrangements that work best for them.

Police and Crime Commissioners will be well placed to lead criminal justice reform in their areas, working with local criminal justice partnerships to implement reform on the ground.

Next steps

This White Paper sets out the recent progress that has been made by policy makers and practitioners in reforming the criminal justice system and plans for the next twelve months. Some aspects of the reform programme are at an early stage of development, including our proposals to:

- **empower a lay magistrate to deal with certain uncontested, low-level cases on his or her own (see paragraphs 119 to 123);**
- **introduce a monetary threshold for the either way offences of theft and handling stolen goods below which magistrates would not have the power to commit the case for trial at the Crown Court, but the defendant's right to elect for trial by jury would remain unchanged (see paragraphs 124 to 131); and**
- **consider reform of the legislation relating to the use of video links in criminal proceedings (see paragraphs 151 to 153).**

We will continue to develop these plans and will announce any proposals for reform in due course. In the meantime, we would welcome views or suggestions on the reform programme generally, and on these three specific proposals, which can be sent to us:

online at: <http://www.justice.gov.uk/publications/policy/moj/swift-and-sure-the-governments-plans-for-reform-of-the-criminal-justice-system>

or by email at: criminaljusticereformprogramme@justice.gsi.gov.uk

or by post to: Criminal Justice Reform, Post Point 8.02, Ministry of Justice, 102 Petty France, London SW1H 9AJ

1. Introduction

The criminal justice system

1. We are rightly proud of the traditions of our criminal justice system. It is admired across the world and is the foundation of many other countries' justice systems.
2. It is a cornerstone of a just, fair and safe society: a service on which victims and the public rely every day to protect them from harm and ensure that those who have offended against them face the consequences of their actions. We should not, however, be blind to its shortcomings. It is time for an honest reappraisal of its effectiveness and agreement of a shared ambition for the criminal justice system which is swift, sure, efficient, transparent and accountable.

The context for reform

3. The criminal justice system in England and Wales is complex, involving many different agencies, including police forces, the Crown Prosecution Service, the criminal courts, legal aid to fund legal defence, prisons, probation and youth offending teams. Too often, these organisations have worked in silos rather than working together: a fragmented system rather than a coherent service. This has been exacerbated by a target culture, which replaced professional discretion to do what was right. Agencies were encouraged to pursue individual targets: a focus on volumes rather than outcomes; quantity over quality.
4. The reforms in this White Paper focus on the points where work passes between the agencies. They are designed to enable the agencies to work together more efficiently and effectively, ensuring offenders are quickly brought to justice and that their punishment fits the crime.
5. Taken alongside wider reforms to crime and justice, which are summarised in Chapter 2, the programme aims to ensure that the criminal justice system:
 - **prevents crime and protects victims:** provides an effective deterrent to crime;
 - **is responsive:** responds swiftly and effectively when crime does take place, so that offenders are quickly made to face the consequences of their actions; and
 - **punishes and reforms:** ensures that offenders are punished, and supported to reform.

Diagnosis

6. The criminal justice system is regularly criticised for operating slowly, for its frequent delays, its lack of transparency, its complexity and for its failure to make the best use of its resources. This has an impact on all those who take part, whether as victims, witnesses or defendants, as well as professionals within the system and the public on whose behalf these services are provided.
7. Victims feel that the system is overly bureaucratic and confusing. They do not feel that the system is there for them. They complain that they are not informed of developments in their case, and that their views are not taken into account when important decisions are taken. Delay can be seen as a tactic that can be used to favour a defendant but it has a serious impact on victims, causing them anxiety, particularly in the more serious cases. We should not be surprised that they feel that the criminal justice system seems to put the interests of defendants above their own.
8. It is not just victims who are frustrated when proceedings are delayed. Delay is also bad for the experience of witnesses, for whom the prospect of giving evidence causes inevitable anxiety. And, of course, those innocent of the crimes of which they are accused have to wait longer to clear their names.
9. We also believe that time is a critical factor in deterring crime: bringing offenders face-to-face with the consequences of their actions can have a sobering effect. We know, for example, that the prospect of being caught is a greater deterrent to criminals than the severity of the punishment.² Too often we see offenders who, rather than having been on the receiving end of swift justice, have waited months to be brought before the courts during which time they have committed a string of other offences which need to be prosecuted.
10. To many people, it seems that the criminal justice system has developed a culture which is tolerant of delays. It does not act as a system, but rather as a series of individual agencies. Professionals working in the system, equally frustrated by the way it operates, tell us that:
 - no one is accountable for the end-to-end outcomes. The agencies operate in silos, each with their own objectives, priorities and internal accountabilities;
 - the agencies have focused on meeting the expectations of Whitehall, chasing central targets, and they do not properly engage with or reflect local priorities; and

² *Green Paper Evidence Report, Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*, Ministry of Justice, December 2010.

- heavy-handed targets, and centralised management and reform programmes have stripped professionals of their discretion, and have turned criminal justice into a box-ticking exercise.

The causes of waste and failure

Complex and bureaucratic processes

11. It is not just the structure of the criminal justice system that is complex. It also employs complex and bureaucratic processes that can lead to lengthy delays and long drawn-out proceedings. For example:
 - in 2011, it took on average 154 days (or just over 5 months) from an offence to sentence, an increase of 2% compared with 2010;³
 - in the same period, cases completed in the magistrates' courts took 144 days on average, but there is a wide variation between different types of case. For example, charged cases took on average 86 days whereas those initiated by summons took much longer – 181 days on average;⁴ and
 - in the Crown Court, in 2011 cases took on average 44 weeks, or around 10 months, from the time of the offence to reach a final conclusion.⁵
12. There is some evidence that for most of their duration these cases are not being actively worked on. A study undertaken by the Northumbria Criminal Justice Board established that 53 separate steps were being used across the police, prosecution and courts in prosecuting cases of common assault through the magistrates' courts. They found that it took on average 15 weeks and 6 days to move from the start of the process to the finish, of which only 6 hours and 4 minutes was actual work-in-progress.⁶
13. Delays can occur at any stage in proceedings but there is limited understanding or transparency about where in proceedings delays occur, what causes them, and whether there are good reasons. Tackling delays effectively therefore requires a joint approach, particularly between the police, prosecution and courts.

³ *Judicial and Court Statistics 2011*, Ministry of Justice, June 2012. (Please note: timeliness data is only available from April 2010. Consequently, 2010 estimates are based on data from April to December 2010.)

⁴ *Provisional statistics on the timeliness of criminal court cases*, Ministry of Justice, July 2012.

⁵ *Ibid.*

⁶ Source: Northumbria Criminal Justice Board.

Failing to reach the right outcome

14. In recent years, a matter of particular concern has been the rise (stemming from 2003/4) in the use of out-of-court sanctions. This was, we believe, encouraged by the need to meet central targets and the introduction of new administrative disposals. But in some cases, it appeared that little consideration was given to whether it would be an effective way of dealing with crime.
15. Between 2003/4 and 2007/8, volumes of these sanctions rose by over 150%, and although they have subsequently reduced, they were still 75% higher in 2010/11 compared with 2003/4.⁷ This raised concerns, particularly among the judiciary, that they were being used inappropriately.

A lack of flexibility and the need for more professional discretion

16. Waste and delay are often the result of a lack of flexibility in how cases are dealt with. A large proportion of prosecutions in the magistrates' courts are for relatively minor offences (for example, television licence evasion, minor road traffic offences and vehicle excise duty evasion). 1.56 million defendants were proceeded against in the magistrates' courts in 2011,⁸ of which over 215,000 were TV licence and Vehicle Excise Duty cases, and some 550,000 were for summary motoring offences.
17. These cases are rarely contested; defendants seldom actively engage in the process; and cases normally result in a predictable penalty being imposed, usually a fine, and in the case of traffic offences, an endorsement of the offender's driving licence. We believe that too often these cases take up more court time than they should.
18. A greater problem still is the unnecessary preparation of a case for trial. In the majority of cases the defendant ends up offering a guilty plea at some stage in proceedings, and we know that a high proportion are offered very late in proceedings.

⁷ *Crimes Detected in England and Wales 2010/11*, HOSB 11/11, Home Office, July 2011.

⁸ *Criminal Justice Statistics, Quarterly Update to December 2011*, Ministry of Justice, May 2012.

Cases not proceeding on schedule

19. When cases come before the courts, too often they do not proceed to plan. For example, in 2011:⁹
 - 18% of trials in the magistrates' courts, and 14% of Crown Court trials were not ready, or could not proceed, and had to be re-listed (known as ineffective trials); and
 - around 4 in 10 trials cracked.¹⁰
20. Despite the fall in the overall caseload, and a series of reforms designed to tackle these problems, the proportion of effective, ineffective and cracked trials has remained steady in recent years. In many cases, a cracked trial is the result of a change of plea to guilty, and in that sense is a positive outcome for the victim and for the public. However, entering the plea at such a late stage in proceedings means that the case has been fully prepared for trial, and victims and witnesses have been put to unnecessary trouble.

A highly centralised criminal justice system

21. The criminal justice system, with the exception of the police, operates within a highly centralised system. Nevertheless, there are wide regional variations in many aspects of performance. For example:
 - the difference between the average length of proceedings in the best and worst performing areas is three weeks in the magistrates' courts and 10 weeks in the Crown Court;
 - the proportion of ineffective trials ranges from 12% to 20% in the magistrates' courts and 13% to 16% in the Crown Court; and
 - the proportion of cracked trials ranges from 36% to 46% in the magistrates' courts and 32% to 53% in the Crown Court.¹¹
22. Some variation is to be expected but we believe this also shows that there is scope to reduce the gap between the best and worst performers through benchmarking of performance and exchange of best practice.

⁹ *Judicial and Court Statistics 2011*, Ministry of Justice, June 2012.

¹⁰ A "cracked" trial is a case that is listed for trial, but is resolved without the need for a full trial, usually because the defendant changes his or her plea to guilty, or because the prosecution decides to drop the case, on or just before the scheduled date of trial.

¹¹ *Judicial and Court Statistics 2011*, Ministry of Justice, June 2012.

Shared local accountability for local outcomes

23. Currently, the public has little say in what the criminal justice system does, or how it can improve. If a member of the public wanted to become involved, whether from simply wanting to know more, through to volunteering, they would find it difficult to work out how to do so.
24. Practitioners have welcomed the removal of targets, and in some areas, the local partnership arrangements they have put in place work well, in particular those which have focussed on improving efficiency. But without an explicit shared outcome, many areas find it hard to make the best use of those partnerships. More is needed to promote and support joint working in the criminal justice system, without returning to the clumsy targets of the past.

A lack of transparency and responsiveness

25. Justice must be done and must be seen to be done if it is to command public confidence. This is not about making information available for the sake of it: where there is poor or little information about performance it is extremely difficult for the public to hold the system and those who work within it to account.
26. We know there is much work to do. Only 43% of the public are confident that the criminal justice system is effective, although a greater proportion (over 60%) are confident that it is fair.¹²
27. This raises real practical implications for the justice system and those who use it. We know that by providing information on the criminal justice system, levels of confidence in it, and knowledge of it, can be improved.¹³ If providing more information increases confidence and engagement with the criminal justice system, it may also encourage victims to report crime, and witnesses to come forward, in the knowledge that their case will be dealt with robustly.
28. Victims of crime have first-hand experience of the way the criminal justice system operates. The evidence suggests that the criminal justice system is poor at keeping them informed of progress. While the majority of victims are generally satisfied with the police response,¹⁴ previous research found that just 37% of victims of crimes reported to the police

¹² *Crime in England and Wales 2010/11, Findings from the British Crime Survey and Police Recorded Crime (2nd Edition)*, Home Office Statistical Bulletin 10/11, July 2011.

¹³ *Green Paper Evidence Report, Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*, Ministry of Justice, December 2010.

¹⁴ 70% of victims who had contact with the police were very or fairly satisfied with the way the police handled the matter. *Crime in England and Wales 2010/11. Findings from the British Crime Survey and Police Recorded Crime (2nd Edition)*, Home Office Statistical Bulletin 10/11.

felt very or fairly well informed about the progress of the investigation¹⁵ (although a survey of victims whose case had led to a charge found higher satisfaction levels).¹⁶

29. Our plans for improving services to victims were published recently in our response to the consultation, *Getting it right for victims and witnesses*.¹⁷

Poor technology and wasted investment

30. Significant resources have been invested in technology over the last decade. However, the public has not seen sufficient return on these substantial investments. As reports from the National Audit Office, and Committee of Public Accounts highlight, projects such as Libra, in the magistrates' courts, and C-NOMIS for offender management,¹⁸ suffered severe delays, ran over budget and did not deliver the functionality promised.
31. Poor investment decisions led to wasted resources, with programmes implemented in a way which reinforced the silo working approach, rather than helping to overcome it. There are few examples of criminal justice agencies sharing services; the agencies' systems are not well integrated with one another, requiring manual interventions to allow the sharing of information; and we have not driven out value for money from our supplier relationships.

The outcomes delivered by the criminal justice system

32. The criminal justice process is not an end in itself. Its purpose is to bring offenders face-to-face with the consequences of their actions, so that the guilty are properly punished and supported to reform. In doing so, we aim to reduce their offending and deter others from crime.

¹⁵ In 37% of incidents reported to the police, the victim felt very or fairly well informed by the police about the progress of their investigation. The victim felt not very well or not at all informed in 34% of incidents, and in the remaining 29% of incidents the victim stated it was not necessary to be kept informed. *Crime Survey in England and Wales 2007/08 and 2008/09* (MoJ report forthcoming).

¹⁶ *Satisfaction and willingness to engage with the Criminal Justice System. Findings from the Witness and Victims Experience Survey, 2009-10*, Franklyn, R (2012), Ministry of Justice Research Series 1/12.

¹⁷ *Getting it right for victims and witnesses: the Government response*, Cm 8397, Ministry of Justice, July 2012.

¹⁸ Libra is the case management system for the magistrates' courts, and C-NOMIS is the case management system for the National Offender Management Service.

33. While some progress has been made recently, reoffending rates remain far too high:
- in the year to December 2011, over 75% of proven offences were committed by offenders who had a previous reprimand, warning, caution or conviction for an offence;¹⁹ and
 - 47% of adult offenders, and 69% of juvenile offenders, reoffend within a year of leaving custody.²⁰
34. When comparing like-for-like offenders, custodial sentences of less than 12 months were less effective at reducing reoffending than both community orders and suspended sentence orders – between five and nine percentage points in 2008.²¹

The way forward

35. This diagnosis sets out clearly the need for reform and, as this White Paper highlights, some of the work to address these problems is already well underway.
36. However, addressing the systemic failings we have identified requires a much more fundamental approach to reform. The response to the summer 2011 disturbances showed what was possible. For example, within a month of the disturbances:²²
- over 1,700 people were brought before the courts accused of offences in connection with the disturbances; and
 - just under 18% of these were convicted and sentenced.
37. The disturbances also showed us something else. Most of these people were well known to the authorities and had been through the criminal justice system before, some many times. In total, those brought before the courts within seven weeks of the disturbances had committed nearly 20,000 previous offences, at an average of 11 previous offences per individual (or 14 previous offences per offender who has at least one previous offence).²³ Clearly, the criminal justice system had little effect on their offending behaviour. That is why the reforms in this White Paper are such an important complement to our plans for reducing reoffending.

¹⁹ *Criminal Justice Statistics, Quarterly Update to December 2011*, Ministry of Justice, May 2012.

²⁰ *Proven re-offending statistics quarterly bulletin: July 2009 - June 2010, England and Wales*, Ministry of Justice, April 2012.

²¹ *Compendium of reoffending statistics and analysis*, Ministry of Justice, May 2011.

²² *Statistical Bulletin on the Public Disorder of 6th – 9th August 2011*, Ministry of Justice, September 2011.

²³ *Statistical Bulletin on the Public Disorder of 6th – 9th August 2011 October Update*, Ministry of Justice, October 2011. (Criminal histories data is based on data available by midday on 28th September 2011.)

38. Those were exceptional circumstances, but there are lessons on which we can build. This White Paper sets out how we plan to do so, transforming criminal justice from a slow and fragmented system into a seamless, efficient service which acts swiftly, decisively and responsively to tackle the problems that matter to the communities it serves.

Conclusion

39. The plans set out in this White Paper are just the start. Given the fiscal context, this is a significant challenge. But one thing we have learned is that throwing money at the criminal justice system is not the solution. The decisions that the agencies take on a day-to-day basis have implications for the workloads, and the costs, of their partners. Their common interest in reducing their costs therefore provides a strong incentive for them to work much more effectively together to turn these plans into real reforms that deliver tangible improvements to the lives of victims of crime, and the public.
40. In Chapter 2, we summarise the Government's wider plans for reform of crime and justice, and how these plans fit into them. In the following chapters we set out the steps we have already taken, our plans for further reforms, and the early stages of our longer term thinking to deliver swift, sure, efficient, accountable and transparent justice.
41. An Impact Assessment and Equality Impact Assessment have been prepared setting out the estimated impact we expect these policy reforms to have. These have been published alongside this White Paper.²⁴

²⁴ See: <http://www.justice.gov.uk/publications/policy/moj/swift-and-sure-the-governments-plans-for-reform-of-the-criminal-justice-system>

2. The Government's wider programme of reform

The background to reform

42. The Government has made it clear that our highest priority is tackling the fiscal deficit. The criminal justice system cannot be exempt from that challenge, and must make its contribution. But this provides an opportunity to reject outdated thinking that 'more money is the only answer'. Whether in good times or bad, it is right that our public services continually strive to achieve better for less.

Reforms of policing

43. The Government's plans for police reform were set out in *Policing in the 21st Century*.²⁵ These reforms are designed to make the police more effective in tackling crime. Significant progress has already been made through the Police Reform and Social Responsibility Act 2011 which paves the way for the police service to become truly answerable to the public they serve, ensuring that the police become more professional and are better led, and that police officers spend more time fighting crime and less time doing paperwork.
44. One of the key measures in the Act gives the public a direct say in how their communities are policed through elected Police and Crime Commissioners.
45. Elections for Police and Crime Commissioners will take place in November, and from 2013/14, Police and Crime Commissioners will also assume responsibility from central government for commissioning services that help tackle drugs and crime, reduce reoffending and improve community safety. Police and Crime Commissioners will be better able to make decisions about local needs and can decide to fund projects that support their community safety objectives. Further details of the Government's plans for Police and Crime Commissioners and greater local accountability are set out in Chapter 7.
46. These reforms will enable the Home Office to refocus its efforts on addressing national threats and co-ordinating strategic action and collaboration between forces. This includes the creation of a powerful new National Crime Agency (NCA) to improve the fight against serious and organised crime that operates across police force boundaries.

²⁵ *Policing in the 21st Century*, Home Office, July 2010.

Reform of services for victims and witnesses of crime

47. Our first responsibility is to victims of crime, who need accurate and timely information about the progress of investigations and prosecutions of those who have committed offences against them. The **Victims Strategy**, *Getting it right for victims and witnesses*,²⁶ was published on 30 January 2012. It sought views on a series of proposals for reform designed to help victims and witnesses get the support they need to overcome the effects of crime and help them play their part in bringing offenders to justice. In the Government response, published on 2 July,²⁷ we set out how we intend to reform services to victims so that they:
- focus resources and support on those victims who need them most, as and when they need it;
 - meet the needs of different communities across the country;
 - ensure offenders make appropriate reparation to victims for their crimes, including through making a greater contribution to the costs of victim services through the victim surcharge; and
 - promote the use of reparative and restorative justice and ensure that more victims who wish to participate in these practices have the opportunity to do so.
48. We also announced that we intend to devolve the commissioning of local victim support services to Police and Crime Commissioners.
49. As well as these reform proposals, we are committed to tackling domestic violence, ensuring that the police and other agencies have the tools necessary to bring offenders to justice and that victims have the support they need to rebuild their lives. We have announced²⁸ that we will conduct a one year pilot from the summer of 2012 to test a Domestic Violence Disclosure Scheme.

Reforms of sentencing, and offender management

50. Delivering swift and sure justice, bringing offenders face-to-face with the consequences of their actions, is the first step in their punishment and reform. The Government's proposals for reforms to the sentencing framework and the management of offenders were set out in our summary of responses to the *Breaking the Cycle* Green Paper.²⁹ These are designed to deliver more effective punishments to protect the public and reduce reoffending. They include introducing a tough new extended

²⁶ *Getting it right for victims and witnesses*, Cm 8288, Ministry of Justice, January 2012.

²⁷ *Getting it right for victims and witnesses: the Government response*, Cm 8397, Ministry of Justice, July 2012.

²⁸ *Domestic Violence Disclosure Scheme, a Consultation: Summary of Responses*, Home Office, March 2012.

²⁹ *Breaking the Cycle: Government Response*, Cm 8070, Ministry of Justice, June 2011.

sentence for serious violent and sexual offenders; simplifying the sentencing and release framework to make it more transparent; turning prisons into places of hard work; and paying providers of offender management services by the results they achieve.

51. Presently too many prisoners are able to pass their time in prison in a state of enforced idleness, with little or no constructive activity. We want prisons to become places of **meaningful work** and training, where many more prisoners work for up to 40 hours a week, and possibly beyond, without placing an additional burden on the taxpayer. We are beginning to make our ambitions a reality, including at early adopters like HMP Kirkham and HMP Maidstone. These plans will increase the number of prisoners engaged in meaningful and productive work, within the discipline of regular working hours. Improving their skills for sustained employment will help their prospects of rehabilitation on release.
52. In September 2011, we also implemented the **Prisoners' Earnings Act 1996**, under which up to 40% of the wages earned by low-risk prisoners who work outside of prison to prepare for their release go to the national charity Victim Support. By end of March 2012, nearly £384,000 had been raised from the imposition of the levy on prisoners' earnings. The growth of work inside prisons provides a further opportunity for us to generate reparation and rehabilitation funds. In March, we published detailed proposals for reform of community sentences and probation services aimed at better punishing and reforming offenders, and protecting the public.
53. The consultation on **community sentences**, *Punishment and Reform: Effective Community Sentences*,³⁰ sought views on proposals for reform to make them an effective and credible means of tackling the high rate of reoffending. The ultimate aim is to reduce crime and see fewer victims.
54. The principal areas of reform are to:
 - create an Intensive Community Punishment for offenders who deserve a significant level of punishment, but for whom a sentence served in the community is appropriate;
 - include a punitive requirement in every community order, and make greater, and more innovative use of curfews, electronic monitoring and new technology to ensure that offenders comply with the conditions of their sentences;
 - make more flexible use of financial penalties, and make greater use of the confiscation of offenders' assets;

³⁰ *Punishment and Reform: Effective Community Sentences*, Cm 8334, Ministry of Justice, March 2012.

- ensure breaches of community orders are tackled swiftly, so that offenders comply with the terms of their sentences;
 - pilot enforced alcohol abstinence schemes, for those whose criminal behaviour is linked to alcohol abuse, under which offenders are required to undergo regular breathalyser tests to ensure they refrain from drinking; and
 - encourage greater and more effective use of restorative justice, in particular as part of post-sentence processes and exploring options around the use of restorative justice as part of the pre-sentence process.
55. The Ministry of Justice and the Home Office are working with the Department of Health to deliver the Government's commitment to diverting young and adult offenders with a learning disability, personality disorder, substance misuse or mental health problems from the criminal justice system at the earliest opportunity, where appropriate. The Ministry of Justice is also working with the Department of Health to explore and test options for intensive community-based treatment alternatives to custody for offenders, including those with mental health issues or drug dependency.
56. The consultation on effective **probation services**³¹ set out proposals to reform probation to achieve better justice outcomes: protecting the public, reducing reoffending and ensuring that offenders are properly punished.
57. The specific proposals in the consultation are to:
- further extend the principles of competition, which have been applied successfully to the prison estate over recent years, to more of community based offender management;
 - explore how best to ensure that probation can lever in the expertise of the voluntary and private sectors, alongside new models for public service delivery, including joint ventures, social enterprises and Public Service Mutuals;
 - see Probation Trusts in the future taking on a stronger role as commissioners of competed probation services, contracted to be responsible for driving better outcomes. It proposes to separate clearly the commissioners from the providers of competed services; and
 - strengthen local delivery and accountability for probation services and consult on different models for oversight of probation services,

³¹ *Punishment and Reform: Effective Probation Services*, Cm 8333, Ministry of Justice, March 2012.

including the potential involvement of Police and Crime Commissioners or local authorities at a later stage.

58. The consultations closed on 22 June and the Government intends to publish its response later this year.
59. **Payment by results** represents a fundamental shift in how we commission and deliver offender services. Through payment by results, we will place the emphasis on the outcomes that providers achieve, only rewarding genuine success at reducing reoffending and only spending taxpayers' money on what works. We want to develop a mixed and competitive market of providers, and create the conditions in which innovation can flourish.
60. Further details of our work on the payment by results pilots are set out in Chapter 4.

Legal aid

61. In June 2011, the Government published its plans for reform of **legal aid**.³² These were designed to ensure that legal aid is targeted to those who need it most, for the most serious cases in which legal advice or representation is justified. They also sought to make substantial savings in the £2 billion annual cost of legal aid.
62. In October 2011, we introduced reforms to the fees paid in criminal proceedings which were designed to encourage swifter and more efficient proceedings. They included:
 - the payment of a fixed fee for a guilty plea in an either way case in the Crown Court, where magistrates had determined that it was suitable for summary trial; and
 - reducing the difference in fees paid for early and late guilty pleas offered in the Crown Court.
63. These, together with the reforms set out in this White Paper, seek to put in place the right incentives for those who acknowledge their guilt to do so at the earliest stage in proceedings.

Wider reforms

64. The measures set out above represent the principal areas of reform in criminal justice. However, crime covers a wide range of behaviour, and these programmes are also complemented by a series of more targeted reforms which aim to tackle specific types of crime.

³² *Reform of Legal Aid in England and Wales: the Government Response*, Cm 8072, Ministry of Justice, June 2011.

65. For example, alcohol related harm is estimated to cost society £21 billion each year. The Government's Alcohol Strategy was published on 23 March 2012.³³ The strategy aims to reshape radically the approach to alcohol and reduce the numbers of people drinking to excess. The strategy sets out the wide range of action that is being taken to address this including:
- introducing a minimum unit price for alcohol and consulting on a ban on multi-buy price promotions in shops;
 - introducing stronger powers for local areas to control the density of licensed premises including making the impact on health a consideration;
 - piloting innovative sobriety schemes to challenge alcohol related offending and asking the Chief Medical Officer to conduct a review of the current alcohol guidelines for adults;
 - providing effective treatment and recovery to help those who need routes out of dependency; and
 - securing the industry's support through the Responsibility Deal to give consumers a wider choice of lower strength products, with a commitment to take one billion units of alcohol out of the market by the end of 2015.
66. Over the forthcoming months, the Government will run a number of consultations on key proposals in the strategy, including on the level to be set for a minimum unit price and a proposed ban on multi-buy discounts.
67. The Government is also investing a little under £450 million in a major programme aimed at turning around the lives of the country's most **troubled families** and reducing the burden they place on the taxpayer. This work is being led by Louise Casey at the Department for Communities and Local Government and a number of departments have contributed funding and support.
68. A troubled family is one that has serious problems – including parents not in work, children not attending school, members involved in crime and anti-social behaviour and other high cost factors. Rather than a range of different agencies working in silos to tackle each of these issues, the programme will incentivise local authorities and their partners to deal with each family's problems as a whole rather than individually and to put in place whole family interventions which recognise and fully grip the problem as a whole.

³³ *The Government's Alcohol Strategy*, Cm 8336, Home Office, March 2012.

69. Although central Government is providing up to 40% of the funding, we are clear that the solutions are best determined and delivered locally. Local services including police, schools, youth offending teams and others will need to work together, and with the private and voluntary sectors, to tackle these problems.
70. Local services will need to put their own resources into these schemes, and they will receive Government funding according to the results they achieve. Those who succeed in getting adults off benefits and into work; children off streets and into schools; and who are able to reduce offending and anti-social behaviour, will receive a results payment.
71. The criminal justice system – in particular Youth Offending Teams and Probation Trusts – will have a big part to play in this. Many of them already have experience in working with problem families and they will bring this to bear under the new programme.
72. The reforms set out in this White Paper are also closely linked to the Government's plans for tackling **anti-social behaviour**³⁴ which were published in May 2012. The focus of the paper is to introduce streamlined measures designed to ensure that this behaviour is taken seriously, and that local agencies work quickly and effectively to tackle it.
73. The specific reforms being introduced will:
- focus their response to anti-social behaviour on the **needs of victims**, and in particular prioritising repeat or vulnerable victims suffering the greatest harm;
 - empower communities to be able to establish what is, and is not, acceptable locally and to hold agencies to account through establishing a new **Community Trigger** which will require police and other agencies to take action where they have not previously done so, and make it easier to demonstrate in court the harm caused to victims and communities;
 - give police and local agencies the powers they need to deal with the persistent anti-social behaviour which causes serious harm to victims or their community, replacing 19 current tools with just six faster and more effective powers, and speeding up the eviction of anti-social tenants; and
 - **focus on long term solutions to anti-social behaviour** by addressing the issues that drive much of it in the first place – binge drinking, drug use, mental health issues, troubled family backgrounds and irresponsible dog ownership.

³⁴ *Putting Victims First - More Effective Responses to Anti-Social Behaviour*, Cm 8367, Home Office, May 2012.

74. Our plans for reforming the approach to tackling anti-social behaviour complement the programme of work set out in this White Paper to re-conceive the way that summary justice is dispensed, reconnecting criminal justice services with the communities they serve.
75. The Government also recently published a **Hate Crime Action Plan**,³⁵ which sets out how the Government intends to tackle hate crime for the remainder of this Parliament by preventing hate crime happening in the first place; increasing reporting and victims' access to support; and improving the operational response to hate crimes.

³⁵ *Challenge It, Report It, Stop It, The Government's Plan to Tackle Hate Crime*, Home Office, March 2012.

3. Swift justice

Chapter Summary

We are rightly proud of the traditions of our criminal justice system. It is admired across the world and is the foundation of many other countries' justice systems. While we must preserve its excellence in safeguarding our historic freedoms, it is urgently in need of modernisation.

A member of the public would be astounded if they visited a court. They would see rigid working practices and they would see a culture that seems to tolerate waste, delay and failure.

The people who suffer most from these failings are the victims and witnesses who have placed their trust in the system, often during a traumatic period in their life. This chapter describes how we will work with practitioners to modernise the criminal justice system by:

- creating a flexible system that is open when the public needs it to be; and
- overhauling how cases progress through the system, focusing on the straightforward, uncontested cases which represent the large majority of cases before the criminal courts.

76. Our focus on crime prevention is as integral to our efforts to deliver swift and sure justice as is the need for a robust response when offending occurs. Preventing crime is the right thing to do for victims, for society, and for potential offenders.

77. When crimes occur, the response must be swift if it is to be an effective deterrent. However, despite a falling caseload the criminal justice process remains slow and cumbersome. There is a cultural tolerance of delay. It takes an average of five months from an offence for an offender to be sentenced in the magistrates' courts. Witnesses still have to wait an average of two hours before giving their evidence in the Crown Court³⁶ and an hour and a half in the magistrates' courts.³⁷ Meanwhile, victims do not see perpetrators punished, sometimes for months.

78. We recognise that some cases are by their very nature complex, and these will be more difficult and take longer to prosecute. But more than 90% of all criminal cases (over 1.5 million defendants in 2011) are

³⁶ *Provisional statistics on the timeliness of criminal court cases*, Ministry of Justice, July 2012.

³⁷ *Ibid.*

completed in the magistrates' courts,³⁸ compared with around 100,000 in the Crown Court. The large majority of these cases are not contested either because the defendant does not engage with the process at all, or decides to plead guilty at some stage of proceedings.

79. There is therefore scope for dealing with crime differently, and it is these simple, straightforward and uncontested cases which are the focus of our swift reforms. This section sets out the action we are taking to remove waste and reduce failed proceedings, delivering a step change in the way that criminal justice services are delivered. We also set out the changes we have made already and the immediate results these have had for victims, witnesses and the public.

Creating a system to deliver swift justice

80. Considerable progress has already been made in tackling the causes of waste and failure. The main focus of our work over the next 12 months will therefore be to consolidate this:
- continuing a relentless focus on improvement, in particular focusing on joint agency work;
 - supporting the judiciary to implement the *Early Guilty Plea scheme* in every Crown Court centre, and embedding *Stop Delaying Justice* in the magistrates' courts (further details of these schemes are set out below); and
 - embedding and extending the use of technology to support and enable these reforms (see Chapter 5 for full details).
81. Many of the swift and sure reforms in this White Paper are designed to implement simpler ways of dealing with low-level, summary offences, such as shoplifting. Currently, these cases take on average 38 days from charge to completion but we know this is due to a small proportion of cases taking substantially longer to complete.³⁹ Around half of these cases take 18 days or fewer to complete from charge. If our reforms could ensure that all cases were dealt with in no longer than 18 days, we estimate that the average time saving would be 25 days, bringing the average time from charge to completion for these cases to just 13 days.

³⁸ *Criminal Justice Statistics, Quarterly Update to December 2011*, Ministry of Justice, May 2012.

³⁹ *Provisional statistics on the timeliness of criminal court cases*, Ministry of Justice, July 2012.

We have already ... begun to improve efficiency

All of the criminal justice agencies have been challenged to maintain the quality of their services while reducing their cost. To help them achieve this, they have been applying continuous improvement techniques such as QUEST for the police service, LEAN in HMCTS, and the Optimum Business Model in the Crown Prosecution Service. These techniques provide a structured approach to identifying causes of waste, delay and inefficiency in the processes they use to deliver their services.

The QUEST approach focuses on four basic principles:

- there is unremitting focus on creating and then using quantified data that describe real life and forecasts real change;
- the work is not about reports and recommendations. It is about designing and implementing solutions in quick time;
- implementation is by the officers and staff in the project, in collaboration with officers with responsibility for the process area; and
- the culture of the organisation changes such that co-operative problem solving becomes the norm.

Flexible criminal justice

82. We need to ensure that the criminal justice system is able to respond in a flexible way which fits around the needs of victims and communities and which ensure that offenders face the consequences of their actions, and quickly.
83. We are clear, however, that this is not just about having longer opening hours. We also want to ensure that we deliver a change in the culture of the criminal justice system, delivering services when they are needed, rather than when it is convenient for providers.
84. Plans are in place to ensure that the criminal justice system is responsive and flexible for the London Olympics. This will include bringing defendants to court quickly after an offence has been committed, and using Virtual Courts to enable defendants to appear via video link from a police station to the court. If required, courts will also sit earlier and later in the day and at weekends to deal with cases.
85. We have also invited local criminal justice partnerships to work together to put forward proposals to test a variety of new flexible approaches in their areas. Their proposals will form part of a series of pilots we will test during the course of this year. These include:
 - magistrates' courts sitting from 8:30 am for Prison to Court Video Link hearings, reducing the number of defendants requiring transport to court;
 - trials being conducted in the magistrates' court at weekends; and

- later evening sittings in magistrates' courts to deal with those who might otherwise be detained in police custody overnight, including the use of video link technology.
86. By testing and evaluating approaches such as these, we will gain a better understanding of how justice can be delivered swiftly and surely for all victims, and provide us with the data we need to set out a long-term programme of reform.

The criminal justice agencies have already ... started to operate more flexibly

In responding to the summer 2011 disturbances, the criminal justice agencies and the defence community demonstrated that they could work together quickly and flexibly to deliver justice. In the affected areas, the courts sat for extended hours, in some areas through the night and at weekends, so that cases could be brought swiftly before them, in some cases within a matter of hours.

The joined-up criminal justice response was crucial to ensuring that those arrested were quickly brought from police cells to court to face a swift but fair hearing and with defendants remanded into custody where the courts so ordered. The criminal justice system needs to build on this experience.

The courts have traditionally operated between 10:00am and 5:00pm on weekdays. However, magistrates' courts regularly sit outside these hours, at weekends and on Bank Holidays, in response to particular local requirements, for example, to deal with matters the police have picked up during the course of Friday evenings and weekends, or for other matters which need to be brought urgently before the courts (for example, warrants of further detention). Up to 100 courts across England and Wales open most Saturdays dealing with these types of business.

Courts also occasionally open on a Sunday when there is local demand, for example, responding to targeted operations or local events.

The Early Guilty Plea Scheme and good case management in the Crown Court

87. The Crown Court deals with the most complex and serious cases. The judiciary is leading a programme to change the culture and approach to case management in the Crown Court, known as the *Early Guilty Plea scheme*.
88. Most importantly, an early guilty plea saves victims and witnesses from the experience of giving evidence and ensures they see justice done more swiftly. The identification and earlier conclusion of guilty plea cases also saves work and money for the criminal justice system. An earlier guilty plea may also benefit the defendant as he or she will receive maximum credit available for it, will have greater certainty about his or her sentence, and may therefore be able to engage in activities aimed at

reducing the chances of reoffending at an earlier stage. The earlier offenders face up to their actions, the better for everyone.

89. This approach is being implemented alongside a renewed focus on effective case management. This is designed to ensure that where cases are contested, the issues in dispute are identified earlier and only those witnesses whose evidence is to be challenged are required to attend. Where witnesses are required to attend court, the Government supports efforts to give evidence by video when it is appropriate and in the interests of justice. Our plans to promote the use of video are set out in Chapter 5.

The judiciary is already ... piloting the Early Guilty Plea Scheme

The Crown Court Early Guilty Plea Scheme was first developed in Liverpool Crown Court and subsequently piloted in the Crown Court at Winchester, Bristol and Reading. The experience from these areas is being used to inform the senior judiciary's decisions about extending the scheme elsewhere.

In these pilots, Crown Prosecution Service prosecutors identify cases in the Crown Court where a guilty plea is likely, which are then listed for an early hearing. There is a presumption that defendants who plead guilty at that hearing will receive the maximum available discount on their sentence, whilst those who subsequently change their plea to guilty are likely to receive a reduced discount, depending on the stage at which it is offered.

So far, the results have been promising, with guilty pleas being entered in many of the cases listed for an early hearing. Disposing of these cases more quickly has resulted in time and other efficiency savings for all court users. It is also benefitting victims and witnesses who find out earlier whether or not they will be required to go through the process of giving, and being cross examined on, their evidence.

The scheme is being introduced in 28 Crown Court centres, covering close to a third of the Crown Court estate. It will be in place at a further 28 courts by the autumn and at the remaining courts by spring 2013.

Good case management in the magistrates' courts

90. *Stop Delaying Justice* is an initiative developed by the judiciary which seeks to achieve a similar outcome in magistrates' courts proceedings, where over 90% of criminal cases are heard. It aims to tackle delay and inefficiency through stronger management of cases, ensuring that the basis of the defence, and the evidence to be challenged, is clearly understood.
91. There are a number of reforms, which also include our proposals to empower single justices to deal with uncontested cases (see Chapter 4), that we are taking forward which are designed to deal swiftly with low-level offences, for example, shoplifting.

We have already ... streamlined the way criminal justice is delivered

There are a number of other reforms we have introduced to simplify, streamline and standardise the way that our services are delivered.

We have increased the number of straightforward offences in which the police can make the charging decision without initial reference to the Crown Prosecution Service (CPS), freeing up police officer time in referring cases to the CPS and reducing the need to bail suspects to return for a charging decision. This also saves time for the CPS in dealing with charging in minor cases.

We are also currently piloting the police deciding the charge in shoplifting cases where a not guilty plea is anticipated and we will carefully evaluate the impact of this. The Home Secretary also recently announced that the police will be able to prosecute minor traffic offences in cases where no plea is entered, or the defendant has failed to appear. This is in addition to the traffic cases the police can prosecute where a guilty plea has already been entered by post.

On 18 June we began to implement legislation abolishing committal hearings for either way cases which are to be tried in the Crown Court, removing the need for a hearing which adds little value to proceedings.

92. *Stop Delaying Justice* was launched in January with the publication of guidance setting out clear expectations of all parties on how cases should be managed, alongside other tools, including videos and case studies, to support practitioners. A series of regional workshops and training seminars for magistrates and legal advisors have been delivered to support implementation. We are now working with the judiciary to agree how best to monitor the impact.
93. We are also working with the judiciary to implement Lord Justice Gross' recommendations on disclosure to reduce the amount of time and costs involved.

Streamlined forensic reporting

94. Forensic evidence can play a critical role in bringing offenders to justice. In London, the police and criminal justice partners have been piloting streamlined arrangements for commissioning and using forensic reports in criminal investigations.
95. The pilot has demonstrated a number of potential benefits to the way cases progress through the criminal justice system, including:
 - **a lower risk of discontinuance**, likely to be due to case papers being better prepared and the defence being informed of the evidence at the earliest stage;

- **an improvement in the early guilty plea rate**, resulting in fewer cases coming to trial unnecessarily, helping to ease the pressure of trial dates and associated costs;
- **a reduction in the number of cases requiring additional forensic evidence**, saving time and costs associated with gathering this evidence.

96. We will actively promote adoption of the streamlined forensic reporting process across the criminal justice system, which we expect to be in place in the majority of criminal justice areas by March 2013.

The next stage of reform to create a swifter system

97. As part of the Ministry of Justice's *Transforming Justice* programme, we are working with partners to develop the next phase of criminal justice reform to ensure that services continue to be delivered fairly, effectively and affordably. Through this approach, we will consider how best to apply the Government's vision for public service reform across the criminal justice system.
98. All parts of the system have had to respond to the efficiency challenge. Increasingly the criminal justice agencies are doing so by working together across the system rather than in silos. In Chapter 7, we focus on removing bureaucracy and barriers to cross-system working to ensure swift and sure justice.
99. A reliance on paper can be a barrier to more flexible working. Files can be mislaid, or crucial papers can go missing, leading to delays and adjournments. It can be uneconomical for defendants to appear in front of court; for victims it can be a traumatic and disruptive experience. Technology is a key enabler of delivering swift and sure justice. It allows proceedings to be simplified and streamlined, so that proceedings can take place more quickly and can be delivered in a more efficient way. In Chapter 5, we consider what further technological reforms are required to enable more joint working transforming criminal justice from a slow, paper-based system to a seamless, digital service.

4. Sure justice

Chapter Summary

The response to crime must be swift if it is to be effective. But it also needs to be the right response:

- intervening early so that problems are gripped and are not allowed to escalate;
- involving communities in how the criminal justice system responds to crime in their areas;
- imposing proper, effective punishments on those convicted of criminal behaviour; and
- opening up services to new suppliers and fresh ideas, paid by the results they achieve.

100. Reforming criminal justice so that it achieves what the public demand is not just about speed. It is also about the kind of justice it delivers. This must be sure justice; justice which reaches a fair outcome, and commands the confidence of the public.
101. This means that offending, however minor, must be gripped immediately if it is to be stemmed. Failing to do so not only means the problem is not solved, it risks making it worse by sending the wrong signal to offenders that their behaviour will be overlooked. We can tackle this through our efforts to support those most in need, where a wider societal response is needed. Our work with *Troubled Families* is one example of this focus on prevention.
102. Through our plans for re-conceiving summary justice (see paragraph 117 below); strengthening the restorative element in sentencing; ensuring all community sentences contain a punitive element; and building on the strengths of restorative justice in communities through the development of Neighbourhood Justice Panels, we are at the start of a process of ensuring that justice is sure: that it has an impact on offenders and forces them to face up to their actions. Too often, the system reacts to the life experiences of offenders rather than shaping them. Sure justice requires that punishment becomes an immediate, not remote, concern for those who would commit crime.

Creating a system to deliver sure justice

103. The Government's plans for sure justice introduce the principle of payment by results. This is a key shift in the way that services are funded which is designed to provide the right incentives for services to focus on delivering the right outcome: less crime. This approach

provides the foundation for developing a wider, and more diverse, market in the delivery of public services, unlocking innovation, and promoting fresh, creative approaches to tackling crime, which are rewarded according to the results they achieve.

104. Payment by results is a key element in the reforms we are taking forward on the management of offenders. The Ministry of Justice is currently involved in a number of pilots in England and Wales providing services to offenders, for example, rehabilitation services for those serving sentences in the community or after release from prison. The common factor is that they are paid according to how successful they are in reducing reoffending. There are also justice reinvestment pilots where areas will share in any savings made through reducing demand on the criminal justice system.
105. We are also working with the Department of Health to explore how payment by results might incentivise the drug treatment sector to deliver on recovery outcomes. Eight pilots were launched in April 2012 and the inclusion of an offending outcome further strengthens the incentives to include offenders and ex-offenders in the programmes and reduce their drug and alcohol use at an early stage.
106. These are groundbreaking and radical schemes. Our plans for developing this approach more widely in the management of community sentences, and in the delivery of a wider range of probation services, were set out in the consultation papers we published in March 2012.⁴⁰
107. Sure justice is not just about how we deal with offenders when they have offended. Payment by results is also the foundation for the Government's *Troubled Families* programme. This targets the 120,000 families with the most serious problems and who cause the most serious harm. Full details of the programme are set out in Chapter 2.

The next stage of reform to deliver sure justice

108. The introduction of Police and Crime Commissioners is a fundamental policy change which will help to transform local accountability and deliver sure justice, while safeguards will ensure that the independence of the judiciary and prosecutors is maintained. Our plans for Neighbourhood Justice Panels (see page 39 below) are a good example of how the criminal justice agencies can work together to deliver effective, community-led solutions which get an early grip on offending before it is allowed to escalate.

⁴⁰ See footnotes 30 and 31.

The Justice Test

109. We believe that local professionals are best placed to decide how to deal with crime and anti-social behaviour in their communities. We have already taken some steps to return to them their discretion to deal with matters before them (for example, by removing central targets, and giving the police responsibility for prosecuting certain low-level traffic offences).
110. It is right that professionals should be able to exercise their discretion, but there must be a clear framework within which they can apply their judgement.
111. Out-of-court disposals are sanctions that are available to the police to deal with certain types of crime with which they are faced. When they are used appropriately, we believe that they are a simple and useful tool for dealing quickly and efficiently with minor offending by low risk offenders, particularly when they include a reparative element. However, if used inappropriately, they may undermine public confidence in the criminal justice system.
112. To address the concerns about their use, and to support professionals to exercise their discretion appropriately and fairly, we intend to develop a Justice Test. This will provide a simple, non-bureaucratic framework which will articulate in plain terms the factors that police officers on the ground should consider when deciding how best to deal with matters before them and whether an out-of-court sanction would be appropriate. We anticipate that many officers will welcome this as a quick, simple and useful aid to decision making. We also believe it will help prosecutors when they are sometimes asked by police officers for advice on, or to authorise, an out-of-court disposal.
113. The Justice Test is not intended to replace the Director of Public Prosecution's Code for Crown Prosecutors.⁴¹ Instead, the Justice Test will provide a useful aide for professionals, as well as promoting better public understanding of the criminal justice system and of how decisions are reached on use of out-of-court sanctions.
114. The Crown Prosecution Service and the police will take the lead and work together on developing the detail of the Justice Test.

Oversight of out-of-court sanctions

115. To address concerns about the use of out-of-court sanctions, and to reassure the public that they are being used appropriately, some areas have established an oversight mechanism. In these areas, professionals working across the criminal justice system, including magistrates,

⁴¹ *The Code for Crown Prosecutors*, Director of Public Prosecutions, February 2010.

regularly meet to review a sample of cases in which they have been used. An example of the approach introduced in Hampshire is summarised below.

116. The Government supports this approach and particularly the involvement of local magistrates in these arrangements. But we also recognise that this is something in which Police and Crime Commissioners are likely to take an interest. We will therefore be working with local criminal justice areas, and Police and Crime Commissioners, to encourage them to consider whether these, or similar, approaches would work best in their areas.

Hampshire Constabulary: Scrutiny Panel

Hampshire Constabulary has established a scrutiny panel to examine the use of community resolution in the force area.

The panel, which includes police officers, representatives of the local Criminal Justice Unit, a Youth Offending Team manager and a local magistrate, meets every other month to review police use of community resolutions.

The panel reviews a sample of cases and considers whether in each case the decisions made were appropriate. Cases are selected by the chair and staff in the Criminal Justice Unit from the out-of-court disposals team to represent a cross-section of cases and to pick up any cases that appear, on the face of things, to be borderline or contentious.

If the panel concludes that the decision to use community resolution in a particular case was inappropriate, this information is fed back to the supervisor of the officer in the case. In some instances such feedback has resulted in a change of disposal. If this is not thought appropriate, or if the disposal has already been completed, the feedback serves as a learning aid.

Re-conceiving summary justice

117. The reforms we have already introduced will help to tackle delays and get a firm grip on offenders. But we believe we can go further, delivering sure justice with a real connection with local communities, giving them a say in how offences committed within them are dealt with, and transforming criminal justice from a fragmented system to a seamless service. The focus of this work is the simple, straightforward and often uncontested cases that form the large majority of the work of the magistrates' courts. This is part of our wider approach to engaging communities in the work of the criminal justice system, and is closely linked to our recently announced plans to provide a swifter and more effective response to anti-social behaviour.

118. Magistrates are the key link between the criminal justice system, and the communities it serves. We have used this review as an opportunity to investigate more fundamental reforms to the way in which magistrates

deal with low-level offences in ways which apply a more local approach, are swifter, and involve less cost and bureaucracy.

We have already ... started to reconnect justice with communities

Neighbourhood Justice Panels are a partnership between local agencies, police and local authorities, and the local community. They seek to address anti-social behaviour and low level offending where this can appropriately be dealt with in and by the community, through a restorative solution focused on addressing the needs of the victim, repairing the harm done to the community, and avoiding unnecessary criminalisation (particularly of young people).

Panels will be facilitated by community volunteers and they will bring together perpetrators with victims, including representatives of the community involved. Rather than arbitrating between opposing arguments, panels look to use mediation to reach a conclusion agreed by the parties.

Panels are intended to deliver better outcomes for victims and to improve public confidence by getting the perpetrator to make visible reparation to the wider community. When successful, panels will achieve this while also bringing home to perpetrators the harmful effects of their actions.

By promoting the involvement of magistrates as members of the community we are looking both to benefit from their skills and experience and also to build a further bridge between local communities and the formal criminal justice system.

We are working with 15 local areas to test the panel approach. But this is only the beginning. It is our hope that work underway on panels will pave the way towards greater local innovation, strengthening the links between the criminal justice system and the communities it serves.

The role of magistrates

119. Sure justice is justice which commands public confidence. We intend to promote the principles of local justice and the proper administration of justice by placing the magistrate at the heart of the criminal justice system in their communities, while ensuring that judicial independence is safeguarded.
120. Currently, a significant proportion of the workload of the magistrates' courts is made up of low-level, uncontested cases. These include cases such as unruly behaviour, shoplifting and criminal damage offences, where the defendant has been charged with the offence by the police and a guilty plea is anticipated. These offences are often more relevant to community concerns and might benefit from a localised approach.
121. One idea we are considering is that a single lay magistrate, rather than a bench of two or three, could be empowered to deal with some or all of these cases through a more efficient and streamlined process.

122. Evidence suggests that magistrates' courts also deal with a large volume of regulatory offences which are not contested and in which it is rare for the defendant to play an active role (for example, cases relating to TV licences, vehicle excise duty and fare evasion). We believe these cases need not take up valuable space in magistrates' courtrooms and that they could also be dealt with by a single magistrate, in a way that is both swifter and involves less bureaucracy, whilst still maintaining the defendant's right to a fair and open hearing.
123. We will continue to develop these proposals, working with practitioners, magistrates and others in the criminal justice system involved in these types of cases. We would welcome views to help us develop these proposals. Details of how to contact us are set out on page 10.

Reducing bureaucracy: road traffic cases

Some of the highest volume work that the police, prosecution and courts deal with is low level traffic offences. In the majority of such cases the offender pleads guilty by post, and current provisions allow the police directly to prosecute these uncontested cases without the need to involve the Crown Prosecution Service. However, in common with other cases of this type, a significant proportion fail to enter a plea by post or to attend court, meaning that cases have to be adjourned and passed to the Crown Prosecution Service to deal with. This results in unnecessary duplication of effort and delay.

The Home Secretary has already announced that we will amend the relevant legislation to enable the police to continue to prosecute these types of cases without the need to involve the Crown Prosecution Service. We will be working with selected police forces, courts and the Crown Prosecution Service to develop the detail of these proposals and to ensure that procedures are streamlined as much as possible.

We will also extend the approach to a wider range of uncontested, low-level offences for which this simpler police-led model is appropriate. Together, these changes will see police able to prosecute 50% of cases in magistrates' courts, cutting out unnecessary bureaucracy.

Retaining more cases in the magistrates' courts

124. In recent years, the number of either way cases⁴² committed to the Crown Court for trial has increased significantly. In 2011, there were around 7,400 more either way cases committed for trial in the Crown Court compared with 2003, a rise of 14%.⁴³ However, we believe that

⁴² An either way offence is one that can be dealt with either by magistrates, or before a judge and jury at the Crown Court.

⁴³ *Court Statistics Quarterly January to March 2012*, Ministry of Justice, June 2012.

some either way cases sentenced in the Crown Court could potentially be dealt with by magistrates.

125. This is unsatisfactory for victims and witnesses because it takes much longer to deal with cases in the Crown Court, even where there is a guilty plea (as there is in over two thirds of cases).⁴⁴ It is also expensive, as costs increase as soon as cases reach the Crown Court.
126. It is therefore right to consider how these procedures might be reformed to make it more likely that cases that are suitable for sentences within magistrates' powers would be dealt with summarily rather than in the Crown Court.
127. This is not about removing defendants' right to elect Crown Court trial. The Government is committed to defending trial by jury, and we have no plans to restrict the right to choose to be tried in that way. But there remains considerable scope for action because election by the defendant accounts for only a minority of cases reaching the Crown Court. The majority of cases are committed because the magistrates refuse jurisdiction, although their decisions may be influenced by arguments made by the prosecution and the defence. It is at these cases that these reforms are aimed.
128. The aim is to ensure that the less serious cases remain in the magistrates' courts. One possible means of doing so might be to introduce a monetary threshold. This is already done for criminal damage, which is treated as summary only where the damage is below a specified value (currently £5,000). What we have in mind is different in that whereas magistrates' courts' power to commit for trial would cease to apply in cases below the threshold, the defendant could still choose a Crown Court trial.
129. Offences such as theft and handling might lend themselves to this approach, both because a high proportion (two thirds or more) of defendants tried in the Crown Court receive sentences within the magistrates' court range, and because it should be possible to assign a value to the property involved in the offence.
130. The result would be that a magistrates' court would no longer be able to commit these offences to the Crown Court where the value fell below a certain sum. The defendant, on the other hand, would retain the right to elect Crown Court trial.
131. We will continue to develop our thinking generally on the way that either way cases are dealt with, and specifically on the potential for a monetary threshold to be applied to these types of case. We would also welcome

⁴⁴ *Judicial and Court Statistics 2011*, Ministry of Justice, June 2012 [Table 4.6].

general views to help us develop this proposal. Details of how to contact us are set out on page 10.

Public service reform

132. The criminal justice system has been slow to embrace the benefits of new and innovative approaches to reform but this is starting to change. Payment by results is designed to incentivise a focus on outcomes. We are already running a series of pilots (described from paragraph 103 above) to test different models. And through greater competition in prisons, we are starting to see benefits such as lower costs which we have achieved without sacrificing quality. Innovation is being encouraged by specifying the outcome to be delivered whilst allowing more freedom in how it is achieved. We want to extend competition further in community offender services, for example into the management of low risk offenders in the community. Our proposals for reform of community sentences and of probation were set out in the consultation papers we published in March.⁴⁵
133. We are also looking at how we can apply the principles of public service reform to other aspects of criminal justice services. For example, police forces are already using the private sector to provide staff for control rooms, custody centres and supporting investigations, releasing officers for frontline duties. A number of forces have established, or are now looking to establish, partnerships with the private sector to deliver support services. We will ensure that the learning from this early work is understood and made available for the rest of the criminal justice system.
134. We will determine what role competition can play in the provision of services in the criminal courts. In doing so, we will draw a clear distinction between judicial services (which would not be considered appropriate for competition) and non-judicial services. Decisions about whether an external provider could deliver these services more efficiently and cost effectively will need to be made on a case by case basis. We will provide more detail of this scoping work as the *Transforming Justice* programme develops.

⁴⁵ See footnotes 30 and 31.

5. Efficient justice through technology

Chapter Summary

Substantial sums invested in Information Technology (IT) in the criminal justice system have been wasted. There has been some progress but each step has been slow, fraught with obstacles and as a result practitioners are still making valiant efforts to exploit technologies which in most fields have been commonplace for a generation.

This chapter describes how we will ensure that the criminal justice system makes full use of technological solutions including:

- extending the use of digital case files for all police forces and into all magistrates' courts and Crown Court cases;
- moving to fully digital court rooms;
- increasing the use of video technology in proceedings; and
- promoting the use of technology to connect with communities.

These plans will transform criminal justice from a fragmented, paper-based system to a seamless, digital service.

135. Technology has a critical role to play in delivering efficient criminal justice. Huge sums of money were spent on IT in the criminal justice agencies during the last decade, in particular the CJS IT programme, but the public did not secure a sufficient return on these substantial investments. Programmes, including LIBRA for the magistrates' courts, and the C-NOMIS case management system for managing offenders, suffered years of delays, ran massively over budget, and failed to deliver the functionality promised.
136. Poor investment decisions resulted in a fragmented approach to implementation, leading to systems that did not integrate well across the agencies. This approach reinforced silo methods of working and created waste.
137. Our plans seek to make the best of the investment that has already been made, exploiting the technology we have to speed up processes, and enable swifter justice. But it also has a role to play in supporting the other elements of our reform programme, for example, improving transparency and accountability through online local crime maps, local court performance information and the broadcasting of proceedings. New social media websites also provide an opportunity for local criminal justice services to reconnect with their communities.

138. Our ambition is for all the information and evidence collected and relevant to an investigation to be captured once, digitally. And for this to be in a format which can be shared immediately and electronically with all criminal justice partners with minimal manual intervention. This will provide the foundation for a truly seamless and efficient criminal justice service.

Using technology to modernise the criminal justice system

139. In the following sections, we highlight the progress we have already made in introducing technology into the criminal justice system, including the use of digital cases files, and video links, and the key milestones we are aiming to achieve by April 2013. The focus of our efforts will be to embed these reforms so that digital cases files and video links are routinely used in criminal cases.

140. A key development will be to use technology to help change the way that criminal justice services are delivered. We will use technology to help us develop our business processes so that cases are administered in the most cost effective and efficient ways, from the point of allegation to case outcome. Four criminal justice areas, Essex, Wales, Merseyside and Northumbria, will be developing and testing ideas for new streamlined administration processes to improve quality standards throughout the system.

Case study: digital case file

A Prosecutor at a magistrates' court in Wales had a number of anticipated guilty plea cases listed for that day in court. The prosecutor was working from a laptop that could connect via 3G to the CPS network.

A defendant unexpectedly pleaded not guilty to an offence of actual bodily harm and the case was then adjourned to fix a trial date.

However, the prosecutor was able to email the police officer involved to request further information, particularly any photographs or medical evidence that could provide more details of the injuries sustained to the victim.

The police emailed further photographs. The prosecutor was able to view them on the laptop and show the court and the defence solicitor. After the defence solicitor spoke to the client, the defendant changed his plea to guilty of common assault. Instead of needing a further hearing, the defendant was sentenced the same day and the case concluded.

Time and effort was saved. The provisional hearing date was freed up for another case. Most importantly the witnesses, especially the victim, did not need to be called to give evidence at trial.

Digital Case Files

141. Critical to delivering swift justice is a shift from a paper-based system to one based on digital case files. All CPS prosecutors now have tablet devices enabling them to present “paperless” cases in court. By April 2013:

- all 43 police forces will be preparing digital case files;
- we will extend digital working into all magistrates’ courts and the Crown Court; and
- digital case files will comply with national standards and guidance on case file preparation following a streamlined process.

We have already ... introduced digital case files

Processes are now in place for the use of digital case files by the police and prosecution.

Most police forces are now able to transfer the majority of case information electronically, with the remaining forces coming online by the end of the year. All magistrates’ courts are able to receive digital case files from the Crown Prosecution Service (CPS). All first hearing cases are currently being served electronically to the court.

In court, instead of working with bundles of paper, all CPS advocates are now equipped with a tablet device containing the digital case files. The prosecutor can annotate and bookmark the file as they would with paper, enabling effective presentation of the case in court. They can navigate through a large case bundle much more easily and more quickly than with a paper file.

Video

142. Video technology has an important role to play in improving the productivity and accessibility of the criminal justice system. When this technology is used properly it can bring significant benefits:

- enabling proceedings, particularly preliminary hearings, to take place more quickly;
- avoiding the need for certain of the parties to travel to court, saving time and in the case of police witnesses it means that they can return quickly to duty;
- reducing the cost of transporting prisoners, and the risk of escapes;
- helping to avoid some of the practical difficulties that can interfere with the smooth running of business, for example, if one of the parties is delayed; and
- providing convenience and security for victims and witnesses, particularly if they live some distance from the court in which proceedings are taking place, and helping to achieve better evidence for vulnerable victims and witnesses.

Case study: video

With ports, as well as the channel tunnel, Kent police regularly have to deal with people leaving the country who are subject to an outstanding arrest warrant for their failure to appear in court. No matter how minor the offence, the police must arrest the individual and return him or her to the court that issued the warrant. This can be costly and time consuming, with the police having to arrange for the prisoner to be transported to the issuing court.

Recently a defendant with a warrant outstanding was arrested at the channel tunnel in Kent. Before implementation of the Virtual Court, the police would have needed to arrange for him to be transported to Dartford, about 50 miles away. At the time of his arrest he would not have reached the court in time for his case to be heard that day, and in normal circumstances he would have been detained overnight in a police cell.

Instead, the defendant was taken immediately to Folkestone police station and by means of the Virtual Court, appeared at Dartford magistrates' court within hours of arrest by video. This saved a costly escorted journey, removed the need for an overnight stay in police custody, and freed up valuable police resources.

143. Previous initiatives to realise the benefits of video technology in the criminal justice system have been developed independently and they are not well integrated with each other. Some of the equipment is now starting to approach the end of its useful life and we are currently undertaking a £10 million programme of investment in video technology which will:
- upgrade the ageing Prison to Court Video Links (PCVL) infrastructure to ensure that more prisoners are able to participate in preliminary proceedings via video;
 - roll out PCVL in a further 47 Crown Court centres so that it will be available in all Crown Court centres;
 - decommission outdated victim and witness link technology and replace it with new equipment to improve reliability and integration with other video equipment; and
 - create a unified infrastructure that will allow full interoperability of all different HMCTS video equipment so that every camera can be used with every screen.
144. This programme, which is due to be completed by the end of 2012, will increase our capacity, providing video facilities in every Crown Court and magistrates' courts centre.

We have already ... expanded the use of video link technology

We have rejected the proposition that 'good technology' means 'big technology' and instead expanded and improved those innovations which we know work best. These include:

Prison to court video links (PCVL) which allow prisoners, including remand prisoners, to take part in preliminary proceedings via a video link. These links have been installed in over 140 magistrates' courts, 29 Crown Court centres and 63 prisons. We are currently extending the PCVL provision to an additional 47 Crown Court sites, giving access to PCVL to every Crown Court centre across the estate.

The Virtual Court, in which first hearings are held via a video link between the police station and the magistrates' court. This allows proceedings to take place more quickly, and reduces the need for prisoners and papers to be transported. The Virtual Court is now operating in four separate criminal justice areas, and agency data show that last year there were over 5,000 Virtual Court hearings.

Live links for witnesses – any witness in criminal proceedings other than the defendant may give evidence by live video link, on application to the court. Recently, police officers have started giving evidence in trials via a video link from a police station. This has allowed them to carry out other duties rather than waiting at and travelling to and from court. There are five live link courts that are operational in three criminal justice areas.

Special Measures – through which vulnerable witnesses (for example, children), or those who may be intimidated, may give evidence via a video link. The application of video is now commonplace in both Crown and magistrates' courts.

145. We believe that, where it is appropriate, video should be used routinely in proceedings. There will always be some circumstances where evidence can only be given, and properly challenged, in person, and for these reasons, the judiciary will always make the final decision. But in future we envisage many more victims, witnesses, defendants and criminal justice professionals playing their part in proceedings via a video link.
146. The immediate focus of our work is therefore to complete the current programme of investment, and to make sure its use is maximised:
- we are refreshing the training for court staff to ensure there is a clear understanding of the technology, what it can do and how it works;
 - we have simplified guidance to the courts on the use of PVCL. This encourages local courts and prisons to enter into partnership agreements, examining how they currently use PCVL and targeting known problems (for example, in many courts demand for video

during morning sittings exceeds capacity, before dropping off in the afternoon);

- we are putting greater emphasis in prisons on the use of video wherever a case can be dealt with in this way; and
- we are realigning operating times so that there is greater synergy between courts and prisons, creating maximum capacity for delivery.

We have already ... announced a new Police ICT company will be created to exploit the potential of technology

The Home Secretary announced on 4 July 2011 that she would support the police in setting up a new Police Information Communications Technology (ICT) company to help exploit the full potential of technology. It will be staffed by IT experts, owned by Police and Crime Commissioners and led by its customers.

The company will provide strategic advice and guidance to police forces on ICT and procure, implement and manage the provision of complex police ICT services and police business transformation programmes on behalf of police forces. It will also be responsive to local operational needs, offering forces a route to better services and better deals.

The principle objectives of the company are to:

- deliver better value to forces for their ICT spend;
- promote greater innovation in police ICT, so that officers have access to the best new technologies;
- free up chief officers from in-depth involvement with ICT management; and
- provide services and products that support customers in their drive for interoperability.

In due course, other criminal justice agencies will be able to take advantage of the services of the Police ICT company, where practicable, in the interests of joined up IT and securing better value for money.

147. Our reforms will provide the impetus for the next stage of the *CJS Efficiency Programme*. The immediate priorities that we are considering are:

- the police capturing evidence and other material in a digital format at the outset so that it can be shared with partners, for example through the use of portable video cameras, laptops and other digital devices;
- the potential for use of this equipment to inform frontline professionals how to deal with offenders on the street, for example by enabling identities to be verified, and making any previous offending history available very quickly;

- expanding their use into breach and other proceedings, which often come before the courts at short notice and are therefore particularly well suited to a digital approach to case preparation;
- using the digital case file, and the streamlined processes underpinning it, to identify further opportunities to improve the speed and quality of proceedings; and
- moving to fully digital court rooms.

We have already ... started to streamline the way we capture information digitally

IDIOM is a new offender-tracking tool, developed by the Home Office and the National Policing Improvement Agency. It is provided free-to-use and has users across every police force in England and Wales. IDIOM helps local partners to monitor the offending of individuals under Prolific and other Priority Offender (PPO) schemes and Integrated Offender Management (IOM) arrangements.

Information on offenders only needs to be entered once. Every day, IDIOM will then retrieve all data linked to that offender on their arrests, summonses, and convictions from the Police National Computer. For every offender there are at least 50 other incidents automatically and seamlessly linked – without the need for the police, the courts or other criminal justice partners to waste effort and time manually re-entering this data.

The Home Office is in the process of rolling out IDIOM more widely across the criminal justice system, beginning with the prison estate.

The next stage of technology reforms

148. We are looking at ways in which we can expand the use of technology in areas of criminal justice business not considered so far and to exploit the technology that is already in place. For example:

- there are considerable benefits of combining the purchasing power of criminal justice agencies to secure better value for money, which are not currently being realised. The police, Crown Prosecution Service and Ministry of Justice will work together to ensure that during the next phase of investment (over the next four years) their purchasing power is combined where appropriate through the Police ICT company, to maximise benefits;
- the different systems used by criminal justice partners are still not fully joined up with each other, and in places require manual intervention rather than automatic sharing of information;
- much of the material collected in an investigation needs to be converted into a digital format that can be shared with partners. This can be a laborious manual process; and

- some types of proceedings which regularly come before the magistrates' courts (for example, breaches of bail or the terms of a suspended sentence) are currently outside the current scope of digital working.
149. Currently, the existing legislation limits both the types of proceedings in which video can be used, and the people who may participate in proceedings by video link. We have been considering options for addressing this. In particular, we have decided to extend the use of video so that, in appropriate cases, it can be used to enable:
- police officers to apply to magistrates' for search warrants;
 - police to make applications to extend the time that a suspect can be held in police detention before charge; and
 - police officers to interview prisoners. This is expected to be particularly attractive in cases where prisoners are located outside the police force area in which the police are investigating the offence.
150. We will bring forward legislation to enable these matters to be conducted via video links as soon as Parliamentary time allows.

Legislative framework

151. However, we also believe that we should consider whether the current legislative framework could be improved and consolidated so that it promotes the greater use of video in criminal proceedings. The current arrangements have developed in a piecemeal way, with separate provision in primary legislation for different types of proceedings, and for the participation of different persons in those proceedings.
152. There have been rapid improvements in the quality of video technology in recent years, and its use has become a much more common feature of the way we live our lives. We are considering whether the current legislative framework needs to be updated to support and encourage more routine use of video in criminal matters where it is in the interests of justice.
153. We would welcome views on this matter. Details of how to contact us are set out on page 10.

Using technology to connect with communities

154. The focus of our plans for using technology to support reform has been to exploit its potential to increase the speed and efficiency of the criminal justice process. However, smart mobile telephones, and social media websites, offer opportunities to change the way in which criminal justice services interact with victims, witnesses and their communities, who will increasingly expect to be able to use them to engage with criminal justice services more immediately.

We have already ... begun to use new media to connect with communities

We see the following innovations, already underway, as trailblazers to improve the accessibility of the criminal justice system to victims and communities:

- using texts, and email, to provide victims and witnesses with updates on the progress of a case, and to provide reminders to them, and to defendants, about upcoming proceedings;
- using social media websites to provide real time updates on the work of the criminal justice agencies. Greater Manchester police for example, use Twitter extensively to provide updates on their work, and Avon and Somerset Constabulary have launched the TrackMyCrime initiative, allowing victims to track the investigation of their crime as it happens; and
- providing information on the outcome of proceedings and sentencing decisions, on local cases in real time.

6. Transparent justice

Chapter Summary

The criminal justice system is criticised for being opaque, remote and impenetrable.

In this chapter we set out our plans to de-mystify the workings of the criminal justice system by:

- publishing relevant and easily accessible information about local crime, and its outcomes, the performance of local criminal justice services, and the reoffending rates they achieve; and
- broadcasting what happens in courts.

155. The operation of the criminal justice system can be a mystery to victims and the public, and it too often fails to engage local communities or reflect their priorities. Our first responsibility is to victims, yet they feel ignored by a system that seems to be built around the needs of offenders and their lawyers.

156. Our plans for reform seek to tackle these problems by opening up the criminal justice system to the public, making more information available to them about how the system is performing.

Creating transparent services

157. The criminal justice system is a monopoly: victims and the public cannot choose to be protected by anyone else. If we are to ensure that services improve, innovate and deliver the best outcomes it is essential that their workings are exposed to public view. Only when armed with the right information and given the chance to observe how the system works in practice can the public hold the criminal justice system to account.

We have already ... improved access to criminal justice information

In January 2011, the Home Office and National Policing Improvement Agency launched online street-level crime data for every community in England and Wales: www.police.uk. These have proved very popular with the public: the website has received over 50 million visits since its launch. Police.uk now also includes information about justice outcomes so that the public can see what happens after a crime is reported in their area.

We are also committed to publishing routinely more information about the local performance of the criminal justice system. Over 2011/12, we used the Open Justice microsite (<http://open.justice.gov.uk>), to make available for the first time detailed information about:

- individual-level anonymised reoffending and sentencing outcomes;
- sentencing data for every magistrates' court and Crown Court;
- timeliness data for criminal, civil and family courts so that local people can see how long cases take to progress through the system; and
- reoffending data for every Probation Trust, local authority and prison establishment.

As well as the data and contextual information the site also includes sections on mythbusting and information on ways for the public to get involved with the justice system locally.

We will continue to consider what further information about crime and justice we should publish to improve the public's understanding of the work of the justice system, and to engage them in how performance can be improved.

Broadcasting court proceedings

158. The judiciary is already taking steps to make court proceedings more transparent by publishing some judgments and detailed sentencing remarks on the judicial website – www.judiciary.gov.uk. Working with the judiciary, we now want to go further, opening up the courts to the wider public and casting light on the work they do. That is why we are legislating to remove the ban on cameras in courts to allow broadcasting in certain limited circumstances.
159. We announced last year that we would allow judgments and sentencing decisions in cases before the Court of Appeal (Criminal and Civil Divisions) to be broadcast, and the legislation permitting it was recently introduced. Cases in the Court of Appeal normally deal with complex issues of law or evidence, and victims and witnesses rarely appear in order to provide new evidence. Given the complexity of legal issues in Court of Appeal cases, we believe that allowing advocates' arguments to be filmed in addition to judgments would be more likely to improve public understanding than judgments alone.
160. We have no plans to allow broadcasting of whole trials from the Crown Court. But over a longer period, we intend to extend broadcasting to judges' sentencing remarks only in proceedings in the Crown Court. We are working closely with the judiciary to take this work forward, within a reasonable time after the introduction of broadcasting from the Court of Appeal, and we will bring forward our plans in due course.
161. As we develop these plans, we recognise that it will be critical to ensure that victims and witnesses are protected. We will not introduce any measures which would make their experience of court more difficult or make them more reluctant to give evidence. Existing rules about reporting restrictions on cases will continue to apply to broadcasting (for example, rules about protecting the identities of young people involved

in proceedings and victims of rape as well as rules to preserve the anonymity of witnesses where necessary).

162. In all cases, the judge will have the final say in whether proceedings should be broadcast, and will be able to halt filming at any time during proceedings if he or she determines that it is no longer in the interest of justice for proceedings to be broadcast.

The next stage of reform to create transparent services

Improving access to information

163. A number of innovative projects have been developed that build on the performance information we have already published, such as the national crime mapping website, www.police.uk, which now shows people what action the police and courts took at street level. We have also produced additional scenarios for the popular online 'You be the Judge' interactive tool which helps people to understand the sentencing process. These will be launched during the summer (www.ybtj.justice.gov.uk).
164. Local areas are demonstrating that information about crime and justice outcomes can be made more widely available. For example, Avon and Somerset Constabulary's 'TrackMyCrime' system allows victims to track the progress of their investigation online, and West Midlands Police ran a 'tweet-a-thon' that provided the public with results from Birmingham magistrates' court in real time on a particular day. Staffordshire Police have undertaken a similar 'tweet-a-thon'.
165. We are keen to go even further with additional information such as the naming of convicted offenders. Local areas are already able to publicise sentencing outcomes in selected cases of local interest, and the next step is the more widespread naming of offenders, so that communities are more easily able to find out who has been convicted in their local court of crimes of local concern. We will also be considering ways that Police.uk can be developed by testing how West Yorkshire Police's trailblazing 'In the Dock' website can be integrated on Police.uk to show the details of certain offenders including their name, photo and sentence handed down to them. We will also support, and learn from, other local initiatives which explore how to take transparency even further and faster.

7. Accountable justice

Chapter Summary

One of the most frequent criticisms of the criminal justice system is that it is fragmented; that the agencies operate in silos. Crude, centrally mandated targets, set by Whitehall have been the focus of agencies' performance, rather than the things that concern the communities they serve.

In this chapter, we set out the action we are taking to transform criminal justice from a fragmented, inward looking, system of agencies, into a coherent and seamless service properly accountable to local communities.

166. To deliver reform that has a real impact on the ground requires not just the provision or more information, but effective mechanisms under which the criminal justice system can be properly held to account.

We have already ... returned discretion to professionals

One of the first decisions this Government made on taking office was to dismantle Public Service Agreements, and the targets which underpinned them. We believe that these centrally mandated targets did not provide the right incentives to tackle the crime that concerns local communities. Worse, they encouraged the criminal justice agencies to focus on delivering only their own targets rather than working in partnership to provide the best service to victims and the public.

Dismantling these targets has removed one of the main obstacles professionals faced in taking the action they feel is best to deal with the offending before them and it has allowed agencies to come together to test innovative approaches to tackling crime.

Police and Crime Commissioners

167. The introduction of Police and Crime Commissioners will transform not just policing, but also the landscape of the wider criminal justice system. Critically, Police and Commissioners will be locally elected and, given the size of the force areas at which they are elected, they will have a sizeable public mandate. Police and Crime Commissioners provide an opportunity to galvanise joint working across the criminal justice agencies and to increase the transparency of criminal justice services. We will be encouraging Police and Crime Commissioners, the police and their partners in the other criminal justice agencies to work together to reduce crime and reoffending.

168. Each criminal justice agency will remain responsible for setting its own priorities and the operational independence and impartiality of the judiciary and prosecutors will be preserved. Charging decisions will remain a matter for the Crown Prosecution Service or the police, respectively, depending on the seriousness of the offence (in accordance with *The Director's Guidance on Charging 2011*), and decisions on the management of individual cases, and sentencing decisions, will remain entirely a matter for the judiciary.
169. However, the Police Reform and Social Responsibility Act 2011 contains within it a reciprocal duty to co-operate between Police and Crime Commissioners and the criminal justice organisations in a police force area, requiring them to make arrangements for the provision of an efficient and effective criminal justice system.
170. Police and Crime Commissioners will be high profile local leaders with power to amplify the voice of victims and the wider community. We have signalled our interest in getting neighbourhoods engaged with their public services (for example, through beat meetings) and how victims are treated is, of course, essential to maintaining public trust and being able to police effectively.
171. This is why the Police Reform and Social Responsibility Act also requires Police and Crime Commissioners to consult with victims in setting policing priorities in their local area. As set out earlier in this White Paper, we have announced a wider role for Police and Crime Commissioners in relation to Victim Support Services, which will enable them not just to champion victims' needs but to commission the services locally best placed to meet them.

A wider role for Police and Crime Commissioners

172. As Police and Crime Commissioners will give local people more say in how their community is policed, we believe it is right that we continue to consider the wider roles they might assume in supporting and co-ordinating work not just on policing but reducing reoffending which will help to cut crime and make communities safer. That is why we are already considering ways in which the Police and Crime Commissioners' role could potentially be further developed within the criminal justice system over time. This might include, for example, commissioning Probation and Youth Offending services, as well as clear leadership on improving the local administration of justice.

173. Police and Crime Commissioners will have a remit to cut crime, and they will have commissioning powers and funding to enable them to do this. Police and Crime Commissioners will need to work with each other and to have regard to cross-border and national issues but, critically, they will need to work effectively with other local leaders in their police force area. The arrangements they put in place will need to include influencing how parties prioritise and bring together their resources to find local solutions to meet local problems and priorities. Strong partnership working, as well as exploring new working arrangements, will be central to success.
174. Police and Crime Commissioners will have powers to award grants to any organisation or body they consider will support their community safety priorities. Police and Crime Commissioners will receive consolidated grants and may decide to use them on projects that support their plans to cut crime. The right connections will need to be in place with other local strategic and commissioning frameworks and Police and Crime Commissioners will be free to pool funding with local partners. They will have flexibility to decide how to use their resources to deliver against the priorities set out in the Police and Crime Plan, or to explore how innovative financial models, such as payment by results or community budgets, could be used to transform how local services are designed and delivered.
175. Police and Crime Commissioners will be new entrants to the local criminal justice landscape and will need to work collaboratively with their partner criminal justice agencies. Collective local leadership on crime, justice and community safety will be the key to cutting crime and improving outcomes for local people. We envisage that the creation of the Police and Crime Commissioner role presents an opportunity for Police and Crime Commissioners to use their public mandate to bring greater clarity to the way that partners prioritise and collaborate across the criminal justice system.
176. In preparing for the reforms we know that many local leaders are already taking the opportunity to review the current partnership arrangements with a view to simplifying and streamlining ways of working together. It will be for local areas to determine the arrangements which will work best in their areas, but we believe that Police and Commissioners are well placed to lead criminal justice reform in their areas, working with Local Criminal Justice Boards (see below) to implement reform on the ground.

Working in partnership

177. The criminal justice system has been subject to significant reform, much of which was dictated by central government. This highly centralised approach restricted the use of professional discretion and had unintended consequences, skewing the behaviour of professionals towards meeting specific targets rather than the most effective response to crime and its causes.

**Swift and Sure Justice:
The Government's Plans for Reform of the Criminal Justice System**

178. When they were first established, the initial focus of Local Criminal Justice Boards (LCJBs) was to deliver targets in the Public Service Agreement. But over time, they developed into more mature partnerships, providing an effective forum to consider how criminal agencies could improve the way they worked together to meet shared aims.
179. The removal of central targets will, we believe, allow LCJBs to concentrate their efforts on developing effective local partnerships. We believe that LCJBs will have a critical role to play in delivering swift, sure justice on the ground.
180. The Government is clear that effective joint working is critical to delivering the vision for swift, sure justice set out in this White Paper. We do not propose to be prescriptive about the structure and membership of local criminal justice partnerships; that is for local criminal justice agencies. But we do believe it is essential that they should work together at local level to deliver an improved criminal justice system, building on the strong foundations of LCJBs. We expect to see such partnership working in each of the police force areas, with Police and Crime Commissioners having the pivotal role in helping local partners to work together as well as introducing greater accountability.
181. It is vital that the criminal justice system is open and transparent, and connected to the localities it serves. We propose to develop a high-level outcomes framework so that all criminal justice partners share, and are working towards, the same objectives. But we do not think it is consistent with our principles of greater local autonomy and public accountability to specify in detail what local criminal justice partnerships should be doing.
182. Instead, we expect local criminal justice agencies to work in partnership to:
- consult the community about what is important to them;
 - define, agree and make public the priority areas where they wish to improve their performance, identify who is responsible for achieving them and specify how they will measure whether they have been achieved;
 - deliver what they set out to do in a value for money way; and
 - review their performance and report back to the community on whether they delivered what they said they would, using the measures of success they defined.
183. If this is done, local communities will have a much clearer understanding of how they can influence where the local criminal justice system focuses its resources, and how well it has performed against its own priorities.

Case Study: Integrated Offender Management

Integrated Offender Management is a good example of how criminal justice agencies can work together effectively to meet shared goals.

Revolution branding was developed within Lancashire to extend the principles of an integrated partnership approach to dealing with a group of offenders previously not worked with. Analysis had identified that a key group of offenders were not only responsible for disproportionate amounts of local crime; but that they were also disproportionate users of the local public services. It was estimated that over a four year period, the costs of crimes committed by an offender were approximately £73,000, with costs to the magistrates' courts of approximately £12,000, and the costs of imprisonment of £74,000 over four separate periods. The offender was also subject to a wide range of interventions, which amounted to a cost of approximately £157,000.

Revolution Teams focussed on offenders released from short term prison sentences, with police led teams working closely with Probation, drug treatment providers as well as a number of other statutory and non statutory agencies in order to assist offenders by providing access to the identified rehabilitative pathways to address their underlying problems. For example, joint screening of offender needs with local health providers led to delivery of more effective, targeted services. As re-offending reduces for offenders in the Revolution cohort, the costs associated with their rehabilitation are reduced, as are the costs to society and the criminal justice system of their re-offending. Reductions of 33% in serious acquisitive crimes reported to the police, compared to the previous four years have been observed.

8. Impact Assessment and Equality Impact Assessment

184. The Government is mindful of the importance of considering the impact of these plans on different groups. We have therefore considered the impact of all the measures in the package in line with our duties to groups who share a relevant protected characteristic under the Equality Act 2010.
185. Our assessments of the potential impact of these proposals have been published alongside this White Paper.⁴⁶
186. In the Impact Assessment, and the Equalities Impact Assessment, we acknowledge there are some gaps in the research and statistical evidence we have been able to use to understand the potential impact of our proposals. We would welcome any further information, evidence and comment which may help to address some of these gaps in any further assessment. The details of how to contact us are on page 10.

⁴⁶ See footnote 24.



Published by TSO (The Stationery Office) and available from:

Online

www.tsoshop.co.uk

Mail, telephone, fax and email

TSO

PO Box 29, Norwich, NR3 1GN

Telephone orders/general enquiries 0870 600 5522

Order through the Parliamentary Hotline Lo-Call 0845 7 023474

Fax orders: 0870 600 5533

Email: customer.services@tso.co.uk

Textphone: 0870 240 3701

The Parliamentary Bookshop

12 Bridge Street, Parliament Square,

London SW1A 2JX

Telephone orders/general enquiries: 020 7219 3890

Fax orders: 020 7219 3866

Email: bookshop@parliament.uk

Internet: <http://www.bookshop.parliament.uk>

TSO@Blackwell and other accredited agents

ISBN 978-0-10-183882-5



9 780101 838825