

## **Criminal Justice Board**

**30 November 2017 12:15 – 14:15**

### Attendees:

- Lord Chancellor and Secretary of State for Justice (The Rt Hon David Lidington CBE MP) - **JS**
- Attorney General (The Rt Hon Jeremy Wright QC MP) - **AG**
- Minister for Policing and Fire (Nick Hurd MP) – **NH**
- President of Queen’s Bench Division (Sir Brian Leveson) – **PQBD**
- Chair, National Police Chiefs’ Council (Chief Constable Sara Thornton) - **ST**
- Director of Public Prosecutions (Alison Saunders) - **DPP**
- Police and Crime Commissioner Representative (Hertfordshire Police and Crime Commissioner, David Lloyd) - **DL**
- Director General, Offender Reform and Commissioning Group, Ministry of Justice (Justin Russell) – **JR**
- Director, Criminal and Family Justice Policy (Melissa Case) - **MC**
- Commissioner of the Metropolitan Police Service (Cressida Dick) - **CD**
- Director General, Crime, Policing and Fire Group, Home Office (Scott McPherson) - **SM**
- Change Director, HMCTS (Richard Goodman) – **RG**
- Head of Fraud and Corruption, Home Office (Neal Barcoe) - **NB**

### Apologies:

- Home Secretary (The Rt Hon Amber Rudd, MP)
- Deputy Legal Secretary and Head of Operations, Attorney General’s Office (Michelle Crotty)
- CEO Her Majesty’s Prison and Probation Service (Michael Spurr)
- Senior Presiding Judge (Lady Justice Macur)
- CEO Her Majesty’s Courts and Tribunals Service (Susan Acland-Hood)

### **Agenda item 1: Introduction**

1. The Justice Secretary (JS) welcomed members to the meeting. He encouraged members to come forward with potential items for the Board to tackle in coming meetings.

### **Agenda item 2: Reforms to pre-charge police bail**

2. Scott McPherson (SM) presented a paper to the Board on the reforms to pre-charge police bail and the consequences on the criminal justice system. The paper explained that the policy intent of the bail reforms (to have fewer people on bail, for shorter periods of time) had been achieved, but that there had been some consequences for the criminal justice system (CJS) that would need to be remedied.
3. The Director for Public Prosecutions (DPP) noted the fall in the use of police bail, but said she had not seen evidence that police investigations were becoming shorter. The DPP also noted an increase in ineffective first hearings and a reduction in early guilty pleas, and asked whether this was caused by the changes to bail.
4. The Attorney General (AG) and other members asked that the matter be given more of a sense of urgency, and in particular suggested that new guidance for police officers in the use of bail be provided as quickly as possible.

5. Richard Goodman (RG) noted that there were operational implications for the administration of the courts as a result of these reforms. He also noted a substantial regional variation in the use of conditional bail by forces, and queried whether there was any best practice emerging from this variation.
6. Sara Thornton (ST) made the Board aware of work being done by the NPCC to look at whether outcomes for defendants differed depending on whether they were released under investigation or whether they were released under bail.
7. The President of the Queen's Bench Division (PQBD) and others asked whether there were improvements that could be made that didn't require the use of primary legislation, as this would be a more fruitful avenue for improvements.
8. Justin Russell (JR) suggested that there may be a causal link between the bail changes coming into force in April and the increase in the remand population that has been seen over the last year, and that work should be done by MoJ and Home Office to see whether statistics could bear this out.
9. The Board agreed that the issue needed to be dealt with as a matter of urgency, and asked that it come back to the Board in February, with information on what mitigations have been taken and more data on regional variations in the use of bail. He asked that the Pre-Charge Bail Implementation Board (PCBIB) and the CJB Senior Officials Group (SOG) report directly to Ministers on any mitigations made.

**Action Item 1: Pre-Charge Bail Implementation Board to draft a plan to address the concerns raised by the Board. Home Office to provide a paper for next meeting outlining mitigations taken.**

**Owner:** Home Office

**Deadline:** For the next CJB meeting

### **Agenda item 3: Deep dive into sexual offences**

10. Melissa Case (MC) introduced a paper reporting on the deep dive commissioned by the CJB in December 2016 into sexual offences. The deep dive identified two pressure points when progressing rape and contact CSA cases: investigating and securing a police outcome and preparing cases for trial.
11. The DPP agreed with the recommendations, but questioned whether there was more that should be done, especially in terms of prioritising independent sexual violence advisors (ISVAs). DL noted that many Police and Crime Commissioners provide funding towards the provision of ISVAs, and suggested that they could be better utilised if they were embedded into the trial and court processes. NH asked whether more could be done to ensure that ISVAs were understood better. PQBD said that he was preparing a practice direction on ISVAs.
12. The DPP also noted, and many agreed, that the issues of disclosure of third party material in the paper were part of a more general and widespread issue around the difficulties for the CJS in dealing with huge amounts of digital information. AG agreed and said that in light of the joint HMCPSI and HMIC report into the disclosure of third party material, a proper look into the issue was needed.
13. ST agreed that the paper's analysis of the issues was accurate. She noted that some of the variation in case building across local areas could probably be put down to the personal relationships between the CPS and the local police in that area. She asked

whether more could be done to improve public understanding on common “rape myths”.

14. ST also queried why figures provided in the evidence pack suggested that there were a large number of suspects being charged, but not tried in court. MC said she would come back to the Board with further information.
15. PQBD noted the improvements that have already been made in this area recently, including on Section 28, use of ISVAs and with S41. A Practice Direction was being prepared on ISVAs.
16. JS asked what an appropriate measure of success would be for these recommendations. The Board discussed the difficulty around whether this could be the conviction rate, because if more victims felt confident in reporting crimes, the rate would likely fall. A key measure of success would be how effective we were at taking victims through the criminal justice process with as little extra trauma as possible.

#### **Agenda item 4: Policy response to fraud**

17. Neal Barcoe (NB) provided a paper to the Board explaining the work that is being done by the Home Office and partners in response to online fraud. He provided information on the Joint Fraud Taskforce and would like CJS agencies to be more involved in it. The DPP agreed, and said she would be happy for the CPS to be involved.
18. JS noted that there seem to be two different strands to fraud – some which is low value, but high volume; and higher value crime that was more likely to come under serious and organised crime. JS questioned whether the policy focus of “designing out” crimes would be sufficient.
19. PQBD noted work being done across government on fraud (including the Economic Crime Review being led by the Prime Minister) as well as separate inter-ministerial groups on economic crime and serious and organised crime. JS expressed a desire to link these separate strands of work together.
20. AG agreed on the need to join up separate strands of work. He expressed a wish for more to be done on the “missing middle” – those victims of fraud who were neither victims of “volume fraud” (in particular ‘Card Not Present’ fraud, where victims are often compensated by their banks); nor high-profile enough to be dealt with by the Serious Fraud Office or National Crime Agency. NH and others noted the poor support provided to these victims of fraud.
21. The Board discussed how ready the CJS would be if victims were to report more cases of fraud into the system. The DPP noted that many Police and Crime Plans show provision for only a small number of financial investigators, and that fraud cases often involve high levels of forensic analysis of digital information.
22. The Board agreed with the recommendations in the paper, and agreed that if possible, more CJS agencies would be happy to take part in the Joint Fraud Taskforce. JS agreed to contact No 10 and Cabinet Office to work on joining up different strands of work on economic crime.

**Action 2: Engage with No. 10 and Cabinet Office to discuss joining up various taskforces on economic crime.**

**Owner: MoJ**

## **AOB**

23. JS asked members for suggested topics for future items. Items suggested by Board members included out-of-court disposals; victims; the role of the PCC in the criminal justice system; court reform; disclosure of unused material; forensic analysis of digital information.
24. The AG notified the Board that he is planning to undertake a review into disclosure, and will be able to bring this back to the Board in summer.
25. The Board asked the CJB Secretariat to develop a forward look of topics for meetings over the coming year.

### **Action 3: Develop a forward look of topics for CJB meetings**

**Owner:** Secretariat

**Deadline:** Senior Officials Group meeting, January 2018