INDEPENDENT REVIEW of the Criminal Courts

Part II: Volume 1

When justice sleeps, justice is cancelled.

Talmud 200 – 400 CE

Justice delayed is justice denied.

William E. Gladstone, 1868

To delay justice is injustice.

William Penn, 1682

Justice too long delayed is justice denied.

Martin Luther King, 1963

To no one will we sell, to no one will we deny, or delay right or justice.

Magna Carta, Clause 40, 1215

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Foreword



1. The crisis facing the criminal courts (and criminal justice generally) gets worse month by month. In relation to the Crown Court, at the end of September 2025, the open caseload exceeded the high scenario that was identified at the time of writing Part I of my Independent Review of the Criminal Courts.[1]

2. On 18 June 2025, just six months after my appointment, I sent Part I of my Independent Review of the Criminal Courts to the Rt Hon. Shabana Mahmood MP, then Lord Chancellor and Secretary of State for Justice; on 9 July 2025, it was published. On 5 September 2025, before a government response was forthcoming, the Rt Hon. David Lammy MP was appointed to succeed Ms Mahmood; he was also appointed Deputy Prime Minister. It then fell to him to consider my recommendations and formulate his own response; without a formal response, a series of policy changes were announced to Parliament on 2 December 2025.

3. In the meantime, I have proceeded with the second part of the Terms of Reference of my Review concerning efficiency. In the normal course, an examination of what might be done to improve efficiency would be expected to come before considerations of policy change. However, it has been clear from the outset of the overall project that efficiency measures and more funding would not begin to address the challenges within criminal justice and the backlog of outstanding cases.[2] Cases coming into the system are increasing, delays are getting longer and the length of trials has increased.[3] In addition, the number

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1 Crown Cout Open Caseload Projections: 2025 to 2029 (Ministry of Justice (MoJ), July 2025).

2 I note here the letter dated 17 December 2025 from Labour MPs to the Prime Minister which was published following the government's announcements to remove trial by jury for all but those cases likely to receive a sentence in excess of three years' custody. I have referenced the problems facing the criminal justice system throughout both parts of this Review and specifically in both Chapter 2 of Part I of the Review (Problem Diagnosis) and in Chapter 2 in Part II of this Review (Context). For the reasons set out throughout, I fundamentally disagree with the suggestion that more money and more sitting days will solve this crisis.

3 See Chapter 2 (Context) for further detail.

of criminal defence solicitors is falling and forecast to fall further; one third of criminal barristers have indicated that they are considering leaving the Bar altogether.[4] As it is, in 2024, around 1,100 cases were ineffective because an advocate was not available (whether for the prosecution or for the defence).[5]

4. I have had no doubt that there must be a whole-system approach to resolving this crisis to put the system back on a sustainable footing. As a result, it was equally obvious that primary legislation would be necessary for any structural changes to the court system and it was therefore essential to prioritise policy work for such legislation so that it could be expedited. That is not to say that improvements to the efficiency of all aspects of criminal justice are not also critical.

5. The reason is straightforward: the result of unconscionable delays has been to cause misery to victims, witnesses and, indeed, to many of those accused of crime who face allegations hanging over their heads for years. None have been able to move on with their lives. Chapter 2 of Part I of the Review (Problem Diagnosis) confirmed that conclusion and Chapter 2 of this Review (Context) only serves to underline it. As I have said many times, structural reform and improvements to efficiency (along with improved resources) are all essential if there is to be a realistic chance of addressing the problems that criminal justice faces. In my view, the recommendations from this part of the Review, and the recommendations from Part I, provide the best chance of allowing the criminal justice system to be set on the course which results in the reduction of delays and swifter justice for all concerned.

6. To assist with this part of the Review, I have continued to work with advisers approved by the Lord Chancellor at the outset. Professor David Ormerod CBE, KC (Hon.), has brought his formidable knowledge of criminal law and procedure to bear throughout and both Chris Mayer CBE and Shaun McNally CBE have used their extensive experience of the practical working of the court system to engage with all those involved and have been truly invaluable in helping me to form recommendations which are practical from an operational perspective.

4 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), Chapter 2, para. 31(c). See Chapter 10 (The Judicial and Legal Workforce), para. 54 for further detail.

5 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025). See Chapter 8 (Remote Participation), para. 38 for further detail.

7. In addition, the Terms of Reference specifically require me to address consideration of how new technologies, including artificial intelligence could be used to improve the criminal courts. In those circumstances, the Lord Chancellor consented to my appointment of two additional advisers. These are Jay Bangle, now the Chief Technology and Innovation Officer at TPXImpact, a digital transformation consultancy, but formerly Chief Technology Officer for His Majesty's Courts and Tribunals Service (HMCTS), and also Professor Katie Atkinson who is Professor of Computer Science at the University of Liverpool and has previously served as President of the International Association for Artificial Intelligence and Law. They have both provided insights and expertise which has been far beyond my knowledge of the potential of IT and helped with the prospects of undertaking digital transformation and deploying artificial intelligence responsibly. I express my gratitude to each of them.

8. The Ministry of Justice has continued to be extremely supportive of this part of the Review. The substantial team of civil servants has been augmented as the more granular challenges of improving efficiency have required more investigation, more analysis and greater detail. Clare Toogood has continued to bring to bear her considerable experience of operating in the field of criminal justice and managing the increasingly complex task that I have had to address.[6] Working as members of the independent review, the task of the team has continued to coordinate the Review, to collect and analyse the evidence (including the responses initially received and those which have been more recent) and to help compile the Review.

9. To ensure I heard from as many perspectives as possible, the team has reviewed the wide-ranging representations submitted after the initial request for evidence and has both sought and obtained further evidence and views from a large number of other people and organisations involved with, or interested in, relevant aspects of criminal justice. I am grateful to all who have responded to requests for help.

6 See Annex D (Independent Review Team).

10. Quite apart from the work of the team, I have personally attended a number of conferences and also met on a one-to-one basis 116 principal participants in criminal justice.[7] To all those with whom I have engaged, where I have formed a view, I have subsequently tried to report fully on my thinking not least to test reaction and listen to practical impacts. Given the greater number and more granular nature of the recommendations than those contained in Part I, that has not always been possible. In any event, I repeat my thanks to everyone who has sought to assist me for what has been, in some cases, their repeated engagement and their willingness to respond to yet further enquiries.

11. At the same time, I have continued to rely on the academic literature both in relation to the UK and other jurisdictions and, once again, Professor Ormerod has pressed many into service. As I made clear in Part I of the Review, I am extremely grateful to all those who have taken the time and effort to respond and allowed me to form as rounded a view of the problems and potential solutions from as wide a range of jurisdictions as has been possible. Their work has been invaluable but I repeat that I have not been preparing an academic paper of the type that would include extensive references to published academic scholarship and I am conscious that I have not cross-referred all their work in the text or, more significantly, given them, individually, credit for their impact on this Review. No discourtesy or lack of appreciation is intended.

12. The government has continued to respect the fact that this Review is entirely independent, but politicians and officials have continued to offer views in relation to their various areas of responsibility, which I have found of real assistance. I particularly mention the encouragement that I have received from the Minister for Courts and Legal Services, Sarah Sackman KC, MP.

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7 This includes the police (both from the Metropolitan Police and the National Police Chiefs' Council) and prosecutors (the Crown Prosecution Service, the Serious Fraud Office and the Office of the Procurator Fiscal). From the professions, I have met the Bar Council, the Criminal Bar Association, the Young Bar, the Law Society and its Criminal Committee and the Chartered Institute of Legal Executives. I have been in regular communication with the judiciary and with Ministers, senior policy and operational officials from the MoJ, the Home Office, the Attorney General's Office, the Department of Health and Social Care and the Cabinet Office. I met the late Baroness Newlove and Clare Waxman in their capacity as Victims' Commissioner and Victims' Commissioner for London and have received submissions from (and met) other NGOs.

13. For this Review, I have three further comments. First, when I published Part I of the Review, I anticipated publishing Part II in 'late 2025' and then being able to comment on the government's response to Part I. The change of Lord Chancellor inevitably delayed any response (not all of which has yet been forthcoming) and I am conscious that the challenges created by other events have also contributed to the delay. Additionally, the recent announcement of the abolition of Police and Crime Commissioners and observations by the Home Secretary which indicated changes in the organisation of policing in England and Wales have also required consideration in the chapter dealing with governance generally. The result is that 'late 2025' has become 'early 2026'. I regret the delay because I have no doubt that the challenges facing criminal justice are increasing and require very urgent attention.

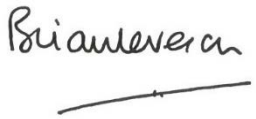
14. Second, I repeat what I said in relation to Part I. This Review is equally aimed at a number of different audiences who will also have different familiarity with the language of criminal justice processes. Again, rather than include explanations of the terms used in the text of the Review, each is defined in the Glossary (Annex A).

15. Third, as with Part I, there is a degree of repetition between chapters. This is so that each topic can be read in isolation or out of order and is intended to assist those only interested in part of my analysis of the problems and recommendations that seek to address them.

16. I repeat again that these efficiency measures must be seen as an essential part of the building blocks necessary (along with the structural changes identified in Part I) to rescue the criminal justice system from imminent descent into such delay that all confidence in the system is lost. I do not pretend that they can be achieved without cost and without collaborative effort from all those involved – the police, the Crown Prosecution Service (CPS), the legal professions, the Ministry and, of course, the judiciary.

17. Once again, I thank all who have contributed to this Review and to Part I.[8] All have recognised the need for change to the system and sought to assist while following the principled approach set out in Part I of fairness, proportionality and transparency, I have tried to identify the most effective improvements to recommend.[9] I can only hope that the various agencies that make up criminal justice will put aside their differences when decisions have finally been made and contribute to the urgent task of restoring pace to the criminal justice system.

18. I conclude by expressing my gratitude to my advisers and the team who have assisted me from first to last and whose efforts have extended far above and beyond the call of duty.[10] I now pass the burden of decision-making and implementation both for Part I and Part II to the government, to Parliament, to the judiciary and, finally, to the various agencies that collectively make up our criminal justice system to ensure that it once again, within a reasonable time, is able to achieve justice for all.



The Rt Hon. Sir Brian Leveson

12 January 2026

8 A full list of all those who have contributed to this Review can be found in Annex C (Acknowledgements). In addition, I am grateful to a number of people (not necessarily involved with the criminal justice system) who read the draft and provided helpful insights.

9 See The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), Chapter 1, para. 10.

10 As before, any errors are my responsibility and my responsibility alone.

Executive Summary

Purpose and Context

1. Criminal justice in England and Wales is facing an unprecedented crisis. Part I of this Review makes clear that large-scale reforms to the criminal courts are vital to reduce the caseload seen in the Crown Court.[11] Without such reform, the system cannot be stabilised, nor can it be sustainable, effective or worthy of the confidence of the public that it exists to protect. I have no doubt that the proposals in Part I are essential to avert complete system failure, and nothing I say in Part II diminishes that imperative. But structural reform alone will not deliver a system that works as it should. To achieve justice that is timely, fair and proportionate, the courts must also operate efficiently. Part II of this Review, the Efficiency Review, examines whether the current system is meeting that standard and explores the efficiency of processes from charge to conviction/acquittal. For the purpose of this Review, efficiency is defined as 'the proportionate and effective use of time and resources to ensure expeditious preparation and fair resolution of criminal cases'. It is not simply a measure of speed, or the pace at which a case can progress through the system, but of how well the system deploys its resources to deliver justice fairly, reliably and in a timely manner. This Review finds that at present the criminal courts are falling far short of achieving this.

2. The criminal courts are simply not functioning as they should. Receipts (cases coming into the system) continue to outstrip disposals (trials concluded) and although the number of cases disposed of in the Crown Court has improved in recent years, this is largely because the composition of disposals has changed. The Crown Court now disposes of relatively more committals for sentence, rather than complex and lengthier jury trials. More complex cases are now taking far longer to

11 As discussed in the Introduction, the open caseload in the Crown Court continues to reach record highs. As at September 2025, there were nearly 80,000 outstanding cases in the Crown Court; more than double the volume recorded in 2019 and around a 5,000-case increase on the end of 2024. The magistrates' court is under similar strain, with outstanding cases rising by around 70% since the end of 2019, producing an open caseload of 373,000 cases as of September 2025. With Crown Court trials now being listed as far ahead as 2030, the conclusion is inescapable: justice is not merely delayed, it is being denied. Sources: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025); HMCTS Unpublished Management Information.

conclude and there are more ineffective trials. Hearings have become shorter and more fragmented, requiring more sessions to complete a case. Late guilty pleas add to wasted time and effort. In the Crown Court, despite sitting days (the number of days judges are scheduled to hear cases in the courts) being at a record high, the time spent hearing cases each day has fallen. The outcome is wasted time and resources and a failure to deliver timely and fair resolution of cases, denying justice for all involved.

3. Inefficiency is not confined to the courts; it is evident across the justice system and delays in court are often due to issues arising elsewhere in the process. Charging decisions are taking significantly longer than before, and poor-quality case files frequently lead to adjournments. Court pressures are compounded by operational challenges such as the late delivery of defendants, shortages of legal professionals and fragile support services. Weaknesses in technological infrastructure, particularly systems that fail to support effective interoperability between agencies, further undermine the efficient administration of justice.

4. In Part II of this Review, I consider how systemic inefficiency creates its own significant barrier to the administration of justice and set out recommendations designed to improve case management, incentivise inter-agency collaboration, strengthen local leadership and develop a more experienced and responsive workforce. Implementing these measures as soon as operations allow is necessary for the system to work as effectively as possible, yet I must emphasise that improvements in efficiency alone will not resolve the crisis the system faces. The modelling detailed in Annex E (Technical Annex) demonstrates with clarity why the structural reforms set out in Part I must proceed without delay if the system is to avoid effective collapse, and why addressing inefficiency must occur in tandem with changes to legislation and additional capacity if there is any prospect of restoring functionality to the criminal courts.

5. As I set out in the Problem Diagnosis chapter in Part I of this Review, the causes of the crisis in the criminal courts are complex and long-standing. A combination of sustained reductions in funding, the growing complexity of criminal trials and a rise in the volume of cases, compounded by the extraordinary impact of the COVID-19 pandemic, have placed unprecedented strain on the system. Decades of sustained reductions in funding have left the

criminal courts with fewer available courtrooms, a diminished and less experienced workforce and a severely dilapidated court estate. At the same time, the complexity of criminal law and procedure has increased sharply. Each year sees the continuing proliferation of new criminal offences and the Criminal Procedure Rules have doubled in length since 2005.[12] The volume of evidence requiring disclosure has increased, driven by developments in technology (especially digital technology) and forensic science (such as DNA analysis). Additional protections for vulnerable victims and witnesses, rightly introduced to improve fairness and safeguard those at risk, have added further pressure. These developments have all been designed to improve the delivery of justice and the fairness of proceedings, yet they have significantly increased the time that jury trials take. The consequences of these challenges are not new, and many were addressed in my 'Review of Efficiency in Criminal Proceedings' published in January 2015 ('2015 Report'). However, extraordinary pressures, such as the impact of the COVID-19 pandemic, exacerbated the fraught situation by further reducing the capacity of the courts, particularly for jury trials. The cumulative effect of these factors is a system that is now overwhelmed by demand and increasingly unable to meet the needs of those it serves.

6. The consequence of delayed justice is profound. Delays erode public confidence and call into question the legitimacy of the justice system. For victims and witnesses, the impact can be devastating. Lives are placed on hold as they wait, often for years, to give evidence. Defendants are left in uncertainty; their futures in limbo. The impact on the wider system is equally grave. Delays contribute directly to prison overcrowding through a growing remand population. Defendants are more likely to delay entering guilty pleas, resulting in additional trials being scheduled only to push further into the future the likelihood of the delivery of justice.[13] This not only wastes valuable court time but further exacerbates the open caseload. It also risks the denial of justice, as prolonged delays may lead to victims and witnesses disengaging from the process or providing evidence of diminished quality.

12 Sources: The Criminal Procedure Rules 2005 (c. 210 pages); The Criminal Procedure Rules 2020 (revoked) (c. 534 pages); Criminal Practice Directions 2023.

13 See Chapter 7 (Preparing for First Hearing and Ongoing Case Management).

7. Previous efforts to address inefficiencies were unlikely to achieve their maximum positive effect on the system because of the siloed nature in which criminal justice agencies operate. Criminal justice partners operate with distinct priorities, funding streams and objectives. The absence of shared accountability and coordinated leadership results in divided decision-making and limited ability to address the knock-on effects of decisions made across agencies. I have also been struck by the extent to which digital infrastructure remains fragmented across the criminal justice system. Agencies continue to procure and pilot technology in isolation, with limited integration between new and legacy systems and across agencies, and limited sharing of knowledge gained from running pilots. This fragmented approach reinforces the lack of cohesion that has long characterised the system.

8. To address these challenges, the former Lord Chancellor commissioned this Independent Review of the Criminal Courts in December 2024. The Terms of Reference, announced on 12 December 2024, and set out in full at Annex B (Terms of Reference), require the Review to provide options and recommendations for: a) how the criminal courts could be reformed to ensure cases are dealt with proportionately, and b) how they could operate as efficiently as possible.

9. The Terms of Reference further set out that the Review should consider:

   a. longer-term options for criminal court reform, with the aim of reducing demand on the Crown Court by retaining more cases in the lower courts; and

   b. the efficiency and timeliness of processes through charge to conviction/acquittal.

10. The Terms of Reference also stipulate that recommendations should take account of the likely operational and financial context at the time they may be considered and implemented. I fully recognise the challenging fiscal environment in which government is currently operating. However, the scale and urgency of the crisis in the criminal courts is such that it cannot be resolved within the limits of existing resources. Future-proofing the system will require sustained and strategic investment in services, people, infrastructure and technology. Many of the recommendations in this Review will require funding and, in some instances, that investment will need to be substantial.

That is unavoidable. However, there is also a 'spend to save' argument for many of the recommendations – strategic investment now can deliver efficiency gains that reduce future costs and secure long-term benefits. More important, those gains will help address the open caseload and put the system on a sustainable footing. If the government is serious about reform, senior leaders across justice-related government departments must collaborate effectively with HM Treasury and each other to secure coherent and necessary investment across the entire criminal justice system. Though funding is essential, investment alone is not enough. Without reforms to legislation and the efficiency recommendations set out in this Review, there is a real risk that additional resources will entrench existing challenges rather than resolve them. Lasting improvement will require a balanced strategy that combines legislative reform, operational efficiency, and targeted investment.

Principles

11. My aim has consistently been to make recommendations that, when taken together, help to restabilise the criminal justice system in the short term, while also providing a solid foundation for a sustainable and effective system in the long term.[14] Just as in Part I, I have been guided by five overarching principles in developing my recommendations. Throughout, I will endeavour to demonstrate how the recommendations reflect these principles. These are to:

    a. Provide appropriate and fair decision-making. Specifically, the time and form that the decision-making process takes must reflect the nature of the offence and the potential impact on those involved, and must meet the high expectations of defendants, victims and witnesses as to a fair and prompt hearing of allegations by an independent court in a forum proportionate to the allegations.

    b. Maximise participation, maintaining the principles of open justice (other than in exceptional circumstances) and promoting effective participation from defendants, victims and witnesses.

    c. Provide a proportionate approach to trial processes, giving the public confidence, while balancing the rights of all involved.

14 I have seen no value in making recommendations intended to be only short term to address the open caseload. Such an approach would address symptoms rather than the root causes of the crisis.

d. Deliver fair proceedings that safeguard against disproportionate outcomes for some sections of society and consistent with the right to fair trial and other rights guaranteed by common law and reflected in the ECHR.

e. Ensure that timeliness, from arrest through to resolution, is considered and given appropriate weight in the administration of justice, for the benefit of all involved – defendants, victims and witnesses.

12. In addition to the overarching principles that guided the Policy Review, I have adopted further principles, specific to improving processes and operational efficiency. These are:

a. **Getting it right first time:** Promote decision-making and action throughout the criminal justice system that is correct and of high-quality the first time.

b. **Promoting a problem solving culture:** Foster a culture of collaboration, effective leadership and a focus on problem solving and delivery across the criminal justice system.

c. **Augmentation of processes through technology:** Ensure technology, including AI, augments rather than replaces high-quality, fair and proportionate decision-making.

d. **Expertise:** Continue to foster a criminal justice system underpinned by the expertise and contributions of the judiciary, magistracy, legal sector, police and wider criminal justice workforce in delivering a high-quality of justice.

e. **Minimising waste:** Equip the criminal justice system more effectively to deploy its resources and infrastructure in a way which minimises shortages and waste, improves cost effectiveness and enables investment in the system where it is most needed.

f. **Sustainability and adaptation:** Foster a delivery model for criminal justice which is sustainable and promotes an appropriate level of focus on long-term adaptation and innovation.

13. Technology is critical for the improvement of efficiency. The Terms of Reference for this Review require explicit consideration of its role, particularly the increasing, targeted use of automation and AI to enhance efficiency across the justice system. Responsible use of AI has the potential to reshape operational processes and unlock gains in capacity, efficiency and access to justice. However, implementation

must be cautious, transparent and governed by clear ethical and legal standards to ensure technology strengthens, rather than undermines, the principles of justice.

14. Realising these benefits requires more than simply automating existing workflows, which risks perpetuating inefficiencies and could constrain the potential benefits of advanced systems. Instead, when implementing technology solutions, AI-based or otherwise, re-engineering the underlying business processes is imperative. Redesign ensures processes are streamlined, aligned with organisational objectives and fully leverages technological capabilities. This approach maximises return on investment, enhances scalability and establishes a foundation for sustained innovation and operational excellence.

15. The pace of technological change means that, within a decade, the environment in which the courts operate may be unrecognisable. Throughout this Review, I explore how digital tools and AI can improve efficiency, support better decision-making and foster collaboration across the system. As Professor Richard Susskind CBE KC has rightly observed, we must begin to articulate a vision for criminal justice in 2035; one that embraces the transformational potential of technology while safeguarding fairness and public trust.[15] Used responsibly, AI can reduce delay, streamline processes and help build a justice system that is more responsive, resilient and capable of meeting the demands of a rapidly evolving landscape.

16. As part of ongoing efforts to ensure transparency and accountability in the adoption of AI, the judiciary AI Working Group and HMCTS have developed a set of principles for the use of AI. These translate the ethical and legal safeguards discussed above into a practical framework for implementation across the courts, guiding the deployment of AI in a way that upholds fairness, transparency and public trust.[16] I endorse these principles and consider them sufficiently broad that I have adopted them to guide my recommendations for the responsible use of AI. However, I recognise that there is currently no unified framework governing the ethical deployment of AI across the criminal justice system.

15 With thanks to Professor Richard Susskind CBE KC for his submission to this Review.

16 The full list of AI principles can be found in Chapter 1 (Introduction).

Scope

17. The scale of the crisis, and the breadth of the Terms of Reference are such that this Review has been structured in two parts. In Part I of the Review, the Policy Review, published in July 2025, I delivered policy proposals for structural reforms to the criminal courts to address rising demand, ensure cases are dealt with proportionately and secure the sustainability of the justice system. These recommended reforms include creating the Crown Court Bench Division (CCBD), retaining more cases in the lower courts, significantly increasing sitting days and increasing the use of judge-only trials, all of which will require significant time and investment to implement. My hope remains that the policy framework I have outlined in Part I of this Review will serve as a foundation for lasting change and a sustainable justice system.

18. Making the structural changes proposed in Part I is an important and necessary step, however, those reforms will take time to deliver and implement. In the meantime, there is much more that must be done, and making the structural changes alone will not in itself translate into the extent of change needed across the whole of the criminal justice system to restore confidence and deliver fair and timely justice for those affected. Alongside legislative measures, improvements to the efficiency of court operations could make a significant reduction to the open caseload and help to restore confidence in the timely administration of justice. In Part II of this Review, the Efficiency Review, I turn to the operational practices of how criminal proceedings are conducted day to day. The challenge of inefficiency is neither isolated nor incidental; it is systemic and permeates every stage of the criminal justice process, demanding thorough examination. Accordingly, and following the same approach as Part I, this Review follows the chronological progression of criminal proceedings, from investigation to charging decision and from charge through to resolution, examining each stage in detail. At every point, I assess the causes and consequences of inefficiency and propose targeted recommendations for improvement. Where appropriate, I also revisit the recommendations made in my 2015 report commenting on their implementation and continuing relevance.

Methodology

19. In conducting this Efficiency Review, I have drawn upon the substantial evidence base established during Part I. The wide-ranging engagement with criminal justice professionals, frontline practitioners, academics and members of the public provided valuable insight into the structural challenges facing the courts. I received 302 submissions to the Review relating to improving operational efficiency and these contributions have informed the scope and direction of Part II. I thank those who took the time to consider the issues and make submissions. It should be noted that this Review has not been conducted as a statutory or formal consultation exercise; accordingly, there will be no publication of consultation responses.

20. This body of evidence has provided an invaluable picture of the criminal justice system today and underpins the recommendations I make. It has, crucially, helped inform my strategic approach, which combines both top-down insight and bottom-up experience to understand more effectively and address inefficiencies in the criminal courts. From the top, I have examined cross-Whitehall delivery structures and national justice agencies to examine how policy, governance, and strategic oversight shape operational delivery. I have held targeted discussions, to test my thinking at the earliest possible stage, with a wide range of partners and leaders, including HMCTS, His Majesty's Prison and Probation Service (HMPPS), the Bar Council, the Criminal Bar Association, the Law Society and the National Police Chiefs' Council (NPCC). I have met with Ministers from the MoJ, as well as two former Lord Chancellors, and the Home Office as well as the Attorney General and engaged with officials from the Department of Health and Social Care and His Majesty's Treasury, and the CPS. I have shared and discussed emerging thinking at various boards and forums including the Criminal Justice Board, the Criminal Justice Action Group and the Criminal Courts Improvement Group (CCIG). I also had the opportunity to attend conferences such as the NPCC Innovation and Digital Summit and the Criminal Law Solicitors' Association annual conference at which I outlined my thinking and welcomed input from participants. I have also continued to engage with the judiciary, the CCIG and the Judicial Response group as well as the Council of Circuit Judges. These discussions have been invaluable in deepening my understanding of the nature and scale of the current crisis, and its impact across the system, and in shaping recommendations that are both practical and likely to be effective.

In total, I held 116 meetings personally, with the Review team conducting further meetings on my behalf. I would like to thank all those who took time to meet with the Review team.

21. From the ground, I sought the views of those working directly within the system, including court staff, legal practitioners and users, to understand how processes function in practice and where they falter. For Part II, I placed a deliberate emphasis on gathering insight from those working on the front line. This ensures the Review reflects the daily challenges faced by staff and that my recommendations are both practical and grounded in operational reality. The Review team and I undertook visits to 13 Crown Courts and seven magistrates' courts. These visits were designed to hear directly from those responsible for critical roles and processes, such as listing officers. They were complemented by meetings with court managers, the judiciary and legal advisers. Taken together, these engagements provided a rounded view of the day-to-day operation of the courts and offered an opportunity to observe what is working well in some areas, as well as where pressures are most acute. I would like to express my gratitude to HMCTS staff who assisted with organising the visits.

22. The Review team also undertook a series of operational visits to police forces, CPS sites and prisons across England and Wales. These visits provided valuable insight into challenges that, while distinct from those faced by the courts, have a direct and significant impact on their operation. They also enabled an assessment of regional variation in delivery, highlighting differences in capacity and approaches that influence the effectiveness of the system as a whole.

23. I was particularly grateful for the opportunity to visit two initiatives, the Lighthouse in Camden and Hope Street in Southampton. Both provide vital services for their local communities, whilst also supporting a more effective criminal justice system. I discuss the Lighthouse in Chapter 9 (Hearing Processes) and welcome the recent decision to expand the Lighthouse model for child victims across England and Wales and recommend that it allows for ABE recordings as well as section 28 hearings. I also discuss Hope Street in Chapter 11 (Broader Justice Issues). This engagement provided a deeper understanding of the full lifecycle of a criminal case and the interdependencies across the various agencies.

24. In addition to these visits, I convened a series of roundtable discussions. These were designed to test specific recommendations with targeted frontline groups, including representatives from the police, the CPS, criminal defence practitioners and technology leaders across the criminal justice system. These discussions proved instrumental in assessing the practicality of proposals and refining their scope and application to ensure they are both effective and deliverable. The strategic approach to gathering insight has been essential in identifying not only systemic barriers to efficiency but also the practical realities that must inform any meaningful reform.

25. Alongside this extensive engagement, a full list of which can be found at Annex C (Acknowledgements), I have examined emerging literature, academic texts and a range of other sources, including published and unpublished data on topics relevant to this Review. These have encompassed areas such as digital transformation, AI and international approaches to criminal justice. However, this is not an academic treatise but a blueprint for practical reform and, for that reason, I have not sought to include extensive footnoting. Comparative insights from other jurisdictions have been particularly valuable in situating this Review within a broader global and technological context. This work has included follow-up discussions with counterparts in Scotland and France as well as further outreach to jurisdictions across Eastern Europe.

26. One conclusion is clear: at every stage, this Review has reinforced the need for a comprehensive package of reform; and, where necessary, radical reform. It has also confirmed the extent to which this reality is recognised by those with the deepest understanding of how the criminal justice system now operates. I remain deeply grateful to all those who have contributed to this Review through their evidence, their insight, and their engagement. Their commitment to improving the criminal justice system has been invaluable in shaping these recommendations.

Modelling

27. The MoJ provided me with an experienced analytical team and has given me access to a wide range of data, for which I am grateful. This has enabled the Review to analyse and understand the causes of the inefficiency in the criminal courts and carry out some modelling to support my consideration of recommendations.

28. The Terms of Reference asked me to consider the impacts any changes could have on how demand flows through the criminal courts. Owing to the significant time pressures under which the Review has been conducted, it has not been possible to provide a quantitative assessment of impact across the criminal justice system for every recommendation outlined in this Review. Nor have I sought to model against the recommendations of Part I or other independent reviews. Instead, the Efficiency Review provides a narrative assessment of impacts throughout the chapters, based on quantitative evidence, where available, or my extensive engagement with experts, literature reviews and qualitative evidence. It seeks to map recommendations to key efficiency drivers which will be introduced in Chapter 2 (Context) (sitting-day capacity, hearing time per case and hearing time per sitting day). The goal of these is to provide a clear description of the intended impact of these recommendations on the key drivers of efficiency in the Crown and magistrates' courts.

29. The analysis detailed in Annex E (Technical Annex) looks at the impact of improving these drivers on the caseload of the Crown and magistrates' courts. This shows that productivity gains can have a noticeable impact on the open caseload. We must, however, be realistic. Any improvements in efficiency as a result of the recommendations set out in this Review will not materialise overnight. Modelling shows that, under current conditions, and assuming a more realistic and gradual trajectory of change, courts would need to achieve highly optimistic productivity levels to reverse the trend and see a sustained decline of the open caseload within five years. More importantly, simply reaching a level where the open caseload begins to decline after several years should not be seen as a success. Until this point, the open caseload will continue to reach historic highs, and whilst seeing a decline in this pattern would be an encouraging indication of progress, it does not mean that the court caseload has recovered to an acceptable level. Efficiency gains on their own cannot resolve the challenges facing the system.

The recommendations set out throughout this part of the Review must be implemented alongside the policy changes outlined in Part I to see a quicker and more sustainable system recovery.

30. The MoJ will, of course, want, and need, to carry out more detailed modelling on the operational and financial impact of the recommendations and their interaction with the recommendations of other independent reviews, not least to inform impact assessments of any recommendations taken forward. It will also, of course, need to consider the potential impacts on the prisons of any of these recommendations.

31. Effective diagnosis of inefficiency also depends on the availability of robust and consistent data to understand trends and underlying issues, and I have used quantitative data wherever possible to support or challenge my recommendations. In some areas of this Review (such as on the number of unrepresented defendants), high-quality data has not been available, either because there has been insufficient time to secure the data or due to limitations in current data quality. In other areas, ongoing pilots or inconclusive evidence have made it difficult to draw firm conclusions. Where this is the case, I recommend a sustained focus by the MOJ on gathering further evidence to inform future policy development. I have also put forward a set of recommendations in Chapter 3 (One Criminal Justice System) to improve data systems and governance that I hope will support in gathering better data and evidence on some issues.

Disproportionality

32. It is crucial to understand that the effectiveness of the court system is not only measured by speed or cost-efficiency, but also by its ability to deliver justice fairly to all participants. As in Part I, I have carefully considered the potential impacts of my recommendations on the overall fairness and efficiency of criminal court proceedings. Disproportionality – where certain groups may be adversely affected by policies, procedures or outcomes – remains a significant issue and must be addressed with the same rigour as other principles.[17] In this

17 This discussion is not intended to be exhaustive and does not address every dimension of disproportionality. E.g. matters relating to race – examined in depth in the Lammy Review (2017), led by the Rt Hon. David Lammy MP – require consideration on a broader canvas than this Review permits.

context, particular attention must be paid to the experiences of court service users, including defendants, witnesses and the victims and their families.

33. Throughout the development of my recommendations, I have actively considered how changes might impact disproportionality within the system. It is important to note, however, that I have not conducted a comprehensive Equality Impact Assessment for every recommendation outlined in this Review. Nonetheless, I strongly urge the MoJ to undertake such assessments as part of the implementation process. This will help to identify and address any unintended consequences, ensuring that reforms enhance both the efficiency and the fairness of the criminal court system. By ensuring that equality and disproportionality guide reform efforts, the system can serve its users more effectively and uphold the principles of justice on which it is founded.

The Essential Action Required

34. This Review will make clear that while efficiency improvements are essential for the system to function as effectively as possible, the recommendations set out – if implemented in isolation – will not resolve the crisis. Just as Part I demonstrated that additional resourcing alone could not fix the crisis within any realistic timeframe, this Review confirms that the same is true for efficiency measures. By the same token, structural reform by itself will not be sufficient to ensure a system that operates as effectively as it must. What is required is a combination of all three: more resourcing, structural court reform and a wide range of efficiency measures. Taking policy reform and operational change together represents the most powerful antidote to the crisis, and only by accepting both will leaders have a chance of delivering a criminal justice system that is sustainable, effective and deserving of the confidence of the public it exists to protect.

35. This Review sets out practical recommendations designed to be implemented in the short term. As in Part I, the proposals are structured to reflect how inefficiencies run consecutively through each stage of the criminal justice process and across the many institutions that it comprises. While improving the functionality of the criminal courts remains my central focus, the resolution of cases depends on the coordinated efforts of all criminal justice partners. Accordingly, my

recommendations extend beyond the courts to the wider system – recognising that efficiency must be a shared responsibility if justice is to be delivered reliably and fairly.

36. When combined with the proposals from Part I, these recommendations will address operational, behavioural and cultural barriers that undermine the system's effectiveness. The government must be prepared to progress both sets of recommendations in tandem – addressing inefficiencies as soon as possible, while laying the foundations for long-term reform. As such, my recommendations numerically follow on from Part I to make it clear that they should be considered as part of an overall package.

Summary of Recommendations

Chapter 3: One Criminal Justice System

37. The criminal justice system is fragmented, and so too is its governance. No single body is empowered to direct or mandate collaboration across the system towards a common vision. Agencies operate with separate budgets, distinct lines of accountability and differing priorities. This has led to siloed decision-making, duplication of effort and a failure to anticipate and respond to emerging risks; most notably, the growing open caseload in the criminal courts.

38. Existing governance structures have consistently failed to drive satisfactory operational performance or ensure accountability. The National Criminal Justice Board (NCJB), while bringing together senior leaders, has no unified vision and lacks the mechanisms to hold agencies to account. At the operational level, the Criminal Justice Action Group (CJAG), is similarly constrained. At the local level, the effectiveness of Local Criminal Justice Boards (LCJBs) varies widely, often shaped by the priorities of their chairs rather than a shared system-wide mission.

39. Rapid advances in AI and other innovative technologies are reshaping the criminal justice system, presenting both long-term risks and opportunities. Efficiency reforms must be responsive to future change, including the growing complexity of digital evidence, rising public expectations, and increasing cyber threats. Legacy IT systems and manual processes risk undermining progress unless systems are built to be adaptable, interoperable and future proof.

40. The recommendations in this chapter aim to: encourage the development of a clear national vision for criminal justice; introduce clear leadership and accountability directed by the Prime Minister; promote stronger governance structures; and secure a more consistent approach to performance management. This will involve, among other steps, a government vision determined by the key Secretaries of State; the introduction of the Prime Minister's Criminal Justice Adviser as Second Permanent Secretary in the MoJ; identifying a mechanism to examine HMCTS's operations; enhancing data quality and interoperability across agencies; and building a collective commitment to the responsible use of digital technology and AI to support efficiency, transparency and delivery.

In this case:

Recommendation 46: I recommend that the government, and successive governments, set a single vision for the whole criminal justice system. The government should define key outcomes for the delivery of the vision to measure progress and those responsible could then be held accountable for delivery of those outcomes. This vision should remain mindful of the operational independence of the police, the Crown Prosecution Service, the courts and the judiciary.

Recommendation 47: I recommend that the Secretaries of State and Ministers in attendance at the National Criminal Justice Board should meet at a Cabinet sub-committee to coordinate criminal justice policy that meets the needs of the end-to-end system. They should have regard to the priorities set by the centre of government and policy advice received from the National Criminal Justice Board. This approach should not override the operational independence of the police, the Crown Prosecution Service, the courts and the judiciary.

Recommendation 48: I recommend that the Prime Minister appoints a new Second Permanent Secretary to the Ministry of Justice, to hold the role of the Prime Minister's 'Criminal Justice Adviser'. They should be accountable to the Cabinet Secretary and to Parliament, and the Adviser's powers and responsibilities should be defined in legislation. They should be responsible for the evaluation strategy for recommendations made in both parts of this Review. The National Criminal Justice Board Secretariat should report to the Adviser.

Recommendation 49: I recommend that the National Criminal Justice Board should be put on a statutory footing. The chairing of the board should be split between the Secretary of State for Justice and the Secretary of State for the Home Department, and it should meet at least four times a year.

Recommendation 50: I recommend that the Secretary of State for Health becomes a permanent member of the National Criminal Justice Board. I recommend that the Secretary of State for Education should attend the Board on an ad hoc basis and I endorse the proposal that the Chief Inspector of the Criminal Justice Joint Inspectorate should also attend the National Criminal Justice Board on an ad hoc basis.

Recommendation 51: I recommend that the National Criminal Justice Board agrees and publishes a shared set of performance measures to assess progress. These measures should be followed by other governance boards and supported by agreed reporting structures between the National Criminal Justice Board, the Criminal Justice Action Group and Local Criminal Justice Boards.

Recommendation 52: I recommend that a Senior Civil Servant from the Department of Health and Social Care should be invited to attend the Criminal Justice Action Group.

Recommendation 53: I recommend that Criminal Justice Action Group sub-groups are restructured into an overarching governance board called the Performance Oversight Board. This should be attended by Senior Civil Servants from the Ministry of Justice, Home Office, Attorney General's Office and the Department of Health and Social Care, and should include a senior analyst.

Recommendation 54: I recommend that all criminal justice agencies, partners and departments should improve data quality for policy-making purposes, drawing upon the work done by His Majesty's Courts and Tribunals Service and the Ministry of Justice to improve their data quality. All agencies should do further work to align data definitions across the criminal justice system and consider building better cross-system data assets, such as unique identifiers.

Recommendation 55: I recommend that the government rationalise the number and revise the boundaries of Local Criminal Justice Boards alongside work to align the boundaries in which all criminal justice agencies operate.

Recommendation 56: I recommend that Local Criminal Justice Boards are put on a statutory footing and that the Chairs of Local Criminal Justice Boards are mandated to follow the direction and vision set by the National Criminal Justice Board. The members of Local Criminal Justice Boards should decide who their chair will be.

Recommendation 57: I recommend that Local Criminal Justice Boards should have a Resident Judge and a representative from the magistracy in attendance, and that the Boards should be held outside court hours. The Resident Judge should receive training on Local Criminal Justice Board operations through the Judicial College as part of the induction training for Resident Judges (that I recommend at Chapter 10 (The Judiciary and Legal Workforce)).

Recommendation 58: I recommend that there is a mechanism to examine His Majesty's Courts and Tribunals Service's operation of the courts, without impeding on independent judicial decision-making. This could be through either a thematic joint inspection via the Criminal Justice Joint Inspection, through reporting and audit by the National Audit Office or by reinstating His Majesty's Inspectorate of Court Administration.

Recommendation 59: I recommend the government introduce a criminal justice system technology leadership role to act as the key coordinator for technology and artificial intelligence across the criminal justice system. The technology leader should report into the Prime Minister's Criminal Justice Adviser.

Recommendation 60: I recommend that, through the new criminal justice system technology leadership role, the government expand capabilities to monitor the development of technology to ensure tools remain fit for purpose and to have an adaptable criminal justice system that takes advantage of emerging technology that enhances productivity and informed decision-making, whilst ensuring interoperability and compliance with data privacy requirements.

Recommendation 61: I recommend the continued development and further use of system integrations (such as Application Programming Interfaces) to support digital interoperability across the criminal justice system.

Recommendation 62: I recommend that once adopted, artificial intelligence tools are integrated into existing platforms and singular interfaces to ensure a user-friendly experience for criminal justice system staff.

Chapter 4: The Police and the Prosecution: Getting It Right First Time

41. The early stages of the criminal justice process are critical for shaping the trajectory of cases: specifically, police investigations, evidence-gathering and charging decisions made by the police and the CPS. The quality and speed of this work directly shapes whether cases progress smoothly or face significant delay. At this stage, getting it right first time is critical to ensuring justice is delivered efficiently and fairly.

42. Persistent delays, inefficiencies and failings at this stage undermine the entire justice process. Issues such as poor-quality case files being prepared for charging decisions, inconsistent training and processes, overly complex guidance and fragmented systems mean cases are too often poorly prepared or misdirected. Communication gaps between the police and the CPS, along with burdensome administrative requirements, lead to unnecessary back-and-forth, and repeated delays that frustrate victims, witnesses and defendants, while subsequently eroding public confidence in the ability of the courts to deliver timely and effective justice.

43. Getting it right first time will mean fewer delays, reduced waste and improved outcomes for victims, witnesses, and defendants. The recommendations focus on improving collaboration between the police and prosecutors, simplifying guidance, and investing in digital tools and workforce skills. The recommendations also call for a more proportionate approach to file building and redaction, improved interoperability of digital systems and targeted investment in workforce skills. The overarching aim is to reduce delays, minimise wasted effort and ensure that only well-prepared, charge-ready cases progress to court, thereby supporting both the effectiveness and efficiency of the criminal justice system.

In this case:

Recommendation 63: I recommend that the Legal Aid Agency changes the 'Police Station Telephone Advice Contract' to allow defence lawyers to have the option of providing initial advice using a remote video link, where this is appropriate (for example, not in cases of those under 18 or otherwise vulnerable persons, nor in relation to offences which are indictable only).

Recommendation 64: I recommend that all police forces should implement an automatic mechanism that can be used to communicate charging outcomes to defence lawyers. To facilitate this process, the Defence Solicitor Call Centre text messages should include a custody reference number.

Recommendation 65: I recommend wider use of an approved artificial intelligence tool for the police to process evidence, prepare files and assist in police disclosure, with human oversight and accountability. This should include administrative functions such as summarising files to enable faster and more effective handover between officers.

Recommendation 66: I endorse the existing use of liaison and diversion services and recommend that more investment is needed in those services into which liaison and diversion will refer individuals for further treatment and support. I also recommend that Liaison and Diversion teams should have access to NHS and court systems to enable better sharing of information related to mental health.

Recommendation 67: I recommend that case file building refresher training should be developed jointly by the College of Policing and the Crown Prosecution Service and undertaken by relevant officers at appropriate intervals. I also recommend the development and implementation of a central repository for case file building guidance and best practice, overseen by a single, accountable organisation such as the National Police Chiefs' Council or the College of Policing.

Recommendation 68: I recommend that case file build support tools for the police should be piloted with a view to roll out nationally to support case file building.

Recommendation 69: Where it is proportionate and appropriate to the case, I recommend there should be a requirement for police officers and prosecutors to collaborate before or immediately after the police submit a case file for review, and that this be enabled by secure digital collaboration tools. Action plans should only be used as a last resort.

Recommendation 70: I recommend that the Crown Prosecution Service and all police forces implement and stay up-to-date with the Microsoft 365 Guidance for UK Government. This will ensure effective and safe collaboration between agencies. The Crown Prosecution Service and the police should provide sufficient and accessible education and training to improve staff understanding of the functionalities, and the correct use, of Microsoft services. This guidance should be made readily available such as through the intranet, to ensure staff can confidently use the tools to their full potential.

Recommendation 71: I recommend that the Crown Prosecution Service should develop clear policy for the use of Microsoft Teams that demonstrably shows the difference between what is deemed to be 'collaboration' vs 'corporate record'.

Recommendation 72: I recommend that case and file quality functions should be adopted in every police force, supported by automated case quality checking, and in line with nationally established principles.

Recommendation 73: I recommend that an automation solution should be used to support case file checking, with a longer-term view to utilise artificial intelligence to support quality checking.

Recommendation 74: I recommend that the police and the Crown Prosecution Service agree a new working protocol and that, before the Crown Prosecution Service submits an action plan request, the police and the Crown Prosecution Service should ensure the case has been reviewed by a senior officer or prosecutor. This step allows any issues to be identified and resolved internally, reducing unnecessary escalation. The action plan should be used only as a last resort by the Crown Prosecution Service, ensuring a more constructive and proportionate approach.

Recommendation 75: I recommend that the service-level agreement for the Crown Prosecution Service charging decision be reduced from 28 days for Green Charge cases (pre-charge police bail) after each action plan to a maximum of ten days.

Recommendation 76: I recommend that the requirement for the police to redact pre-charge should be removed. The police remain responsible for the material before it is disclosed, but redaction should follow an indication from the Crown Prosecution Service that a charge will be made. There should be some exceptions to this where the material is sensitive, such as material that might identify medical information of the person.

Recommendation 77: I recommend that automation solutions should be adopted by the Home Office, Police Digital Service and individual police forces to support both text and multi-media redaction.

Recommendation 78: I recommend a mandated strategy for police digital and technology development and procurement, which should be implemented in conjunction with the Crown Prosecution Service. This recommendation must be considered alongside recommendation 59 for a technology leadership role in the criminal justice system in Chapter 3 (One Criminal Justice System) and integrated with the work of the National Criminal Justice Board.

Recommendation 79: I recommend investment in digital and technological expertise within the Crown Prosecution Service to reduce reliance on external suppliers and drive internal innovation. This includes training of existing staff and considering the creation of new posts to support these aims.

Recommendation 80: I recommend the investigation of artificial intelligence-enabled tools to enhance Crown Prosecution Service decision-making. Such tools may support evidence-based charging decisions, accessing operational knowledge and standard operating procedures, or identifying next or missing steps based on current case status.

Chapter 5: Disclosure

44. Disclosure remains one of the most complex and burdensome aspects of the criminal justice process, but one that is critical to fairness. The current regime places significant pressure on police, prosecutors and the defence, especially when handling unused and rebuttable presumption material. The sheer volume of digital evidence, combined with fragmented guidance and inconsistent practices, contributes to delays, ineffective trials and risks to fairness.

45. Building on previous reviews, including the most recent Jonathan Fisher KC 'Independent Review of Disclosure and Fraud Offences' (2025), the recommendations seek to streamline disclosure by consolidating guidance, improving training and refocusing on the statutory Criminal Procedure and Investigations Act (CPIA) 1996 framework. AI tools are recommended to assist legal advisers in summarising Initial Details of the Prosecution Case (IDPC), helping reduce administrative burden and improve early-stage decision-making.

46. Defence Case Statements are frequently late or inadequate, undermining trial preparation and judicial case management. Stronger judicial oversight is proposed to ensure timely submission before the PTPH. In rape and sexual offence (RASSO) cases,

inconsistent disclosure practices and intrusive digital evidence requests contribute to delays and victim attrition, requiring cultural change and better training.

47. Overall, improving disclosure is essential to reducing delays, avoiding collapsed trials and restoring public confidence following a series of high-profile miscarriages of justice. Reform must be collaborative, practical and supported by leadership and technology. Embedding disclosure as a shared responsibility across all criminal justice agencies will help ensure justice is delivered fairly, efficiently and consistently, whilst remaining mindful that failures can result in the gravest miscarriages of justice as decades of examples have taught us.

In this case:

Recommendation 81: Subject to the outcome of the current reviews and pilots, I recommend that the model of 'rebuttable presumption' material being disclosed within the Attorney General's Guidelines on Disclosure be abolished. At the same time, a clearer, more consistent use of the existing framework set out in the Criminal Procedure and Investigations Act 1996 should be promoted.

Recommendation 82: I recommend that the Law Society and the Bar Council produce guidance on process and next steps where there have been failings in redaction of material disclosed to the defence. This should include the ethical considerations that must be taken when dealing with redacted or unredacted material.

Recommendation 83: I recommend that the College of Policing and Crown Prosecution Service should co-develop training to deliver practical, scenario-based disclosure training that reflects operational realities. The Performance Oversight Board (as recommended in Chapter 3 (One Criminal Justice System)) should oversee, enforce and evaluate the effectiveness of this training.

Recommendation 84: I recommend that the police, Crown Prosecution Service and other prosecution agencies deploy artificial intelligence summarisation tools to generate clear, context-rich summaries of material listed in disclosure schedules following successful pilots and a positive evaluation.

Recommendation 85: I recommend that the Criminal Procedure Rule Committee update the Criminal Procedure Rules to align with the Transforming Summary Justice Renewal Programme, which states that the Initial Details of the Prosecution Case must be served onto Common Platform a minimum of five days before the first hearing.

Recommendation 86: I recommend the greater use of artificial intelligence tools to summarise the Initial Details of the Prosecution Case based on a set of standardised questions to facilitate His Majesty's Courts and Tribunals Service staff and other relevant partners in their preliminary reviewing roles. This should be subject to a successful pilot and evaluation before complete rollout.

Recommendation 87: I recommend that the defence should be permitted to propose search terms for unused material, subject to any judicial decision. The prosecution should then disclose the results of those searches to the defence.

Recommendation 88: I recommend that the Lady Chief Justice consider the implementation of a Criminal Practice Direction that empowers judges to prevent new issues from being raised at trial that were not raised or disclosed at the Plea and Trial Preparation Hearing, without good cause.

Recommendation 89: I recommend that the College of Policing, Crown Prosecution Service and other prosecution agencies should conduct further work in promoting consistency in how existing guidance in rape and sexual offence cases is applied and interpreted across the criminal justice system through enhanced training.

Recommendation 90: I recommend that should the government implement Jonathan Fisher KC's recommendation on an intensive disclosure regime, that the Lady Chief Justice should implement a Criminal Practice Direction setting out that the definition of cases within scope should be in line with that of section 29 of the Criminal Procedure and Investigations Act 1996.

Chapter 6: Listing and Allocation of Workload

48. The process of scheduling a hearing, known as 'listing', is and will always be the responsibility and function of the independent judiciary; however, its delivery relies heavily on HMCTS staff, who support the scheduling and management of cases in both magistrates' courts and the Crown Court. In magistrates' courts, the adoption of a central scheduling tool has led to a relatively standardised approach, overseen by legal teams. In contrast, the Crown Court continues to operate under a system whereby listing officers, acting under the direction of Resident Judges, implement locally determined policies, including varied terminology. This leads to significant variation in how cases are prioritised and scheduled across England and Wales.

49. The absence of a consistent national listing policy, coupled with disparate local terminology, creates confusion and inefficiency, making it difficult to coordinate resources or move cases between courts, and impossible to build a scheduling tool as has been introduced in the magistrates' court. Listing officers must navigate a fragmented landscape of IT systems, none of which provide real-time, consolidated data for decision-making. The adverse effects of a lack of a unified, national scheduling tool further limits the ability to optimise court capacity and respond flexibly to changing demands.

50. Pressures elsewhere in the criminal justice system have intensified these challenges. Rising caseloads, delays in guilty pleas, shortages of available advocates and uncertainty over sitting-day allocations all increase the complexity and unpredictability of listing. Over-listing has become more common as a way to maximise courtroom and judicial resources, but this has led to higher rates of ineffective trials, with negative consequences for defendants, victims and witnesses, and inefficient use of resources.

51. Changes to listing practices must deliver a more consistent, efficient and fair listing process across all criminal courts. This will require establishing national standards and terminology in the Crown Court, investing in modern technology and providing access to real-time data, enabling greater geographical flexibility in how cases and resources are managed, and adequately rewarding and supporting the listing workforce. The overarching goal is to reduce delays, make better use of available capacity and ensure a fairer, more predictable experience for all court users.

In this case:

Recommendation 91: I recommend that the Ministry of Justice, His Majesty's Courts and Tribunals Service (including its executive board) and the Judicial Executive Board look to agree multi-year sitting-day allocations in the criminal courts where possible. I also recommend that they continue to finalise sitting-day allocations, be that single or multi-year, as early as possible in the financial year and continue to hold in-year panels to assess system performance.

Recommendation 92: I recommend that the Senior Judiciary develop and introduce a National Listing Framework for the Crown Court. This should include, as a minimum, consistent terminology, consistent principles on which listing should be based, a prioritisation scheme to include a definitive list of relevant factors to be taken into account and an objective weighting to be attached to each factor based on the principles. It must also be designed in such a way as to be readily capable of being turned into a digital listing tool.

Recommendation 93: I recommend that His Majesty's Courts and Tribunals Service prioritises the development of an in-system feature within Common Platform that enables listing officers and the judiciary to access and analyse relevant operational data directly. This could take the form of a report, dashboard or other part of the user interface that surfaces key metrics and insights in real time. The functionality should be designed to support effective listing practice, reduce reliance on manual data collection and align with the National Listing Framework, including agreed key performance indicators for internal monitoring.

Recommendation 94: I recommend that His Majesty's Courts and Tribunals Service introduces a scheduling tool for Crown Courts within Common Platform. This tool should provide functionality to manage all basic listing functions, replacing locally developed alternatives, and bring together all necessary data to inform listing decisions. Development of this tool will only be possible with the introduction of a National Listing Framework, and the tool should be designed in line with the principles agreed by the judiciary within it.

Recommendation 95: I recommend His Majesty's Courts and Tribunals Service continues to develop its data-driven listing approach for the criminal jurisdiction. This should be used to deploy artificial intelligence capability as part of both the magistrates' court and Crown Court scheduling tools. This should include a clear framework distinguishing objective listing factors from subjective professional assessments, and a method for capturing both so that artificial intelligence tools can be trained, where appropriate, on the full range of considerations currently used by the judiciary and listing officers.

Recommendation 96: I recommend that His Majesty's Courts and Tribunals Service reviews the employment grading of listing officers to ensure that it provides the appropriate level of seniority required for the role and a consistent approach is applied across all Crown Courts. Consideration should be given to what additional responsibilities listing officers should be expected to undertake to ensure the right level of prioritisation is given to their listing duties. I also recommend that His Majesty's Courts and Tribunals Service updates its learning and development package to provide a clear pathway into the listing officer role, embed the principles of the National Listing Framework and give listing officers the skills and knowledge to be as effective as possible.

Recommendation 97: I recommend that His Majesty's Courts and Tribunals Service and the judiciary work to normalise the practice of moving cases between Crown Courts, including across circuit boundaries, to maximise the use of sitting days and available capacity. This should include updating Criminal Practice Directions to a) reflect the wider circumstances in which a case should be moved from one Crown Court to another and b) replace the requirement for Presiding Judge and Delivery Director agreement with a requirement for Resident Judge agreement from both sending and receiving courts. Similar consideration should be given to the practicability of moving cases between magistrates' courts and the local process required to do so.

Chapter 7: Preparing for First Hearing and Ongoing Case Management

52. It is clear that the absence of robust preparation for the first hearing and inconsistent case management undermines the efficiency and effectiveness of criminal proceedings. Despite the introduction of structured frameworks, such as the Transforming Summary Justice (TSJ) programme and the Better Case Management (BCM) Handbook, persistent failures in early engagement, incomplete case management forms and lack of timely information from key agencies frequently result in delays, adjournments and ineffective hearings and contribute to rising rates of ineffective and vacated trials. The complexity of the Criminal Procedure Rules and challenges with understanding

them exacerbate these issues and the absence of dedicated case progression officers and variable compliance with procedural expectations further weaken oversight and accountability.

53. The growing complexity of criminal law and procedure, including the use of digital evidence and special measures, has made case preparation more demanding and time-consuming. The system's inability to ensure early, coordinated and accountable preparation at the first hearing stage is a significant driver of inefficiency and delay.

54. The recommendations in this chapter are designed to address these challenges by strengthening early case management, reinstating and resourcing case progression roles and embedding the use of digital tools to support timely and effective preparation. Such tools should have accountability mechanisms built in to ensure adherence to directions and that all involved in court proceedings are playing their part. If implemented, these reforms should reduce delays, improve trial readiness, and ensure that hearings are effective the first time they are listed.

In this case:

Recommendation 98: I recommend that the Criminal Procedure Rule Committee redesign the Criminal Procedure Rules, ensuring a focus on simplicity and accessibility, to strengthen adherence and understanding for legal professionals, court staff and the general public. The new Rules should be designed in partnership with digital experts to facilitate their digitisation so that an interactive tool can be developed to support legal professionals in decision-making.

Recommendation 99: I recommend that His Majesty's Courts and Tribunals Service introduces Case Progression Officers, or the equivalent, with authorised officer powers to assist with management and progression of cases in the magistrates' court and have oversight of listing.

Recommendation 100: I recommend that His Majesty's Courts and Tribunals Service and the Judicial College, as appropriate, place increased emphasis on case management principles in their training materials for magistrates, legal advisers and Case Progression Officers (if implemented), and professional bodies must do the same for their members.

Recommendation 101: I recommend that His Majesty's Courts and Tribunals Service deploys legal advisers to sit alone in Not Guilty Anticipated Plea Courts. Work should recommence urgently with the Ministry of Justice to review the powers required by a legal adviser to enable this and the Criminal Procedure Rules should be amended to provide legal advisers with all necessary powers, save only that contested allocation and bail decisions should continue to be handled by a Bench.

Recommendation 102: I recommend that the Judicial College updates its magistrates' training programme to include effective completion of the Better Case Management form so that magistrates understand the consequences of non-compliance and improve the quality of completed forms.

Recommendation 103: I recommend that His Majesty's Courts and Tribunals Service adapts current training for legal advisers to include Better Case Management form completion as part of the legal adviser training to address non-compliance with completing the form and improve the standard of completion so that sufficient detail is included.

Recommendation 104: I recommend that His Majesty's Courts and Tribunals Service update the Better Case Management form to include, at a minimum, a) a standard direction for an advocates' meeting pre-Plea and Trial Preparation Hearing to ensure completion of the Plea and Trial Preparation Hearing form in readiness for the hearing; b) any request for an indication of sentence at the pre-Plea and Trial Preparation Hearing; c) dates and times for compliance with directions (including when key materials are to be served); and, d) a tick box to signify an uncompleted form as a result of advocates that have been unable, or unwilling, to provide the information required of them.

Recommendation 105: I recommend that the Legal Aid Agency amend fee structures so that attendance by the advocate at the pre-Plea and Trial Preparation Hearing advocates meeting qualifies for an early-engagement payment, irrespective of when paid.

Recommendation 106: I recommend that His Majesty's Courts and Tribunals Service changes the technical function on Common Platform so that a case cannot be fully resulted at the magistrates' court and shared with the Crown Court until the Better Case Management form has been completed.

Recommendation 107: I recommend that the Criminal Procedure Rule Committee and Ministry of Justice revise and simplify the Plea and Trial Preparation Hearing form so that it is accessible and user-friendly.

Recommendation 108: I recommend that the Judicial College reviews its current training offer on Better Case Management to ensure that all those judges sitting in crime are up to date on current practices, and professional bodies must do the same for their members.

Recommendation 109: I recommend that His Majesty's Courts and Tribunals Service introduces dedicated Case Progression Officers (or equivalent) at Crown Court level, mirroring the approach suggested for the magistrates' court (see recommendation 99), of an appropriate grade and with the same powers across England and Wales.

Recommendation 110: I recommend that His Majesty's Courts and Tribunals Service establishes a Case Progression Officer inbox (powered by an automation tool) for each court to enable them to deal with administrative matters outside the courtroom, via correspondence or meetings.

Recommendation 111: I recommend that the Senior Judiciary update the Criminal Practice Directions to provide guidance on email or other communication to judges via the Case Progression Officer and that the professional bodies provide consistent and clear guidance on the etiquette of writing emails to judges, outlining the appropriate approach to communication outside the courtroom, and safeguarding judicial respect and maintaining professionalism.

Recommendation 112: I recommend that His Majesty's Courts and Tribunals Service expands Case Progression Officer-authorised officer powers to support them in case progression.

Recommendation 113: I recommend that His Majesty's Courts and Tribunals Service develops and implements a digital interactive case progression tool for the magistrates' and Crown Courts, to support more effective and consistent case progression and ensure accountability for adherence to directions. Court staff should receive training to support the effective use of such a tool, and the Judicial College should ensure that the judiciary are also suitably trained on this.

Recommendation 114: I recommend that the Senior Judiciary update Criminal Practice Directions to prevent the routine listing of hearings solely to ensure engagement or adherence to directions.

Recommendation 115: I recommend that the Senior Judiciary update Criminal Practice Directions so that a newly appointed advocate on a case should be required promptly to review the case upon appointment and submit a formal notification to the court of any outstanding issues impacting trial readiness at the earliest opportunity.

Recommendation 116: I recommend that the Senior Judiciary roll-out the Final Review Hearings process nationally, as piloted by Liverpool Crown Court, subject to robust evaluation.

Chapter 8: Remote Participation

55. The use of digital communications and specifically video calling platforms across society in general, has evolved significantly since my 2015 Efficiency Review, with progress accelerated during the COVID-19 pandemic. Remote participation has also increased since 2015 across the criminal justice system, supported by major investments in video hardware (e.g. Digital Audio Video Evolution (DAVE) project and Video Conferencing Centres in prisons) and software (Cloud Video Platform (CVP)). These developments have enabled remote participation for defendants on remand, as well as for legal professionals, and some witnesses.

56. Despite progress, challenges remain. Technical reliability and functionality gaps hinder seamless use. Regional variation in adoption and inconsistent judicial approaches create varied experiences. Evidence of the impacts of remote hearings on both efficiency and quality of justice is mixed and requires careful consideration. For this reason, I have made distinctions between trials and other hearings, professional and non-professional court participants and defendants on bail and remand. I have also considered opportunities for both partially and fully remote hearings. However, with the right safeguards in place, I believe there are further opportunities to expand the use of remote participation in some hearings for some participants.

57. The recommendations in this chapter are designed to reduce delays, optimise resources, and maintain fairness and transparency across the criminal justice system. They aim to ease pressure on PECS reducing transport delays for defendants on remand. They also aim to free up capacity in the legal sector and for the police by reducing travel time for in-person appearances, to free up courtrooms where hearings are fully remote producing savings which can then be redirected to hearings which are important to continue to deliver in person while safeguarding open justice and effective participation.

In this case:

Recommendation 117: I recommend that His Majesty's Courts and Tribunals Service and the judiciary should adopt a 'test, learn and cost' approach to enable first hearings in the magistrates' court to be conducted partially remotely by default for defendants appearing in custody. Evaluation of this should consider impacts on both the process and the quality of justice.

Recommendation 118: I recommend that His Majesty's Courts and Tribunals Service and the judiciary should conduct a proof of concept for fully remote Single Justice Procedure referral hearings, with appropriate provisions made to maintain public access and uphold the principle of open justice. Evaluation of the proof of concept should consider impacts on both system efficiency and quality of justice.

Recommendation 119: I recommend that all preliminary hearings other than the Plea and Trial Preparation Hearing (including mentions, Further Case Management Hearings and Pre-Trial Reviews) should be conducted in a partially remote format by default, with the ability for the judge to move to fully remote hearings if lists are constructed in a way that is suitable to do so. His Majesty's Courts and Tribunals Service and the judiciary should facilitate this and in doing so consider the open justice processes for supporting remote observation of these hearings, including consideration of a secure portal. The impact of this change should be monitored and evaluated.

Recommendation 120: I recommend that His Majesty's Courts and Tribunals Service and the judiciary should maintain the presumption that trials are conducted in person. However, they should enable police and professional witnesses to attend via video link by default. The trial judge should retain the power in every case to order in-person attendance, including where requested to do so by the defence.

Recommendation 121: I recommend that His Majesty's Courts and Tribunals Service and the judiciary should only require remanded defendants to appear in person for sentencing hearings if a victim impact statement will be delivered in court. The Crown Prosecution Service should confirm whether this will take place ahead of time. Otherwise, it should be the presumption that defendants on remand will appear via prison video link, subject to a contrary order by the judge. In addition, I recommend that confiscation and other ancillary order hearings should be conducted partially remotely by default.

Recommendation 122: I recommend that His Majesty's Courts and Tribunals Service and the judiciary consider expanding Crown Court sitting-day hours for the Crown Court Bench Division and model the impact this could have.

Recommendation 123: I recommend that His Majesty's Courts and Tribunals Service collects and publishes data on the use of video across all court hearings and trials.

Recommendation 124: I recommend that His Majesty's Courts and Tribunals Service and the judiciary should reintroduce their pilot of 'Simultaneous Interpreting via Cloud Video Platform for Defendants on Remand'.

Recommendation 125: I recommend that His Majesty's Courts and Tribunals Service, His Majesty's Prison and Probation Service and the police should continue to invest in appropriate hardware and software to support all of the recommendations in this Review. This should include continued investment and roll-out of 'Digital Audio Video Evolution', Video Conferencing Centres, the 'Book a Video Link Service' and the facilities for the police to give evidence remotely and enable defendants to appear remotely at the first hearing.

Chapter 9: Hearing Processes

58. Criminal trials rely on the timely and effective delivery of a range of services and inputs from across the criminal justice system. These include the punctual arrival of defendants from custody (via PECS), the attendance of expert witnesses, the availability of translators and interpreters, and the preparation of Pre-Sentence Reports (PSRs). The courts are also increasingly making use of technology, such as digital jury bundles, and transcription services, to support the conduct of trials. Special measures, including the use of pre-recorded evidence, offer further opportunities to ensure fair and efficient proceedings.

59. However, the effectiveness and efficiency of criminal trials are frequently undermined by the late or absent provision of these key services. Persistent problems include the delayed delivery of defendants from prison to court, the lack of adequately trained expert witnesses, shortages of translators and significant backlogs in the production of PSRs. These issues contribute directly to the growing number of ineffective and vacated trials, resulting in wasted court time and delayed justice for all parties. The complexity of coordinating multiple agencies and providers, coupled with outdated or fragmented contracting and technology, further exacerbates these challenges and limits the courts' ability to maximise the use of sitting days.

60. Reforms must ensure that criminal trials run fairly and efficiently by guaranteeing the timely and reliable delivery of essential services, maximising the use of technology and streamlined processes, and enabling all participants to engage fully in proceedings. The overarching aim is to reduce delays, minimise wasted court time, and deliver justice that is both effective and equitable.

In this case:

Recommendation 126: I recommend that His Majesty's Prison and Probation Service and His Majesty's Courts and Tribunals Service collaborate to ensure real-time information on prisoner location and that prison Offender Management Unit contact details are readily available within one system and that Listing Officers circulate the court lists to the prison holding the defendant.

Recommendation 127: I recommend that His Majesty's Courts and Tribunals Service sends firm lists at least two weeks in advance and daily lists by an achievable but ambitious deadline for service the day before the hearing, the exact timing to be mutually agreed and adhered to nationally, with any subsequent changes made directly with the prison to allow time for prisoner moves to be arranged. An associated key performance indicator for His Majesty's Courts and Tribunals Service should also be developed to measure accuracy and timeliness.

Recommendation 128: I recommend that His Majesty's Prison and Probation Service should agree a key performance indicator to assess turnaround times in relation to Prisoner Escort and Custody Services contracted collection from His Majesty's Prison and Probation Service establishments.

Recommendation 129: I recommend that the Ministry of Justice works with the relevant authorities to make bus lanes across the country accessible to Prisoner Escort and Custody Services vehicles whilst they are actively transporting prisoners.

Recommendation 130: I recommend that the Ministry of Justice continues to develop the capability to capture data on court delays and in addition His Majesty's Prison and Probation Service, His Majesty's Courts and Tribunals Service and Prisoner Escort and Custody Services suppliers work collaboratively to develop more detailed cross-system performance measures, and to ensure sufficiently detailed performance measures are included in any new Prisoner Escort and Custody Services supplier contracts, to identify wider system failures and drive improvements. This would be an appropriate topic to be raised and prioritised at the Performance Oversight Board.

Recommendation 131: I recommend that, as part of the new interpreter contract, the Ministry of Justice should monitor the performance of the two contracted suppliers particularly in relation to the availability and accuracy of artificial intelligence translation.

Recommendation 132: I recommend that in bail cases the police should check whether the defendant will require an interpreter at court, and there should be an automated system to ensure all the necessary information required to make an interpreter booking is received by the Courts and Tribunals Service Centres.

Recommendation 133: I recommend that His Majesty's Courts and Tribunals Service investigates the use of artificial intelligence for translation purposes for use in courts and sets up a monitoring regime of artificial intelligence with metrics to determine and hold to account the level of accuracy and error. Subject to the approval of the judge, following testing, artificial intelligence translation should also be used in pre-trial and preliminary hearings where traditional interpreters are not available. This will ensure progress is made, even if minimal.

Recommendation 134: I recommend that His Majesty's Courts and Tribunals Service and police forces explore the use of artificial intelligence translation in frontline services of the police and the Courts and Tribunals Service Centres.

Recommendation 135: I recommend that artificial intelligence transcription be piloted and, subject to findings and appropriate arrangements for audit, be adopted in criminal courts by His Majesty's Courts and Tribunals Service, and that all new transcription contracts in the magistrates' courts include artificial intelligence transcription as the default.

Recommendation 136: I recommend that the Judicial College keeps under review training available for judges in the Crown Court and for District Judges (Magistrates' Courts) on the use of expert scientific evidence. A consultation should take place with the Forensic Science Regulator and the police to ensure this training is fit for purpose. I also encourage the Royal Society to continue publishing and updating primers for judges.

Recommendation 137: I recommend that the police and Crown Prosecution Service invest in digital forensics and recruit more digital forensic experts.

Recommendation 138: I recommend that the government take steps to record data on the prevalence of synthetic evidence in the criminal courts, including collecting data on the extent to which deepfakes have an impact on court proceedings, and identifying which types of offence may be more impacted by deepfakes or suspected deepfakes.

Recommendation 139: I recommend greater collaboration between the Forensic Science Regulator, Forensic Science Laboratory and appropriate agencies across the criminal justice system – Home Office, Crown Prosecution Service and His Majesty's Courts and Tribunals Service – to ensure an appropriate level of governance and thereafter, subsequent compliance with the Forensic Science Regulator's Code to understand its impact on court proceedings.

Recommendation 140: I recommend that the College of Policing reviews training for conducting Achieving Best Evidence interviews, including refresher training, and develops a quality assurance framework to assess the quality. I also recommend that the College of Policing considers the use of specialist officers to complete Achieving Best Evidence interviews.

Recommendation 141: I recommend as part of a national listing model that consistency should be introduced into the way in which section 28 hearings are scheduled and could include considering piloting partially remote section 28 cross-examinations.

Recommendation 142: I recommend that His Majesty's Prison and Probation Service reviews the level of detail required in Pre-Sentence Reports to make it more proportionate.

Recommendation 143: I recommend the adoption and national roll-out by His Majesty's Prison and Probation Service of the 'verification report' pilot, that can be produced faster than a traditional Pre-Sentence Report to support on-the-day court advice as soon as refinements from the pilot permit.

Recommendation 144: I recommend that the Ministry of Justice continues work on improving the digital process for Pre-Sentence Reports, including designing a new digital Pre-Sentence Report template and introducing a new case management system.

Recommendation 145: I recommend that the Ministry of Justice should be considering a sustainable and appropriate level of funding allocated to the Probation Service, reflecting the increased pressure on the Probation Service following Sentencing Bill changes.

Recommendation 146: I recommend that the Ministry of Justice coordinates the development of carefully curated artificial intelligence on GOV.UK for use by the general public to improve access to knowledge about the criminal justice system.

Chapter 10: The Judiciary and Legal Workforce

61. A high-quality and experienced judiciary and legal workforce are central to the effective operation of the criminal courts. These sectors face acute and growing challenges. There is a significant and ongoing decline in the number of criminal legal aid solicitors and duty solicitors, with an ageing workforce, insufficient new entrants and challenges with retention. Retention is also a persistent problem for legal advisers, which is primarily a result of pay disparities and limited career development. The open caseload within the courts has increased workloads and subsequently placed pressure on the pay structures that remunerate professionals, while well-being and safety concerns are exacerbated by poor physical work environments. Flexible working remains limited, impacting adversely on those with caring responsibilities, especially women.

62. The judiciary also faces recruitment and retention challenges, with lengthy and complex appointment processes, an ageing pool of sitting judges and concerns about the attractiveness of salaried roles. The deteriorating court estate further undermines morale and deters potential recruits. Without intervention, these issues threaten the sustainability of the criminal justice system and risk a collapse in service delivery.

63. Reforms must tackle both immediate and systemic workforce challenges by increasing recruitment, improving retention and creating conditions that enable the judiciary and legal workforce to meet current and future demand. This includes ensuring appropriate remuneration, introducing targeted recruitment initiatives, incentives to join these professions, establishing clearer career pathways and supporting those with caring responsibilities, alongside fostering flexibility and better working conditions. The overarching aim is to build a resilient, well-resourced and motivated workforce capable of delivering justice efficiently and fairly, now and in the future.

In this case:

Recommendation 147: I recommend that His Majesty's Courts and Tribunals Service implements pay parity with Crown Prosecution Service lawyers to support the retention of legal advisers.

Recommendation 148: I recommend that His Majesty's Courts and Tribunals Service establishes clearer career paths and development opportunities for legal advisers, including providing pupillages.

Recommendation 149: I recommend that His Majesty's Courts and Tribunals Service establishes pools of Court Associates around the country to enable more flexible and readily available support to the judiciary in the magistrates' court.

Recommendation 150: I recommend that the Ministry of Justice match-funds the Police Station Qualification and Magistrates' Court Qualification training for duty solicitors.

Recommendation 151: I recommend that the Ministry of Justice provides grants to registered criminal legal aid law firms to fund training contracts for junior criminal lawyers and that the Ministry of Justice works with professional bodies to design recruitment initiatives to attract junior lawyers to undertake criminal legal aid work.

Recommendation 152: I recommend that the Chartered Institute of Legal Executives enhances its training to allow lawyers to be formally recognised as duty solicitors upon qualification.

Recommendation 153: I recommend that the Ministry of Justice considers how best to re-engage the criminal legal aid workforce who have left because of caring responsibilities, working collaboratively with the criminal legal workforce to address this issue for both barristers and solicitors.

Recommendation 154: I recommend that the Ministry of Justice and Legal Aid Agency commit to reviewing legal aid fees and reporting on this on an annual basis from 2027.

Recommendation 155: I recommend that the Ministry of Justice increases the lower and upper income threshold limits for criminal legal aid in the magistrates' court to £13,000 and £34,250, respectively, in line with recommendations from the Means Test Review.

Recommendation 156: I recommend that the Ministry of Justice collects and publishes data on the number of unrepresented defendants and the impacts on court efficiency.

Recommendation 157: I recommend that the Ministry of Justice lowers the threshold for wasted preparation payments. This will see instructed advocates appropriately remunerated for their preparation work and the proportionate distribution of fees earlier in the process, encouraging early engagement and improving case preparation.

Recommendation 158: I recommend that the Legal Aid Agency promotes the pre-charge engagement fee to duty solicitors and actively encourages its usage to facilitate more out of court resolutions.

Recommendation 159: I recommend that the Legal Aid Agency implements a new payment system in the distribution of legal aid fees and moves to a staged payment system to incentivise earlier engagement, remunerate lawyers in a more timely fashion and incentivises good performance.

Recommendation 160: I recommend that the Legal Aid Agency and the Ministry of Justice gather more detailed workforce data on barristers and solicitors, using the existing data-sharing agreement they have with the Law Society and the Criminal Bar Association, to understand the sustainability of the workforce.

Recommendation 161: I recommend that the Ministry of Justice works with the legal professions to determine the best operating model of the legal aid market in the light of current conditions.

Recommendation 162: I recommend that the Ministry of Justice continues efforts to address the challenges in attracting and recruiting magistrates, with solutions addressing the speed at which the recruitment process moves and how often recruitment takes place. I urge the Ministry of Justice to act on findings from the pilots with expedition to recruit the required number of magistrates as quickly as possible.

Recommendation 163: I recommend that the Senior Judiciary continue working closely with the Ministry of Justice as it aims to reform the role of magistrates, including how they are trained, inducted into the magistracy and the nature of the roles.

Recommendation 164: I recommend that the Ministry of Justice moves the power found in primary legislation detailing volunteer expenses into secondary legislation to allow more flexibility when making changes to magistrates' expenses, enabling faster responses to changes in expense requirements.

Recommendation 165: I recommend that Judicial Office considers how best to recognise the contributions of magistrates.

Recommendation 166: I recommend that the Judicial Appointments Commission reviews recruitment processes, moving towards a more flexible model by 2027 (allowing for current recruitment campaigns to end) to facilitate better forecasting of resources within courts.

Recommendation 167: I recommend that the Judicial Office implements required notice periods on retirement for the judiciary, working closely with the Judicial Appointments Commission in the design and implementation of this period to account for wider recruitment processes. Suitable notice should also be required in relation to the taking of leave.

Recommendation 168: I recommend that the Judicial Office works with the Senior District Judge (Chief Magistrate) to review the deployment process for District Judges and Deputy District Judges (Magistrates' Courts) and implements a model that more effectively balances local needs and appropriate national oversight.

Recommendation 169: I recommend that the Judicial College, in collaboration with His Majesty's Courts and Tribunals Service, reviews training resources for newly appointed Resident Judges, with particular focus on the oversight of court processes, to support their induction and ensure the smooth running of the Crown Courts.

Recommendation 170: I recommend that the Judicial Appointments Commission and the Judicial College survey sitting judges to understand barriers to career progression and understand their support needs to develop a career pipeline within the judiciary.

Recommendation 171: I recommend the use of artificial intelligence tools that are targeted to improve the operational skills and knowledge of workforces across police forces, the Crown Prosecution Service, His Majesty's Courts and Tribunals Service and His Majesty's Prison and Probation Service.

Chapter 11: Broader Criminal Justice Issues

64. There are a number of critical issues and factors that influence the criminal justice system beyond operational efficiency: the court estate, Problem Solving Courts (PSC), mental health, substance misuse, women, children and RASSO. These issues and factors feature at many different stages of the criminal justice system and, while not primarily about efficiency, they merit close attention. Although each area has been subject to previous reviews, their impact on performance and resilience remains significant. Addressing them is essential not only for reducing delays and improving efficiency but also for meeting broader societal responsibilities and ensuring justice that respects the vulnerabilities of all participants. Reforms in these areas deliver whole-system improvements, offering immediate gains through effective participation and longer-term benefits though reductions in offending and improved rehabilitation.

65. PSCs exemplify innovative approaches to tackling the root causes of offending through judicial oversight and multi-agency support, reducing reliance on short custodial sentences and improving rehabilitation outcomes. Challenges associated with mental ill-health persist across the system, with fragmented responses and inadequate early intervention creating a 'revolving door' effect. Women and children, though a smaller proportion of cases, present complex needs requiring trauma-informed, gender-responsive interventions and diversionary measures. For women, community-based alternatives to custody and initiatives like Hope Street are vital, while for children, consistent national standards for Out of Court Resolutions and timely case handling are crucial to prevent long-term harm.

66. RASSO cases face acute delays, complex disclosure issues and shortages of qualified professionals, undermining victim confidence and trial effectiveness. Recommendations include stronger judicial case management, improved disclosure practices and targeted cross-system collaboration.

Finally, the court estate suffers from chronic underinvestment, with a £1.3 billion maintenance backlog and facilities ill-suited to modern demands. A forward-looking estate strategy and independent inspection are recommended to ensure capacity, accessibility and resilience. Collectively, these themes demand coordinated, long-term investment and leadership across government and justice agencies to transform aspirations into tangible improvements.

In this case:

Recommendation 172: I recommend that His Majesty's Courts and Tribunals Services publishes a post-2031 estate strategy, which should consider the impact of recommendations from both parts of this Review. To support this, it should review and publish how the criminal estate capacity can be maximised to take account of the recommendations from both parts of this Review.

Recommendation 173: I recommend that the government commissions an inspection of the courts, delivered in line with the mechanism for inspection of courts administration as outlined in Chapter 3 (One Criminal Justice System), to provide independent assurance on the physical court estate and identify areas for improvement.

Recommendation 174: I recommend that the government evaluates the case for problem solving courts regionally, guided by a national framework to ensure consistency, enable impact measurement, and inform resource allocation.

Recommendation 175: I recommend that the government develops a comprehensive cross-government strategy on mental ill-health and its impact on the criminal justice system. This should include mental ill-health where it relates to defendants, victims, and witnesses.

Recommendation 176: I recommend that the remit of the Drug Partnership Boards is expanded to include mental health provisions. Their membership should also be expanded to include representatives from magistrates' courts and the Probation Service (part of His Majesty's Prison and Probation Service).

Recommendation 177: I recommend that the Ministry of Justice expands funding for community-based facilities for women as an alternative to custody.

Recommendation 178: I recommend standard training for police officers to ensure better administration of Out of Court Resolutions for children. This should be delivered through the collaborative efforts of the College of Policing and the Law Society, underpinned by central administration through the Local Criminal Justice Boards.

Recommendation 179: I recommend that the government reviews the current legislative policy for rehabilitation periods of criminal records applicable to defendants who committed offences when they were under 18, irrespective of their age at conviction.

Recommendation 180: I recommend that judges and all others involved in criminal justice, including the Crown Prosecution Service and His Majesty's Courts and Tribunals Service, collaborate on targeted cross-system initiatives to improve efficiency in rape case handling, informed by research into systemic barriers and building on previous reforms like Operation Soteria, and report on measurable outcomes.

Chapter 1

Introduction

Chapter 1 – Introduction

1. In my valedictory speech when retiring as President of the Queen's Bench Division in 2019, I foreshadowed that without decisive action, the pressures facing the criminal courts would intensify and risk tipping the system into crisis. That risk has now materialised. Despite the commitment of many across the system, the criminal courts are overwhelmed and the system is now at breaking point.[18] As I made clear in Part I of this Review (Chapter 2: Problem Diagnosis), there is no single cause for this crisis, which has developed over a considerable period of time.[19] A combination of sustained reductions in funding, the growing complexity of criminal trials and a rise in the volume of cases, compounded by the extraordinary impact of the COVID-19 pandemic, have placed unprecedented strain on the system.

2. Whilst some of these challenges are long-standing, the current position faced by the criminal courts is unparalleled. The rise in the volume of cases entering the Crown Court, specifically since 2019, has resulted in an unmanageable caseload exceeding even the forecasts made by the MoJ at the time of publishing Part I of this Review.[20] As of September 2025, there were nearly 80,000 outstanding cases in the Crown Court – an increase of around 5,000 cases on the end of 2024.[21] Trials are now being listed as far ahead as 2030[22] with the MoJ now projecting that the Crown Court open caseload will reach 100,000 by November 2027.[23] The situation in the magistrates' courts is equally alarming, with around 373,000 open criminal cases as of September 2025 – up from around 222,000, on average, in 2019, representing around a 70% increase.[24] The impact of this on the administration of justice is clear: justice is not merely delayed, it is being denied.

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18 The Rt Hon. Sir Brian Leveson, Review of Efficiency in Criminal Proceedings (Judiciary of England and Wales, January 2015).

19 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), Chapter 2 (Problem Diagnosis).

20 Source: Crown Court Open Caseload Projections: 2025 to 2029 (MoJ, July 2025).

21 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

22 Source: HMCTS Unpublished Management Information.

23 Source: Prison Population Projections: 2025 to 2030 (MoJ, December 2025).

24 Source: Criminal courts statistics quarterly (2025). Note: this includes both SJP and non-SJP cases.

3. The unprecedented situation confronting the criminal justice system demands a response of equal magnitude. In Part I of this Review, I set out a series of structural reforms that I believe are vital if there is to be any prospect of stabilising the system. I must be clear, without immediate action to address the ever-increasing caseload, the courts face the very real risk of effective collapse: cases will languish for years, victims and witnesses will disengage and those who do attend trials may do so long after recollection has faded and when evidence has deteriorated. Trials listed six or more years after the event will strip the system of any deterrent effect; offenders feel emboldened to commit further crime, while victims lose faith, abandon prosecutions or fail to report offences altogether. The consequences of inaction are stark: the open caseload will spiral, agencies will be unable to cope, inefficiency will become entrenched and ultimately lawlessness may go unchecked, leading to a potential breakdown in public order and even vigilantism – a point at which the criminal justice system will have failed completely. Implementing the proposed reforms is essential if there is to be any hope of a sustainable justice system worthy of public confidence, and I welcome the government's commitment to implement many of the recommendations I made in Part I.[25]

4. I have noted the rising caseload, but the crisis cannot be solely attributed to the open caseload. Systemic inefficiency permeates the criminal justice process, impeding efforts to administer justice effectively and exacerbating the strain on capacity caused by the volume of cases. Improving efficiency, ensuring that cases are prepared, managed and resolved expeditiously and fairly through the proportionate and effective use of time and resources, is not optional; it is a fundamental requirement for restoring functionality and confidence in the system. This imperative will become even more pressing in the magistrates' court as plans to reduce cases at the Crown Court, committed to by the government, will see additional demand on their capacity and capability.

25 The government announced its response to Part I on 2 December 2025: 'The Independent Review of Criminal Courts – Government Response to Part I' – Letter from the Rt Hon. David Lammy MP (Deputy Prime Minister, Lord Chancellor and Secretary of State for Justice) to Andy Slaughter MP, Chair of the Justice Select Committee (MoJ, December 2025). I provide a more detailed discussion on the government's response in the Overview and Executive Summaries publication.

5. However, this part of the Review will make clear that efficiency improvements alone, wherever they are made, will not resolve the crisis. Just as in Part I, the analytical data all confirmed that additional resourcing alone could not fix the crisis in any realistic timeframe, what has become clear during this Review into efficiency is that the crisis in the system cannot be solved by efficiency measures alone. By the same token, structural reform alone will not be sufficient to ensure a system that operates as effectively as it must. What is required is a combination of all three: more resourcing, structural court reform and a wide range of efficiency measures. Taking policy reform and operational change together represents the most powerful antidote to the crisis, and only by accepting both will leaders have a chance at delivering a criminal justice system that is sustainable, effective and deserving of the confidence of the public that it exists to protect.

6. Efforts to improve the efficiency of criminal proceedings have long been the subject of review – including my 'Review of Efficiency in Criminal Proceedings', published in 2015 (2015 Report). But the challenges have not been adequately addressed. I acknowledge and pay tribute to the many reviews that preceded this one: from the Royal Commission on Criminal Procedure (1981), the Royal Commission on Criminal Justice (1993), the Narey Review (1997), the Auld Review (2001), the Carter Review (2003), to more recent reviews such as the Criminal Legal Aid Independent Review (CLAIR) (2021) and the Fisher Review on disclosure (2025).[26] Each has sought to identify weaknesses and propose solutions to address aspects of the problem. Despite the many efforts at reform, the problems have become too deep-rooted, and unresolved issues have now converged to a point that demands urgent and decisive action. The pressures are not incremental: they are existential.

7. In recognition of the crisis and the profound consequences it poses, the former Lord Chancellor announced an Independent Review of the Criminal Courts on 12 December 2024, and I was asked to conduct it. The Terms of Reference set out the Review's purpose: to provide

26 Royal Commission on Criminal Procedure (Philips Commission) (The National Archives, 1978–81); Viscount Runciman of Doxford, The Royal Commission on Criminal Justice (HMSO, 1993); The Rt Hon. Lord Justice Auld, Review of the Criminal Courts of England and Wales (HMSO, October 2001); Patrick Carter, Managing Offenders, Reducing Crime: A New Approach (Home Office, 2003); Sir Christopher Bellamy KC, Independent Review of Criminal Legal Aid (November 2021); Jonathan Fisher KC, Disclosure in the Digital Age: Independent Review of Disclosure and Fraud Offences (Home Office, March 2025).

options and recommendations for a) how the criminal courts could be reformed to ensure cases are dealt with proportionately and b) how they could operate as efficiently as possible.[27] The Terms of Reference further set out that the Review should consider:

a. longer-term options for criminal courts reform, with the aim of reducing demand on the Crown Court by retaining more cases in the lower courts; and

b. the efficiency and timeliness of processes through charge to conviction/acquittal.

Structure of the Review

8. Recognising the considerable breadth of the Terms of Reference, the Review has been conducted in two parts to make the task more manageable. Given the urgency of the situation, and the scale and nature of the reforms required (many of which necessitate primary legislation), it was considered imperative that policy issues should be addressed first in Part I (the Policy Review), allowing government the time needed to begin legislative change. It was published on 9 July 2025 and set out recommendations for reforming the criminal courts to respond to the increasing demand and workload. The policy recommendations focused on reform to the structure of the criminal courts, aiming to reduce demand on the Crown Court, whilst ensuring cases are dealt with fairly but proportionately. The Review identified overarching principles on which its recommendations would be based, and its findings overlaid principled analysis by rigorous scrutiny of the evidence and available data.

9. In Part II of this Review (the Efficiency Review), I turn to the operational practices of how criminal proceedings are conducted day-to-day. Whilst rising demand has placed significant strain on the system, inefficiency itself has become a critical barrier to justice. The consequences of inefficiency are profound: victims wait longer for resolution, defendants face prolonged uncertainty and professionals are forced to work within systems that frustrate rather than support their efforts. Improving efficiency is not a technical exercise – it is a fundamental requirement for restoring the working of the system and thereby confidence in it as well as safeguarding the rights of all who are embroiled in its processes. In order to justify necessary increased

27 The full Terms of Reference are set out in Annex B.

expenditure on criminal justice, however, it is essential that each part of the criminal justice process demonstrates that it can operate efficiently and provide maximum benefit for the public funding that it receives.

10. As Part II will demonstrate, the challenges of inefficiency are sustained and systemic, and they are not confined to any single area in the justice system. Indeed, many originate outside the courts themselves – whether in investigation, case progression or disclosure – yet they exert a profound impact on the ability of the courts to operate effectively. As in Part I, this Review follows the chronological progression of criminal proceedings, from investigation to charging decision and from charge through to resolution, examining each stage in detail. At every point, I assess the causes and consequences of inefficiency and propose targeted recommendations for improvement. I also revisit the recommendations from my 2015 Report, commenting on their implementation and continuing relevance where appropriate. Some repetition between Part I and Part II, and across chapters within this Review, is intentional because policy and efficiency are interlinked. Each chapter offers a detailed analysis of its subject matter and is designed to be capable of being read independently, enabling readers to engage with specific areas of interest without losing context.

A Unified Strategy: Part I (The Policy Review) and Part II (The Efficiency Review)

11. While the policy recommendations for structural reform in Part I require legislation to take effect, Part II focuses on practical and operational changes designed to improve the way the system works and to be implemented as soon as processes allow. Although they have been presented as separate reports and can be viewed as independent explorations into their specific areas, Parts I and II are intended to be received as a unified strategy for reform. As the modelling detailed in Annex E (Technical Annex) demonstrates, efficiency measures alone cannot resolve the crisis. However, when combined with legislative reform, they offer the strongest prospect of meaningful change. Alongside legislative measures, improvements to court efficiency could make a substantial reduction to the open caseload. The recommendations contained within each Review are therefore interconnected and must be progressed in tandem if the criminal justice system is to be stabilised and restored.

12. In combination, Part I and Part II offer a coherent package of reform that seeks not only to treat the symptoms of delay, but to confront its root causes. As I stated when publishing Part I and reiterated in the Foreword of this Review, these recommendations are not designed to be a 'pick-n-mix' of options. The government must be prepared to progress both sets of recommendations in tandem seeking to address inefficiencies and improve performance as soon as possible, while at the same time laying the foundations for long-term reform through legislation. Relevant organisations and government departments must take responsibility for determining which measures can be implemented without delay and which will require further investment and time. That is not to require slavish adherence to each of the recommendations I made in Part I (or, indeed, those contained in this Review) but, rather, acceptance of the main thrust of the recommendations as the only available mechanism to address the problem. I repeat: only through sustained and coordinated effort can meaningful progress be achieved, and only then can the criminal justice system begin to recover from the crisis it faces.

Principled Approach

13. As in Part I, I have been guided by five overarching principles which underpin my recommendations for a sustainable and effective justice system. These are to:

    a. Provide appropriate and fair decision-making. Specifically, the time and form that the decision-making process takes must reflect the nature of the offence and the potential impact on those involved, and must meet the high expectations of defendants, victims and witnesses as to a fair and prompt hearing of allegations by an independent court in a forum proportionate to the allegations.

    b. Maximise participation, maintaining the principles of open justice (other than in exceptional circumstances) and promoting effective participation from defendants, victims and witnesses.

    c. Provide a proportionate approach to trial processes, giving the public confidence, while balancing the rights of all involved.

    d. Deliver fair proceedings that safeguard against disproportionate outcomes for some sections of society and are consistent with the right to a fair trial and other rights guaranteed by common law and the ECHR.

e. Ensure that timeliness, from arrest through to resolution, is considered and given appropriate weight in the administration of justice, for the benefit of all involved, that is to say defendants, victims and witnesses.

14. My aim for this Review has been to make recommendations which increase efficiency across the criminal justice system, reducing delays and ensuring the timely delivery of justice. In addition to the overarching principles that guided the Policy Review, I have adopted further principles specific to improving processes and operational efficiency. Throughout this Efficiency Review, I will address these principles and demonstrate the way in which the recommendations reflect them. They are:

a. **Getting it right first time:** Promoting decision-making and action throughout the criminal justice system that is correct and of high-quality the first time.

b. **Problem solving culture:** Fostering a culture of collaboration, effective leadership and a focus on problem solving and delivery across the criminal justice system.

c. **Augmentation of processes through technology:** Ensuring technology, including Artificial Intelligence (AI), augments rather than replaces high-quality, fair and proportionate decision-making.

d. **Expertise:** Continuing to foster a criminal justice system underpinned by the expertise and contributions of the judiciary, magistracy, legal sector, police and wider criminal justice workforce in delivering a high quality of justice.

e. **Minimising waste:** Equipping the criminal justice system more effectively to deploy its resources and infrastructure in a way which minimises shortages and waste, improves cost effectiveness and enables investment in the system where it is most needed.

f. **Sustainability and adaptation:** Fostering a delivery model for criminal justice which is sustainable and promotes an appropriate level of focus on long-term adaptation and innovation.

Defining and Measuring Efficiency

15. For the purposes of this Review, I define efficiency as 'the proportionate and effective use of time and resources to ensure the expeditious preparation and fair resolution of criminal cases'. Efficiency is not merely about enhanced speed in the process; it reflects how well the system deploys its capacity to deliver justice reliably. To explore and assess efficiency, this Review adopts three key efficiency drivers: hearing time per sitting day, sitting day capacity and time taken per case. These measures are further explored and defined in Chapter 2 (Context). While the Terms of Reference require me to consider the impact of changes on how demand flows through the courts, modelling cannot provide all the answers. Time constraints have meant that it has not been possible to quantify the effect of every recommendation let alone their interaction either with recommendations in Part I or other recommendations in this and other reviews. The MoJ will, of course, want, and need, to carry out more detailed modelling on the operational and financial impact of the recommendations not least to inform impact assessments of any recommendations taken forward. To assess impact, this Review offers a narrative assessment based on quantitative evidence where available or expert engagement, literature and qualitative evidence and seeks to map recommendations to the key efficiency drivers introduced above (which are included at the end of each chapter). The goal of these maps is to provide a policy tool which sets out the anticipated impact of these recommendations on the key drivers of efficiency in the magistrates' and Crown Courts. Annex E (Technical Annex) then looks at the impact of improving these drivers on the magistrates' and Crown Courts' caseload.

16. Effective diagnosis of inefficiency depends on robust and consistent data, yet in some areas high-quality data has not been available owing to time constraints, limitations in current datasets or inconclusive evidence from ongoing pilots. Where chapters identify these gaps, I recommend prioritising further data collection and analysis to inform future policy development. Ultimately, improving data quality and availability will underpin efforts to enhance efficiency across the criminal justice system.

17. The recommendations in this Efficiency Review have been shaped by both top-down and bottom-up approaches: examining governance and accountability at the highest levels while engaging directly with

those who deliver justice on the ground: in policing, prosecuting and in the courts. Insights from numerous visits, extensive submissions and sustained dialogue with professionals working in the system have been essential in identifying what must change and how meaningful, sustainable reform can be achieved. It should be noted that this Review has not been conducted as a statutory or formal consultation exercise; accordingly, there has been no publication of consultation responses.

18. The effectiveness of the justice system cannot just be measured solely by speed or cost-efficiency, but by its ability to deliver justice equitably to all participants. Disproportionality, where certain groups such as race, gender or other protected characteristics are adversely affected by policies, procedures or outcomes, remains a significant issue in the criminal justice system.[28] As highlighted in Part I, I have given careful consideration to the potential impacts of my recommendations on the overall fairness and efficiency of criminal courts proceedings. In this context, particular attention must be paid to the experiences of court service users, including victims, witnesses and, of course, defendants along with everyone else affected by the behaviour that has led to an allegation of crime. By ensuring that equality and disproportionality guide reform efforts, the system can serve its users more effectively and uphold the principles of justice on which it is founded.

Overarching Themes for System Reform

19. What remains as a clear priority for every participant across the criminal justice system is, as I stated in my 2015 Report and reaffirmed in Part I of this Review: 'getting it right first time' is essential. Early errors, whether in case building, charging decisions or trial preparation, create avoidable delays and place unnecessary strain on a system already under pressure. Court time is a finite and precious resource, but the effectiveness of its use is determined not at the point of trial, but long before: by the quality of police investigations, the timeliness and accuracy of charging decisions and the completeness of case files. Efficiency is not an issue confined to the courtroom alone; it is a shared responsibility across all professionals within the criminal justice system

28 This list is illustrative rather than exhaustive and does not encompass all groups or characteristics that may experience disproportionality. E.g. matters relating to race – examined in depth in the Lammy Review (2017), led by the Rt Hon. David Lammy MP – require consideration on a broader canvas than this Review permits.

and must be embedded throughout. Unified leadership is essential to foster a culture of problem solving and promote shared accountability. A more cohesive system, which is underpinned by robust governance and effective partnerships, is critical. My recommendations aim not only to improve system functionality but positively to influence the behaviours of those operating within it.

20. Cohesive and aligned leadership is not only vital for system-wide coherence; it is also key to attracting and retaining the right people. Throughout this Review, I have been struck by the professionalism and resilience shown by the police, prosecutors, defence lawyers and court, probation and prison staff and the entire judiciary, among others, all in the face of a system under immense strain. Their ability to uphold the principles of justice despite systemic challenges is commendable. I recognise, however, that resilience cannot be sustained in the long term without the right support. Ensuring that the system is equipped to meet demand, both now and in the future, requires a focus on supporting and developing the people upon whom it depends; this includes both retaining current expertise and attracting new talent. The continued engagement and commitment of these professionals will be critical to achieving the changes this Review calls for, and the recommendations I set out are designed to assist that process rather than add to the burden.

21. As I have made clear from the outset, this Review seeks to tackle the crisis and simultaneously to produce a sustainable criminal justice system. Future-proofing the criminal justice system will require significant and sustained investment – in resources, services and technology. Strategic investment now can deliver efficiency gains that reduce future costs and secure long-term benefits. The Terms of Reference for this Review made clear that fiscal realities must be considered, and I acknowledge that some of my recommendations are likely to require significant financial investment, often across multiple departments. However, I do not know whether, and if so to what extent, financial provision has been made for the potential investment required. As required by the Terms of Reference, I recognise the constraints under which the government and all those involved in criminal justice operate, but, I repeat the argument I made in Part I – restoring functionality to the criminal courts demands sustained financial commitment. Cross-government funding settlements for criminal justice must be coherent, underpinned by a clear vision for the system and the MoJ and Home Office must work in partnership

with HM Treasury to secure the necessary investment. As I identified in Part I, 'when further investments cannot be afforded, systems become sclerotic and vulnerable to collapse'.[29]

22. I must, however, again underline that money alone will not fix the system. Part II builds on this insight by recognising that while investment is essential, inefficiency cannot be resolved with uncoordinated spending. Improving efficiency must be understood as ensuring the strategic alignment of resources, processes and outcomes. Without reform to how the system is led and coordinated, at both structural and operational levels, any additional funding risks entrenching the very problems it seeks to resolve. Efforts to cut costs or spend reactively without system-wide change will undermine the system's capacity to deliver justice.

Artificial Intelligence (AI)

23. Making use of available technology is critical for the improvement of efficiency. The Terms of Reference for this Review require explicit consideration of its role, particularly the increasing use of automation and AI to enhance efficiency across the justice system. Responsible use of AI has the potential to reshape operational processes and unlock gains in capacity, efficiency and access to justice. When implementing technology, AI-based or otherwise, re-engineering the underlying business processes is imperative. Simply automating existing workflows perpetuates inefficiencies and constrains the potential benefits of advanced systems. A deliberate redesign ensures that processes are streamlined, aligned with organisational objectives and optimised to leverage fully the technological capabilities. This approach maximises return on investment, enhances scalability and establishes a foundation for sustained innovation and operational excellence.

24. The rapid advancement of AI must be welcomed with robust safeguards to ensure its use strengthens, rather than undermines, the principles of justice. When decisions are taken that demonstrably successful pilots should be fully implemented, deployment must be cautious and transparent, governed by clear ethical and legal standards and supported by appropriate training for those required to operate systems.

29 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), p. 32.

25. With this in mind, the judiciary AI Working Group and HMCTS have developed AI principles which provide a structured framework for responsible implementation across the courts.[30]

    a. **Lawful:** The use of AI will comply with all applicable laws, standards and regulations.

    b. **Proportionate:** AI systems will not make decisions where it is essential to have human oversight to ensure justice is administered fairly and upholds judicial independence.

    c. **Fair:** AI systems will treat all people fairly and impartially, and will not discriminate unfairly against individuals or organisations.

    d. **Reliable:** AI systems must function consistently in a robust, secure and safe way, be grounded in data and comply with organisational technology standards.

    e. **Secure:** AI systems will protect privacy by ensuring data quality, availability and security in accordance with privacy laws.

    f. **Explainable:** People will have access to, and be able to understand, information on how AI systems operate, enabling individuals affected by AI systems to understand their outputs.

    g. **Transparent:** We will provide public access to relevant information about AI systems in use across the courts and tribunals, while protecting valid security and intellectual property concerns.

    h. **Accountable:** The use of AI will be properly governed, with clear lines of accountability identified to ensure effective human oversight of AI systems throughout their lifecycle.

    i. **Contestable:** The use of AI in the courts and tribunals should be open to challenge, with proportionate and accessible processes in place for people to contest the outputs of an AI system.

26. I endorse these principles and consider them sufficiently broad that I have adopted them to guide my recommendations for the responsible use of AI. While these are separate to the principles outlined in the MoJ's AI Action Plan for Justice, they largely align.[31] I recognise that there is currently no cross-system framework governing the ethical deployment of AI across the criminal justice system. While other guidance exists, such as the Responsible AI Checklist for Policing and

30 AI action plan for justice - GOV.UK (MoJ, July 2025).

31 AI action plan for justice - GOV.UK (MoJ, July 2025).

the MoJ AI and Data Science Ethics Framework, these are not applied consistently across agencies.[32] I am fully aware of the plans of the CCIG[33] to co-develop a set of principles, and I strongly encourage and endorse this work.[34] Such a framework must be capable of evolving alongside technological advances and informed by the growing body of academic research on responsible AI. It is essential that this future set of principles reflects both operational realities and the enduring values of justice.

27. The AI tools available for adoption across the criminal justice system broadly fall into one of four categories. These are:

    a. productivity tools which automate tasks to reduce administrative burdens;

    b. insight tools which analyse large amounts of data and highlight key facts to support informed decision-making;

    c. accessibility tools which remove barriers to improve access to the criminal justice system; and

    d. predictive tools which analyse data to forecast future outcomes.

28. It is my view that whilst the use of AI is essential for enhancing efficiency across the system, AI should be used solely to augment rather than replace human decision-making. The use of certain categories of AI tools, such as predictive tools, to replace human decision-making raises profound ethical and practical concerns. Ethically, they risk eroding accountability and transparency because decisions made by such tools are often difficult to trace or contest, especially when models operate as 'black boxes', undermining public trust and due process. These tools can also threaten independent decision-making across the system as reliance on automated predictions can pressure decision-makers, such as judges and magistrates, to conform to software outputs rather than exercise their own discretion, reducing the autonomy and impartiality that is

32 Ministry of Justice AI and Data Science Ethics Framework (MoJ, June 2025); Responsible AI Checklist for Policing (NPCC & Probable Futures, May 2025).

33 Discussed further in Chapter 3 (One Criminal Justice System), the CCIG, led by the Senior Presiding Judge, is a multi-agency body established in 2021 to drive better ways of working, strengthen case management and uphold Better Case Management principles across the criminal justice system.

34 I am acutely aware that this approach gives rise to the application of multiple sets of AI principles across the justice system. Deployment of such principles must be coordinated – a matter to which I return in Chapter 3 (One Criminal Justice System).

fundamental to justice. In practical terms, these tools typically rely on historical training data that may embed systemic biases, leading to discriminatory outcomes against marginalised groups. Furthermore, removing human judgement eliminates the ability to consider context, empathy and nuanced circumstances that AI tools cannot fully capture unless specifically trained to account for.

29. With this in mind, I am of the view that the focus of constituent agencies across the criminal justice system should be to ensure that deployed AI tools fit into the first three categories – productivity, insight and accessibility – to ensure they augment rather than replace human decision-making.

Conclusion

30. The criminal justice system is operating under intolerable strain and the scale of the current crisis demands more than reflection or reiteration; it demands urgent, coordinated action. As past reviews have shown, diagnosing the problem is not enough; delivering on effective and sustainable reform is what matters. This Review, in its entirety, seeks to break that cycle, offering recommendations that are practical and capable of being implemented. The time for incrementalism has passed. Reform must be radical, system-wide, sustained and, most importantly, implemented. The chapters that follow build on this foundation, addressing inefficiency at its root and providing a coherent plan for change.

31. If acted upon, the recommendations will not only improve efficiency but help restore public confidence in the justice system. I have no doubt that incremental or piecemeal change will do little to alter the overall picture; the response to this crisis must be driven by a renewed sense of urgency, determination and pace. With genuine commitment and collaboration across all partners, there is a real opportunity to transform a system under strain into one that is purposeful, resilient and fit to meet the demands of the future.

Chapter 2

Context

Chapter 2 – Context

Overview

1. As set out in the Introduction, delivering the criminal courts processes more efficiently is essential. This was the focus of my 2015 Report and has become all the more urgent because of the dire position the criminal justice system finds itself in a decade later. As I have said from the commencement of this Review, while efficiency improvements alone cannot solve the crisis, they can help to reduce the speed with which it unfolds and should be seen as a vital part of the solution. Efficiency challenges I seek to address include aligned leadership, collaboration and problem solving; minimising waste and maximising the use of existing resources; improving processes including through new technology; and continuing to value and invest in human expertise and decision-making. Work on implementing and realising the benefits of the recommendations made in this Part can begin in parallel to the structural reforms and capacity improvements that I recommended in Part I (although those require some lead-in time to make the necessary legislative changes, investment decisions and delivery plans). This combined approach will enable faster progress to be made on meeting rising demand in the criminal courts and arresting the growth of open caseloads.

2. This chapter examines the ways in which the criminal courts, criminal justice agencies and other relevant parts of the system have become increasingly inefficient in recent years. It opens by recapping the evidence on the scale of the crisis and its origins, as presented in the Problem Diagnosis chapter of Part I – all of which is as relevant to Part II as it was to Part I. The chapter builds upon a data-driven approach and extensive engagement with senior leaders and frontline professionals. It explores the symptoms and causes of inefficiency as both a cause and consequence of the unprecedented open caseload in the magistrates' and Crown Courts.

3. Performance is deteriorating across the magistrates' and Crown Courts. A persistent deficit between supply and demand is driving the growth of the open caseload and deterioration in the timely conclusion of cases. Increasing delays are particularly evident in the types of cases that already have the longest average running times, namely where

a defendant's bail status means their case is not a top priority to be tried. Headline performance outcomes in the Crown Court are lower than they were ten years ago. While some indicators suggest that efficiency is now improving, this is due to increasing disposals of less time-consuming cases, such as committals for sentence and dropped cases, with growing numbers of trials in the Crown Court open caseload. In short, courts are spending more time managing hearings in preparation for trial and dealing with short, simple cases, while the more complex cases remain in the open caseload.

4. These outcomes are driven by many contributory factors. To analyse these further I have used three key metrics that are strongly associated with efficient court performance:

   a. **Hearing time per sitting day:** The actual time the Crown Court spends hearing matters relating to cases, not just conducting trials, during a sitting day has reduced significantly. Between 2016/17 and 2024/25, this fell by 16%, from 3.8 to 3.2 hours.[35] This is the product of a combination of factors. First, there has been a significant increase in the volume of ineffective trials in both the magistrates' and Crown Courts[36] which do not go ahead as planned and must be rescheduled due to a range of cross-system factors. There are also high volumes of vacated trials (those postponed in advance of the day they were due to take place) and cracked trials (those cancelled on the day without the need to reschedule because there is a plea of guilty or the prosecution drops the case).[37] The Crown Court, in particular, has experienced increasing volumes of vacated trials, which rose from around 13,000 in 2019 to around 18,000 in 2024.[38] These disruptions to court procedure can result in wasted time, especially in instances where it is not possible to hear another case in the courtroom in the vacated time slot, whilst also causing disruption for victims, defendants and other agencies across the system. Second, time spent on non-trial hearings has increased, and these themselves can also fail due to lack of preparation and disrupt court schedules. Third, as described below, less time-consuming cases appear to be prioritised in some instances.

35 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025); HMCTS Management Information: March 2025 (HMCTS, May 2025).

36 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

37 Ibid.

38 Ibid.

These factors cumulatively contribute to an increasing prevalence of shorter hearings which entail more gaps between hearings and a less efficient use of court time.

b. **Hearing time per case:** Cases are, in general, requiring more hearing time and more hearings to reach their conclusion in the Crown Court. The average hearing time and number of hearings required to dispose of cases has increased, on a like-for-like basis, for all types of cases other than cases that have been dropped by the prosecution. While the average hearing time across all concluded cases actually fell from 3.6 hours to 3.3 hours between 2016 and 2024,[39] this is likely to be, in the most part, due to the court resolving a higher volume of 'simpler' work, leaving more complex trial work in the caseload. On a like-for-like basis, the hearing time per case rose from 1.5 to 1.9 hours for guilty plea cases and 14.9 to 16.7 hours for cases that proceeded to trial.[40]

c. **Capacity:** The capacity and resources available to the criminal courts have been under pressure over the last 10 to 15 years and are insufficient to meet levels of current incoming demand let alone address the open caseload. Current courtroom and judicial capacities, while sufficient to meet current sitting-day allocations, appear to be running close to their limits. Significant investment will be required to meet ambitions that I laid out in Part I to reach 130,000 sitting days.[41] In considering the extent to which the use of the court estate could be increased, the key limiting factor is wider system resourcing, including the availability of defence solicitors and criminal barristers. Any investment and growth in judicial and courtroom capacities must also be carefully planned in conjunction with other criminal justice partners. The process of allocating sitting days has also been inflexible in the past in responding to rising demand though efforts are now clearly being made to improve timing and increase resources.

39 Ibid.

40 Ibid.

41 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025).

5. The chapter concludes by considering the future context of inefficiency in criminal justice. This considers not only how the present crisis can and will get much worse without action, but also the unknown opportunities and risks of the future. These may be through demographic shifts, the emergence of new forms of crime, or the deployment of AI within legal work.

6. The inefficiencies noted above are not simply the consequences of the way in which the courts are managed but also the results of inefficiencies across the criminal justice system. Upstream investigative, prosecutorial and defence case preparation activity has a significant impact on the ability of the courts to run efficiently, as do the activities downstream of prisons and probation. This requires a precise choreography, of sorts, to bring the right parties together at the right time and place with the right evidence and materials. However, delays from the beginning of the process reduce the likelihood of expeditious and fair results in the courts. Delays at police stations due to lack of available duty solicitors and failures in subsequent communications between police and defence solicitors have adverse impacts on decision-making and the early progress of cases. The police also devote a considerable amount of time on preparing and redacting cases when the CPS ultimately decides not to proceed any further, representing a considerable opportunity cost. Significant volumes of cases are stuck in a back-and-forth process between the police and CPS awaiting the resolution of extensive action plans to meet case file standards. Many trials do not commence on the date they are listed due to defence and prosecution case preparation issues and, more recently, counsel unavailability. Further downstream procedural and logistical problems largely outside the court's direct control can also delay timely case progression. This includes inadequate disclosure requiring adjournments, failure to deliver prisoners to the dock on time by prison escort contractors (for a variety of reasons), interpreters' unavailability and late provision of pre-sentence reports by the Probation Service. The analysis I present in this chapter is focused on efficiency in the courts, but this inefficiency is undoubtedly driven by factors from across the whole system, which I will examine in greater depth throughout this Review.

7. At the core of this challenge is the fragmentation of the criminal justice system itself and the need for cohesive and aligned leadership and collaboration.[42] Each part of the system, including the police, CPS, the legal professions, HMCTS, HMPPS, the judiciary and the central government departments with responsibility for key criminal justice agencies has its own distinct priorities, budgets, operations and leaders. While there is considerable evidence of close inter-agency cooperation, there is still little evidence of true integration of objectives and resources.

8. Decisive and radical reform is therefore required, without delay. The analysis detailed in Annex E (Technical Annex), and summarised in this chapter, demonstrates that reducing the inefficiency which permeates the criminal justice system is essential but also not enough on its own to solve this crisis. At present, the system cannot process criminal cases quickly enough to motivate participants to engage early and break the cycle of unacceptable delay leading effectively to a denial of justice. This requires a holistic package of long-term investment, alongside the policy reforms set out in Part I and the efficiency measures I set out in Part II which are essential.

The Scale of the Crisis

9. The most compelling argument for action is the unprecedented scale of the crisis in criminal justice. When I started work on this Review, the open caseload in the Crown Court had already reached a record high, and it has continued to grow apace since that time, despite ongoing attempts to tackle it. As of September 2025, there were nearly 80,000 open cases in the Crown Court – more than double the level in September 2019 (around 35,000),[43] and above the high-demand scenario that the MoJ had projected when it first published open caseload projections in July 2025.[44] Similarly, in the magistrates' courts, there were around 373,000 open criminal cases as of September 2025, compared with around 215,000 in September 2019 (a 74% increase).[45]

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42 See Chapter 3 (One Criminal Justice System).

43 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

44 Source: Crown Court Open Caseload Projections: 2025 to 2029 (MoJ, July 2025). The MoJ projected an open caseload of 77,500 for the financial year 2025/26 Q2 under its high-demand scenario.

45 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

It is also worth noting that while the magistrates' open caseload is much higher, it is only equivalent to around three months' worth of receipts while in the Crown Court it is equivalent to more than six months' worth.

10. The growth in the open caseload continues to be strongly linked to delays in concluding criminal cases. The median time that the Crown Court takes to conclude a case, after it has been received from the magistrates' courts, increased from 101 days to 160 days between 2019 Q1 and 2025 Q3 (a 58% increase).[46] Similarly, in Q3 2025, 27% of cases in the Crown Court open caseload were one year old or more and 8% were two years old or more, compared to figures of 7% and 2% respectively in Q3 2019.[47] It should be noted that there are wide and growing variations in the age of different types of cases, especially in cases where defendants are on bail. There are also regional variations in how quickly courts can dispose of cases. Overall, these delays have devastating impacts on all those involved in the criminal justice process as well as a corrosive effect on the integrity of, and public confidence in, the system.

11. Delayed investigations and court processes can have significant adverse impacts on victims and witnesses. First, delays can erode their recollection of past events and confidence in their memories which reduces the quality of their evidence. Second, delays further disrupt their lives, preventing them from overcoming the trauma of the crime leading to continuing mental ill-health alongside regret in taking part in the process. Ultimately, delays damage the faith and trust of victims, witnesses and the general public in the criminal justice system, leading to withdrawal from particular cases and more general disengagement.[48]

46 Ibid. This refers to the Crown Court 'receipt to completion' measure which counts the number of days from when a case is received in the Crown Court from the magistrates' courts until its disposal.

47 Ibid. This is based on valid open cases, which exclude open cases that have had a bench warrant issued on the case, at any point prior to the open date. A bench warrant is issued for a person in contempt of court – usually because of that person's failure to appear at their court appearance.

48 Sources: Perception and experience of police and criminal justice system, England and Wales (ONS, August 2025); Justice delayed: The impact of the Crown Court backlog on victims, victim services and the criminal justice system (Victims' Commissioner, March 2025); Annual Victims' Survey 2024 (Victims' Commissioner, October 2025).

12. For the defendant, delays can exacerbate the economic and psychological impacts of awaiting trial. The prolonged periods of uncertainty where defendants may be unable to work and travel can also result in additional emotional strain on their personal relationships while it has also been reported in some cases that innocent defendants have considered pleading guilty.[49]

13. The remand population of those defendants in prison awaiting trial and sentencing increased rapidly from around 9,700 to around 17,000 between December 2019 and December 2024 (a 75% increase) as a result of the rising open caseload.[50] Higher volumes of remand prisoners and lengthy periods on remand have detrimental impacts on prisoners and reception prisons. There is a longer period of uncertainty for prisoners during which they may not have access to the range of activities normally available, and by definition they do not have sentence plans and cannot do courses to reduce their risk of offending.[51] The pressures on reception prison capacity also cause displacement of remanded prisoners to establishments further from the courts where they are due to appear which increases demands on prison escort suppliers and the risk of late delivery and delay to hearings which I address further in Chapter 9 (Hearing Processes). Delays can be equally harmful to defendants on bail who often face the longest waiting times.

49 R. Syal and E. Dugan, **Court delays 'driving innocent prisoners to plead guilty' in England and Wales** (The Guardian, 9 December 2024); M. Buchanan, **Courts in crisis: The struggle for justice in one English town** (BBC News, 10 June 2024); M. Thompson, **Hundreds of people being held on remand for years before standing trial** (Sky News, 6 September 2022); Professor J. Peay and Professor E. Player, **'Not a stain on your character?': The finality of acquittals and the search for just outcomes'** [2021] Crim LR 921.

50 Of the 17,000 defendants on remand in December 2024, around 11,000 were untried and around 5,800 were convicted but yet to be sentenced. The respective proportions were stable between December 2019 and December 2024. Source: **Offender management statistics quarterly: April to June 2025** (MoJ and HMPPS, October 2025).

51 Dame Anne Owers DBE, **Independent Review of Prison Capacity** (MoJ, August 2025).

14. Delays are also reducing the incentive for defendants to enter guilty pleas early in the process. Whilst the overall proportion of defendants pleading guilty has remained stable (excluding the period of COVID-19), the proportion of defendants pleading guilty to all counts at the fourth, fifth and sixth (or more) hearings nearly doubled from 12% in 2019 to 22% in 2024.[52] This reveals a powerful feedback loop where incentives to enter an early guilty plea diminish in the hope that complainants and witnesses withdraw, extending the duration of cases and increasing the likelihood that the prosecution may be abandoned.[53]

15. While delays impact on all cases going through the courts, I recognise the particular challenges that delays present for RASSO cases. The early guilty plea rate[54] for adult rape has been consistently lower than the overall rate for all crime combined. The time taken from arrival at the Crown Court to completion is also higher for these offences.[55] Additionally, there is a higher rate of defendants on bail for sexual offences than other offences.[56] These factors combine to produce delays that are particularly acute, with a median value of 364 days from charge to completion in the Crown Court for adult rape cases compared to 179 days across all crime cases in Q3 2025.[57]

52 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025). Note this is out of all defendants pleading guilty prior to trial (removing unknown numbers of hearings). Later guilty pleas are also affected by a changing case mix, with a growing proportion of more serious offences in the open caseload that typically attract lower guilty plea rates.

53 National Audit Office, Reducing the Backlog in the Crown Court (MoJ and HMCTS, March 2025). See also The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), Chapter 2 (Problem Diagnosis), para. 19.

54 That is, defendants who plead guilty before a trial starts.

55 Source: Criminal Justice System – All metrics (CJS delivery data dashboard).

56 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

57 Ibid.

Many of the recommendations in this Review will benefit RASSO cases and, where there are particularly salient and distinct problems relating to the efficiency of the courts, I will make some RASSO-specific recommendations. However, given the breadth and timing of this Review, I have not been able to examine all the specific drivers of delays in RASSO cases in detail, and I recognise that there is more work to do, building on previous reports.[58] I will discuss this in more detail in Chapter 11 (Broader Justice Issues).

16. It is clear that without action the open caseload and its impacts on defendants, victims and witnesses will continue to grow at pace in the future. MoJ projections now suggest that there will be approximately 100,000 open cases in the Crown Court by November 2027.[59]

Phase 1 Problem Diagnosis

17. It is crucial to understand the causes of this crisis in order to design an effective response. In the Problem Diagnosis of Part I,[60] I identified three root causes of the crisis:

    a. **Underinvestment in criminal justice over many years:** Between 2002/03 and 2025/26, MoJ day-to-day spending did not increase at all in real terms while total spending across all government departments increased by around 40%. The steepest reductions for the MoJ were between 2007/08 and 2016/17 for day-to-day spending (-33% in real terms) and between 2007/08 and 2015/16 for capital investment, primarily in courts and prisons (-69% in real terms).[61] Furthermore, the IFS analysis suggests real-terms expenditure will continue to remain significantly below 2007/08 levels until at least 2028/29, while health and social care spending will continue to grow at speed, taking up more and more of the total

58 This includes the End-to-End Rape Review; the Law Commission's recent report on evidence in sexual prosecutions; and Rape Crisis's recent review on court delays 'Living in Limbo'. In February 2024, the MoJ also appointed Professor Katrin Hohl OBE as the Independent Adviser to the UK Government on Criminal Justice Responses to Sexual Violence. Professor Hohl was previously the joint academic lead on Operation Soteria-Bluestone which helped to develop the first National Operational Model for the police investigation of RASSO now being implemented across England & Wales.

59 Source: Prison Population Projections: 2025 to 2030 (MoJ, December 2025).

60 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), Chapter 2 (Problem Diagnosis), pp. 51–71.

61 Source: Justice spending in England and Wales (IFS, February 2025).

budget, as shown in Figure 2.1.[62] HMCTS pursued a rationalisation programme across its workforce and estate, including a 22% reduction in its overall workforce between 2010/11 and 2024/25[63] and the reduction of court and tribunal buildings by between 40% and 50% over a similar time period.[64] Criminal legal aid spending also reduced by 42% in real terms between 2005/06 and 2016/17.[65] While some of this reduction in funding and capacity reflected falling demand and caseloads over the period 2010 to 2019, it proved challenging to raise the level of outputs when demand began to grow again without spare capacity. Whilst I do not present in-depth analysis here, this was further compounded by wider funding and workforce challenges across the criminal justice system including for the police and CPS.

62 With thanks to the Institute for Fiscal Studies. Figure 2.1 presents additional analysis of relative day-to-day spending first published in Justice spending in England and Wales (IFS, Feb 2025) but projected to 2028–29.

63 Source: HMCTS annual reports and plans: 2011/12–2023/24 (HMCTS, July 2025).

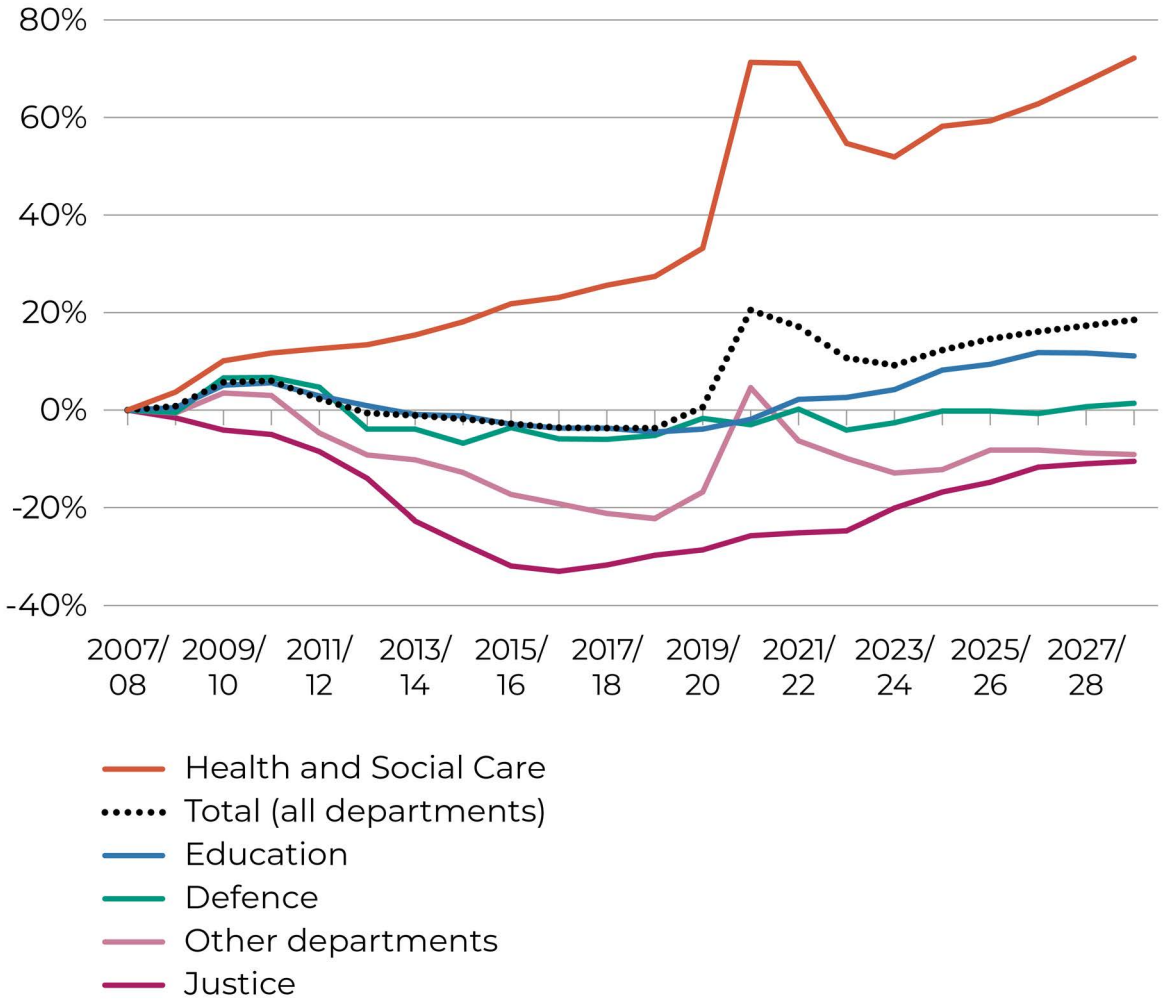
64 The HMCTS estate in England and Wales reduced from around 600 operational court and tribunal buildings in 2010 to around 320 in 2024. Note: these figures exclude additional/temporary Nightingale courts introduced to increase capacity and alleviate the pressure on courts and tribunals during COVID-19. Court and tribunals buildings data is not regularly published by HMCTS but has been disclosed in response to parliamentary questions and also published by other organisations, including: HM Courts & Tribunals estate visualisation (National Audit Office, September 2019); Court and tribunal closures (House of Commons Library, March 2016); Access to justice dashboard (The Bar Council, September 2024).

65 Source: Legal aid statistics quarterly: January to March 2025 (MoJ and Legal Aid Agency, June 2025).

Figure 2.1

Relative day-to-day spending on justice vs other government departments

United Kingdom, 2007/08 to 2024/25, projections start at 2025/26



Values denote the percentage change in real-terms RDEL excluding depreciation. 2023/24 to 2028/29 figures are as of the Spending Review 2025, adjusted for employer NICs changes, Machinery of Government changes, increased pension contributions (SCAPE), and budget cover transfers. Past lines are adjusted backwards using growth rates in past PESAs, apart from the 'Total' and 'other departments' lines which are adjusted backwards using the OBR's long-run series for public sector current expenditure (PSCE) in RDEL.

Source: Justice spending in England and Wales – Institute for Fiscal Studies, June 2025

b. **The increasing complexity of criminal law and procedure:** Reforms governing disclosure, police powers and investigations and the approach to victims' and vulnerable witnesses' evidence have created necessary safeguards in the process. Technological and scientific progress has created new tools for detection.

However welcome, these changes have also brought additional burdens in the time and resources required to undertake investigations and court proceedings. Other causes include the continuing proliferation of new criminal offences, as well as expansion in highly technical procedural rules and guidance.

c. **The combined impact of rising caseloads since 2019 and COVID-19 and, to a lesser extent, the industrial action brought by the Criminal Bar Association:** COVID-19 exacerbated the growth in the open caseload through disruption to the usual work of the courts, severely restricting their capacity to carry out in-person hearings, especially trials. Since 2019, there has also been a marked growth in the number of new cases entering the Crown Court, reversing a downward trend between 2010 and 2019.[66] Violence and sexual offences, which take up more investigation and court time, also represent a much higher proportion of the caseload. Whilst it is difficult to be precise about direct causes of the increase, there is no doubt that this, at least in part, has been driven by the focus of successive governments on more policing in response to considerable public concern about crime, and in particular knife crime and violence against women and girls.

Defining Efficiency

18. As already set out, for this Review I define efficiency as: 'The proportionate and effective use of time and resources to ensure expeditious preparation and fair resolution of criminal cases.'

19. Whilst having many similar themes, this departs from the focus on cost-saving included in my 2015 Review. That review, differently tasked, defined efficiency as the need to:

> 'demonstrate ways in which, consistent with the interests of justice, it might be possible to streamline the disposal of criminal cases thereby reducing the cost of criminal proceedings for all public bodies'.[67]

66 Sources: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025); Criminal court statistics quarterly: October to December 2019 (MoJ, March 2020).

67 The Rt Hon. Sir Brian Leveson, Review of Efficiency in Criminal Proceedings (Judiciary of England and Wales, January 2015), p. 1.

Although delivering value for money for the public will always be important, this distinction recognises the escalating urgency of the current crisis. Savings which can be made quickly from efficiencies should be reinvested while some recommendations will require upfront investment to realise benefits in the future. The most important goal of efficiency must now be to expedite the resolution of cases and reduce the terrible delays faced by defendants, victims and witnesses.

Outcomes

Crown Court

20. As I laid out above, the open caseload in the Crown Court continues to grow (see Figure 2.2). As of September 2025, there were nearly 80,000 outstanding cases in the Crown Court.[68] This is around 5,000 more than in December 2024 when I commenced this Review, and more than double the level in September 2019 (around 35,000). There was a steep rise between December 2019 and December 2020 (from around 38,000 to around 57,000), clearly as a result of COVID-19. However, that being said, between December 2020 and September 2025, the average growth rate in the open caseload has been approximately 4,800 cases per year.[69] The speed of this growth greatly exceeds historic trends; average growth was around 1,000 open cases per year between 1990 and 2014.[70]

68 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

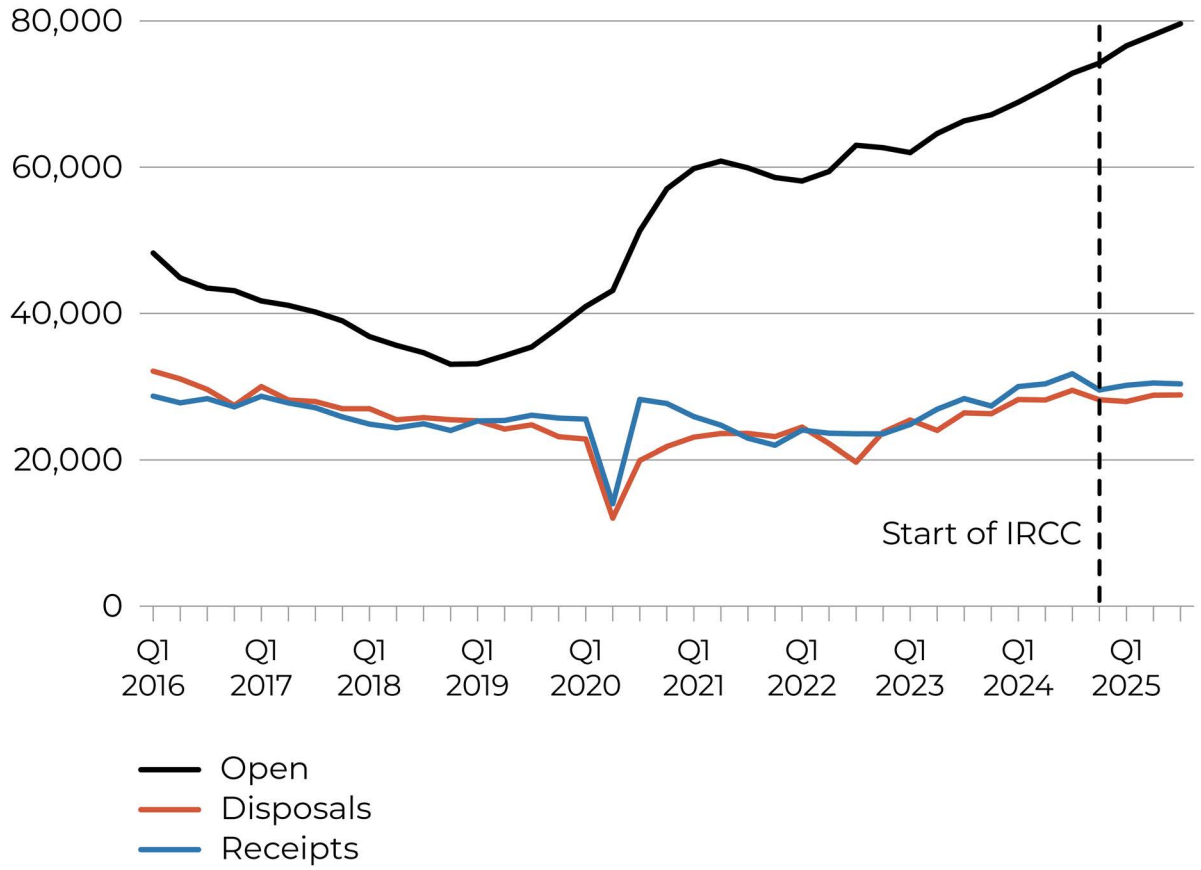
69 Ibid.

70 Sources: Criminal court statistics quarterly: July to September (MoJ, December 2025); Criminal court statistics quarterly: January to March 2019 (MoJ, June 2019); Judicial and court statistics (annual) 2010 (MoJ, June 2012); Judicial and court statistics 2006 (MoJ, November 2007). Note: caseload data for the years prior to 2016 are counted on a slightly different basis than data for the years 2016 and onwards. This is due to improvements to the coherence and accuracy of the MoJ Crown Court statistics, following the One Crown development taken forward by the MoJ and HMCTS in late 2024. This has led to improvements to the underlying reference data which is used to define the status of a case and a change to how transfers are counted in receipts and disposals to better reflect the way that cases are captured in the Common Platform system. This means absolute volumes of Crown Court caseloads from 2016 onwards should not be directly compared to estimates prior to 2016.

Figure 2.2

Receipts, disposals and open caseload in the Crown Court

England and Wales, Q1 2016 to Q3 2025



Source: Criminal court statistics quarterly, July to September 2025

21. Concurrently, cases are taking longer to get through the Crown Court. From Q1[71] 2016 to Q3 2025, the median length of time taken from offence to completion increased for all offences by 45% (from 242 days to 350 days).[72] Figure 2.3 shows the distributions of these durations by year, separating out defendants who pleaded not guilty (because these are the most time-consuming cases) and those who were on bail (because cases involving prisoners remanded in custody are typically prioritised to meet statutory custody time limits). For the 'other' defendants (including those who pleaded guilty, were remanded in custody or committed for sentence from the magistrates' courts), distributions were quite stable between 2016 and 2019, but subsequently the frequency of more extreme values rose. In 2016, the longest 25% of times for the 'other' group were all over 430 days but in 2024 they were all over 686 days – a 60% increase. For the 'not guilty on bail' group, even the shortest 25% of times take longer (from under 357 days in 2016 to under 638 days in 2024 – a 79% increase), and the top 25% have increased still further (starting from over 813 days in 2016 to over 1,669 days in 2024 – a 105% increase). This group, in particular, highlights the growing delays to justice and the tendency for greater extremes among the most resource-intensive work tackled in the criminal courts.

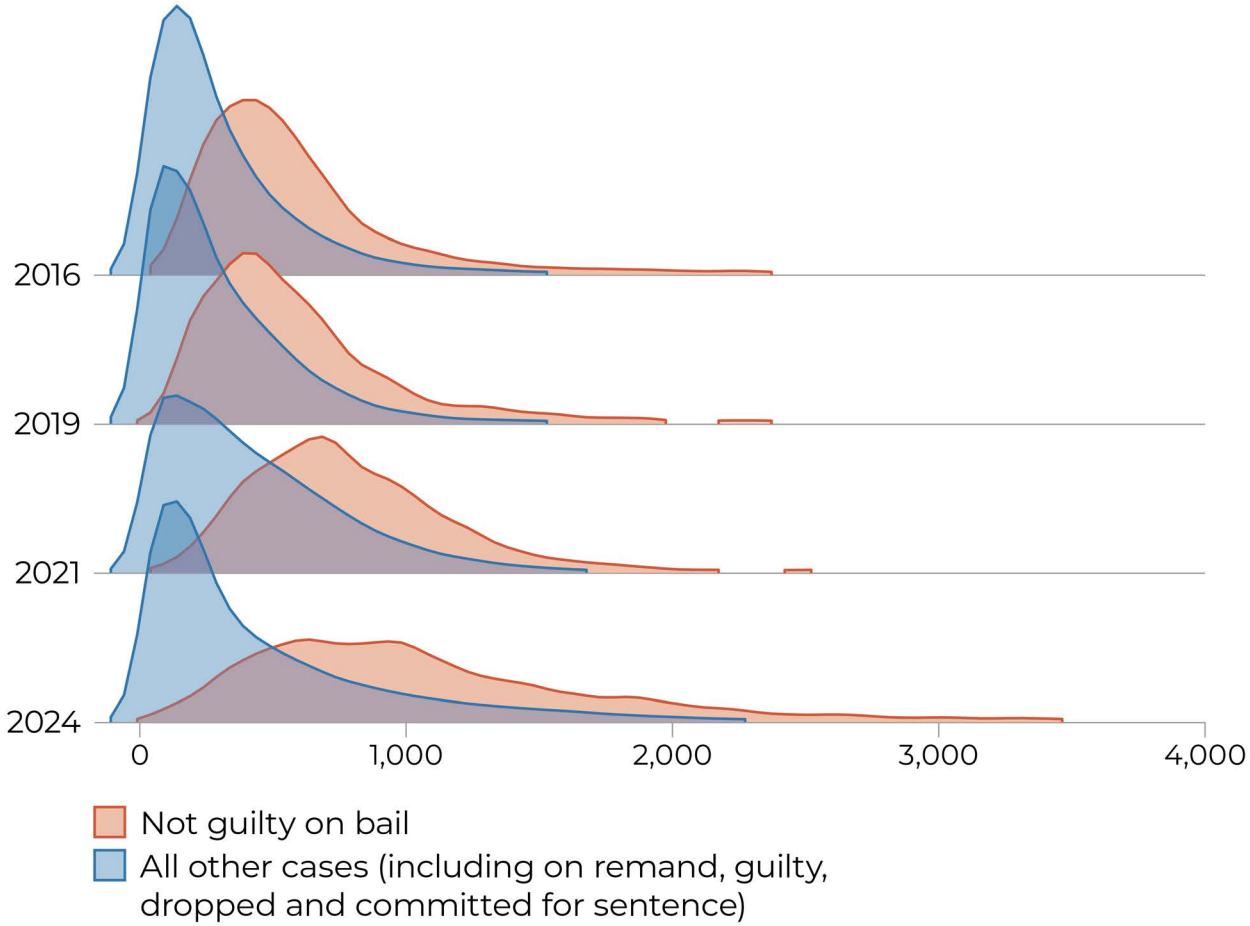
71 Note: quarters are referred to on a calendar year basis here so Q1 refers to the period January–March, with consecutive quarters covering the following three months.

72 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

Figure 2.3

Days elapsed from offence to completion at Crown Court shown by disposal year

England & Wales, 2016, 2019, 2021 and 2024



Distributions are illustrated as density plots, with height of curve indicating probability of a defendant completing at a given time elapsed. Area of each plot is standardised for easy visualisation and does not represent relative population size. To minimize the impact of outlying extreme cases, parts of each distribution representing less than 1% of height at maximum density are not shown; the distribution is therefore trimmed, removing <1% of observations. Defendants on appeal are not represented in this data.

Source: Unpublished MoJ management information

22. To combat these worsening caseload and timeliness metrics, the government has increased the number of sitting days available to the court year-on-year since 2020. The Crown Court has been allocated a record high of 111,250 sitting days for 2025/26.[73] As can be seen in Figure 2.4, these increases have resulted in an increase in disposals over the last few years.

23. The ratio of disposals per sitting day is known as the disposal rate, which is often used as a measure of efficiency. As can be seen in Figure 2.4, there was a drop in disposal rates between 2016 to 2022. Judging by overall disposal rates (number of disposals per sitting day), there appears to be a recent recovery to pre-COVID-19 levels of efficiency but this masks underlying differences in the types of cases that the court is concluding. The disposal rate treats all types of disposals equally, ignoring the vast difference in court time and resources needed for different disposal types. Figure 2.5 breaks the composition of disposals down by disposal type. In doing this, it is clear that a relatively higher proportion of the total disposals in recent years are case types that require relatively less time and resource. For example, committed for sentencing disposals (which require relatively little court resource) have risen considerably as a share of total disposals (in 2024 they accounted for 38%, a rise of 13 percentage points since 2016), while the guilty and not guilty plea trial disposals (which require relatively more time and resource) have both fallen (by eight percentage points and four percentage points respectively). In addition, the percentage of trial cases which are disposed of by being abandoned, i.e. 'dropped' cases (that is, ended by the prosecution, which can happen for a variety of reasons), has also increased considerably. Although the percentage of the case mix has only increased by three percentage points, due to a low base, this actually equates to a 50% rise in the number of dropped cases.[74] This is decidedly not a mark of efficiency and each of these abandoned cases represents wasted investment of time and expense.

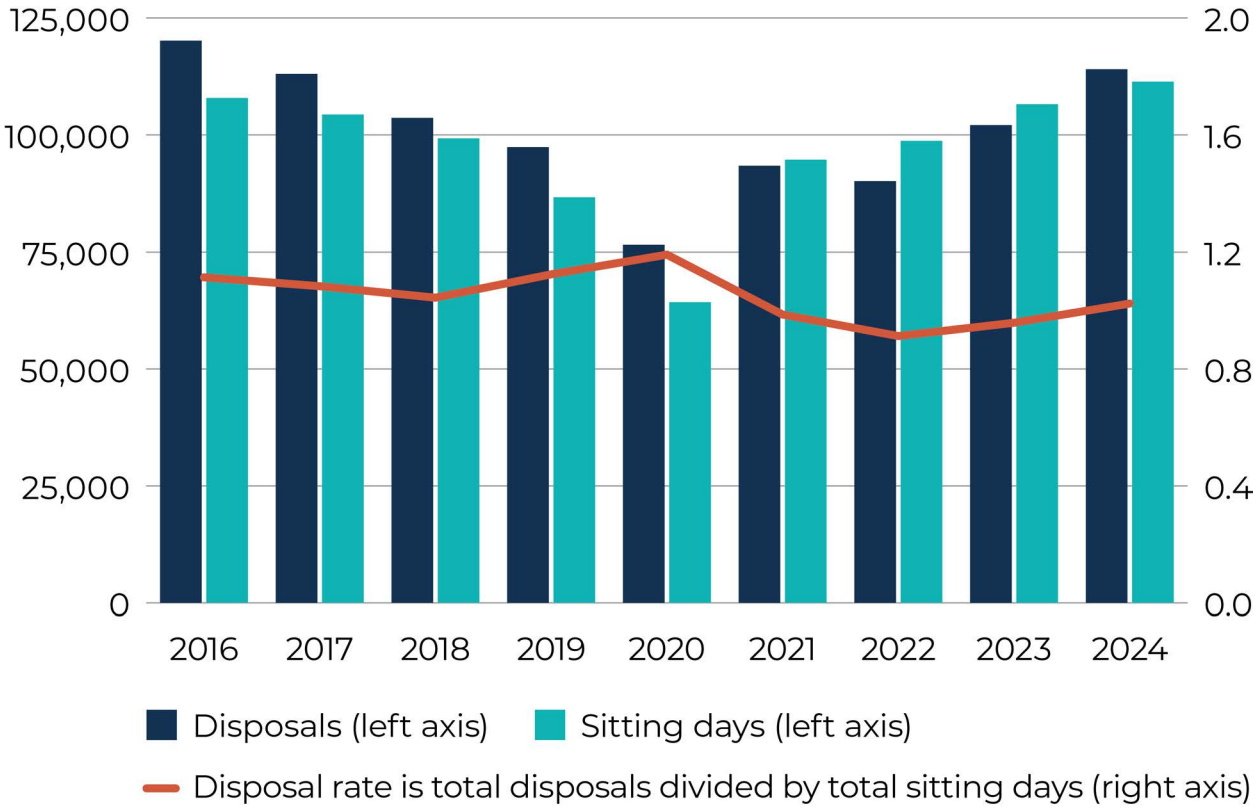
73 Extra funding for courts to deliver speedier justice for victims (Ministry of Justice, 1 October 2025).

74 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

Figure 2.4

Total disposals, total sitting days and disposal rate at Crown Court by year

England and Wales, 2016 to 2024



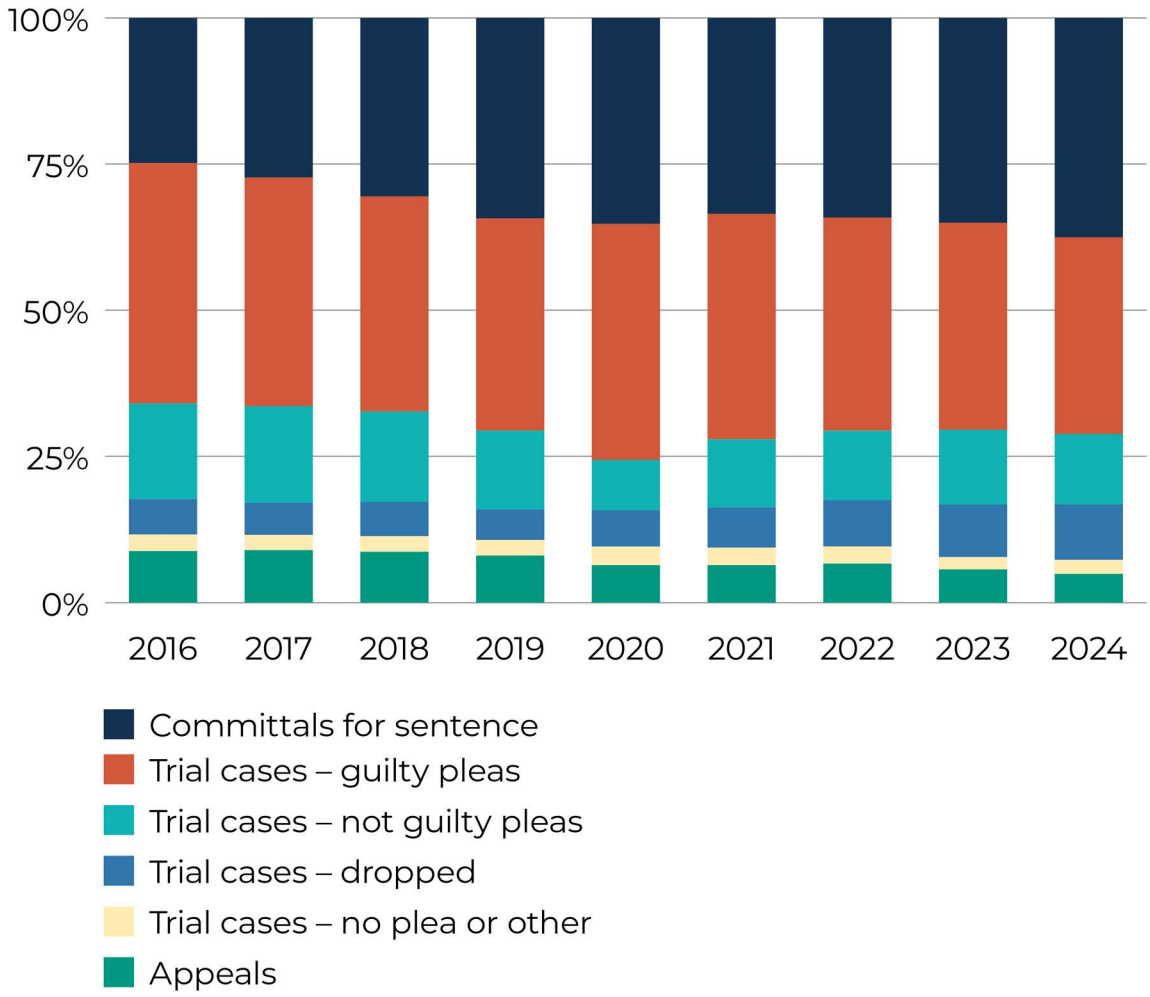
Disposal rate is total disposals divided by total sitting days and is depicted in red with right-hand axis corresponding. Left-hand axis shows number of disposals and sitting days.

Sources: HMCTS management information – March 2025; Criminal court statistics quarterly, July to September 2025

Figure 2.5

Annual disposals as percentage of total by disposal type at Crown Court

England and Wales, 2016 to 2024



Source: Criminal court statistics quarterly, July to September 2025

Magistrates' Courts

24. As shown in Figure 2.6 below, the open caseload of the magistrates' court peaked during COVID-19 and has since been rising back to this high level, with around 373,000 open criminal cases as of Q3 2025, compared with around 215,000 in Q3 2019 (a 74% increase).[75] While this is a high number compared to the Crown Court, it should also be read in the context of the high-volume workload that magistrates' courts manage; the open caseload only represents the equivalent of a single quarter's worth of receipts (in contrast, the open caseload in the Crown Court represents over half a year's receipts for that court). The recommendations in Part I to retain more cases in the magistrates' courts, while essential to alleviating pressure on the Crown Court, will also add to the overall volume and complexity of the workload on the magistrates' courts.[76] The presumption to suspend short sentences in the Sentencing Bill 2025, which is likely to increase the number of breaches the court deals with, may also increase pressure.[77] Efficiency and additional capacity will therefore be essential ingredients of its sustainability.

75 Ibid.

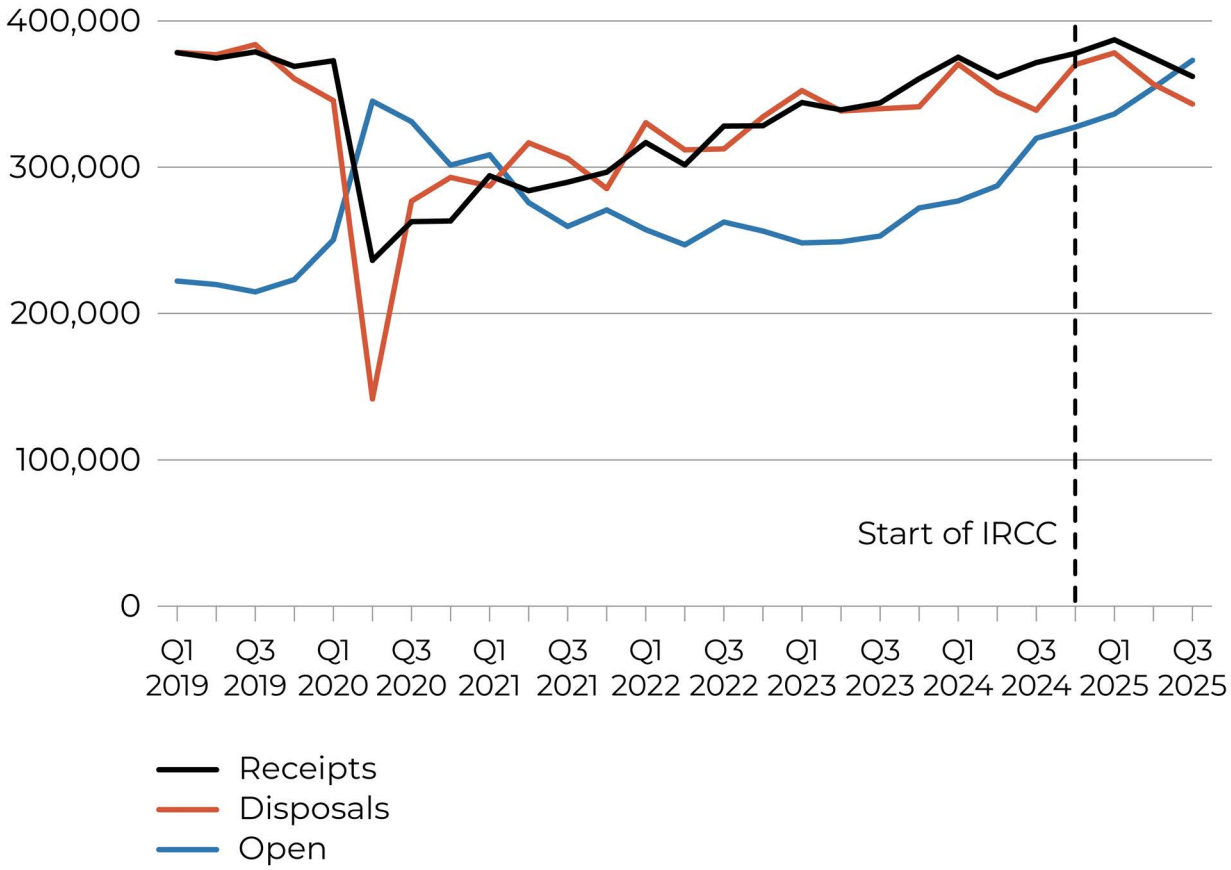
76 The impact of the proposals made by the Deputy Prime Minister on 2 December 2025 will add to this pressure. In particular, increasing magistrates' sentencing powers, removal of a defendant's right to elect jury trial and increasing the monetary threshold for trying criminal damage summarily. Criminal Court Reform – Statement made on 2 December 2025 (UK Parliament, December 2025).

77 'There may be more hearings for breaches of Suspended Sentence Orders which could incur additional costs for HMCTS and the Legal Aid Agency'. Sentencing Bill Impact Assessment (MoJ, September 2025), p. 22.

Figure 2.6

Receipts, disposals and open caseload in the magistrates' court

England and Wales, Q1 2019 to Q3 2025



Source: Criminal court statistics quarterly, July to September 2025

25. It is taking magistrates' courts longer to progress and dispose of cases, although durations are still short in absolute terms. Indeed, between 2016 and 2024 the average (mean) time from first listing to completion for criminal cases concluded in the magistrates' courts rose by 35%, from 18 days to 24 days.[78] The average (mean) end-to-end duration (from the offence being committed to completion) of criminal cases concluded in the magistrates' courts has also risen by approximately 23% from 160 days to 196 days.

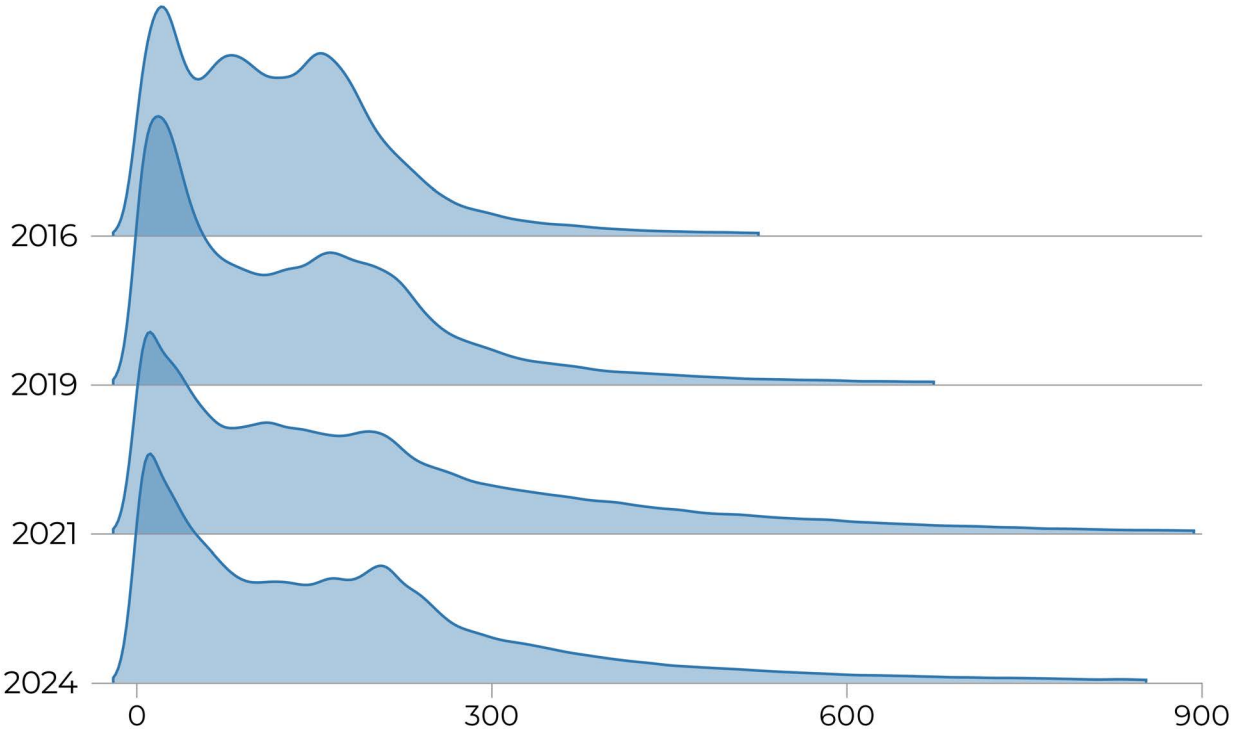
78 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

26. As shown in Figure 2.7, the cohort of longest cases is getting even longer. In 2016, the longest 25% of case durations were all over 175 days. In 2024, they were all over 248 days. This trend was at its worst in 2020 and 2021 but has not subsequently recovered to pre-COVID-19 levels.

Figure 2.7

Days elapsed from offence to completion at magistrates' court shown by disposal year

England & Wales, 2016, 2019, 2021 and 2024



Distributions are illustrated as density plots, with height of curve indicating probability of a defendant completing at a given time elapsed. Area of each plot is standardised for easy visualisation and does not represent relative population size. To minimize the impact of outlying extreme cases, parts of each distribution representing less than 1% of height at maximum density are not shown; the distribution is therefore trimmed, removing <1% of observations. Defendants processed by Single Justice Procedure or committed to Crown Court are not represented in this data.

Source: Unpublished MoJ management information

27. Owing to the nature of the work in the magistrates' courts, and less extensive available data on the magistrates' courts, there is no consistent measure comparable to that of the 'disposal rate' in the Crown Court.[79] As a result, here I look at overall receipts and disposals in the magistrates' courts and a broad measure of disposals per session split into Single Justice Procedure (SJP) and non-SJP (note Annex E (Technical Annex) includes a more in-depth look at disposals per session in the magistrates' courts).[80]

28. Figure 2.8 shows receipts and disposals in the magistrates' courts broken down by SJP cases and non-SJP cases. The SJP was introduced into the magistrates' courts in 2015 and allows for the least serious offences (e.g. TV licence evasion, minor traffic violations) to be tried by a single magistrate and legal adviser without a full court hearing if the defendant pleads guilty by post or fails to respond to the notice.[81] The majority of cases in the magistrates' courts are now dealt with via the SJP. In 2024, around 841,000 disposals were made under the SJP (59% of all cases), compared with around 590,000 non-SJP disposals.[82] Magistrates are able to resolve many more SJP cases in a given session than non-SJP cases: the latest HMCTS management information suggests that in 2024/25 magistrates disposed of around 25 to 30 SJP cases per session compared to around four disposals per session for non-SJP cases.[83] SJP cases can only be flexibly substituted into non-SJP sessions where those non-SJP sessions have to be cancelled or finish early. Whilst more cases are going through this quicker SJP route, the average duration of cases from offence to completion and first listing to completion has still increased (as noted in the above), as the more complex magistrates' courts work continues to take longer.

79 In the magistrates' courts, cases are listed in bulk for a total session therefore there is no management information on how much time each case used up in a particular day or session.

80 There are generally two sessions a day in the magistrates' courts, classified by their main focus – SJP or non-SJP. Disposals per session look at the number of those cases that the court resolves in one of those sessions.

81 Note: a defendant who pleads not guilty also has the case heard in open court. Single justice procedure notices; Inside HMCTS: Explaining the Single Justice Procedure in the magistrates' court (HMCTS, October 2021).

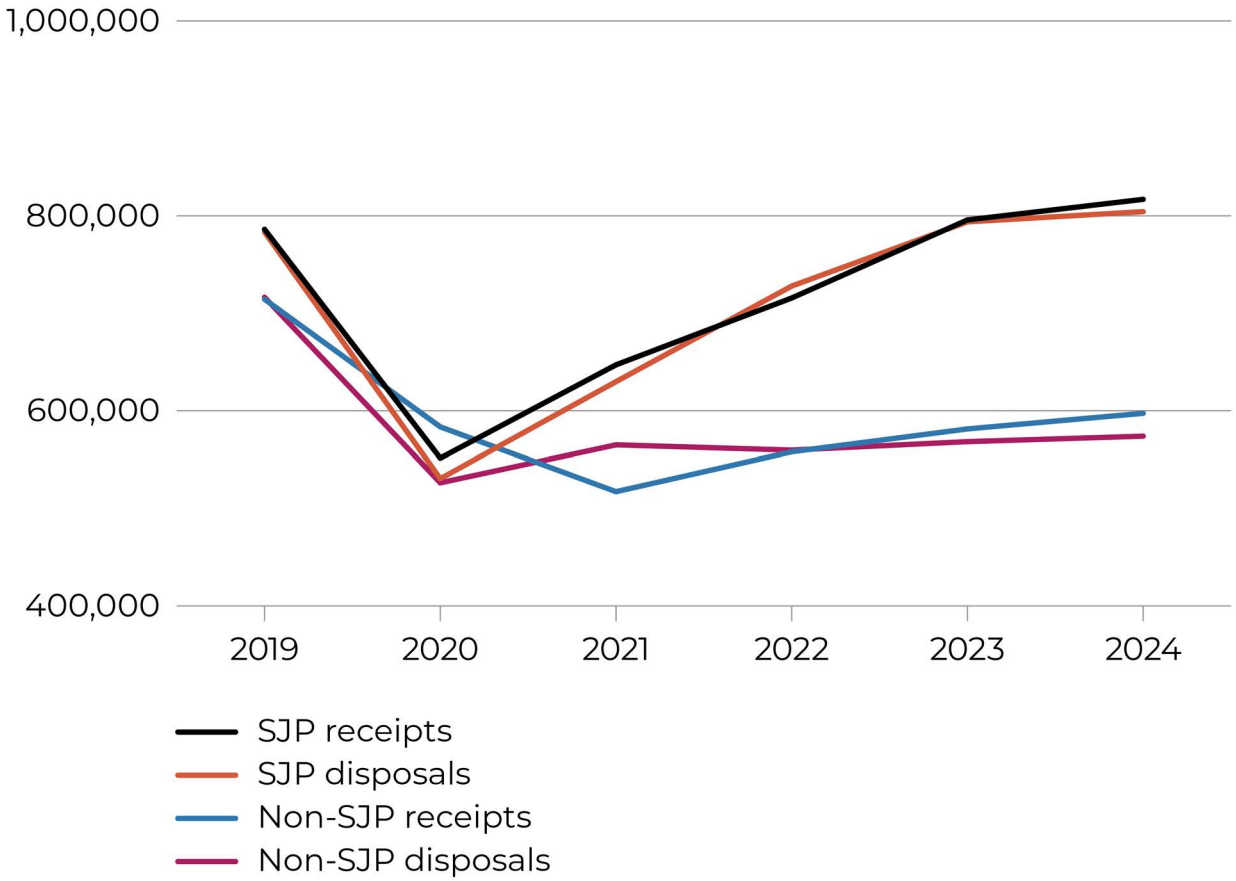
82 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

83 Source: HMCTS Unpublished Management Information. For more details, see Annex E (Technical Annex).

Figure 2.8

SJP and non-SJP receipts and disposals in the magistrates' court

England and Wales, 2019 to 2024



Source: Criminal court statistics quarterly, July to September 2025

29. Whilst it clear that the SJP has improved the efficiency with which the magistrates' courts can get through cases, the fairness, proportionality and transparency of some prosecutions under the SJP is currently a matter of some debate and consultation.[84] As part of a review to improve the oversight and standards of private prosecutors, the government undertook a consultation in 2025 to improve the safeguards in the SJP process to assure appropriate use by all prosecutors. I am supportive of efforts to enhance safeguards for defendants, in particular the government's proposals to introduce a common code of practice for private prosecutors and establish an inspection regime as a way to improve the transparency of the SJP, alongside ensuring that mitigation is taken into account. I agree with the Minister's statement in the Foreword of the consultation paper that: 'Whilst the SJP is crucial in ensuring cases are heard swiftly in the magistrates' courts, timely processes must not come at the cost of fairness.' [85]

HMCTS Costs per Disposal

30. I am aware of the centrality of cost per disposal in understanding efficiency within HMCTS, I therefore turn to these below. My analysis encompasses the cost to HMCTS for judiciary, staff and other day-to-day court-related spending per disposal but excludes costs incurred by the wider criminal justice agencies such as the police, CPS and legal aid to support the operation of the criminal courts. Furthermore, cost per disposal represents a crude average covering all types of cases which may take differing lengths of time. While improving efficiency overall is an important overarching aim of the system, I am clear that in order to achieve that efficiency many recommendations in this Review (such as investment in better technology) will require additional spending in the short term in order to achieve greater efficiency (including cost efficiency) gains in the longer term.

84 See e.g. P. Gibbs, Industrial-scale prosecution? Why the single justice procedure needs radical reform (Transform Justice, June 2025).

85 Oversight and regulation of private prosecutors in the criminal justice system consultation (MoJ, March 2025).

Crown Court

31. During the period 2016/17 to 2022/23, real costs per disposal[86] in the Crown Court were trending upwards from around £2,300 to around £2,900, indicating a less productive use of financial resources, holding all other things equal. This is likely to be due to a combination of factors, some of which relate to efficiency but others to wider changes affecting the cost of the Crown Court. These factors are likely to include but are not limited to:

    a. declining disposals between 2016 and 2020 (especially during the period affected by COVID-19); and

    b. an increase in the cost to the public purse of judicial time, driven in large part by growth in the cost and scope of judicial pensions.[87] In 2011/12, HMCTS pension contributions represented 16% of the total judiciary pay bill and by 2024/25 this had risen to 34%.[88] There have also been increases in the pay of the fee-paid judiciary following litigation on how fees are set, often on part-time worker discrimination grounds.[89]

32. During the last two years, Crown Court costs per disposal have begun to fall (to around £2,500 in 2024/25) but still remain above 2016/17 levels (see Figure 2.9). Looking at the underlying drivers, total costs have remained fairly stable and this fall is mostly driven by an upturn in disposals over the last two financial years.

86 Nominal costs have been adjusted using CPI inflation to derive real costs.

87 Key changes to judicial pensions that have increased HMCTS expenditure include: the impacts of litigation from *O'Brien v Ministry of Justice* [2013] UKSC 6 which brought fee-paid judges into the scope of judicial pension schemes and *The Lord Chancellor v McCloud* [2018] EWCA Civ 2844, where wider changes to public service pension schemes were found to discriminate against younger members, which particularly affected the judiciary. The impact of this litigation, along with a range of other actuarial factors, was reflected in the most recent judicial pension scheme valuation revaluation which resulted in significantly increased employer contributions from April 2024. Judicial Pension Schemes Valuation Results (Government Actuary's Department, February 2024).

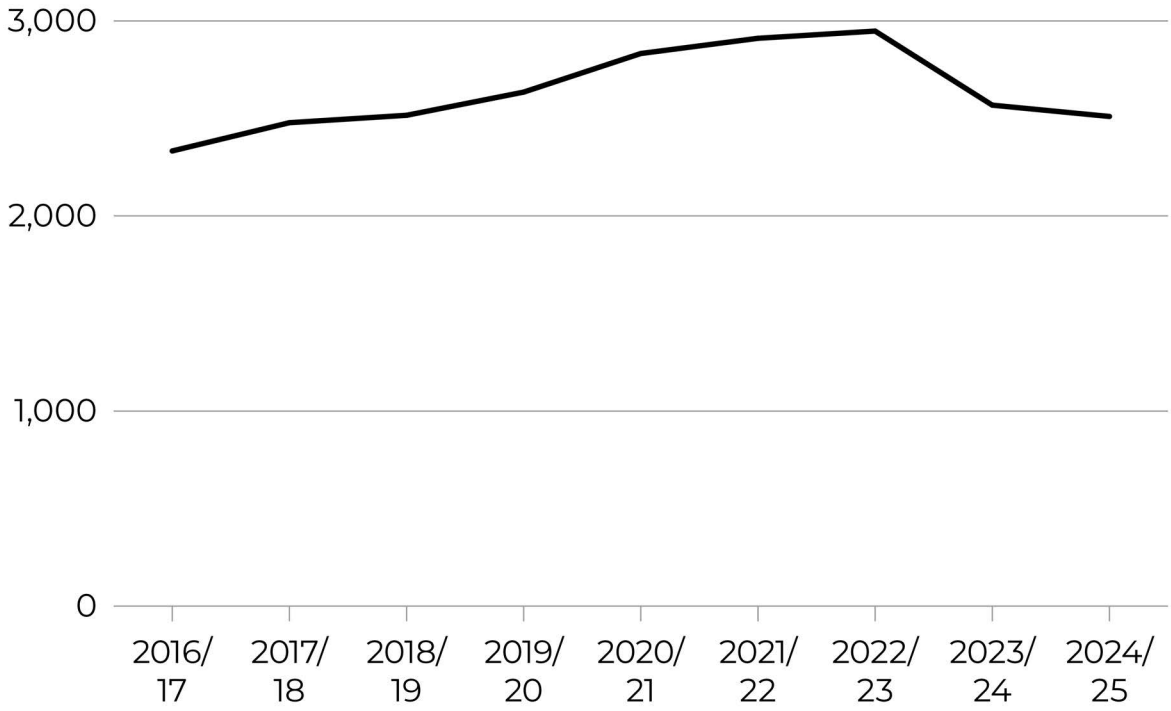
88 Sources: HM Courts & Tribunals Service Annual Report and Accounts 2024-25 (HMCTS, July 2025); HM Courts and Tribunals Service annual report 2011 to 2012 (HMCTS, July 2012).

89 See e.g. *Southby v Ministry of Justice* [2022] Employment Tribunals.

Figure 2.9

Crown Court cost per disposal

England and Wales, 2016/17 to 2024/25



Cost per disposal includes staff, judicial and 'other' costs. Other costs include court costs (e.g. Juror costs), IT & telecommunications costs, staff and judicial non-pay costs, printing and postages costs, and other miscellaneous spend. Notably, 'other costs' exclude costs recharged to the Legal Aid Agency to be paid from central funds, including intermediaries, transcription costs, and translation and interpreters. Cost per disposal also exclude estates/ maintenance costs and HMCTS income.

Source: IRCC analysis of Criminal court statistics quarterly, July to September 2025, and unpublished HMCTS finance data

Magistrates' courts

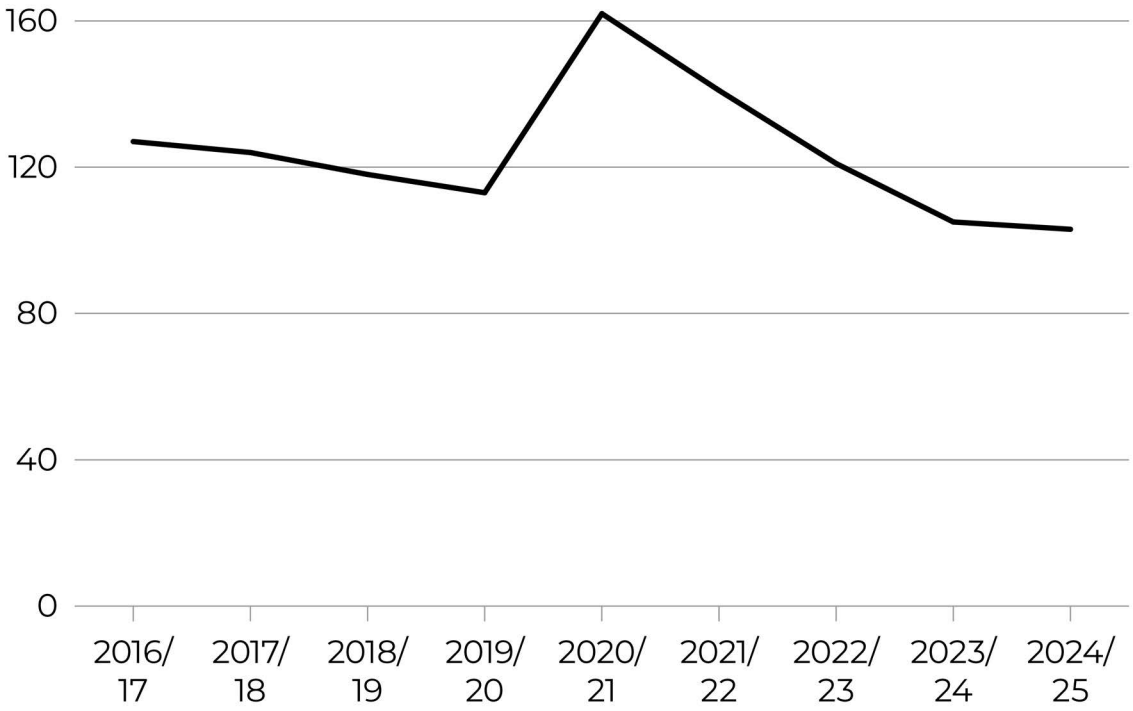
33. Figure 2.10 demonstrates how a typical disposal in the magistrates' courts takes up far less financial resource, with the average real cost per disposal[90] being around £100 in 2024/25. Further, this metric rose in 2020/21 due to the impact of COVID-19 and since then has decreased, driven by both falling costs and greater disposals (including an increased number of SJP disposals). However, cases in the magistrates' courts are clearly materially different to cases in the Crown Court, which should be taken into account when making comparisons between the two jurisdictions.

90 Nominal costs have been adjusted using CPI inflation to derive real costs.

Figure 2.10

Magistrates' court cost per disposal

England and Wales, 2016/17 to 2024/25



Cost per disposal includes staff, judicial and 'other' costs. Other costs include court costs, IT & telecommunications costs, staff and judicial non-pay costs, printing and postages costs, and other miscellaneous spend. Notably, 'other costs' exclude costs recharged to the Legal Aid Agency to be paid from central funds, including intermediaries, transcription costs, and translation and interpreters. Cost per disposal also excludes estates/maintenance costs and HMCTS income.

Source: IRCC analysis of Criminal court statistics quarterly, July to September 2025, and unpublished HMCTS finance data

Efficiency Metrics

34. Given this picture of worsening outcomes, particularly for cases which already take a long time, it is therefore vital to consider the drivers of rising inefficiency. The disposal rate is a common measure of efficiency, and I have outlined above the lower level of the disposal rate in the Crown Court when compared to historic performance. To analyse further the contributory factors behind this trend, the disposal rate can be broken down into a combination of two key metrics of efficiency: the amount of time the Crown Court spends per sitting day hearing cases and the amount of hearing time required to conclude a case. Alongside these two key metrics of efficiency, it is also vital that a court has sufficient sitting-day capacity. These three metrics (hearing time per sitting day, hearing time per case and sitting-day capacity) will form the basis of my analysis of efficiency throughout this Review. They are the focus of the mapping at the end of each chapter which aims to visualise the intended impact of the recommendations on these key metrics. They are also the focus of Annex E (Technical Annex) which looks at the impact of improving these metrics on the open caseload in the Crown and magistrates' courts. I will now go on to consider each of these in turn.

Hearing Time per Sitting Day

35. The hearing time per sitting day is the first key metric of efficiency. It measures the total amount of time per day in the Crown Court actively spent hearing trials and other matters relating to cases including preliminary hearings and sentencing.[91] This is an important measure as it reflects the extent to which courts are maximising the use of available capacity. It does not account for any non-hearing time before, between or after hearings when the courtroom is occupied, such as when the court is waiting for a defendant to arrive or during the jury empanelling process. It should be noted that time between hearings may also be usefully spent dealing with administrative and case management tasks.

91 Note: the measure below looks at hearing time per disposed cases within a given reporting period. This is in line with the approach taken in the Criminal Court Statistics Quarterly publication.

36. The 'sitting day' is the currency with which the MoJ funds the Crown Court to sit for a certain number of days per year. A sitting day is assumed to be typically around five hours long, usually starting between 10.00 and 10.30 and ending between 16.00 and 16.30, with a one-hour lunch break between a morning and afternoon session.[92] These timings are the standard pattern, but courts can and do vary the start time of a sitting day. Whilst sitting hours are an important metric to track, this does not mean that time spent not sitting is not productive. It is important to maintain the right balance between sitting hours and non-sitting working hours to ensure that judges and staff are able to conduct essential administrative and case management work to support effective hearings. This includes judicial 'box work' (paperwork on cases including writing rulings, judgments or the summing-up), preparing for hearings and reading files of evidence and dealing with applications and correspondence from the parties. Whilst standard court working hours are between 09.00 to 18.00, judges and court staff may also work outside these hours.

37. The current national average hearing time per sitting day is 3 hours and 14 minutes (3.24 hours) per sitting day.[93] In other words, of the five hours of time available for hearing cases between 10.00–10.30 and 16.00–16.30, the average used for hearing cases is currently 3 hours and 14 minutes per sitting day.

38. Despite the hard work of HMCTS and other criminal justice agencies to list and hear more cases, the Crown Court is spending significantly less time hearing cases per funded sitting day than in the past. As shown in Figure 2.11, average annual hearing time per sitting day fell by 16% between 2016/17 and 2024/25, a decline from approximately 3.8 to 3.2 hours.[94] The direct consequence of this decline is effectively a loss of capacity.

92 Working hours – Courts and Tribunals Judiciary (Courts and Tribunals Judiciary); Courts: Opening hours – Question for the Ministry of Justice (UK Parliament, January 2025).

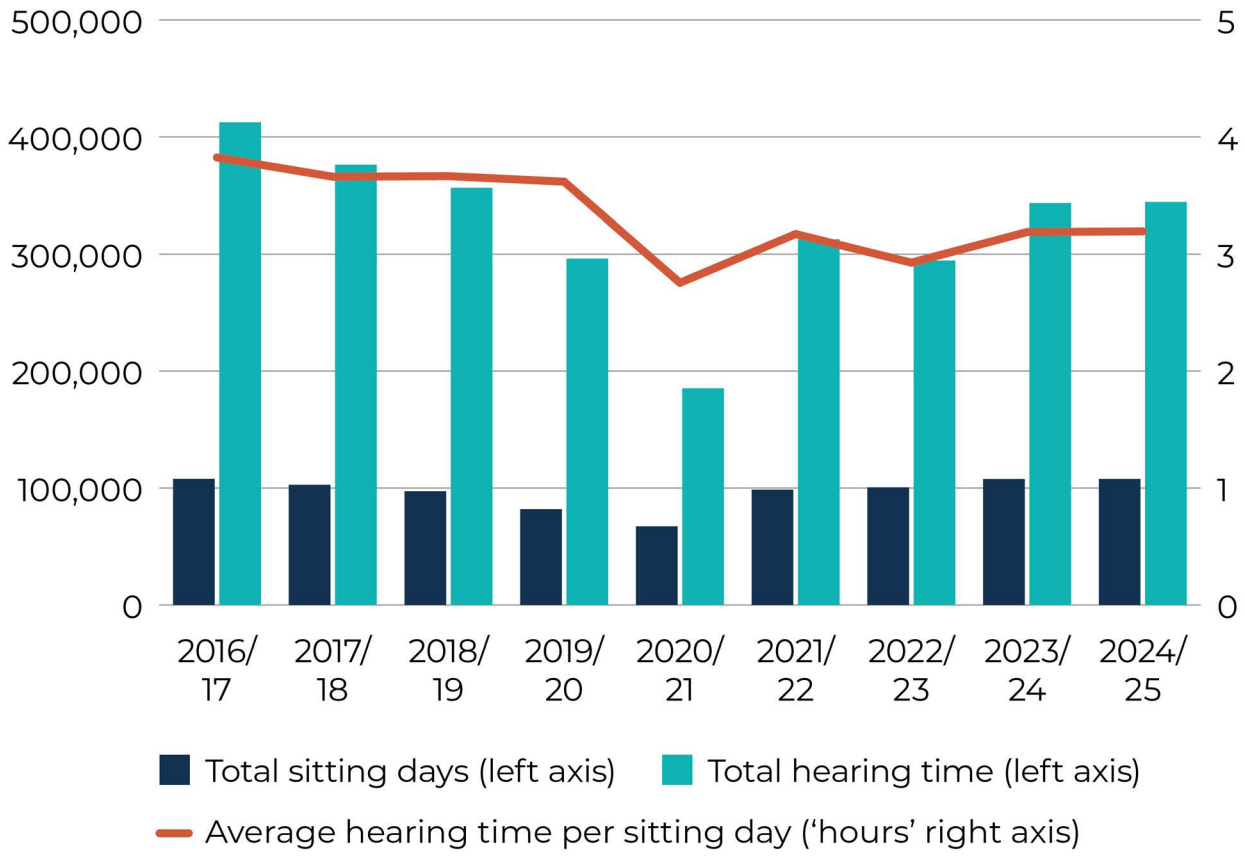
93 Average hearing time per sitting day of 3.24 hours is based on an 18-month rolling average (February 2024–July 2025) and is used as a baseline modelling assumption in Annex E (Technical Annex).

94 Sources: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025); HMCTS management information – March 2025 (HMCTS, May 2025), Table 1. Note: these values refer to annual averages calculated according to financial year, so will differ from the 3.24 rolling average value used as a modelling assumption – see Annex E (Technical Annex).

Figure 2.11

Sitting days, total hearing time and average hearing time (for disposed cases) per sitting day (hrs)

England and Wales, 2016/17 to 2024/25



Source: Source: Criminal court statistics quarterly, July to September 2025; HMCTS management information – March 2025

39. The causes behind the declining productivity of Crown Court sitting days are complex but, as I will explore throughout this Review, they arise from a wide range of interlinked and cross-system factors that result in lost time that could have been spent concluding cases. This can be due to delays in hearings starting (e.g. through late delivery of defendants from prison) or hearings being cancelled altogether at the last minute (e.g. through the lack of availability of an interpreter). I will explore these issues in greater depth throughout this Review.

40. The increase in ineffective trials is a key driver of wasted court time. Trial effectiveness data considers levels of effective, cracked, ineffective and vacated trials, which are defined as:

    a. An effective trial is a trial which goes ahead as planned on the scheduled day in court.

    b. A cracked trial does not go ahead because the defendant has offered an acceptable guilty plea or the prosecution has offered no evidence against the defendant so that the defendant has been acquitted. This is positive in some respects as the case is resolved, but in cases where the prosecution offered no evidence it means that the cost of investigation, prosecution, case preparation and defence (to say nothing of court and judicial time) has been wasted.[95]

    c. An ineffective trial cannot go ahead as planned and is rescheduled on the day of trial. This differs from a vacated trial which is rescheduled ahead of time, but this can happen anytime up to the day before the trial. Whilst a vacated trial is likely to have a less negative impact on court capacity than an ineffective trial, as there is more scope to proceed with another case instead, both represent delays to defendants, victims, witnesses and justice and can cause wasted court time.

41. The Crown Court has seen a decreasing proportion of effective trials in recent years from 51% in 2016 to 44% in 2024 and an increase in the proportion of ineffective trials from 15% to 25% over the same time period, as shown in Figure 2.12 below.[96] The key drivers of ineffective trials have largely been defence/prosecution not being ready (i.e. failures of case preparation), unavailability of victims/witnesses/defendants and over-listing.[97] In 2022, counsel unavailability spiked due to the Criminal Bar Association industrial action. Following this, it has stabilised at a lower level although is still much higher than previous trends. I will refer to ineffective trials further throughout the review.

95 This is particularly so when no evidence is offered. On occasion, new evidence will have emerged which might explain the decision to abandon the prosecution but where there is no such evidence, the question must be asked why the case was previously considered appropriate to prosecute on the basis that none of the work put into it has resulted in a trial even starting.

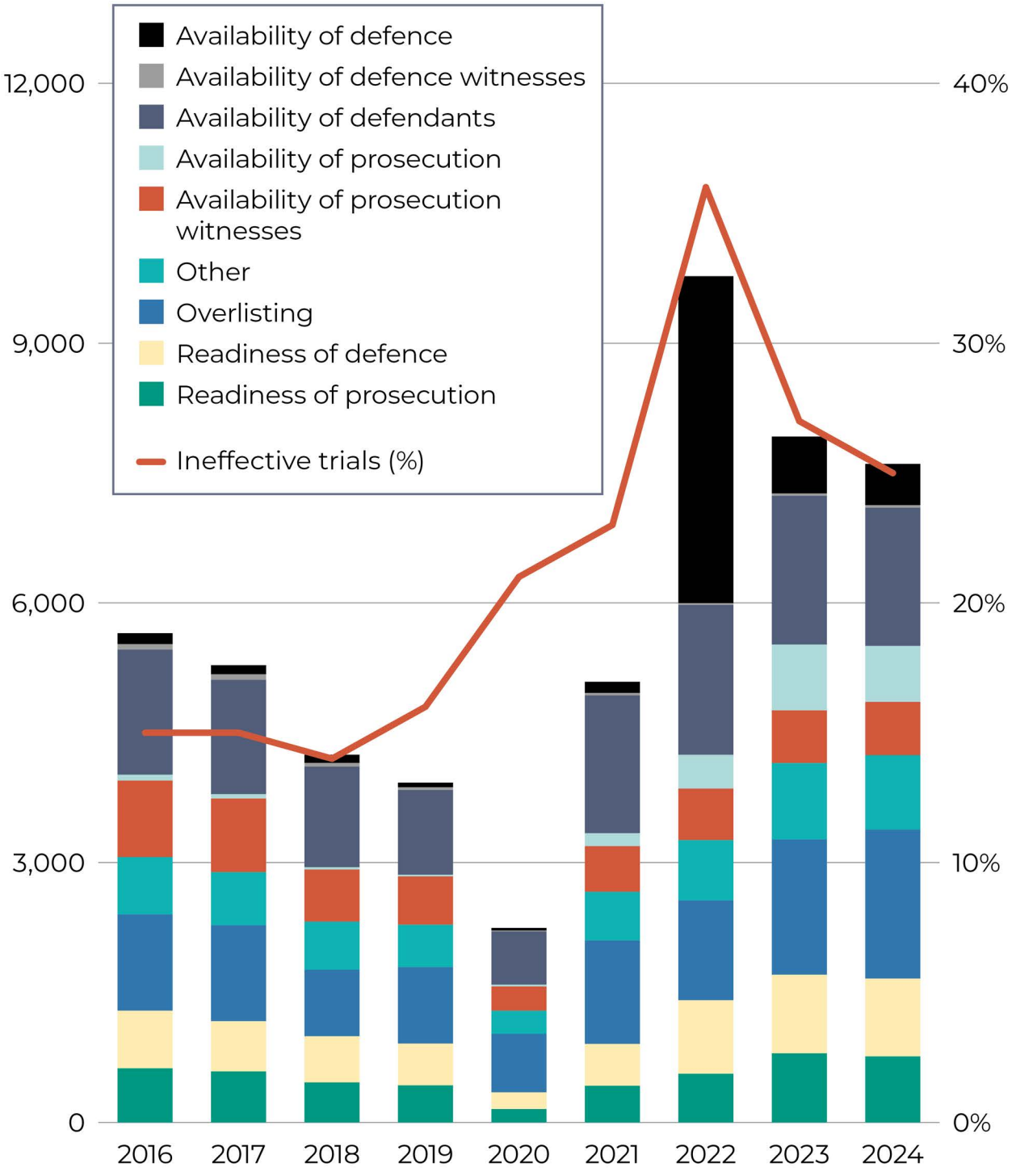
96 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

97 Further information around the aggregated groups for reasons of ineffective trials can be found in Annex E (Technical Annex).

Figure 2.12

Crown Court ineffective trials as a percentage of the total, and reasons for ineffective trials

England and Wales, 2016 to 2024



Source: Criminal court statistics quarterly, July to September 2025

42. The volume of vacated trials in the Crown Court has also increased significantly above pre-COVID-19 levels. Between 2016 to 2019, the volume of vacated trials reduced from 15,000 to 13,000 but rose to 18,000 in 2024.[98] As I have said, trials may be vacated for a variety of reasons including the entry of a late guilty plea, the prosecution dropping the case and a lack of case readiness or unavailability of key participants. Fortunately, the courts can often list alternative cases following a vacated trial, so the time is not always wasted. However, quite apart from the disruption to victims, witnesses and defendants, vacated trials do cause disruption, including making listing more complex and making it harder for other agencies across the system to plan ahead. The risk of disruption is minimised the more notice that is given. In the year to October 2025, 27% of vacated trials in the Crown Court were vacated one to five days ahead of their scheduled trial.[99]

43. Ineffective trials are also a problem in the magistrates' courts. The proportion of effective trials in the magistrates' courts reduced from 47% to 41% between 2016 and 2024 while the ineffective trial rate increased from 15% to 22%.[100] The reasons for ineffective trials are similar to those in the Crown Court though with slightly higher rates of 'lack of readiness of both the prosecution and defence'. The volume of vacated trials later than in the Crown Court with 36% within five days of their scheduled date and a further 16% six to ten days ahead (year ending October 2025).[101]

98 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

99 Source: HMCTS Unpublished Management Information. Note: if Common Platform is not updated on the day the trial is vacated, the estimate of days may be incorrect – as there is no feature to backdate the date of vacation. Therefore, the data is subject to uncertainty.

100 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

101 Source: HMCTS Unpublished Management Information. Note: if Common Platform is not updated on the day the trial is vacated, the estimate of days may be incorrect – as there is no feature to backdate the date of vacation. Therefore, the data is subject to uncertainty.

44. The ultimate impact of ineffective and vacated trials is that thousands of trials every year do not go ahead on the date that they are listed to commence. In a complex system, some such failures are to be expected, and ineffective trials can never be eliminated. I also acknowledge that in many instances the delays are minimal, such as when ineffective trials can be relisted quickly, but this is not always the case and sometimes court time is wasted. The uncertainty as to whether a trial will be effective also requires courts to 'over-list' cases (i.e. listing more cases than could be heard in the time available on the basis that some cases will drop out) to maximise the use of available judicial and courtroom capacities. This means that if the planned case does not go ahead, there is another case ready to be heard. Whilst this can be an effective way to maximise capacity (and prevent the court remaining empty if a defendant unexpectedly pleads guilty), over-listing can and does cause wasted case preparation for those trials that are not heard on the day and are rendered ineffective. Overall, ineffective trials are a significant source of wasted work. Ineffective trials, where there is no other work ready for the court to hear, are likely responsible, at least in part, for the reduction in hearing time per sitting day set out above.

45. Ineffective trials are not the sole source of wasted court time. Hearings that are not part of trials, such as preliminary or sentencing hearings, also fail due to lack of preparation or administrative processes.[102] There have also been changes in the pattern of hearings in the Crown Court, with an increasing prevalence of shorter hearings. These can entail more gaps in court lists between hearings, reducing the overall productive time. Figure 2.13 shows that the total number of hearings[103] in the Crown Court increased by approximately 8% between 2016/17 and 2024/25 (as sitting days increased), from around 393,000 to around 426,000, while the average (mean) time per hearing fell by a larger proportion, 24%, from 1.1 to 0.8 hours.[104]

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102 For recent examples of this, see: L. Bannerman, Britain's broken justice system, told through one day in court (The Times, 26 December 2025). I acknowledge that the article also presents arguments both for and against my recommendations in Part I of this Review.

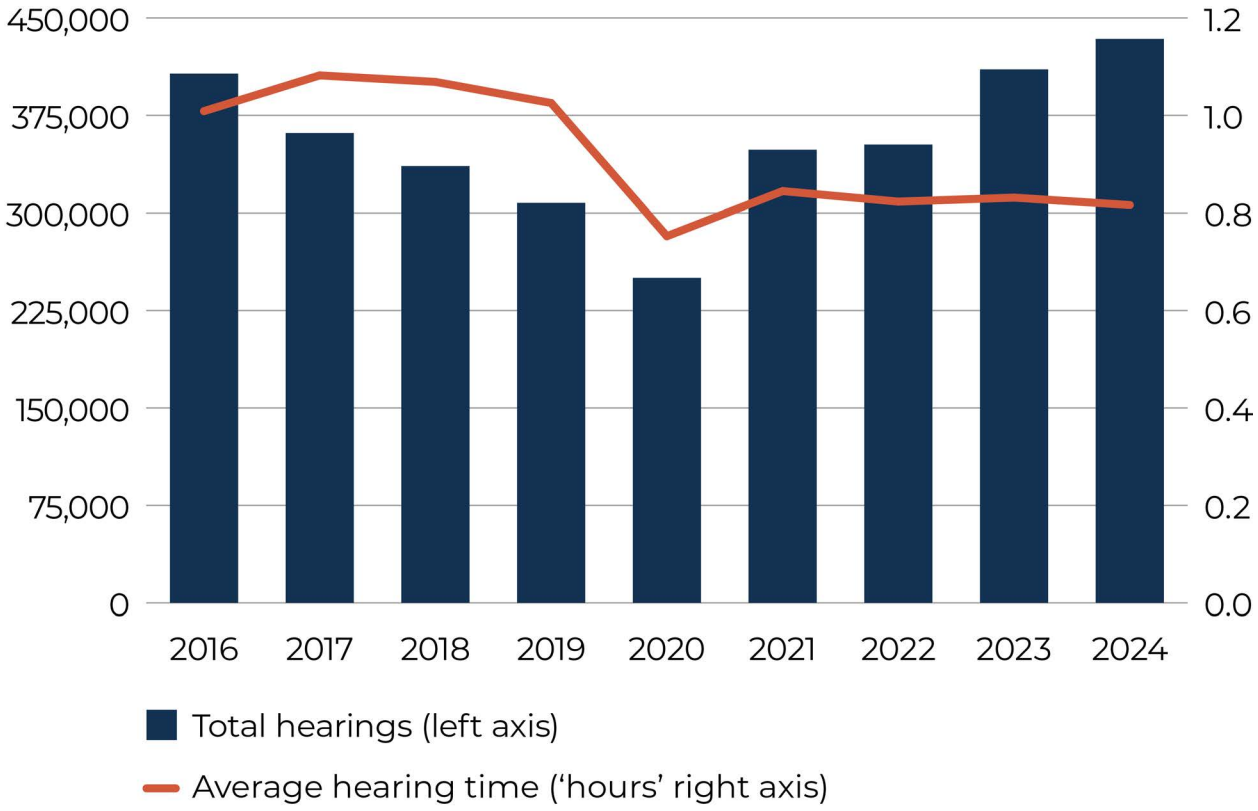
103 The total number of hearings has been estimated by multiplying the number of valid cases by the mean number of hearings, where valid cases are defined as: number of valid defendants/cases are defendants who have a main hearing, and have entered a plea, this excludes defendants that have a receipt date prior to 2005.

104 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

Figure 2.13

Total number of hearings and average hearing time (hours)

England and Wales, 2016 to 2024



Source: Criminal court statistics quarterly, July to September 2025

46. As I will set out in Chapter 7 (Preparing for First Hearing and Ongoing Case Management), this is likely being driven in part by a growth in preliminary hearings. I should make clear that the increasing prevalence of shorter hearings in isolation is not in itself an indicator of inefficiency and could in other circumstances be interpreted in the opposite way. However, this seems a less likely explanation in the context of the burgeoning open caseload and delays in listing and concluding trials.

47. The overall reduction in hearing time per sitting day is an important indicator of declining efficiency and of the system-wide factors that cause it, and throughout this Review I will make recommendations aimed at tackling the causes behind this decline.

48. To understand the scale of the challenge, my team has carried out analysis of various scenarios including 'turning point' analysis, which takes the system as it is working now as a baseline and then calculates the level of change required in the hearing time per sitting day metric to see the open caseload start to reduce within five years. It is worth stating that seeing a reduction from 2030/31 onwards should not be perceived as a 'good' outcome for the criminal courts – this would still mean increases in the overall caseload until that point. This analysis is not designed to quantify the impact of individual recommendations, but to demonstrate the progress that could be made through improved efficiency, and the scale of the challenge in terms of clearing the current open caseload.

49. In the Crown Court, if all other metrics remained at their current assumed levels (e.g. the allocated number of sitting days and the average time it takes to hear a case), hearing time per sitting day would need to increase by 44 minutes above current levels, reaching 3 hours and 58 minutes by 2030/31 for the system to achieve a turning point within five years and sustain a decline of the open caseload. In the current system, reaching a hearing time per sitting day of 3 hours and 58 minutes is highly optimistic, and lies above historic maximum levels (see Figure 2.11). Although the metric was close to this level in 2016, the open caseload was much lower, and behaviours symptomatic to this and wider system pressures were not as prevalent. For further details of this analysis, see Annex E (Technical Annex).

50. In the magistrates' courts, due to the way sessions are listed and reported, it is not possible to track the hearing time per sitting day metric, although, as outlined above, data shows a rise in the rate of ineffective trials. Instead, turning-point analysis has been conducted using 'disposals per sitting day', which is an equivalent to, and is driven by, hearing time per sitting day as well as hearing time per case, which I will explore below. Turning-point analysis shows that increasing non-SJP disposal rates by approximately 13% or SJP disposal rates by 300% could see the open caseload reach a turning point within five years but reaching each of these levels is, again, well above known historic maximums of the metrics.

51. In both of these scenarios, what is clear is that an improvement to the hearing time per sitting day (or, in the magistrates' courts, disposal per sitting day) is a vital part of tackling the open caseload as it can drive significant changes in the projected caseload. However, even a very ambitious improvement could only prevent the scale of the crisis getting worse rather than drive significant improvements to the open caseload, which is why I argue that this approach needs to be combined with more radical structural reform to see a turnaround in performance.

52. It has been suggested to me that sufficient improvements in the caseload could be achieved by extending the length of the sitting day. I do not believe this is a viable solution due to the inevitable knock-on effects on other parts of the system. It would reduce the available time for judges and lawyers to carry out essential work outside the courtroom. Reducing that time will have negative impacts on the quality of preparation, administration and case management. It would also require the extension of court operating hours which is not sustainable without additional resources across the criminal justice system, particularly in court staff, judiciary and prosecution and defence teams, as well as prisons, probation and other agencies. As I have shown above, courts are sitting at a higher volume of days than ever before but the disposal rates are lagging behind previous baselines due to the combined effects of inefficiencies across the system. Court time is a valuable resource and the priority must be to make better use of the court sitting hours available and increase the efficiency and effectiveness of preparation and hearing processes to reduce the need for adjournments. However, I am also persuaded by opportunities to make greater use of standard court working hours outside the traditional court sitting day (between 10.00 to 10.30 and 16.00 to 16.30) to schedule specific types of hearings which I discuss in Chapter 8 (Remote Participation).

53. There have been recent attempts to pilot extended sitting hours which showed mixed results and were not adopted permanently. During COVID-19, six Crown Courts piloted the use of sitting for two long sessions per day from 09.00–13.00 and then 14.00–16.00 (Covid Operating Hours) and compared results against courtrooms operating standard hours. The extended-hour courtrooms were found to be effective in disposing of more cases than standard-hours courtrooms. However, the extended-sitting-hours courtrooms were also found to make less efficient use of judges' time as they required twice the number of judicial sitting days to operate, while also tending to list fewer complex cases for those courtrooms. There was also increased pressure on HMCTS staff to deliver the additional sitting hours and it was recommended that additional staff would be needed to take this forward.[105] Another pilot in 2021 tested similar sitting hours but covered only civil jurisdictions. It found that the impacts on the efficiency of courtroom use as well as speed, cost and quality in the delivery of justice were neutral with negative impacts on the working lives of judges, court staff and lawyers. Therefore, the evaluation recommended that additional judicial and staff resources would be required to roll out this approach further, similarly to the Covid Operating Hours pilot above. However, this pilot also reported positive impacts on public satisfaction and access to justice.[106]

105 COVID Operating Hours Crown Court Pilot Assessment: Final Report – User experience and Insight (HMCTS, November 2020); COVID Operating hours – consultation response (HMCTS, July 2021). In response to a consultation on COVID Operating Hours, the Lord Chancellor decided on a short-term basis to support a flexible approach that allowed local Resident Judges to choose to sit different hours, which could include use of a 'remote' model for non-jury trial work as well as a COVID Operating Hours model in some courtrooms mainly for jury trials but with the option to use time before the morning session and at the end of the afternoon session, if it ran short, for non-jury trial work. Note also an earlier pilot in Croydon Crown Court in 2010–11 which established a proof of concept for morning and afternoon shift sitting. It found it to be an effective approach in reducing the open caseload but, in a similar vein to the COVID Operating Hours pilot, most agencies involved identified additional costs with any future use of shift sittings, which did not arise during the pilot period due to staff goodwill and flexibility. Court Double Shift Sittings: Evaluation Report (London Criminal Justice Partnership, March 2011).

106 IFF Research and Frontier Economics, Flexible Operating Hours Pilots: Evaluation Findings (HMCTS, July 2021).

Hearing Time per Case

54. I turn now to look at the second efficiency metric used throughout the Review – hearing time per case. This is defined as the total active hearing time in the Crown Court associated with each case, including preliminary hearings, main hearings and hearings where a sentence is given to a defendant. This is distinct from the offence to completion timeliness measure above (which includes the time between any hearings or trials).

55. Figure 2.14 shows the average hearing time per case by different case types. This shows that overall hearing time per case in the Crown Court in fact decreased from 3.6 hours to 3.3 hours between 2016 and 2024.[107] However, looking at the average hearing time by plea or case type, it is clear that for all disposal types other than 'dropped', average hearing times have increased. This is particularly true for trial cases received by the Crown Court with the average hearing time for guilty plea and not guilty plea cases increasing from 1.5 hours to 1.9 hours and 14.9 to 16.7 hours respectively between 2016 and 2024.[108] Therefore, the overall decrease observed is likely to have been driven by the change in the mix of disposals with the court getting through relatively more work that is less time- and resource-intensive. As demonstrated earlier in this chapter, there has been a shift towards committals for sentence and dropped cases, with relatively fewer guilty plea and not-guilty plea cases being disposed of in a given year. However, while there has been a change in the composition of disposals, the proportion of more complex trial work in the open caseload has remained stable.

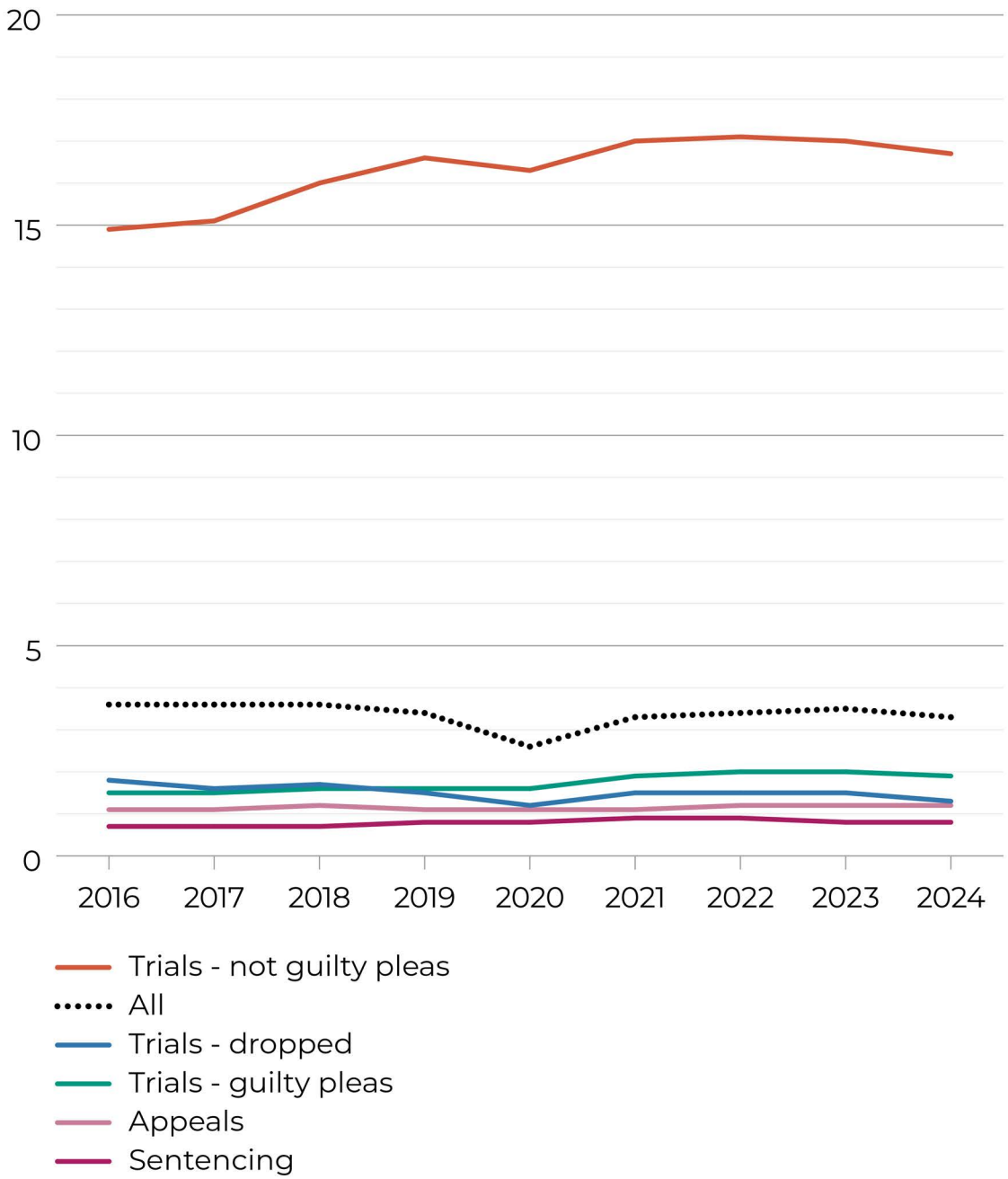
107 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

108 Ibid.

Figure 2.14

Mean hearing time per case, by disposal type in the Crown Court (hours)

England and Wales, 2016 to 2024



Source: Criminal court statistics quarterly, July to September 2025

56. To illustrate the increasing hearing time required for trial cases in clearer terms, I offer an historical comparison from before the Crown Court fully came into being. According to a 'Report of the Royal Commission' in 1967, 'contested' criminal trial cases in the 'higher courts' took on average 6.3 hours. Even 'complex' trial cases at the Old Bailey, involving either more than one person or more than one charge, took on average only 13.8 hours.[109] In contrast, as I highlighted in my Part I Problem Diagnosis, in 2024 the average hearing time in serious (indictable only) cases where a not guilty plea had been entered was more than 22 hours.[110] Even in cases where the defendant pleads guilty, cases are now taking much longer. According to the report, in 1967 'uncontested' trial cases in the 'higher courts' took on average 0.6 hours.[111] By comparison, in 2024 for all trials (either way cases and indictable only) where the defendant has entered a guilty plea, the average length was 1.9 hours.[112]

57. At the same time as the hearing time for most types of cases has been increasing, cases are typically requiring a greater number of hearings. Indeed, Figure 2.15 shows that over the period 2016 to 2024, the average number of hearings per case increased from 3.5 to 4.0.[113] This is being driven by both guilty plea and not-guilty plea cases. For the former, the average number of hearings increased from 3.9 to 4.9 over the same period. For the latter, it increased from 5.7 to 7.9,[114] indicating that many not-guilty plea cases may have taken up to eight or more hearings to conclude.

109 Source: Lord Richard Beeching, 'Report of the Royal Commission on Assizes and Quarter Sessions 1966–69' (London, 1969).

110 Criminal court statistics quarterly (MoJ, 2025). See also The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), Chapter 2 (Problem Diagnosis). Note: this is not an entirely like-for-like comparison as the historic and 2024 figures will not be measured in entirely the same way. However, it underlines the overall growth in the complexity of criminal law, procedure and trial over the last 50 years.

111 Source: 'Report of the Royal Commission on Assizes and Quarter Sessions 1966–69' (1969).

112 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

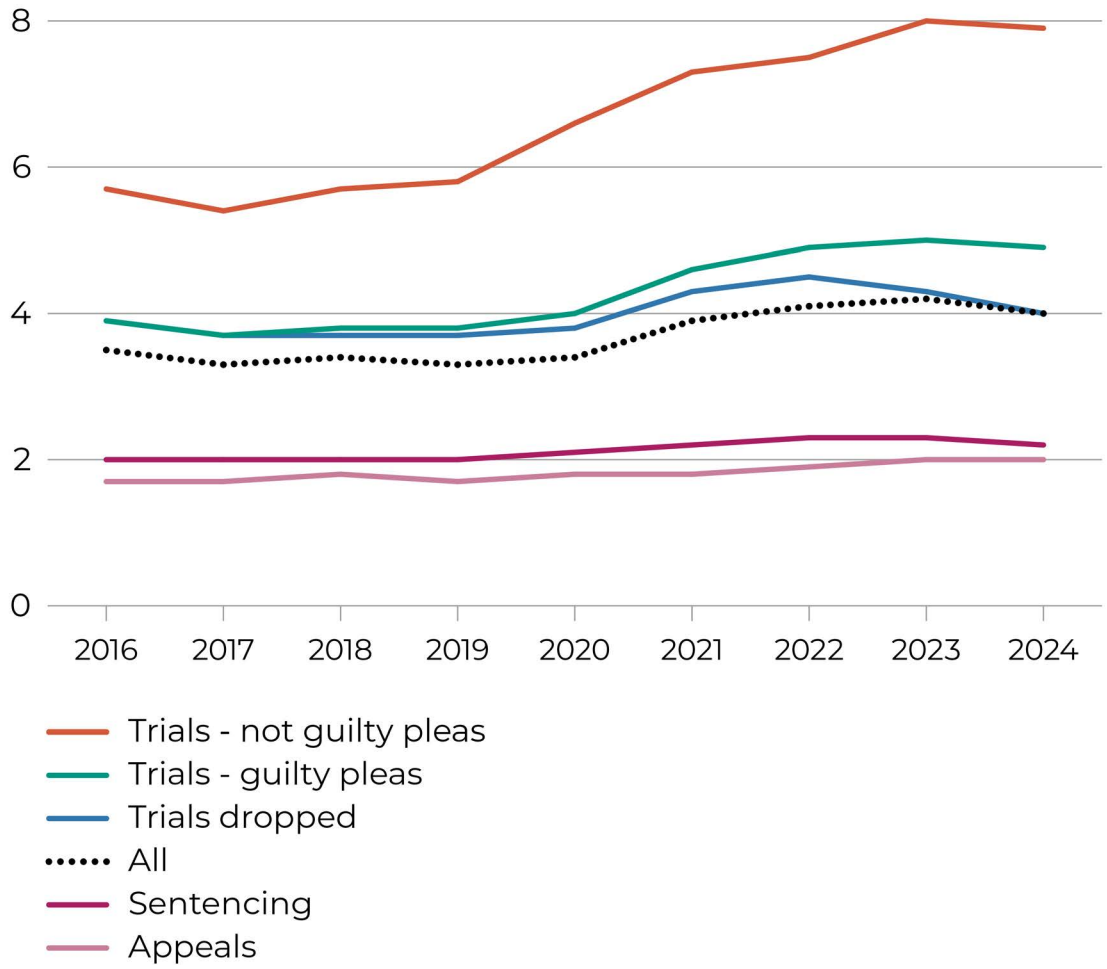
113 Ibid.

114 Ibid.

Figure 2.15

Average number of hearings per case in the Crown Court

England and Wales, 2016 to 2024



Source: Criminal court statistics quarterly, July to September 2025

58. The increase in the overall volume of hearings reflects, in part, an increasing need for additional preliminary hearings between PTPH and trial as cases take longer to conclude in the Crown Court. Later guilty pleas also add pressure to the number of hearings as does the need for additional Custody Time Limit extension hearings driven by the increasing remand population.

59. There is a wider debate about the changing complexity of the case mix that the Crown Court is handling and its relationship to efficiency. In the Problem Diagnosis chapter of Part I, I presented the MoJ's Adjusted Disposal Rate for the Crown Court which showed a pronounced fall in the Adjusted Disposal Rate after 2019.[115] This measure compares the actual disposal rate of a court with an expected rate given the proportion of disposals with not guilty pleas, effectively using not guilty pleas as a proxy for complexity. Overall, this measure suggested falling underlying efficiency since 2019, with some recent recovery, although additional explanations cannot be conclusively excluded. In its analysis on Crown Court productivity, the IFS used mean hearing time for each offence group to represent case complexity and reached a contrasting conclusion. According to this measure, disposals have increased in complexity post-COVID-19 and, after adjusting for this complexity, disposal rates had recovered to pre-COVID-19 levels by the end of 2024.[116] This would suggest that court efficiency has rebounded from a post-COVID-19 dip, and differences in performance reflect changes to incoming case mix. More recently, the Institute for Government has also examined case complexity, incorporating both mean hearing time of offence group and case type in its calculations. This analysis found that the complexity of receipts remained relatively constant from 2016 to 2024 while the complexity of disposals decreased, suggesting that courts appear to be prioritising dealing with more straightforward cases.[117] This account accords more with my discussion of misleading increases in disposal rates discussed above and suggests that court productivity is in worse shape than headline measures would suggest, with more complex cases being disposed of at ever slower rates.

60. Equivalent hearing time per case data for the magistrates' courts is not available. As outlined above, an increasing proportion of the work is done through the SJP, which is much quicker than non-SJP processes and is used to deal with more straightforward cases. However, my recommendations in Part I of this Review will, if implemented, increase the volume of more complex cases being dealt with by the magistrates' court.

115 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), Chapter 2 (Problem Diagnosis), p. 63.

116 M. Dominguez, B. Zaranko and J. Tomlinson, Productivity in the Crown Court (IFS, April 2024).

117 C. Rowland, Performance Tracker 2025: Criminal courts (Institute for Government, October 2025).

61. I accept that, in some cases, increasing time spent hearing a case may be a necessary consequence of changes to the system, for example improvements in the way that victims and witnesses are able to participate or due to increases in the complexity of offending being prosecuted or the nature of the evidence being deployed. However, unnecessary lengthening of hearing time is to be avoided and, where possible, processes should be streamlined without compromising on fairness, for example by making better use of technology to support administrative tasks. I therefore make recommendations throughout this Review aimed at reducing this metric.

62. Turning-point analysis has also been conducted around this key efficiency metric, to calculate the level of change required in hearing time per case to see the open caseload start to reduce within five years.[118] In the Crown Court, if all other metrics including allocated sitting days and hearing time per sitting day, remained at their current levels, hearing time per case requires an 18% reduction on average for the system to achieve the turning point within five years and sustain a decline of the open caseload. This is equivalent to reducing indictable only cases by 98 minutes, either way cases by 38 minutes, appeals by 13 minutes and committals for sentence by eight minutes, on average. This is highly optimistic, and beyond historic minimums of this metric for all case types. See Annex E (Technical Annex) for further detail of this analysis.

63. This analysis again reaffirms my view that – given the scale of the crisis and increasing open caseload – efficiency improvements are a vital part of the measures to tackle the caseload but that radical and more immediate changes are needed to turn the corner in order to begin reducing the open caseload within a five-year period. Simply reaching a turning point where the open caseload begins to decline within five years should not be seen as a success. During this period, new cases will continue to be added to the open caseload, which is predicted to exceed 100,000 by November 2027.[119] While a reduction of the open caseload from this level would be an encouraging indication of progress, it does not mean that the courts have recovered.

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118 As above, only seeing a reduction from 2030/31 onwards should not be perceived as a 'good' outcome for the criminal courts – this would still mean increases in the overall caseload until that point.

119 Source: Prison Population Projections: 2025 to 2030 (MoJ, December 2025). See supplementary table A6 of statistical tables for future Crown Court open caseload projections.

Capacity Constraints

64. The third efficiency metric that I discuss throughout this Review is capacity. Unlike the other two efficiency metrics discussed above, capacity – measured as total sitting days allocated to the courts – is more of an input. The number of sitting days is set each year via the Concordat process, which I will discuss in more detail in Chapter 6 (Listing and Allocation of Workload). This process takes into account various elements of system capacity – including physical court capacity, judicial capacity and the capacity of the CPS and wider legal sector – to set a sitting day allocation for the year ahead.

65. It is clear that currently the criminal courts are operating close to the limits of their capacity which is negatively affecting their ability to operate efficiently and effectively. In this section, I will explore available capacity and limitations to scaling this up. While the magistrates' courts have seen the biggest reductions in physical and judicial capacities, the impacts of capacity constraints are most marked in the Crown Court which relies both on the smooth running of the magistrates' courts to progress the right cases expeditiously but also the availability of courtrooms, judges and experienced and well-prepared legal professionals in the right place at the right time.

66. I have been clear that an increase in capacity is a necessary part of the strategy to address the current crisis in the courts. In Part I of this Review, I recommended that when it is possible (bearing in mind funding, alongside capacity across the criminal justice system) the allocation of sitting days in the Crown Court should be increased to 130,000 per year, a goal which HMCTS should ramp up to over time. But I am clear that sitting at that level is not achievable now. The Lady Chief Justice was told by HMCTS in August 2024 that judicial capacity could accommodate 113,000 sitting days.[120] The increase in sitting days to unprecedented levels of 111,250 in 2025/26[121] is welcome alongside a portion of the additional £450 million annual funding for the courts by 2028/29 announced in the 2025 Spending Review.[122]

120 Lady Chief Justice Evidence Session (Justice Select Committee, November 2024).
121 Extra funding for courts to deliver speedier justice for victims (MoJ, October 2025).
122 Spending Review 2025 (HM Treasury, June 2025), p. 26.

67. Central demand projections for the Crown Court suggest that the workload is expected to require an even higher number of sitting days than the volume I recommended in Part I, requiring around 135,000 sitting days in 2026/27 and rising to 138,000 by 2029/30.[123] That is why a combination of approaches is needed: increasing capacity, implementing legislative structural reforms as recommended in Part I and increasing efficiency. No approach that disregards one of these components will be sufficient to address the scale of the crisis. The focus on efficiency in this Review is essential to ensure that the use of both existing and any additional future resources is optimised.

68. In light of the choices that have been made over the last 15 to 20 years to reduce capacity and their consequences, it is perhaps also an appropriate time to reassess what I described in my 2015 Efficiency Review as the 'irreducible minimum of funding – for the police, the CPS, defence lawyers, the courts and the National Offender Management Service [predecessor to HMPPS] – below which the criminal justice system cannot operate'. This is not just a debate over the right level of funding for the individual agencies but whether it is more efficient to have a system that can respond flexibly to both downward and upward shifts in demand with the additional costs that incur when demand changes quickly or a system routinely carries adequate spare capacity to deal with unexpected changes.

Courtroom and Estate Capacity

69. I am aware that there has been some commentary about the usage of courtrooms, and whether the existing estate is being used to maximum effectiveness. As I outlined above, even sitting at maximum available capacity would not be sufficient to bring the caseload down to an acceptable level, but it is nonetheless important to examine the extent to which the use of the court estate could be optimised. Based on my team's engagement, I understand that courtrooms are being utilised at high levels although it is difficult to ascertain a clear picture nationally and regionally as there is no consistent publicly available data.

123 Prison Population Projections: 2025 to 2030 (MoJ, December 2025).

70. However, there is some spare courtroom capacity. As a snapshot of the current picture of capacity, in 2025 there were around 500 courtrooms in the Crown Court[124] and 600 in magistrates' courts.[125] Of these courtrooms, HMCTS management information suggests that approximately 90% were available for face-to-face hearings (across both Crown and magistrates' courts).[126] Of the courtrooms recorded as unavailable for face-to-face hearings, HMCTS management information suggests that some are used for other work, for example, for remote hearings or other casework, although some may be closed due to planned or unplanned maintenance. The precise figures are not available. HMCTS use a calculation that estimates available sessions in the Crown court (where typically two sessions comprise a sitting day). In October 2025, estimated utilisation of available sessions and available hours was approximately 89% and 80% respectively, though it should be noted that there are seasonal dips particularly around August and December.[127] Sessions at court are planned on a combination of factors, including courtroom availability.

71. There are multiple reasons why a courtroom may not be in use, and the picture is made more complex as courtrooms may be used for other types of work. I understand from visits to courts throughout this Review that some Crown Court courtrooms are being used for magistrates', civil, family or tribunal work; I have not been able to ascertain the extent to which this is happening due to a lack of available data.

124 Source: Crown Court: Question for Ministry of Justice (UK Parliament, November 2025).

125 Source: HMCTS Unpublished Management Information.

126 Ibid. Note: this is based on the latest available estimate which is a snapshot of capacity as of 30 April 2025. This is based on unpublished HMCTS management information so is therefore subject to uncertainty and is not subject to the same checks as official statistics.

127 Source: based on HMCTS Internal Management Information. No reliable equivalent utilisation data was available for magistrates' courts. Available sessions are the total number of verified sessions marked in courtroom planner (CP) as available. CP verified available sessions are multiplied by 2.5 to give the number of verified available session hours. This is based on a notional five-hour sitting day. Then, the utilisation percentages are worked out accordingly. For session utilisation: total number of used sessions divided by the number of available sessions. For hourly utilisation: total hours sat divided by verified available session hours. Start times and end times of sessions are captured through an internal database, but some elements are unaccounted for (i.e. time taken to prepare the room between hearings, counsel taking further instructions or lunchtime adjournments). Unpublished data is not subject to the same quality checks as official statistics.

72. The primary reason courtrooms may not be in use is due to wider system resourcing constraints. Utilisation is highly contingent on the ability of criminal justice agencies to support the efficient running of a sitting day, so consideration of wider criminal justice resourcing is essential in determining a viable level of sitting days. I will go on to talk about these constraints in the following section.

73. Capacity can also be lost due to maintenance issues. HMCTS has stated that only around 2% of Crown Court courtroom capacity is lost each year due to planned or unplanned estate maintenance and, by moving cases around between courts, only 0.2% of sitting days are lost.[128] Between 2010 and 2021, as part of government policy to rationalise the estate, 162 magistrates' courts were closed out of 323 and eight of 92 Crown Court venues, with very little replacement.[129] Though closures have focused on older and under-utilised buildings, much of the remaining HMCTS estate is 30 to 50 years old, and there is a high maintenance open caseload currently estimated at around £1.3 billion due to historic underinvestment.[130]

74. There are also wider considerations of prudent estate management and maintaining some spare capacity to mitigate the risks of failures. HMCTS has attributed its success in the low level of sitting days lost to maintenance issues to its agility in moving cases around courts using their spare capacity.[131] In 2019, HMCTS had asked Professor Martin Chalkley of York University to undertake an independent review of their capacity models for the Fit for the Future estates strategy consultation. He found that the models, while mathematically accurate, did not capture the potential costs of running courts at higher capacity utilisation and the spare capacity required to absorb excessive workload.[132]

128 Source: Crown Court backlogs (Public Accounts Committee, March 2025).

129 Source: Court Statistics for England & Wales (House of Commons Library Briefing, 2021). [Not available online but accessed by email request to House of Commons Library.] Court statistics for England and Wales (September 2024) did not publish court estate information. The 2021 version published information on court closures sourced from a personal communication with HMCTS.

130 Maintaining public service facilities (National Audit Office, January 2025); with thanks to HMCTS for its submission to this Review; Oral Evidence – Crown Courts Backlog (Public Accounts Committee, January 2025).

131 Crown Court backlogs (2025).

132 Professor Martin Chalkley of York University, Response to 'Fit for the future: transforming the Court and Tribunal Estate' consultation (HMCTS, 2019).

Judicial and Wider Legal Sector Workforce Capacity

75. As I outlined above, wider system resourcing is a key constraint in maximising the use of the court estate and increasing available capacity. While the specific constraints vary regionally, the availability of legal professionals is a key constraint which I consider further in Chapter 10 (The Judiciary and Legal Workforce). This is a problem that will become even more challenging owing to the increasing risk of mass retirement due to the ageing workforce.

76. The number of legal professionals working in the criminal legal aid defence sector has declined. Duty solicitor numbers decreased by 26% between October 2017 and April 2025 while the overall number of criminal legal aid solicitors dropped by almost a third from 2014/15 to 2023/24.[133] The number of barristers conducting public criminal work recovered to 2017/18 levels in 2023/24 and the number of new entrants (those with 0–2 years of practice) rose substantially, but the profession has suffered a loss of mid-level experience and a 25% drop in the numbers of King's Counsel. Barristers continuing to conduct criminal work report having to deal with higher workloads.[134] Counsel unavailability has emerged as a significant reason for ineffective trials in recent years following the Criminal Bar Association's industrial action when previously it accounted for a much smaller proportion. In 2024, there were around 1,100 instances of ineffective trials in the Crown Court due to counsel (either prosecution or defence) being unavailable.[135] Whilst the number of legal professionals is a key limiting constraint, I also consider in Chapter 10 (The Judiciary and Legal Workforce) how the setting of the legal aid budget may lead to restricting sitting days. The Criminal Bar is also the pool of legal professionals that CPS draws on for prosecuting counsel and it is that same pool that provides fee-paid, and most of the salaried, judges.

133 Legal aid statistics quarterly: January to March 2025 (MoJ and Legal Aid Agency, November 2025).

134 With thanks to the Bar Council for its submission to this Review.

135 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

77. Recruitment and retention of legal advisers have also been a primary challenge in the magistrates' court for many years, and as a result HMCTS now over-recruit to account for the high level of attrition. Despite this, I have been informed that magistrates' court sittings have been restricted in some cases due to a lack of legal advisers. The CPS is a key competitor in recruitment and provides higher pay and better career development opportunities.[136] I understand that the magistrates' court sitting-day allocation is constrained by legal adviser capacity. Judicial availability is also a key constraint in increasing overall capacity. Judicial headcount has reduced across magistrates' courts. The number of magistrates has fallen steeply from around 28,000 in 2005 to 15,000 in 2025, while District Judges and Deputy District Judges (Magistrates' Courts) have also declined overall over a similar period though their numbers remain relatively small. The headcount of salaried and fee-paid judges has increased overall, although no breakdown by jurisdiction is available.[137] The number of salaried court judges increased almost 10% between April 2017 and April 2025 while fee-paid judges increased by over 17.5% in the same period.[138] Judicial capacity is therefore not necessarily a barrier to increased sitting days, although there are undeniably issues with the time it can take to fill a vacancy and part-time sitting.

78. Well-being and morale have also deteriorated among criminal legal professionals, and this is reflected in the exit and recruitment challenges faced. In particular, surveys of judges and barristers have highlighted the stress of high workloads and indicated a widespread desire to move away from the sector which will add further pressure.[139]

79. I make recommendations in Chapter 10 (The Judiciary and Legal Workforce) aimed at increasing the capacity of the legal and judicial workforce and I hope that in the future this will allow the capacity and ability of the courts to sit additional days. However, this will take time, as people are recruited, trained and gain experience in the system.

136 See Chapter 10 (The Judiciary and Legal Workforce).

137 Source: Diversity of the judiciary: 2025 statistics (MoJ, July 2025).

138 Ibid.

139 See e.g. Criminal Bar Association National Survey 2025 (The Criminal Bar Association of England and Wales, March 2025) – published weekly via the Criminal Bar Association's Monday Message newsletter; Judicial Attitudes Survey 2024, England & Wales (Judicial Institute, University College London, February 2024).

Sitting Day Allocation

80. Alongside increasing capacity as part of a combined approach to reduce the open caseload, I believe there are improvements that can be made to how sitting days are allocated under the current Concordat agreement.

81. Courts require certainty over sitting-day allocations, preferably in advance of the financial year, to proceed in listing cases with confidence. There have been efforts recently to bring forward the allocation decision to earlier in the year, such as the March 2025 announcement for 2025/26 allocations.[140] The use of in-year adjustments to alter sitting-day allocation can also be difficult to accommodate when cases (and diaries) have been fixed and it is challenging to reorganise at short notice, in particular if sitting days are reduced. Further visibility over future years' allocations would also be welcome through multi-years' settlements, especially given the courts' need to list cases up to three and four years in advance.

82. The allocation process can also lead to wasted capacity when courtrooms are left unused due to insufficient sitting days. During engagement visits to courts, I have been informed of circumstances where courts have been allocated sitting days that they do not have the capacity to fulfil, while other courts have capacity but lack the sitting days. This often results in the transfer of cases between venues which can be unsatisfactory to both receiving and sending courts as well as creating knock-on effects for defendants, victims, witnesses and the defence and prosecution. A more nationally consistent approach to listing and the use of remote technology enabling greater flexibility could help to alleviate these pressures as will be explored in Chapters 6 (Listing and Allocation of Workload) and 9 (Hearing Processes).

140 Courts and Tribunals sitting days FY25/26 (UK Parliament, March 2025). Note: in oral evidence to the Justice Select Committee on 25 November 2025, the Lady Chief Justice observed of the 2025/26 allocation: 'That was the first time in a long time – perhaps the first time ever – that the concordat process was completed by the beginning of the next year.'

The Future Context

83. In this chapter, I have given the latest view of the many factors which are driving inefficiency across criminal justice today. However, the context of criminal justice will continue to evolve at a rapid pace over the next decade. As I have already demonstrated, criminal law and proceedings – and the work of the criminal justice agencies – has transformed in the 50 years of my career. I have no doubt that this trend will continue, if not accelerate.

84. Government and criminal justice leaders must therefore be alert to the future context of criminal justice and consider not just the action needed in the present but, for example, the action needed by 2035, or 2050. In doing so, leaders must proactively seek to understand, anticipate and adapt to the uncertain context of the future, be it demographic shifts, the emergence of new forms of crime or the accelerating development of AI. This is why one of my key principles for efficiency is 'Sustainability and adaptation'. It is also why decisive action on the present crisis without delay is all the more critical.

The Future Growth of the Current Crisis

85. Without radical action, the current crisis will get much worse in the years to come and dominate the government's future focus on crime and justice. MoJ projections suggest that the open caseload in the Crown Court is likely to grow faster than previously expected and could reach approximately 100,000 cases by November 2027,[141] almost a year earlier than previously projected.[142] This is driven by additional projected demand outweighing the increase in sitting days over the next few years. The demand is likely to be driven by increased police and prosecutorial activity due to increased police officer experience and investigator numbers as new entrants mature and gain experience following the Police Uplift Programme, which recruited 46,500 police officers and increased the total officer headcount by 21,000 between 2019 and 2023,[143] as well as other police productivity measures.[144]

141 Source: Prison Population Projections: 2025 to 2030 (MoJ, December 2025). See supplementary table A6 for future Crown Court open caseload projections.

142 Source: Crown Court Open Caseload Projections: 2025 to 2029 (MoJ, July 2025). Central scenario projected reaching an open caseload of 100,000 by September 2028.

143 Source: Police Uplift Programme: entry routes of officer recruits (Home Office, May 2024).

144 Source: Prison Population Projections: 2025 to 2030 (MoJ, December 2025).

This investment choice focused solely on police officer headcount and did not take into account the need for civilian support roles and expertise, especially in areas such as digital forensics on which police investigations will only become increasingly reliant and could be a rising source of future inefficiency, as I discuss later in this section.

86. The MoJ's open caseload projections are ultimately only illustrative and do not reflect the full range of uncertainty and risks which affect demand and future court activity. They can be very sensitive to changes in the behaviour of people and particularly the rate and timing of pleas entered by defendants, or independent judicial listing decisions. For example, guilty plea rates themselves could fall significantly as a result of increasing delays in listing and commencing trials; that in turn could trigger higher rates of witness and prosecution withdrawal.[145]

87. The combined impacts of lower or increasingly late guilty pleas and rising demand reduce the resilience and adaptability of the system, leaving it prone to ever greater stagnation. I do not think it is unreasonable to imagine a future, perhaps as near as the next five to ten years, where trials are so delayed that they have little chance of being brought before the court in a timely fashion, leaving crime increasingly unpunished and leading to a critical loss of public confidence. It is not an exaggeration to say this poses a real danger to the way in which our democratic society operates. Not only that, but it would also prevent government from meaningfully responding to the unknown risks and making the most of the opportunities that present themselves over the next decade.

The Evolving Context of Criminal Justice in the Next Decade

88. Even without the current crisis, the long-term context of criminal justice is filled with change, risk and opportunity. Whilst some future challenges are clear, the long-term future of criminal justice has an element of deep uncertainty, including the impact of unprecedented 'shock' events, which many sectors also face. When I wrote my 2015 Review, I could not have anticipated the seismic shifts in society and technology that would result from COVID-19.

145 Ibid.

89. Fiscal pressure is likely to remain on criminal justice and other unprotected areas of public service expenditure. An ageing population and rising costs of healthcare and other age-related spending are expected to place growing pressure on the public finances, pushing borrowing and debt higher.[146] This then leaves a shrinking portion of public expenditure for other areas, such as criminal justice, which has been underfunded for many years.

90. Furthermore, I have no doubt that criminal law and procedure will continue to grow in complexity, as they already have done in the course of my career. A crucial driver of this will be societal change which it is not possible fully to predict, driving the emergence of new forms of crime, investigation and evidence: the rise of cyber fraud and fraud generally is particularly worrying. Jurisdictional challenges will also arise more often as cybercrime transcends geographic boundaries, requiring greater international collaboration to combat.[147] Following the trends of recent years, this is likely to be combined with the development of enhancements to the quality of evidence-gathering and trial process and continued responsiveness to public concern about crime. Criminal justice must be adaptive, embracing both the positive, transformative effects of this change and the inevitable increase in complexity which will result.

The Future Risks and Opportunities of Technology

91. As will be a focus of this Review, technological progress presents some of the greatest opportunities to adapt and future-proof efficient delivery by all criminal justice agencies. However, it will also present some of the greatest risks and drivers of change in society in the coming decades, to which the criminal courts and criminal justice agencies must respond. These risks include:

    a. **The overall pace of technological change.** In the course of my career, technology has already fundamentally changed many aspects of society and criminal justice. The emergence of generative AI – with tools like ChatGPT, Microsoft Copilot and Google Gemini all released since 2022 – offers potential for a further seismic shift in the next decade. Development of AI-based tools across legal practice, particularly in commercial law, is already accelerating and moving into criminal law. The full long-term

146 Fiscal risks and sustainability (Office for Budget Responsibility, July 2025).
147 Basic facts about the global cybercrime treaty (United Nations).

impacts of this are difficult to predict. A known risk, however, is that criminal justice agencies will be slow to react and fail to seize the opportunities of improved speed and quality through automation, or respond to the risks, including the ways in which AI could change the nature of crime itself. I note Professor Richard Susskind's warning that breakthroughs in AI are happening far more frequently, from every five or ten years to every six to 12 months and that a plan is needed in government policy anticipating the development of AI technology in the 2030s.[148]

b. **The changing nature of digital evidence.** The volume and complexity of digital evidence will continue rising at an ever-faster pace. This will make it increasingly more challenging to identify the pertinent digital material to build cases and enable effective disclosure. For example, between 2005 and 2020, in one police force, the size of data taken from devices submitted to the Digital Forensic Unit grew approximately ten-fold from around 215,000 gigabytes to over two million gigabytes.[149] The changing nature of crime, discussed in the sections above, namely increasing opportunities for fraud and cybercrime as well as the government's focus on violence and sexual offences, will only serve to add further volume and complexity. The increasing prevalence, accessibility and sophistication of synthetic or 'deep fake' evidence presents serious challenges to the integrity of the criminal process.[150] The digital alteration of images and videos not only makes it harder to establish the facts of a case[151] but also potentially erodes confidence in the authenticity of all digital materials admitted into evidence, creating further opportunities for disputes surrounding admissibility.[152] Over the next decade, AI and other emerging

148 Lost in translation? Interpreting services in the courts (House of Lords, March 2025).

149 Source: V. Richardson et al., , Using appeal judgement transcripts to assess changes in the presence of digital evidence in police investigations (Home Office, May 2022), Annex A, Table 1.

150 Deepfake Statistics & Trends 2025: Growth, Risks, and Future Insights (Keepnet, September 2024); Case Study: Innovating to detect deepfakes and protect the public (Accelerated Capability Environment, February 2025); F. Tassone, L. Maiano and I. Amerini, Continuous fake media detection: Adapting deepfake detectors to new generative techniques (2024) 249 Computer Vision and Image Understanding 104.

151 D. Cooke et al., As Good as a Coin Toss: Human Detection of AI-Generated Content (2025) 68 Communications of the ACM 100.

152 M. Ng et al., 'A Ronin Without a Master': Exploring Police Perspectives on Digital Evidence in England and Wales (2025) 15 Forensic and Legal Cognition 14–16.

technologies could support these mounting challenges.[153] However, ensuring the appropriate level of human oversight and accountability in deploying these solutions is contingent on attracting those with the requisite digital skills, and digital forensics expertise in particular, which will also emerge as a critical long-term challenge.[154] Furthermore, it will also be necessary to ensure both prosecution and defence have access to similar tools and expertise.[155]

c. **Rising public expectations for AI.** As AI technologies are increasingly used by the public for a wide range of applications in years to come, their expectations of how they interact with public services will also rapidly evolve – and criminal justice agencies must react to this shift. Public use of AI chatbots has increased and the public has grown to expect more instant and tailored information.[156] Defendants, victims, witnesses and family members are already seeking legal information about their criminal case through AI tools, which poses a variety of risks.[157] This includes people potentially waiving legal and professional privilege by including privileged material in a tool. They are also at risk of being influenced by false information, through 'hallucinations',[158] jurisdictionally irrelevant information, outdated information and misquoting of processes. At the same time, AI tools which are well designed offer the potential to strengthen public knowledge of aspects of criminal

153 See e.g. R.B. Warren and N. Salehi, Trial by File Formats: Exploring Public Defenders' Challenges Working with Novel Surveillance Data (2022) 6 Proceedings of the ACM on Human-Computer Interaction 1; M. Budka et al., Deep multilabel CNN for forensic footwear impression descriptor identification [2021] Applied Soft Computing; M. Budka and M. Bennett, We trained AI to recognise footprints, but it won't replace forensic experts yet (The Conversation, August 2021).

154 S. Rothor, Navigating the Digital Frontier: A Review of Emerging Technologies in Digital Forensics [2025] Journal of AI Analytics and Applications.

155 An inspection into how well the police and other agencies use digital forensics in their investigations (HMICFRS, December 2022); State of Policing: The Annual Assessment of Policing in England and Wales 2024–25 (HMICFRS, September 2025); AI Justice Atlas – UK (Oxford Institute of Technology and Justice).

156 Research on public attitudes towards the use of AI in education (DSIT and DfE, August 2024).

157 Governing with Artificial Intelligence: The State of Play and Way Forward in Core Government Functions (OECD, September 2025).

158 A response generated by AI that contains false or misleading information presented as fact.

justice which are complex and difficult to understand.[159] To reflect this, the Bar Council updated its guidance on the use of generative AI in November 2025 in which it concludes that barristers should make every effort to understand AI and, if appropriate, use it responsibly in their practice.[160]

d. **The rise of cyber security risks.** Finally, a future risk for criminal justice agencies is increasing cyberattacks and data compromises. Notable cyber incidents across the private and public sector occurred in 2025.[161] Amongst these was the cyberattack on the Legal Aid Agency on 23 April 2025, in which significant personal data from 2007 to 2025 was downloaded.[162] By 2030, there may be ecosystems of people, processes and technologies to enable new actors to perform cyberattacks.[163] Cyber-incidents pose a significant threat for the efficiency of criminal courts. Safeguards and backups are required to prevent destructive 'wiper' attacks designed to cause irretrievable data loss. However, equal risks are temporary disruption, data breaches and a loss of public trust. These risks are heightened by the vulnerability of older 'legacy' IT systems still in use across criminal justice agencies. Legacy systems are far more susceptible to attacks than modern systems because they lack up-to-date security measures.[164] The issue of cyberattacks is not something the Review can comprehensively deal with but is a critical issue for mitigating inefficiencies in the criminal courts that could be caused by a potential disruption.

92. I will consider all these issues further, including making recommendations on the action needed on the long-term risks and opportunities of technological change.

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159 Dr C. Walker, The pains of going to court: Unrepresented defendants' ability to effectively participate in court proceedings [2024] Criminology & Criminal Justice; G. Hunter et al., Language barriers in the criminal justice system (The Bell Foundation, March 2022).

160 Updated guidance on generative AI for the Bar (Bar Council, November 2025).

161 Biggest cyber attacks on UK businesses in 2025 (so far) (Cloud&More, May 2025); R. Clun, Hackers contact Harrods after 430,000 customer records hit by IT breach (BBC News, 28 September 2025); Jaguar Land Rover Cyber-attack (Hansard, 9 September 2025); M. Davies, R. Muller Heyndyk and J. Tidy, Day of delays at Heathrow after cyber-attack brings disruption (BBC News, 20 September 2025).

162 Legal Aid Agency data breach (MoJ and Legal Aid Agency, May 2025).

163 NCSC Annual Review 2024 (National Cyber Security Centre, December 2024).

164 Device security guidance – Obsolete Products (National Cyber Security Centre, June 2021).

Conclusion

93. The operation and efficiency of the criminal courts are both complex and fragile. Undeniably, the criminal courts have seen a deterioration in outcomes and the key metrics that drive them in recent years. Open caseloads have grown to unprecedented levels and continue to do so. Greater volumes of trial cases continue to build in the Crown Court despite unprecedented levels of sitting days.

94. The recovery evident in productive and cost efficiency is a testament to the hard work of colleagues working in the courts and throughout the criminal justice system but these improvements mask underlying trends in the types of cases that are being concluded. In particular, the reduction in hearing time per sitting day, increases in hearings, hearing times for most types of cases and the number of dropped cases indicates that the level of waste and rework is increasing as courts try to raise their level of disposals. This is emphasised by my scenario analysis that suggests even optimistic improvements to key efficiency metrics will take several years to reverse the trend in the open caseload, during which time it will have increased much further.

95. The causes of this deepening inefficiency in the criminal courts lie also in wider inefficiencies in the system including delays in case preparation, delivery of prisoners, provision of interpreters and pre-sentence reports. These are rooted further in physical and workforce capacity constraints that limit the flexibility and adaptability of the criminal courts to scale up quickly enough to meet rising demand. Therefore, in the ensuing chapters I make recommendations to improve efficiency across the breadth of the criminal justice system in order to optimise the efficiency of the criminal courts.

96. Even now, the criminal courts' resources are insufficient to meet incoming demand. Yet future demands on courts and the criminal justice system will only serve to exacerbate current pressures, therefore immediate action is required to address the crisis. Given this urgency, all options – efficiency, investment and structural reforms – should be pursued to bear down on the open caseload in the short, medium and long-term.

Chapter 3

One Criminal Justice System

Chapter 3 – One Criminal Justice System

Introduction

1. Strong governance is essential for an efficient criminal justice system. Strong governance promotes accountability, collaboration and alignment around shared immediate and long-term objectives, and currently the criminal justice system is not operating as a single and cohesive system. Instead, there are a 'series of systems' that operate unilaterally, creating disproportionate numbers of boards and forums, inefficiencies and gaps. Strong governance is essential to bring these systems together and deliver one efficient and coherent criminal justice system.

2. I start by underlining what I said in Part I of this Review: 'There is currently not one body capable of directing or mandating collaboration between those engaged in the delivery of criminal justice. Each agency or institution in the process has its own budgetary pressures and its own lines of accountability.'[165] This fragmented approach limits the ability to deliver system-wide improvements. A reformed governance structure, with clear authority and shared accountability, is essential to eradicate these silos and enable coordinated decision-making that is proportionate and prioritises efficiency, fairness and better outcomes for all users of the system. However, this should not impinge upon the constitutional independence of the judiciary and the independence of the CPS and police; this independence must be maintained.

165 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), p. 4.

3. This chapter examines how the governance structures for the criminal justice system play a critical role in delivering and improving the efficiency of the criminal courts.[166] This is in full support of this government's commitment to mission-led delivery, by identifying opportunities for better cross-departmental leadership and administration of the criminal justice system. Improvement should be achieved by developing a system-wide vision for the criminal justice system, set by government but reflecting the role of the independent judiciary. To do so, however, requires a robust system of accountability, engaging all those involved in the criminal justice system in the delivery of both immediate and long-term objectives, which can all be measured against a series of outcomes. The outcomes should provide a shared understanding of what success looks like, combined with high-quality data to measure progress. All of this goes together with the Prime Minister's priority for 'Better Public Services', a key tenet of which should be building confidence in the criminal justice system.[167] That is for the government of the day and, to the extent that it falls within her responsibility as Head of the Judiciary, the Lady Chief Justice to determine.

4. The chapter outlines the importance of leadership to embed a culture of delivery and where this responsibility should lie to support leaders to take a 'systems thinking' approach, as a framework for seeing the interconnections and challenges, and risks and opportunities across the criminal justice system. However, systems thinking alone is not sufficient. Leaders must build on this foundation by creating an environment across the system that should encourage application of new methods, embed tested ways of working, refine them and commit to continuous learning and adaptation, while attracting and retaining a workforce committed to excellence. This includes augmenting processes through properly integrated and interoperable technology and AI. My perception of the current system is that there is scope to improve on all of these key attributes, and doing so should considerably enhance efficiency across the system.

166 I acknowledge that there are other bodies, boards and groups working to improve the efficiency of the criminal justice system. I do not talk about all of them here because they are focused on priorities unique to their organisation and not constrained by activities of others. Instead, I have focused my attention on the bodies which are responsible for consistent action and whole-system priorities.

167 Plan for Change (Prime Minister's Office, 2024).

5. To facilitate a discussion on this approach, I have considered what governance means in this context. Governance has been variously defined by numerous organisations including the Chartered Governance Institute which advises that it is 'the framework by which organisations are directed and controlled and that it identifies who can make decisions, who has the authority to act on behalf of the organisation and who is accountable for how an organisation and its people behave and perform'.[168] In its overview of good governance and propriety, the National Audit Office also advises that each public sector organisation has to 'establish governance arrangements appropriate to its business, scale and culture which should combine efficient decision-making with accountability and transparency'.[169] I consider these to be appropriate and uncontentious definitions for the purposes of this Review.

Structure of the Chapter

6. The analysis begins by setting out how the current criminal justice system is governed and how fragmented governance has led to siloed decision-making and isolated funding allocations. It will then set out how a core vision for the whole of the criminal justice system is essential. I demonstrate how that could help drive improvement in outcomes. I also recommend improvements to the governance structure to strengthen accountability and risk management, ensure decisions are being made with all parts of the system in mind and by using improved (and consistent) data. In addition, I reflect on whether additional accountability and scrutiny of the system is required.

7. Throughout this Review, I examine the benefits offered by the development of AI and emerging technology but emphasise that these new technologies need robust governance. I look at the ways in which that can be achieved not only to ensure the safe and proportionate use of these technologies but to make clear that technology is part of the infrastructure of the criminal justice system and that AI should augment rather than replace human decision-making.

168 What is governance? (Chartered Governance Institute UK & Ireland, 2025).

169 An Overview of how NAO provides assurance on good governance and propriety for the new Parliament 2023-24 (NAO, December 2024).

8. This chapter uses qualitative data and summaries of the key themes derived from the engagement I have had with the most senior decision-makers across the system, all of whom agreed on the need for there to be significantly improved governance of the criminal justice system.[170] Foremost of the principles I outlined in Chapter 1 (Introduction) is that having a coherent governance structure should promote a culture of collaboration which comes from having effective leadership, a focus on problem solving and, ultimately, delivery across the criminal justice system.

Current Governance Structure

9. The current governance of the criminal justice system is complex, involving multiple departments, agencies and governance boards, each with distinct responsibilities and priorities. As can be seen from the outline of the current governance structure below at paragraphs 11–27, there is no one body responsible for the criminal justice system, rather there are a series of bodies.

10. Ministerial leadership rests primarily with the Secretaries of State for Justice and for the Home Department, supported by the Attorney General in relation to prosecutorial oversight. Alongside this executive leadership, the judiciary under the independent authority of the Lady Chief Justice forms a separate pillar of the state. This section examines the key components of this current structure, including national and local boards, action groups and the Police and Crime Commissioners (PCCs), highlighting how these bodies interact to support the delivery of justice across England and Wales. It also discusses other agreements and external bodies for context.

Ministerial Leadership

11. The Secretary of State for Justice, who is also the Lord Chancellor, is responsible for all aspects of justice including the criminal, family and civil jurisdictions.[171] Many of their powers and responsibilities are established in legislation, in particular through the Constitutional Reform Act 2005.

170 A mentioned in Chapter 1 (Introduction), para. 10 of this Review, each chapter offers a comprehensive analysis of its subject matter and is designed to be capable of being read independently or out of sequence, enabling readers to engage with specific areas of interest without losing context.

171 Lord Chancellor and Secretary of State for Justice (MoJ).

Further, and as holder of the office of Lord Chancellor, they must respect the rule of law and defend the independence of the judiciary, as well as ensuring the provision of resources for the efficient and effective support of the courts.[172] In short, this means that the Lord Chancellor is responsible, with junior ministers, for the system that must manage every aspect from first entry into the court system through to prisons and probation.

12. The Secretary of State for the Home Department leads the government department in the criminal justice system that is responsible for drugs policy, counterterrorism and policing.[173] In short, they, alongside junior ministers in the Home Office, are responsible for the pre-charge stage of the criminal justice system from investigation of crimes through to arrest and police processes.

13. The Attorney General is the chief legal adviser of the Crown and is responsible for the work of the Attorney General's Office and the superintendence of departments including, but not limited to, the CPS and the Serious Fraud Office. The Attorney General also has a non-statutory general oversight of the Government Legal Department, the Services Prosecuting Authority and government prosecuting departments.[174]

The Lady Chief Justice and the Judiciary

14. The judiciary exercises responsibility for the administration of justice through the office of the Lady Chief Justice. The judiciary is a cornerstone of justice and must remain independent of the government and Parliament. This independence is a fundamental constitutional principle. Every judge is resolute in deciding cases and making decisions independently, solely on the evidence and argument presented by the parties and in accordance with the law. The Lord Chancellor, other Ministers of the Crown and all with responsibility for matters relating to the judiciary or otherwise, as defined in the

172 The Secretary of State for Justice Order 2007 transferred to the Lord Chancellor certain functions of the Secretary of State, which were formerly entrusted to the Home Secretary and one function which was conferred on the Home Secretary.

173 Secretary of State for the Home Department (Home Office). It is important to note that policing is operationally independent of the Home Office and government.

174 Attorney General (Attorney General's Office).

Constitutional Reform Act 2005, must also uphold the continued independence of the judiciary and must not seek to influence judicial decisions through their special access to the judiciary.[175]

15. The Lady Chief Justice is the Head of the Judiciary and the President of the Courts of England and Wales and specifically represents the views of the judiciary, including the magistracy, to both Parliament and the government.[176] The Lady Chief Justice also chairs the Judicial Executive Board through which she provides judicial direction and is supported by a Judges' Council that is representative of all members of the judiciary.[177]

16. In relation to criminal justice matters, the Lady Chief Justice is supported by the senior criminal judges responsible for leadership of various criminal functions and also the Senior Presiding Judge (SPJ), who leads the judicial Criminal Courts Improvement Group (CCIG) which was established in September 2021 with the aim of promoting better ways of working within the existing structure and rules and to reinforce effective case management and adherence to the Better Case Management principles.[178] The group has representatives from all partners in the criminal justice system and enables its members to explore together how each can contribute to improved performance.[179]

17. HMCTS is tasked with delivering work as prescribed in the HMCTS Framework Agreement. It does so under partnership between the elected government of the day and the independent judiciary, documented in the HMCTS Framework Agreement. This partnership critically underpins many aspects of the delivery of justice across all jurisdictions. I discuss the Framework Agreement further in Chapter 6 (Listing and Allocation of Workload).

175 Lady Chief Justice (Courts and Tribunals Judiciary).

176 Section 7 of the Constitutional Reform Act 2005.

177 How the judiciary is governed (Courts and Tribunals Judiciary).

178 Crown Court Improvement Group (Courts and Tribunals Judiciary, October 2022). While the link says 'Crown Court', its remit has since expanded to include the magistrates' courts and therefore led to the renaming as the Criminal Courts Improvement Group.

179 Crown Court Improvement Group (CCIG) Progress Report (Judiciary of England and Wales, January 2023).

National Criminal Justice Board

18. The National Criminal Justice Board (NCJB) is non-statutory, and responsible for maintaining oversight of the criminal justice system and promoting a collaborative approach to addressing its challenges, and it is supported by a Secretariat which sits in the MoJ. The Secretary of State for Justice, the Home Secretary and the Attorney General attend the NCJB.[180] The NCJB is also attended by heads of the criminal justice agencies, including the chair of the Criminal Justice Action Group (CJAG) who is the Permanent Secretary of the MoJ, the chair of the Criminal Justice Board for Wales, the Victims' Commissioner and a number of other senior leaders from across the criminal justice system. The judiciary is represented by the Senior Presiding Judge and the President of the King's Bench Division.[181] This is a forum of critical importance. It is the only forum in which these leaders all meet to consider the criminal justice system as a whole, and not merely the individual parts of the systems they represent. The size of the NCJB limits its ability to consider issues at a comparatively high level. However, it is not for me to determine who should no longer be a member of the Board and I leave that to the government to consider.

19. It is important to note that the Department of Health and Social Care is not represented on the NCJB despite the very significant role played by mental ill-health across the criminal justice system, which I discuss both in this chapter and Chapter 11 (Broader Justice Issues). I have no doubt that the Secretary of State for Health and Social Care should be on the NCJB (see Recommendation 50 later).

Criminal Justice Action Group

20. The CJAG is a non-statutory forum which brings together senior policy and operational leaders from across the criminal justice system to take decisions on cross-system work strands and drive forward activity to deliver system-wide improvement, as set out in its Terms of Reference. One of its responsibilities is to draw on and develop insights from the criminal justice system delivery data dashboard, which brings together a range of criminal justice data in one place.[182]

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180 The members of the NCJB can be found here: Criminal Justice Board.

181 Ibid. The Senior Presiding Judge and the President of the King's Bench Division are both invited to attend the NCJB as participating observers: they are not involved in making any executive decisions.

182 Criminal Justice System Delivery Data Dashboard (MoJ).

The CJAG's work is facilitated by several sub-groups composed of other senior criminal justice leaders from both policy and operations. It is led by the Permanent Secretary of the MoJ. Members include the Permanent Secretary of the Home Office, the DPP, the Chief Executive of HMCTS, the Chief Executive of the Judicial Office (who is the senior civil servant supporting the Lady Chief Justice) and the Director General of HMPPS.

Local Criminal Justice Boards

21. There are 41 LCJBs, which convene criminal justice agencies at a local level based on their common interest to improve the criminal justice system in local areas and they have a non-statutory footing. Whilst the focus of individual LCJBs may differ to reflect local priorities, national guidance provides that the main aim of any LCJB is to bring together representatives from the criminal justice agencies at a local level to identify priorities, address cross-cutting issues, reduce reoffending, improve the experiences of victims and witnesses and deliver agreed objectives to improve the efficiency and effectiveness of the local criminal justice system.[183]

22. LCJB members include a senior police officer, a senior representative from each of the CPS, HMPPS, HMCTS, the Legal Aid Agency and a victims and witness service provider as well as legal professionals from the defence community, a representative from rehabilitation service providers, officials from the Department of Health and Social Care and Department for Education and someone from the relevant local authority. Members of the judiciary or magistracy are also invited to attend as contributing observers specifically to comment on the anticipated operational impacts of policy for the courts. The judiciary is not, in any way, accountable to the LCJB.[184]

23. The decision-making of LCJBs is data-led. The Boards should identify emerging local trends or patterns to enable more effective planning, adapt to meet challenges and drive system improvement. Approaches vary, but a large number of LCJBs use the criminal justice system delivery data dashboard to review local performance.[185] Some LCJBs have reliable, local data sets available, such as in Merseyside, but this does not appear to be universally true.

183 National Guidance for Local Criminal Justice Boards (HM Government, March 2023).
184 Ibid.
185 Criminal Justice System Delivery Data Dashboard (MoJ).

24. The majority of LCJBs are chaired by PCCs. LCJB areas are usually coterminous with the PCC area and so vary greatly in geographical spread and population size. According to LCJB guidance, they can escalate matters of general importance to the NCJB but there is currently no relationship between the group which drives forward activity to deliver system-wide improvement in CJAG and LCJBs, and no reference to LCJBs within CJAG's Terms of Reference.

Police and Crime Commissioners

25. There are 37 PCCs across England and Wales, each entrusted with overarching responsibility for policing within their respective areas and established by the Police Reform and Social Responsibility Act 2011. This includes the formulation of the Police and Crime Plan and the determination of the local policing budget. PCCs are democratically elected and their views may not necessarily align politically with the government of the day. In November 2025, the Home Secretary announced plans to abolish PCCs by 2028 and for their roles to be absorbed by regional mayors wherever possible.[186] The regional mayors will be able to appoint a deputy mayor for policing and crime, as is the case in London, who is responsible for driving effective criminal justice and crime-reduction services and oversight of policing in London and holds a role which is similar to that of a PCC.[187] In areas not covered by a mayor, this role will be taken on by elected council leaders.[188]

HMCTS Framework Agreement

26. The HMCTS Framework Agreement is the necessary agreement for the provision of courts and tribunals made following the Constitutional Reform Act 2005 which removed the Lord Chancellor as the Head of the Judiciary and vested that responsibility in the Lord (now Lady) Chief Justice. HMCTS operation is outlined in the constitutional settlement of the HMCTS Framework document. This reflects an agreement between the then Lord Chancellor, Lord Chief Justice and Senior President of Tribunals on a partnership between them in relation to the effective governance, financing and operation of HMCTS. I will return to the Framework Agreement in more detail below and in Chapter 6 (Listing and Allocation of Workload).

186 Police and crime commissioners to be scrapped (Home Office, November 2025).
187 Deputy Mayor for Policing and Crime (Mayor's Office for Policing and Crime).
188 Police and crime commissioners to be scrapped (Home Office, November 2025).

The National Audit Office

27. The National Audit Office (NAO) is the UK's independent public spending watchdog and sits independent of the government and civil service. It has existed in its present form since 1983. It supports Parliament in holding government to account through audit and report on the financial accounts of all government departments and other public bodies. It also examines and reports on the value for money of how public money has been spent.[189]

Silos, Cohesion and Poor-Quality Data

28. In my assessment, the central problem with the current governance structure is the lack of a unified vision for criminal justice agreed at the highest level of government. Without this it means that departments work without a coherent system-wide purpose and without due consideration of the impact of their decisions on other parts of the system. They also often lack a degree of planning for the inevitable repercussions of making risky decisions. This lack of cohesion has, on several occasions, resulted in departments and agencies operating in isolation and in a consequent lack of alignment.

29. An example of this is the previous government's 2019 commitment to recruit 20,000 police officers. The commitment was met in 2023 and led to an increase in the volume of arrests, with system-wide consequences. When the recruitment decision was made, there appeared to be inadequate preparation for the predictable consequences for the CPS (in charging the greater volume of offenders apprehended), the courts (in trying these additional cases) and the prisons and probation services (in detaining and rehabilitating these offenders).

30. Insufficient funding was provided to manage the increased caseload across the system. This is an illustration of a decision which made a big impact across the criminal justice system that could have been avoided if there had been adequate risk management and scenario planning prior to the decision being made, and at the current rate there may well be a similar risk for future changes within the criminal justice system, and one the government must bear in mind in its response to this Review if the governance of the system continues in its current format.

189 About us – National Audit Office (The National Audit Office).

31. The fragmentation of the system is obvious; the police have operational independence, but each PCC must hold the relevant Chief Constable to account for the exercise of the functions of their role and the functions of persons under their direction and control.[190] The CPS headed by the DPP is accountable to the Attorney General. The legal professions – the Bar, solicitors and legal executives – have their own professional bodies but are, rightly, entirely independent of the government. HMCTS is organised under a framework agreement initially agreed in 2008 such that the Chief Executive is answerable jointly and severally to the Lord Chancellor, the Lady Chief Justice and the independent chairperson and members of the HMCTS Board (on which the MoJ and the judiciary also sit). Legal aid and criminal justice policy are managed by the MoJ as is HMPPS. The absence of a whole-system strategy means that predictable bottlenecks emerge which leads to delays, increased workloads and strain on staff and resources.

32. The fragmented nature of the system also reflects funding; in my view, the absence of consistent, coordinated and sustained funding is one of the challenges to delivering a coherent unified vision for the criminal justice system. It results in funding being focused in one area without a view of the costs that will be borne elsewhere in the system. Policy development may well be focused, but the impact on and requirement for funding should take a whole-system approach. I highlighted in Part I of this Review that historic underinvestment is a contributing factor to the current crisis and I note here that some of my recommendations are likely to require significant financial investment, often across multiple departments, although I do not know whether, and if so to what extent, financial provision has been made for the potential investment required.

33. The process by which HM Treasury (HMT) provides funding is traditionally department-specific. There is no funding stream that is dedicated to the criminal justice system as a whole. To receive joint funding, departments need to work together on joint bids. Ultimately, the final stage of the departmental funding process ends with a prioritisation conversation between the departments and HMT, and if even one department deprioritises the bid, the joint bid often fails.

190 Part 1, Chapter 1 of the Police Reform and Social Responsibility Act 2011.

This process can constitute a block to the delivery of a unified vision for the entire criminal justice system, as funding is allocated to individual departments to tackle aspects of the criminal justice system for which they are responsible rather than meeting the needs of multiple departments collectively.

34. This is one driver of a broader lack of coordination across the criminal justice system. Decisions are being made in isolation, without a joined-up approach to planning or resourcing. Each part of the system operates interdependently, so changes in one area inevitably create pressure elsewhere.

35. Adding on to this, there is ongoing work to identify a key set of measures against which to assess the performance of that criminal justice system (e.g. criminal justice system delivery data dashboard). It is clear from my extensive engagement with officials across the system that different organisations are working to different definitions of success in the system, including at LCJBs where they often rely on local measures and data sets to evidence progress rather than using a shared set of measures coming from the NCJB.[191]

36. On the topic of data and during the course of this Review, there have been multiple occasions when I have been unable to obtain high-quality quantitative data to understand a particular issue or problem (e.g. unrepresented defendants or use of remote hearings). This is often because, while the data might exist in operational systems, it is not of a high enough quality to be used to inform decision-making. In addition, different organisations often work with different operational systems or to different data definitions which makes it challenging to compare data across the system. There must be continued work done to improve data quality across the system and agree a shared set of measures which define success, whether that be ensuring existing systems are used correctly or building a new one to improve consistency. I set out in detail later in this chapter that more must be done to improve data quality both in support of the government's vision and more generally.

191 Criminal Justice System Delivery Data Dashboard (MoJ).

What Criminal Justice Governance Should Achieve

37. There are two key pillars on which criminal justice governance should be built. First, it should follow a single, unified vision. Second, it should be coordinated by dynamic and focused leadership. With a clear vision and leaders to drive that vision forward, then, and only then, there would be a criminal justice system which works together towards a common goal both at an individual operational level and, overall, as one criminal justice system. I do not explain what the vision should be or how its performance should be measured by the participants in the criminal justice system. That is for the government of the day to determine.

38. I will, later in this chapter, set out recommendations for the government to consider in terms of who is responsible for driving coordinated action through all parts of the system. I do so because I have a clear understanding of the criminal justice systems which operate, their failings and the ultimate direction. I have sought to consult widely those who have experience and expertise in the design and operation of mechanisms for government. I have gratefully adopted a number of their suggestions into my preferred model, all while remaining sensitive to the operational independence of the police, the CPS, the courts and the judiciary. The appropriate approach will be a matter for government and, in particular, the current Prime Minister (who, as a former DPP, has the advantage of considerable experience of the issues which I have outlined).[192]

Historical Attempts at Reform

39. There have been multiple previous attempts to implement both a vision and means of coordination. These include the Office of Criminal Justice Reform (OCJR) and public service agreements (PSAs). Both experiences highlight the challenges I am required to address when evaluating and proposing a structure of what governance could work well within the criminal justice system.

192 The conclusions expressed are mine but I acknowledge the discussions that I have had with the Rt Hon. David Gauke and Rt Hon. Alex Chalk KC as former Lord Chancellors, and to Lord Sedwill GCMG, former Cabinet Secretary), Amy Rees CB (former Interim Permanent Secretary), the present Permanent Secretaries at the Ministry of Justice and the Home Office, Cat Little CB (Permanent Secretary at the Cabinet Office) and the Lady Chief Justice.

40. The OCJR, which was established in 2004, sought to bring together criminal justice agencies to promote joined-up delivery of justice.[193] It was led by a chief executive, with a staff of up to 250 civil servants at its peak.[194] OCJR closed in 2010 following a systemic shift towards consolidation and the streamlining of administrative functions and embedding criminal justice coordination within government departments rather than having a standalone agency. I am not suggesting reviving the OCJR as it was a costly venture with a large administrative function and the parts of OCJR which did work well, including its emphasis on delivery, have since been taken over by CJAG.

41. Another, more holistic, attempt to address the challenge of coordinating work across departments was introduced in the form of PSAs in 1998.[195] PSAs were an agreement by government departments and the centre of government as to what a department was responsible for delivering, how much progress it was expected to make and in what timescale through a set of concrete performance targets.[196]

42. In the context of the criminal justice system, there was a PSA that set out that the then departments jointly responsible for the performance of the criminal justice system should provide clear strategic direction for the system in the aim of creating a whole-system approach (in addition to the judiciary and the magistracy).[197] To aid delivery, the government set performance targets for the system to meet and hold the three departments to account through a ministerial steering group that was attended by the three Secretaries of State as well as the Chief Secretary to the Treasury, and was supported by a Strategic Planning Group and a Criminal Justice Joint Planning Unit.

193 Office for Criminal Justice Reform (Collinson Grant).

194 Ibid.

195 N. Panchamia and P. Thomas, Public Service Agreements and the Prime Minister's Delivery Unit (Institute for Government, 2014).

196 O. Gay, Public Service Agreements (House of Commons Library, December 2005).

197 Public Services for the Future: Modernisation, Reform, Accountability (HMSO, December 1998), Section 6: Criminal Justice System. Held responsible to Parliament were the Secretaries of State for the then Lord Chancellor's Department, the Home Office and the then Law Officers' Department.

43. PSAs were successful in fostering a delivery culture in government when they were focused on a limited number of priorities and had sustained interest from the Prime Minister and centre of government. They were eventually abolished after the 2010 General Election and the subsequent change in government which adopted a change of approach based on inputs rather than outcomes.[198] I do not recommend returning to the PSA approach alone but I do take lessons from them as their effectiveness was perceived to rely on Prime Ministerial focus and interest.[199] I cannot (nor can anyone else) predict the interests that any future Prime Minister will have in the criminal justice system, and as such whether the central drive will have any longevity. However, there is a benefit from having a system-wide approach to delivery across government and to define what each department's roles and responsibilities are to achieve that aim.

44. One way which the PSA model could be adopted is to integrate the concept of PSAs into an existing governance function. The NCJB, as an existing function of both the MoJ and the Home Office, brings together relevant criminal justice agencies and can unify leaders behind a shared vision that is measurable and deliverable. The PSA format could ensure that there is funding for the whole criminal justice system, rather than its individual, constituent parts (or at any one point in time to meet specific political objectives without a view of the end-to-end impact).

45. However, this approach would pose the risk that PSAs becomes another administrative agreement that looks satisfactory on paper but in practice is not deliverable. A more fundamental shift in who agrees the vision and acts as the coordinator is needed in order to achieve effective accountability for delivery. PSAs failed because they lacked a mechanism to coordinate the system and drive the delivery, they also became process-oriented and lost Prime Ministerial interest. The route forward must consider the benefits that PSAs offered, whilst ensuring longevity for the system they seek to serve. The model I recommend provides a statutory basis for sustained coordination, a means of accountability by reporting to Parliament and focuses on a single vision.

198 N. Panchamia and P. Thomas, Public Service Agreements and the Prime Minister's Delivery Unit (Institute for Government, 2014).

199 Ibid, p. 10.

A Single Vision for Criminal Justice

46. The PSA model is a useful way to communicate and implement a vision but, irrespective of the model of delivery, the vision needs to be established in the first place. I strongly believe that there should be a clearly articulated government vision for the whole of the criminal justice system. It is my view that the government, and successive governments, should publish their vision, which should set out its overall objectives for what it seeks to achieve. These objectives should be in relation to the policy for which government is responsible, and not in a way that overrides the operational independence of the police, the CPS, the courts or the judiciary.

47. I note that there have been previous attempts to define the vision for the criminal justice system. In 2007, the then government published its strategic plan for the years 2008 to 2011, which sought to become 'more effective in bringing offences to justice, for it [the criminal justice system] to engage the public, inspire confidence and put the needs of victims at its heart, and that it has simple and efficient processes'.[200]

48. The current government has its own 'Plan for Change' through its 'mission-led Government' approach which looks to encourage joined-up working across departments. An example of this is its 'Safer Streets Mission' which works across the MoJ and Home Office, aiming to reduce serious harm and increase public confidence in policing and in the criminal justice system.[201] I am unable to comment on the impact of the 'Safer Streets Mission' and the government's 'Plan for Change' so soon after its introduction. However, I note Safer Streets is a vision that relates to only one aspect of policing, and what I envisage is, instead, a vision that runs through the whole criminal justice system, which should avoid siloed thinking and unintended consequences. Such a vision should align with the Prime Minister's priority for 'Better Public Services', with a key tenet of that being the building of confidence in the criminal justice system.[202]

200 Working together to cut crime and deliver justice: a strategic plan for criminal justice 2008 to 2011Working Together to Cut Crime and Deliver Justice (Office for Criminal Justice Reform, November 2007).

201 Safer Streets Mission (Prime Minister's Office).

202 Plan for Change (Prime Minister's Office).

49. I have had involvement in seeking to manage or influence the operation of criminal justice for some 20 years, that is as a Presiding Judge of the Northern Circuit, the Senior Presiding Judge for England and Wales, the Chair of the Criminal Justice Council and then the Sentencing Council, the Deputy Chair of the Criminal Procedure Rule Committee, the President of the Queen's Bench Division and, latterly, as Head of Criminal Justice. Having conducted the 2015 Review and this Review, I have no doubt at all that it is of critical importance that the nettle of determining and putting into effect a vision for criminal justice must be grasped. It must be implemented by every sector and interested body that operates within the sphere of criminal justice; it must be aligned; and, most important, it must work across the entire spectrum. It could mean that some costs fall on one part of the system which will benefit another but, across the whole system, there will likely be counterbalancing costs and this collaborative culture and shared understanding of the bigger picture must be encouraged.

50. Although I do not pretend to be definitive, I feel it is appropriate to suggest a non-exhaustive list of considerations for the government when deciding upon what should be in a vision for the criminal justice system. I expect it to give a commitment for criminal justice agencies and departments to work together across the criminal justice system to: bring offenders to justice, focusing on the offence, offender, victim and witnesses; focus on timeliness and efficiency; inspire public confidence, trust and confidence of victims, witnesses and other court users; and give a commitment to embrace technology, including AI.

51. I suggest that if the government is to outline a single vision for the criminal justice system, then this vision should be included in the Prime Minister's priorities letter sent to each department with responsibility for the criminal justice system. This letter is used to set out the priorities for the respective Secretaries of State from which the department should then identify what it should deliver for the next period. These documents are generally sent at the start of a Parliament and outline departmental priorities and outcomes Secretaries of States and Ministers should work towards. I understand that these are usually sent in line with manifesto commitments or in response to a crisis but they can also be used to outline the Prime Minister's ambition for a department. I therefore see this as the suitable vehicle for the delivery of the vision and how each agency is involved in the administration of criminal justice, alongside the intended outcomes these could have.

52. Once set, the vision should be underpinned by a set of objectives and priorities determined by the NCJB, which I will discuss in more detail in the NCJB section of this chapter, which should be underpinned by a set of measurable outcomes. The identified outcomes are those by which the vision can be realised, to ensure all agencies are working towards the same goals and achieve those goals without overriding the operational independence of the police, the CPS, the courts or the judiciary. Clear outcomes serve not only to highlight bottlenecks within the system, but also as an essential mechanism for identifying and addressing risk. These should be measurable and monitored in a consistent way, in line with the three factors below.

53. The first factor to consider is the accurate collection and utilisation of data. It is only through robust, reliable data that the vision can properly be monitored and assess whether it is being realised in practice. Without this, outcomes are difficult, if not impossible, to measure. The data presented via the delivery data dashboard is one such way of doing this.[203] I return to the subject of the wide-ranging availability and use of data within the criminal justice system later in this chapter.

54. The second is for there to be clearer reporting structures across the system, not just within each part of it. A clear reporting structure must stipulate how each agency involved in the administration of criminal justice should deliver the overarching vision, alongside the intended outcomes for which they each have a responsibility. I have heard during the course of this Review that there is a need for more transparent methods of escalation, clearer communication between boards and more accountability for decision-making. A clear reporting structure should hold each person accountable for their role in the process, what outcomes they achieve and, thereafter, the delivery of the government's vision. Without clear routes of accountability, there is a risk of problems becoming ignored, and an attempt to apportion blame to anyone but the party who should be responsible.

203 Criminal Justice System Delivery Data Dashboard (MoJ).

55. The third is the responsible use of technologies, including AI. It is important that the planning and application of new technologies across the criminal justice system (not only in court but for use before and after) must be done sensibly and with caution and should not displace the overarching decision-making of officials. Technological advances should be used to transform how the criminal justice system process links and shares data, significantly improving timeliness and freeing up staff for more complex tasks. AI may well change the way the criminal justice system operates, and its application must be monitored and evaluated.

Recommendation 46: I recommend that the government, and successive governments, set a single vision for the whole criminal justice system. The government should define key outcomes for the delivery of the vision to measure progress and those responsible could then be held accountable for delivery of those outcomes. This vision should remain mindful of the operational independence of the police, the Crown Prosecution Service, the courts and the judiciary.

Criminal Justice Coordination

56. When a vision is set and there are clear outcomes underpinning that vision, it is critical for there to be clear leadership, coordination and accountability for the ownership of that vision. There is no single prescribed way to deliver this.

57. As I have noted already, there is not one person or single department responsible for the criminal justice system, nor is that sole responsibility vested in one specific department. This lack of joined-up working means that the Ministers may continue to make decisions that focus primarily on the policies in their departments and not what is mutually beneficial. This is culturally embedded but must change. This means moving away from siloed, reactive approaches and fostering a culture of shared responsibility, openness and collaboration. To embed this collaborative culture and encourage innovation and adaptation to new methods of working, the criminal justice system requires robust leadership that can set the direction, establish and embed the culture and behaviours, and foster an environment for meaningful change, all while remaining sensitive to the operational independence of the police, the CPS, the courts and the judiciary. This starts from the very top with the Ministers themselves.

Ministerial leadership

58. First, ministerial leadership is central to the direction and join-up of the system – which, at present, is performed through the leadership of the NCJB. I understand that there is, or at least has been, an inherent tension in the ministerial leadership of the NCJB because there is no one person or function with oversight of the whole system charged with ensuring that all parts of the system work together to achieve its aims. I therefore start this section explaining how ministerial leadership can facilitate the government vision, beyond simply chairing a board.

59. The difficulty with the present model is that the NCJB is not formed as a decision-making body; despite its ministerial leadership, it is an advisory body. I have received evidence from some of the most senior decision-makers in the criminal justice system to the effect that, despite the NCJB being focused on the right topics and priorities, it is failing to produce the right results and failing to set clear direction and action for the criminal justice system.[204] This is not least because its membership, which is reflective of all parts of criminal justice, includes many who are not in a position or appropriately placed to determine the policy which the government should decide to pursue and, in any event, the membership is thought by some to be too large to do so. In reality, however, a diversity of perspectives must be considered at the NCJB, and it must be a board which functions as a complete and coherent advisory body to Ministers who must then come together in another forum, away from the NCJB and its constituent members, to determine the policy of the government that is informed by the vision and the priorities letter delivered by the Prime Minister. I will address the membership of the NCJB later on in this chapter.

60. To that end, the report published jointly by His Majesty's Inspectorate of Constabulary and Fire & Rescue Service (HMICFRS) and His Majesty's Crown Prosecution Service Inspectorate (HMCPSI) in July 2025 focused on governance of the criminal justice system. It made three key recommendations on criminal justice governance, which I endorse.

204 This also mirrors my experience sitting on the NCJB in the periods 2007 to 2009 and 2013 to 2019.

These were for the NCJB to create and publish a clear strategy and oversee the delivery of improvement across the criminal justice system by:

a. implementing a national criminal justice action plan which identifies priorities;

b. allocating responsibilities, setting performance objectives and overseeing the work of other relevant groups, including LCJBs; and

c. publishing regular updates on progress against the national criminal justice strategy and objectives.[205]

61. Once the policy is decided, it is important that Ministers and the Board are focused and their role in the delivery of the government's vision is clearly defined and centrally agreed. It must have both a short-term role of crisis management to stabilise the system coupled with a longer-term role to deliver the vision. The NCJB should fulfil a dynamic function that can adapt to the needs of the criminal justice system at any one point in time and advise Ministers accordingly. Where crises are isolated to one part of the system, they may have dominated the Board's ability to focus on a wider whole-system view of progress. It is sufficient to look at the changes over the last five years beyond just the open caseload in the criminal courts through COVID-19 and now the prison population crisis. I emphasise however, that the direction by Ministers, in the short- and long-term, is not intended to override the operational independence of the police, the CPS, the courts or the judiciary, but solely in relation to the policy for which government is responsible.

62. For it to begin to play the more dynamic role that I am envisaging, the NCJB should have clear objectives that are set in context and flow from the cross-government vision as determined by the Prime Minister. The NCJB should be more proactive in advising Ministers of the ways to realise the vision of the criminal justice system. The NCJB should be supported from the centre of government and publish a strategy which is cognisant of the needs of the end-to-end system and is driven by performance measures and a detailed understanding of what, where and when the criminal justice system needs as well as the subsequent impacts of those decisions.

205 Joint case building by the police and Crown Prosecution Service (Criminal Justice Joint Inspection, July 2025).

63. After receiving advice from the members of the NCJB, Ministers should meet separately and collectively to determine policy which in turn should be reported back to the NCJB for it to implement, as is the duty of the government and civil servants. This meeting could be in the form of a Cabinet sub-committee which is chaired by the Prime Minister, and which is also attended by the Criminal Justice Adviser whom I will speak to next.

Recommendation 47: I recommend that the Secretaries of State and Ministers in attendance at the National Criminal Justice Board should meet at a Cabinet sub-committee to coordinate criminal justice policy that meets the needs of the end-to-end system. They should have regard to the priorities set by the centre of government and policy advice received from the National Criminal Justice Board. This approach should not override the operational independence of the police, the Crown Prosecution Service, the courts and the judiciary.

Delegated Leadership

64. The siloed decision-making and lack of join-up does not stop there. The Permanent Secretaries in both the MoJ and the Home Office (along with the Director General in the Attorney General's Office) have many other priorities and calls upon their time and resources. It is only necessary to mention the immigration challenges facing the Home Office and the prison population issues facing the MoJ to say nothing of the international law issues facing the Attorney General to make that point. Ensuring that other departments are delivering in accordance with a cross-departmental policy cannot be the highest priority; similarly, civil servants are focused on the delivery of policy in their respective departments and not across government.

65. This is not a criticism of the senior civil servants occupying these positions, either now or previously.[206] The very nature of their work, however, requires them to focus on the individual problems facing their departments. The reason for the creation of the OCJR in 2004 was to ensure that there was a dedicated focus on the cross-departmental problems of criminal justice.

206 Indeed, the present Permanent Secretary in the Home Office was previously Permanent Secretary in the MoJ and is most certainly very familiar with the issues and challenges facing criminal justice across all departments of government.

In the circumstances, I have no doubt that there should be an individual responsible for coordinating the governance of the criminal justice system and holding respective departments to account for their roles. I therefore present several models below, one which I recommend the government adopt to achieve the ultimate goal of having a single official, and supporting structure, responsible for the whole criminal justice system.

A Criminal Justice Adviser

66. The first model I put forward is the appointment of a 'Criminal Justice Adviser'. This person could be based in the centre of government responsible for the coordination of all parts of the system, sitting on the NCJB and CJAG but with the authority of the Prime Minister to oversee that coordination. Under this model, the Secretaries of State for the MoJ and Home Office should, of course, be the front leaders of the system and retain any statutory responsibility and ministerial responsibility in respect of the criminal justice system.

67. The idea of a system-wide adviser is not new in government and could follow a similar structure to that of the National Security Adviser (NSA). The National Security Adviser is the central coordinator and adviser to the Prime Minister and Cabinet on security issues.[207] They are based in the Cabinet Office and work to bring together a coherent national security strategy that aligns with the government's priorities. The National Security Adviser also provides intelligence assessments for the Prime Minister, the National Security Council and policy-makers across government as well as leading the National Security Secretariat, all from the Cabinet Office.[208] The NSA is also supported by a team of experts who are responsible for coordinating the UK's national security community and supporting the Prime Minister and National Security Adviser on national security matters.

68. The National Security Adviser is perceived as an effective role, because they are appointed based on their extensive knowledge and experience in the area of security. What is critical, however, is that they have an inherent understanding of the system under which they are operating, and their leadership can therefore be grounded in day-to-day realities. Important too is that they are appointed by the Prime Minister and are technically an adviser to the Prime Minister.

207 National Security Adviser (Institute for Government, July 2020).

208 National Security Secretariat: About us (National Security and Intelligence).

69. A Criminal Justice Adviser would be a dedicated leader with criminal justice as their sole agenda, rather than as a part of a much bigger role (e.g. the respective Permanent Secretaries of the MoJ and the Home Office). The Criminal Justice Adviser would work from the centre of government coordinating work related to the vision for the criminal justice system. They could:

    a. have a team of experts, such as under the National Security Adviser model, for example a technology officer who advises on the reform for the way the criminal justice system interacts with new and future technologies;

    b. be a single point of coordination for the spending reviews from 2027 for the criminal justice systems to ensure financial agreements are for the system as a whole, rather than a series of disparate bids;

    c. have the powers to convene the Secretaries of State and Ministers in relevant criminal justice departments. This is a similar power to the National Security Secretariat, which is able to coordinate key national security and foreign policy matters across government;[209] and

    d. be answerable to the Prime Minister and held accountable to Parliament via relevant select committees.

70. I recognise that there are distinct differences between security and criminal justice; the latter has a far wider remit and covers more departments and agencies than the National Security Adviser. So, to copy the National Security Adviser model in its entirety would not be the right fit, but it is a model the government could consider replicating in part. Since the 2024 General Election, the NSA role has also become quasi-political given that the incumbent is a Special Adviser to the Prime Minister and based in No. 10, rather than a civil servant.[210] This places particular constraints on their role, including their oversight of budgets and their ability to present National Security Council outcomes. Though there are positive aspects to this approach given the gravitas they have with security Ministers and a clear indication of the Prime Minister's interest in the area.

209 Ibid.

210 M. Savill, Starmer's New National Security Adviser: A Consequential Choice | Royal United Services Institute (Royal United Services Institute, November 2024).

The Prime Minister's Criminal Justice Adviser as Second Permanent Secretary

71. On the basis of the discussion above, the need for a role similar to that of the NSA is clear to me. There are several ways in which such a role could be implemented, and I have considered these carefully against the challenging background in which such a role would need to function. Not only would the role be a hugely demanding one, particularly at the outset when the system is in crisis, but also because of the unique responsibilities within government that a Criminal Justice Adviser would have, and the systems they need to influence at all times. A further challenge that arises in implementing such a role is that it necessarily disrupts the established balance of power between the different ministries and the senior officials within them. I recognise the risk that without backing from the Prime Minister and Secretaries of State, the role could be frustrated by bureaucratic resistance from those in the existing governance systems. The role must be carefully defined, with adequate powers, lines of accountability and a specified purpose. That purpose is not the running of any one department or organisation but the coordination of the various criminal justice agencies to ensure coordination of goals agreed by the relevant Ministers and delivery of the government's criminal justice vision.

72. One of the fundamental challenges is where the Criminal Justice Adviser would be best positioned. The obvious suggestion is within the Cabinet Office as I explained above. However, I am aware that Cabinet Office coordination models are thought to face the fundamental challenge that they lack proximity to the relevant delivery departments, direct levers on resource and access to the people responsible for the outcomes. These are all critical features of a criminal justice coordination role. I accept that in this respect the position of the NSA is different. That person is responsible for coordinating Cabinet responses to external threats, so the role naturally aligns with Cabinet Office work, and is focused on a much smaller scope. I fear that a Criminal Justice Adviser in the same central position could, in contrast, become too distanced from the realities of the delivery departments, focused instead on coordinating competing departmental interests and not oriented around the Prime Minister's vision for the system.

73. Having a centralised leadership function for the criminal justice system was tried before, without success. The OCJR was established in 2004 and wound down in 2009/10. This was as a result of efforts to streamline central government by merging and abolishing over 120 arm's length bodies, to implement stronger governance.[211] The OCJR was a substantive arm's length body made up of a large number of civil servants, which I do not propose here. I recognise the risk that a similar central adviser model has the potential to fail due to the same systemic shift towards consolidation and streamlining. However, I do not regard that risk as one that is so significant that it undermines the Criminal Justice Adviser model, nor one that should detract from implementation. What recognition of that risk does is to focus the need for precision on where within government to situate the role of Criminal Justice Adviser and how it should function. I conclude that there is a real benefit of this role playing a core coordination role and that it would be better embedded in one or other of the relevant criminal justice departments.

74. One solution, which would also offer advantages in combatting the risks of the new role being frustrated by the existing hierarchy, is to establish the role of a Second Permanent Secretary, positioned in the MoJ, to hold the role of the 'Prime Minister's Criminal Justice Adviser' (ideally this should be a statutory post although it could start on a non-statutory basis). The individual would have a responsibility distinct from the existing Permanent Secretaries as the Adviser's remit would be focused solely on the coordination of the criminal justice system. Being placed in the MoJ offers continuity to the existing NCJB Secretariat and guarantees that they would have proximity to courts' administration, which is key in the context of the open caseload.

75. I note the suggested risk that by being positioned in only one department the Criminal Justice Adviser will be perceived as aligned with only one department's interests and siloed from the rest. By being the Prime Minister's Adviser, however, they would have an explicit commission that defines their authority and have direct access to the Prime Minister. The individual should therefore be accountable to the Cabinet Secretary rather than the MoJ's Permanent Secretary. This accountability should ensure that Prime Ministerial leadership remains central to their role. In combination with the Prime Minister's priorities letter and vision for the system, this provides significant

211 Putting the Frontline First: smarter government (HMSO, December 2009), p. 11.

political recognition of the very real importance of coordination of the various parts of the criminal justice system that no one Secretary of State carries. A key element of this coordination role should be to take on the responsibility for an evaluation strategy of the impact of recommendations made in both parts of this Review, which could form the basis of reports to Parliament. At the same time, the Secretaries of State and the Attorney General will continue to direct policy in their respective remits albeit mindful of the necessary requirements of coordination.

76. The risk of being aligned with one department only can also be mitigated by the greater inclusion of the Criminal Justice Adviser in the other relevant departments. To that end, I recommend that they should attend all departments' Executive Committees (ExCo) (MoJ, Home Office and Attorney General's Office). They should be the chair of the CJAG to ensure that they have directive powers over delivery and operations throughout the system, rather than this being a part of the role of the Permanent Secretary at the MoJ who would then be able to focus on their specific remit rather than attempt the role of coordination. The Criminal Justice Adviser should also be the Head of the NCJB Secretariat, and the Secretariat should report to the Adviser.

77. For the next spending review and thereafter, the Adviser should be the designated Principal Accounting Officer for the cross-criminal justice system, with the authority to coordinate joint bids to HMT, reallocate funding as needed to address bottlenecks and require budget impact assessments for cross-system decisions. This aspect of the scheme is also aimed at coordination and transparency with regards to funding. The Adviser would not exercise control over departmental budgets.

78. The role of the Prime Minister's Criminal Justice Adviser should be established in legislation, ensuring that their duties and powers are enshrined. The creation of the position as the Second Permanent Secretary is simply the means of implementing the Adviser role and would not need to be included in legislation. I do not propose that all their responsibilities are established in statute, in recognition of the need for some flexibility in what the Adviser might be required to do at different times.

The following responsibilities of the Prime Minister's Criminal Justice Adviser should be established in legislation, the Adviser should:

a. chair the Criminal Justice Action Group and be Head of the National Criminal Justice Board Secretariat. Provisions setting out these powers need to be consistent with other legislative measures recognising these bodies;

b. have powers to convene the MoJ, Home Office and Attorney General's Office (and other relevant bodies as needed), and that these departments have a statutory duty to collaborate with the office of the Prime Minister's Criminal Justice Adviser;

c. be the Principal Accounting Officer for the criminal justice system;

d. have a statutory duty to report to Parliament on criminal justice performance and delivery of the Prime Minister's vision for the criminal justice system. This should include reporting on the impact of recommendations made in both parts of this Review; and

e. have a technology coordination mandate with the authority to set mandatory interoperability standards, approve major procurements affecting system integration, require common data standards and APIs, and commission cross-agency solutions when needed. All of which I discuss in more detail later in this chapter.

79. Establishing the role and some responsibilities in legislation should promote the likelihood of permanence through successive administrations. Such statutory underpinning would ensure that the position is not left at the mercy of the prevailing interests of the Prime Minister of the day. It can also guard against the role being disbanded on the basis of cost-saving or streamlining. Too frequently, such streamlining proves to be a false economy, undermining the stability and coherence required for the effective oversight of the criminal justice system.

80. The identification of the person suitable to serve as the Prime Minister's Criminal Justice Adviser would require careful consideration. They should have extensive experience of working in the criminal justice system, with seniority and proximity to the ministerial decision-makers. They should have personal standing and authority with a proven track record of achieving consensus and driving coordination across the whole criminal justice system.

They should take a whole-system view without a vested stake in any one part, which can facilitate focused leadership and a better understanding of the end-to-end impact that a decision at only one juncture of the system could have.

81. I recognise that there is likely to be a degree of resistance. A role such as this would represent a significant change to how the system is run and overseen and would also require consideration of any devolution impacts. These reforms also need to be structured in such a way that does not override the operational independence of the police, the CPS, the courts or the judiciary. However, I see this as the best and only alternative that is sustainable in the long term and can prevent siloed decision-making while, at the same time, coordinate funding and drive a central vision. As with so many aspects of the criminal justice system, accepting the status quo is not an answer.

82. The principal benefits are threefold: administrative, statutory and political. First, as Second Permanent Secretary the Adviser will have the seniority and authority across Whitehall to enable the role to function, with proximity to delivery, membership of ExCos, and in their role as a Principal Accounting Officer for cross-criminal justice spending. Second, with powers as the Prime Minister's Criminal Justice Adviser defined in legislation this will secure permanence and enforceability, with a direct route of public accountability to Parliament. Third, with the direct authority from the Prime Minister as their Criminal Justice Adviser, this ensures political authority to overcome bureaucratic resistance and convene ministerial discussions as needed. Overall, this model is sufficiently adapted from that of the NSA to reflect the differences between the roles. As envisaged, it also avoids the failings of the OCJR model but remains balanced with the needs and perspectives of existing leaders in the criminal justice system in their respective delivery departments.

A Principal Accounting Officer and strengthened Secretariat

83. An alternative approach that I have considered is a Principal Accounting Officer, responsible for filling the gap of there being no one person responsible for coordinating spending across the criminal justice system. The person in this role could be responsible for shared bids and protecting ringfenced funding. To support them, I had also considered whether the Principal Accounting Officer could be more closely aligned to a repurposed version of the NCJB and a strengthened Secretariat. Under this model, the NCJB Secretariat could sit independently of the MoJ and Home Office and have the responsibility for coordinating a whole-system approach to criminal justice which is not embedded in one of the member departments. As such, it would allow the content of the NCJBs to become more delivery-focused, with a dedicated person responsible for any funding requirements coming out of either the Boards or other decision-making.

84. While I acknowledge the importance of cross-system coordination for funding, it is not just funding that requires coordination. I do not believe that the role of Principal Accounting Officer alone, with a move of the NCJB Secretariat to match, would have sufficient reach across government to influence real change and risks increasing bureaucracy. I have ultimately concluded that a statutory role of the Prime Minister's Criminal Justice Adviser, held by a Second Permanent Secretary of the MoJ, leading the NCJB Secretariat (still from the MoJ), along with other responsibilities including as Principal Accounting Officer, could have the weight of position in government to influence and coordinate the Secretaries of State for Justice, the Home Department, Health and Social Care and the Attorney General. This join-up must go beyond just financial join-up to a whole-system approach.

Recommendation 48: I recommend that the Prime Minister appoints a new Second Permanent Secretary to the Ministry of Justice, to hold the role of the 'Prime Minister's Criminal Justice Adviser'. They should be accountable to the Cabinet Secretary and to Parliament, and the Adviser's powers and responsibilities should be defined in legislation. They should be responsible for the evaluation strategy for recommendations made in both parts of this Review. The National Criminal Justice Board Secretariat should report to the Adviser.

Joint bids

85. I pause here to explain some further context around the use of joint bids and where they can be beneficial. I do not make a recommendation on the matter but leave the government to consider their benefit and necessity, especially if under the coordinated leadership of the Prime Minister's Criminal Justice Adviser. HMT encouraged more joint bids between departments during the 2025 Spending Review, specifically where there were obvious links. This approach sought to encourage departments to work together on quantifying the benefits of their joint bids and finding common ground. The government may wish to do this for future spending reviews too.

86. Another consideration for this, and successive, governments may be setting a three-year concordat between departments when making joint bids that are aligned with spending review periods. This approach should encourage longer-term, strategic thinking and could be an opportunity to set criminal justice system priorities across a set time period. This could be led and coordinated by the Prime Minister's Criminal Justice Adviser.

87. I now look at both the workings of the current governance system, beginning with the workings of the NCJB.

The National Criminal Justice Board

88. The NCJB should continue to play a central role in driving forward and delivering the government vision for the criminal justice system in various ways. First, as an advisory body to the relevant Ministers, who also lead the whole system outside the Board, as I outlined above. Second, by also holding LCJBs to account for their role in delivery. Third, by bringing key interested parties at the most senior level into one forum, it is the most appropriate place not only to advise Ministers but also to drive delivery. This section explains the structural changes required of the NCJB.

Leadership

89. The duty of the NCJB is to advise the Ministers in attendance to make decisions for the benefit of the criminal justice system as a whole. At present, with the Secretariat based only in the MoJ, this has driven the perception that the NCJB is led by the Secretary of State for Justice, driving their own agenda and overseeing the priorities and objectives of the Home Office and other criminal justice departments and agencies. Moving the Secretariat to become independent of the MoJ and Home Office could strengthen the whole-system approach to the Board's running and planning and also facilitate more joined-up working between the departments to achieve the one government vision. However, by introducing the role of the Prime Minister's Criminal Justice Adviser, I do not believe that the placement of the Secretariat would need to change. I consider that the perception of the NCJB's direction and agenda could change by putting the Board on a statutory footing and by adapting its chairing.

90. First, the NCJB should be put on a statutory footing. This should ensure its consistency under successive leaders and prevent it being derailed by the personality and political preferences of one. A statutory underpinning of its existence and its duties and powers should enforce direction of the Board and its role for the criminal justice system. The NCJB could have the following powers and duties defined in legislation, for example:

    a. the power to convene a meeting of all relevant persons, and the power to request data to support their work. This includes powers to convene other Secretaries of State;

    b. a duty to meet regularly to advise relevant Secretaries and Ministers of State on policy as determined by the government's vision for the system at a regional level;

    c. a duty to report to Secretaries of State, Ministers and the Prime Minister's Criminal Justice Adviser on criminal justice performance and the work of the NCJB;

    d. a duty to monitor the performance of LCJBs, identify national priorities, advise on cross-cutting issues, manage risks, reduce reoffending, improve experiences of victims and witnesses and deliver agreed objectives to improve the efficiency and effectiveness of the overall criminal justice system; and

    e. a duty to promote collaboration across agencies at a national level.

91. This could be done by alternating the chairing of the NCJB between the Secretary of State for Justice and the Home Secretary. The intention being that they should have an equal stake in what is discussed and highlight their shared responsibilities for criminal justice throughout the year, this was also the approach taken in the past before the Secretary of State for Justice became the sole chair. I believe that to split the chairing between the two Secretaries of State should focus the NCJB on cross-system priorities rather than being determined by the Minister and the department they represent. Ensuring that the Board's function as an advisory body applies equally to both Secretaries of State. In combination with the Prime Minister's Criminal Justice Adviser, their statutory responsibilities, and specifically their role as Head of the NCJB Secretariat as I recommend above, should address the perception that the NCJB is siloed to one of the delivery departments, and instead reframe the Board as an advisory body to all in the criminal justice system.

Frequency

92. The NCJB did not meet at all between July 2021 and July 2023. This was in part because of COVID-19, though I see no reason why it could not have met virtually. Regardless of the reason, it is a real concern that the leaders of the criminal justice system did not meet at the designated board for the criminal justice system for a period of two years during which there was a global pandemic which had significant repercussions for the system they were leading. There cannot be a period again in which the NCJB does not meet for a prolonged period. That aside, there was very little consistency in when the NCJB met even prior to 2021 and since 2023. It met twice in 2018 and twice in 2025. It is clear that there is no agreement in the approach to its frequency.

93. I therefore recommend that the NCJB should meet at least four times a year to avoid gaps in leadership and direction. This aligns with the rough time periods in which new data releases are published for key criminal justice agencies. Anything higher could be disproportionate and risks the NCJB becoming too detail-oriented, lacking the strategic oversight it so requires. The NCJB meeting quarterly should allow for there to be a more regular flow of engagement between criminal justice leaders and a consistent approach to review the performance of the criminal justice system.

Recommendation 49: I recommend that the National Criminal Justice Board should be put on a statutory footing. The chairing of the board should be split between the Secretary of State for Justice and the Secretary of State for the Home Department, and it should meet at least four times a year.

Membership

94. Ensuring the correct people meet regularly with a shared agenda and with the best information available is crucial so that decisions that are made are grounded in evidence and shared agreement. In the main, that has been achieved but there remain perspectives and areas which are not currently represented at the NCJB that are vital to the running of an efficient criminal justice system. Whilst this means expanding the membership of the NCJB further, I believe it is necessary to do so.

95. One area where strategic investment and consideration is critical is the prevalence of mental ill-health. It has been clear to me throughout my career, and reiterated again during my engagement for this Review, that mental ill-health is and remains a feature at every tenet of the criminal justice system. More needs to be done to coordinate action across the criminal justice system and the NHS to address this. I discuss this further in relation to the police in Chapter 4 (The Police and the Prosecution: Getting It Right First Time) and for the overall system in Chapter 11 (Broader Justice Issues).

96. From a governance perspective, I recommend that the NCJB widens its membership to include the Secretary of State for Health (or another Minister from the department, which is a matter personally for them). In particular, I see it is as being critically important that the Department of Health and Social Care collaborates in setting policy and strategy on criminal justice insofar as it relates not only to suspects, defendants and offenders with specific mental health needs, but also to the victims and witnesses of crime.

97. Similarly, diverting children and young people from crime should also be central to any government's long-term vision to tackle crime in the UK. Again, this is a theme I explore further in Chapter 11 (Broader Justice Issues). While offending by children (those who are under 18) is outside the scope of this Review, from a whole-system governance perspective, there is significant benefit in inviting the Secretary

of State for Education (or another Minister in the department) to attend the NCJB on an ad hoc basis to ensure plans for offending by children and adult offending are joined up across all partner agencies and departments.

98. A recommendation made by the joint case-building report published in July 2025 (discussed in Chapter 4 (The Police and the Prosecution: Getting it Right First Time)) by HM Crown Prosecution Service Inspectorate (HMCPSI) and HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) is that the NCJB should extend its membership to include the chair of the Criminal Justice Chief Inspector's Group. I consider that the ad hoc attendance of the Inspectorate at meetings could be beneficial to provide its perspective. Noting that their role (as is the case of many others sitting on the NCJB) is independent of government, nevertheless I recognise the value of their insights, and I therefore endorse their recommendation.

Recommendation 50: I recommend that the Secretary of State for Health becomes a permanent member of the National Criminal Justice Board. I recommend that the Secretary of State for Education should attend the Board on an ad hoc basis and I endorse the proposal that the Chief Inspector of the Criminal Justice Joint Inspectorate should also attend the National Criminal Justice Board on an ad hoc basis.

Accountability for Delivery

99. I refer back to what I said in my 2015 Report that 'there must be a consistent set of performance measures in use across the criminal justice system'. I said at the time that the creation of these performance measures may take some time to establish. It has been over ten years since I made that recommendation and the lack of consistent measures persists. I consider that cross-system performance measures must be set as the measures are an important tool to raise standards across the system.[212] Those cross-system performance measures must be prioritised alongside data quality improvement so that progress can be effectively measured. This should be the vehicle of delivering the NCJB's key objectives as set out in its Terms of Reference.

212 The Rt Hon. Sir Brian Leveson, Review of Efficiency in Criminal Proceedings (Judiciary of England and Wales, January 2015).

100. To promote continued monitoring of delivery, there must also be strengthened reporting expectations, as well as a consideration of the risk tolerance of making decisions. This includes proper scenario planning and identification of mitigating actions to prevent risks materialising and, if they do, remediation to follow. This should be grounded in the above performance measures but also linked into other key forums in the criminal justice system. Both the CJAG and LCJBs should formally report into the NCJB so that both operational and local issues are escalated and addressed efficiently before becoming more entrenched risks for the wider criminal justice system. This should ensure that the NCJB's delivery agenda is grounded in operational realities that are identified both through the CJAG and at a local level through LCJBs, enabling the NCJB to hold them to account.

Recommendation 51: I recommend that the National Criminal Justice Board agrees and publishes a shared set of performance measures to assess progress. These measures should be followed by other governance boards and supported by agreed reporting structures between the National Criminal Justice Board, the Criminal Justice Action Group and Local Criminal Justice Boards.

Further Governance Structures and Accountability

Criminal Justice Action Group

101. The CJAG remains an important mechanism for the delivery of the government's vision, underpinned by a shared set of measures to assess progress and to apply these across the system. Given that its membership includes operational leaders from across the system, it is in a position to deliver the key objectives set by the relevant Ministers and the NCJB. This can easily be facilitated by the Prime Minister's Criminal Justice Adviser chairing the group.

102. The CJAG should have a dual role. The first is to advise and support the NCJB, CJAG should be held to account by the NCJB through a clearly defined reporting structure, thereby strengthening and clarifying its relationship with the NCJB. It should be open to CJAG to escalate risk to the NCJB when necessary. The second role is to wield delegated power from the NCJB to hold LCJBs accountable for delivery of the policy objectives identified nationally. I am not suggesting that the

most senior civil servants in the various departments would be in a position to examine the granular performance of LCJBs, instead, this should be done by a Performance Oversight Board which reports to CJAG and the NCJB on the basis that it is also held accountable for the work of the LCJBs.

103. To that end and to reinforce the contribution from the Secretary of State for the Department of Health and Social Care, who should now attend the NCJB, there should be a senior civil servant from the Department of Health and Social Care in attendance at CJAG to drive forward and deliver on the key objectives set by the Ministers and the NCJB from the perspective of health and social care.

Recommendation 52: I recommend that a Senior Civil Servant from the Department of Health and Social Care should be invited to attend the Criminal Justice Action Group.

A Performance Oversight Board

104. CJAG should be given the power to hold LCJBs to account for delivery of the government's vision for the criminal justice system and for the implementation of the NCJB's crime and action plan, as well as all policies which are made by Ministers with a clear reporting structure for LCJBs into the NCJB. To enable this, I recommend that the various sub-groups which sit below CJAG are restructured into an overarching governance board called a Performance Oversight Board. This should bring all decisions and cross-cutting issues into one place, avoiding having sub-groups for individual issues, which is not proportionate or aligned with effective decision-making in the interests of the whole system.

105. This Board should be responsible for monitoring the performance of LCJBs on general regional performance and on specific thematic areas. It should allow for there to be a more cohesive relationship between local areas and central government thus ensuring local areas understand that their needs and risks are being considered and that innovation at a local level could be the driver for real change in the centre of government. Performance can be based on the measures identified through the NCJB as outlined above. Thematic areas could include matters such as disclosure to address the acute issues posed

by the lack of leadership on disclosure issues, which I discuss further in Chapter 5 (Disclosure), or specific cross-cutting areas, such as mental health or RASSO, as discussed in Chapter 11 (Broader Justice Issues).

106. A Performance Oversight Board should also reduce siloed approaches to delivery by giving CJAG more insight into operational delivery of the criminal justice system. It should do this by identifying trends and issues early and managing the delivery of the vision for criminal justice at a local level. Introducing a board which can monitor LCJBs in this level of detail and reporting into CJAG should allow CJAG to focus on more strategic cross-system issues. For accountability purposes, as the Performance Oversight Board should be a reconfiguration of CJAG sub-groups, it should be accountable to CJAG, which is then accountable to the NCJB.

107. The Board should be chaired by the Prime Minister's Criminal Justice Adviser, as I have outlined above. Membership of the Board should also include relevant senior civil servants from the Home Office, Attorney General's Office and the Department of Health and Social Care as the departments responsible for the system. There should also be a senior analyst in attendance alongside their supporting team who should be responsible for scrutinising the performance of LCJBs through data.

Recommendation 53: I recommend that Criminal Justice Action Group sub-groups are restructured into an overarching governance board called the Performance Oversight Board. This should be attended by Senior Civil Servants from the Ministry of Justice, Home Office, Attorney General's Office and the Department of Health and Social Care, and should include a senior analyst.

Connecting criminal justice through high-quality and linked data

108. In order to support the Performance Oversight Board and to achieve the performance measures as defined by the NCJB, high-quality data is critical. The availability of high-quality, accurate and up-to-date data allows governance boards to identify and address emerging issues, and to detect trends and issues before they escalate. It helps build a shared understanding of the system and allows policy-makers to evaluate options, choose effective solutions and monitor the success of those solutions. Finally, it helps build transparency in the system and build accountability to the general public for these vital public services.

109. There are a number of ongoing programmes within the criminal justice system that aim to address data quality issues for policy-making purposes. The MoJ's 'One Crown' project aims to improve the quality and coherence of Crown Court data.[213] I endorse this work, and I am pleased to learn that there is a similar upcoming project for the magistrates' court. HMCTS also has its own 'Data Quality Programme'. This programme, which is scheduled to last for two years, looks to improve accuracy and reliability across critical data metrics in HMCTS operations.[214] Its ultimate aim is to see a consistent decline in data quality issues and embed a strong data quality culture and good practice across HMCTS.

110. However, efforts to improve data quality in only one part of the system are not sufficient. This is especially so if the data that comes either before or after that stage is of a poor quality. End-to-end high-quality data collection, even where it remains with the respective agency at that stage of the criminal justice system, is important in order to measure trends and hold the right persons accountable. High-quality data is central to measuring outcomes at individual levels and overall, and to deliver the government's vision in practice. Data quality should be prioritised where it could directly support in the achievement of the government's vision. But that is not to say high-quality data collection across the whole system is not also important given that the vision will likely change between successive governments.

111. It is therefore right that data continues to be collected by individual criminal justice agencies, partners and departments. I do not envision a world where just one agency could collect all the data necessary for the criminal justice system. However, to use data to measure performance, the data needs to be collected and collated in a more coherent manner.

213 Consultation on 'One Crown' changes to the Crown Court data processing in Criminal Court Statistics Quarterly (CCSQ) (HM Government, 2025).

214 A Guide to Criminal court statistics (MoJ, September 2025).

112. I have learned during this Review that different operational systems often use different data definitions and inconsistent unique identifiers for individuals. An example of this is that the CPS counts one defendant as one case in its published data, whereas MoJ data allows for multiple defendants. This makes comparing data across agencies for policy-making purposes challenging. Thus, in this Review it was difficult to quantify the impact that delays in police and CPS case preparation had on the in-court process (as set out in Chapter 4 (The Police and the Prosecution: Getting It Right First Time)). Neither the different identification approaches, nor the barriers to compare data, are conducive to a system that can deliver behind one common vision. This needs to change to ensure outcomes can be measured with a one-criminal-justice view.

113. There is work being done by the MoJ to link data across HMCTS, MoJ, CPS and the police. This work looks predominantly at linking data retrospectively (e.g. linking previously observed data rather than linking live systems) to produce a 'cross-criminal justice system data asset' to understand more effectively the journey of an individual through the system.[215] It is also looking at improving data governance (including shared definitions across agencies) and scoping a future cross-criminal justice system data platform to allow decision-makers to have secure access to consistent data across the criminal justice system. I endorse the work of the MoJ and encourage agencies to seek future opportunities to build better cross-system data assets, including exploring the use of a consistent set of unique identifiers across agencies. This could be overseen by the Prime Minister's Criminal Justice Adviser.

Recommendation 54: I recommend that all criminal justice agencies, partners and departments should improve data quality for policy-making purposes, drawing upon the work done by His Majesty's Courts and Tribunals Service and the Ministry of Justice to improve their data quality. All agencies should do further work to align data definitions across the criminal justice system and consider building better cross-system data assets, such as unique identifiers.

215 R. Price, MoJ's Data Strategy – one year on (MoJ, December 2023).

Local Criminal Justice Boards

114. LCJBs should be the local forum through which the vision for the criminal justice system and thereafter the NCJB's objectives are delivered. To do this, I believe that there should be a clearer definition of the role of the chair of the LCJB and greater powers given to the Board. The restructured governance landscape, and the proposed abolition of PCCs, gives the leaders of the criminal justice system a unique opportunity to mandate that the LCJB chair delivers the objectives of the NCJB at a local level, which complement the government's overarching vision for the criminal justice system.

Geographical scope

115. There are currently 41 LCJBs throughout the country to align with roughly the total number of police forces in England and Wales, which aligns with the current approach to chairing via the PCCs. PCCs are elected officials, responsible for the totality of policing within their force area and for collaborating with agencies at both local and national levels to ensure a unified approach to preventing and reducing crime.[216] I understand why this approach has been taken, as the police are the most localised level of justice that members of the public are likely to come across in their day-to-day lives.

116. However, for the LCJBs to have any chance of delivering on the NCJB's objectives at a local level the number of LCJBs need to be manageable. Having 41 individual boards is not proportionate nor is it conducive to an end-to-end system view of what local criminal justice requires. Of course, there are local policing priorities, but there are also CPS regional priorities, local court needs and prison and probation area needs too. Local justice is not just what the public are most likely to see, it is also all the other parts of the criminal justice system that ensure a better public service and build confidence. Any revision of the boundaries of LCJBs must remain cognisant of the important relationship between criminal justice agencies and the communities that the LCJBs represent, while still encouraging positive innovation at a local level.

216 Role of the PCC (Association of Police and Crime Commissioners).

117. Maintaining senior engagement may be easier if there were fewer than the current 41 LCJBs. I suggest that there should be consideration given by the government to whether LCJBs could benefit from having revised geographical boundaries in which to operate. However, I recognise that this may be a long-term objective to understand what this proposal may look like in practice.

118. The exact number of LCJBs is also open for debate, but alignment with other criminal justice agencies may help streamline administrative functions and local criminal justice governance models. I have considered various options in aligning these models including looking at the six HMCTS regions, the 12 probation areas and the CPS which currently operates across 14 regional teams in England and Wales.[217] It is clear from this that there is a lack of alignment across criminal justice agencies and the boundaries in which they all operate. Figure 3.1 below shows a visual representation of the different boundaries for the main agencies within the criminal justice system, which evidences the complexity of revising the geographical scope of the LCJBs. This also excludes local authority boundaries and NHS authorities, all of which are linked in some way to the criminal justice system and add to the complex nature of revising the boundaries. Regardless, there should be far fewer than the 41 there currently are and I suggest that all these boundaries should be conterminous, and that LCJBs should be aligned around this.[218]

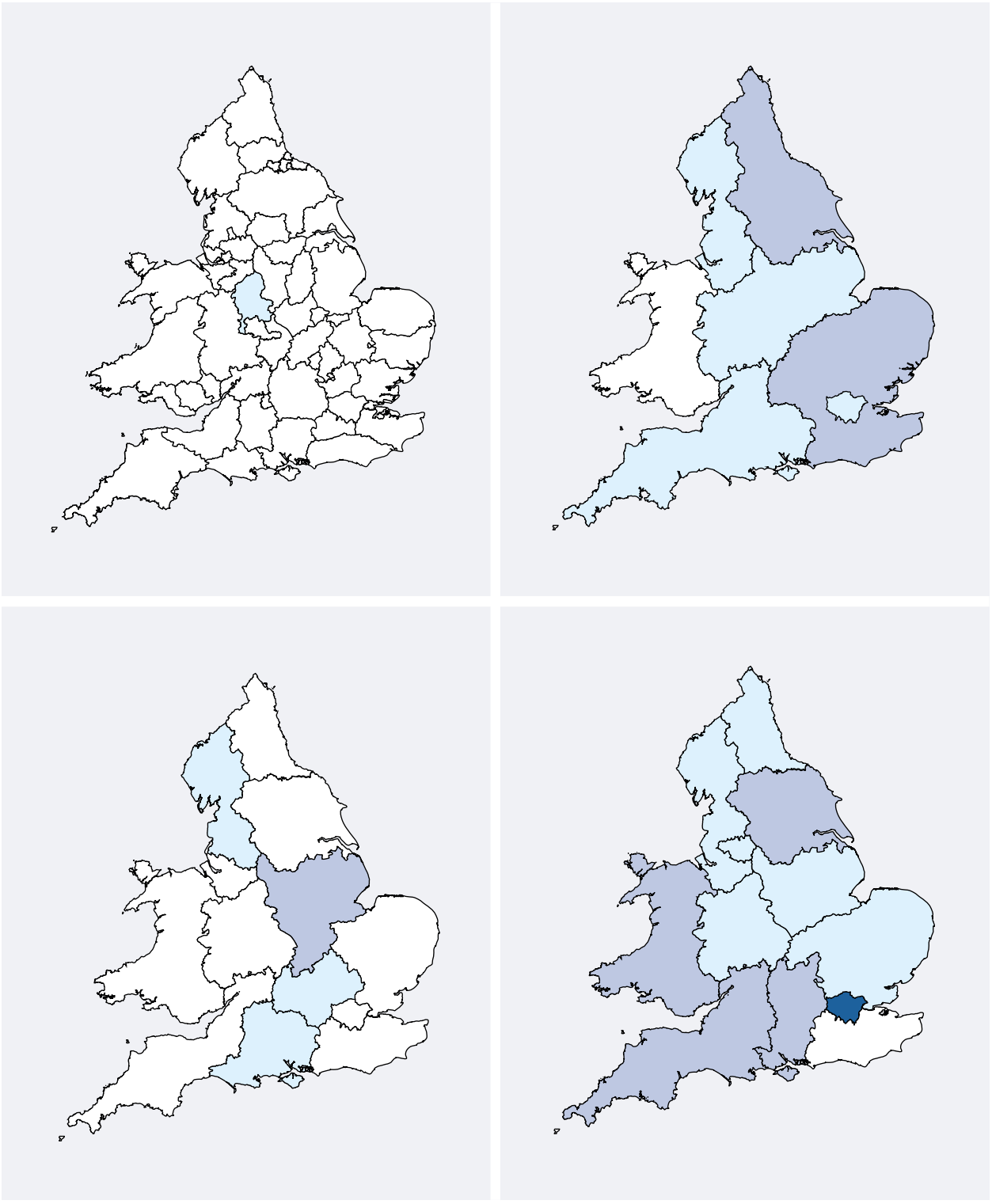
Recommendation 55: I recommend that the government rationalise the number and revise the boundaries of Local Criminal Justice Boards alongside work to align the boundaries in which all criminal justice agencies operate.

217 About CPS (CPS).

218 Given the likely fewer number, these could be renamed Regional Criminal Justice Boards. For the sake of clarity, however, I shall continue to refer to them as Local Criminal Justice Boards.

Figure 3.1

Geographical boundaries of the main criminal justice agencies
Top left: Police forces. Top right: HMCTS regions. Bottom left: CPS regions. Bottom right: Probation Service regions



Source: National Audit Office, Interactive map of the criminal justice system (February 2022).

Leadership

119. Currently, the vast majority of LCJBs in England and Wales are chaired by PCCs. As I have already mentioned, the Home Secretary has announced her intention to abolish the PCC role from 2028, and delegate responsibilities to regional mayors wherever possible.[219] In areas without a mayor, elected council leaders will assume the duties. The government has also announced that it will consider the unique circumstances of devolved local government arrangements in Wales when determining who should absorb the PCC's responsibilities.

120. Given the Home Secretary's announcement, I considered recommending replacing PCCs as LCJB chairs immediately but concluded that this would not address the broader structural challenge with the LCJB model: that LCJBs are not mandated to deliver priorities as directed by the NCJB. I note that in 2022 the then government's Police and Crime Commissioner Review identified LCJBs as a critical vehicle for empowering PCCs to bring together criminal justice agencies and tackle crime effectively. However, with the subsequent change of government in July 2024, the previous government ran out of parliamentary time to include this in the statute book.[220] With PCCs now set to be abolished, I suggest that it is even more important for LCJBs to have a sense of stability in their leadership. I therefore recommend that LCJBs are put on a statutory footing followed by a change to their leadership.

    The LCJBs could have, as set out in statute, for example:

    a. the power to convene a meeting of all relevant persons as needed, and the power to request data to support their work from regional criminal justice partners;

    b. a duty to meet regularly to implement policy as determined by the NCJB at a regional level and report to the NCJB on progress and other areas;

    c. a duty to develop a strategy that supports the government vision, while reflecting local justice needs;

219 Police and crime commissioners to be scrapped (November 2025).

220 The Secretary of State for the Home Department, Hansard – Police and Crime Commissioner Review: Part 2 (UK Parliament, March 2022).

d. a duty to identify priorities, address cross-cutting issues, manage risks, reduce reoffending, improve experiences of victims and witnesses and deliver agreed objectives to improve the efficiency and effectiveness of the local criminal justice system; and

e. a duty to promote collaboration across agencies.

121. By putting LCJBs on a statutory footing, this can ensure that the chair of LCJBs is mandated to follow the direction set by the NCJB, and the respective Ministers. A demonstration of an approach in which LCJBs not being mandated to follow direction from the NCJB has created tension between PCCs and the NCJB is illustrated at Case Study A. However, this should be considered carefully as the read across between Wales and England is not as clear-cut. An LCJB with statutory powers should transform the forum into a place where local agencies are enabled to raise challenges for each of the other agencies in attendance in light of the overall aim of delivering the NCJB's objectives and having local realisation of the government's vision for the criminal justice system. This should also encourage system-wide thinking as well as clear reporting and accountability to the NCJB.

122. The statutory footing should be facilitated by a change of the chair of the LCJBs. The chair of LCJBs must be answerable to and held to account for delivering the priorities of the criminal justice system. This should not be a PCC, mayor or other local council leader with their own political goals, but rather a senior member of staff from an operational agency, such as a Chief Constable or a Chief Crown Prosecutor. I will leave it for each region to decide upon the exact chair and whether it should rotate (as I believe was the position before the creation of PCCs), and how long the chair should remain in post before rotation.

Recommendation 56: I recommend that Local Criminal Justice Boards are put on a statutory footing and that the Chairs of Local Criminal Justice Boards are mandated to follow the direction and vision set by the National Criminal Justice Board. The members of Local Criminal Justice Boards should decide who their chair will be.

Case Study A: Criminal Justice Board for Wales

Wales operates within the criminal justice governance structure for England and Wales, with four Local Criminal Justice Boards aligned with four police force areas in Wales each of which are chaired by a Police and Crime Commissioner.

Although justice and policing are not devolved, they do interface with devolved services, essential to delivering justice to people in Wales.

The Criminal Justice Board for Wales (CJBfW) brings together senior leaders from HMPPS, HMCTS, PCCs, CPS and Welsh Government to address cross-cutting and complex issues within the justice system in Wales.

Following COVID-19, the CJBfW published a work programme for criminal justice with four priorities: victims and witnesses; people who have offended; early intervention and prevention; and race equality.

I have, however, heard anecdotally that some PCCs viewed this programme as overly centralised. PCCs expressed a preference for greater autonomy in developing their own crime and action plans for the LCJBs they chair.

As a result, I understand that the CJBfW has reconsidered its approach and is seeking to achieve a balance between a Wales direction and local flexibility.

Source: Criminal Justice Board for Wales - GOV.UK.

Membership

123. The effectiveness of LCJBs depends not only on the chair but also on the engagement and seniority of attendees. A key participant is the HMCTS representative who is responsible for discussing the performance of the courts in their regional area. There is a disparity in seniority of the HMCTS representative compared to other agencies and there is a limit in HMCTS's ability to contribute effectively to decision-making and to challenge and escalate issues. Despite the best effort of attendees, current HMCTS staffing arrangements frustrate their influence.[221]

221 HM Courts & Tribunals Service: Business Plan 2011–2015 (HMCTS, May 2011).

124. My engagement with LCJBs has also highlighted that they often meet without members of both the Crown Court judiciary and the magistracy in attendance, as the meetings are frequently scheduled during court sitting hours. It is important that the Crown Court judiciary and magistracy attend LCJBs, even if remotely, not least because they are in a position to provide an element of support for HMCTS and provide a judicial perspective. It is important to note, however, that the judiciary and magistracy are considered as 'observers' on the basis that they are not responsible for executive action or policy-making.

Recommendation 57: I recommend that Local Criminal Justice Boards should have a Resident Judge and a representative from the magistracy in attendance, and that the Boards should be held outside court hours. The Resident Judge should receive training on Local Criminal Justice Board operations through the Judicial College as part of the induction training for Resident Judges (that I recommend at Chapter 10 (The Judiciary and Legal Workforce)).

Inspection of the Criminal Courts

125. One key driver of maintaining a cohesive and aligned criminal justice system is through regular scrutiny and inspection of the criminal courts and in particular inspection of HMCTS's operation of the courts. Inspections are routine across the criminal justice system including through the four criminal justice inspectorates: HMICFRS, HMCPSI; HM Inspectorate of Prisons for England and Wales (HMI Prisons); and HM Inspectorate of Probation (HMI Probation),[222] with each being responsible for the independent inspection of their respective criminal justice areas. There is, however, no one body that is responsible for the inspection of the criminal courts in England and Wales. Between 2003 to 2012, Her Majesty's Inspectorate of Court Administration (HMICA) had a duty, under the Courts Act 2003, to inspect and report on the systems that support the Crown, county and magistrates'

222 About the Justice Inspectorates (Criminal Justice Joint Inspection).

courts in England and Wales.[223] HMICA was legislatively abolished by the Public Bodies (Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board) Order 2012.[224]

126. Since the abolition of HMICA, however, there have been calls for the inspectorate to be reinstated, including from the Victims' Commissioner. In her report in March 2025 into the impact of the Crown Court open caseload on victims, victim services and the criminal justice system, she assessed that a reinstated inspectorate of the courts should, amongst other things, help to identify inefficiencies in the system and monitor victim experiences of the courts to ensure adherence to the Victims' Code.[225] Similarly, the Justice Select Committee in its report into Court Capacity in 2022 recommended that the government re-establish a Courts' Inspectorate with updated and broadened Terms of Reference.[226] The former Chief Inspector of the CPS, Andrew Cayley CMG KC FRSA, also suggested, when giving evidence before the Justice Select Committee, that there should be a Courts' Inspectorate. He said, 'there's no inspectorate for the courts and tribunals service' and thought that 'an inspection of HMCTS does need to be done, particularly around listing of cases'.[227] Though he did go on to suggest that listing should not be a judicial function, which I wholeheartedly abhor.

127. I will therefore set out three options for the government to decide how to fill this gap of inspection of the criminal courts whilst remaining cognisant of the independence of the judiciary and judicial decision-making. Inspection of the courts should be focused on the HMCTS delivery of the operation of the criminal courts.

223 HM Inspectorate of Court Administration (HM Government).

224 The Public Bodies (Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board) Order 2012.

225 Justice delayed: The impact of the Crown Court backlog on victims, victim services and the criminal justice system – Victims Commissioner (MoJ, January 2025).

226 Justice Committee calls for renewed focus to tackle endemic capacity issues in courts – Committees – UK Parliament (House of Commons Justice Committee, April 2022).

227 Monidipa Fouzder, HMCTS should face probe, chief inspector tells MPs (Law Gazette, May 2022).

Respecting judicial independence

128. It is in this context that it is important to make clear that any inspection or reporting on the performance of the criminal courts must not interfere with the independence of judicial decision-making. This is upheld in legislation through the Constitutional Reform Act 2005 and must remain the case.[228] A prime example of this is listing. Listing is a judicial function. The administration of listing a case is generally delegated and administered by court listing officers subject to the direction of the judge. As I refer to the creation of a coherent and effective national listing framework at Chapter 6 (Listing and Allocation of Workload) I suggest that any inspection of the criminal courts should be permitted to scrutinise the HMCTS operation of fulfilling its duty to the judiciary by listing cases within a defined framework. Any such scrutiny of the criminal courts must not interfere with any decisions taken by a judge where that relates to the facts, law, evidence, verdict or sentence in a particular case. Performance issues on the part of the judiciary are for the Lady Chief Justice and must follow the established complaint and disciplinary regime.

Inspection by the Criminal Justice Joint Inspectorates

129. There is a provision for the four existing criminal justice inspectorates to work together. Criminal Justice Joint Inspection (CJJI) is a product of long-standing cooperation between the criminal justice inspectorates and was formalised by the Police and Justice Act 2006. CJJI's programme of inspection delivers two main types of joint inspection: core programmes (a series of localised inspections each year on the same core subject) and joint thematic inspections (usually a one-off bespoke inspection visiting several localities to contribute to a single final report on a thematic issue).[229] The distinct benefit to the criminal justice inspectorates working together is that the inspectorates involved in CJJI can provide a unique focus and different perspectives on different areas of the criminal justice system and allow for a more holistic view to be taken of the system and the areas that are being inspected.[230]

228 Constitutional Reform Act 2005.

229 How We Inspect (Criminal Justice Joint Inspection).

230 Joint Inspection Framework 2023–2024 (Criminal Justice Joint Inspection, January 2024).

130. It is important to note that the four inspectorates have the power to 'inspect any aspect of the Crown Court or magistrates' courts in relation to their criminal jurisdiction which could have been inspected by what was then Her Majesty's Inspectorate of Courts Administration immediately before its abolition' in 2012.[231] This allows any of the criminal justice inspectorates to inspect a court in relation to that inspectorate's own Terms of Reference. An example of this could be HMCPSI inspecting the Crown Court to assess the impact on the workload of their prosecutors when hearings are being continually adjourned. The key factor to note is that any inspection by any of the existing criminal justice inspectorates is only able to take place if it would have otherwise been inspected by HMICA immediately before its abolition.[232]

131. To achieve my objective, one option could be to empower the criminal justice inspectorates to use the powers of CJJI to conduct thematic inspections of the criminal courts. If the Lady Chief Justice is concerned with oversight and protecting judicial independence through this mechanism for inspection (or another I mention), then it is for her to appoint a judge (whether serving or retired) to the inspection team. The remit of inspection of the criminal courts should be to inspect and report to the Lord Chancellor on the system that supports the Lord Chancellor's legislative duty to carry out the business of courts and the services provided for those courts, and with a clear focus on the HMCTS operational aspect of the criminal courts. All inspections of the courts carried out under a reinstated HMICA or by using the powers of CJJI should improve outcomes for its service users by following the ten principles of public sector inspection and adhering to the joint inspection framework.[233]

231 The Public Bodies (Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board) Order 2012.

232 Ibid.

233 The 10 Principles of Public Sector Inspection (Criminal Justice Joint Inspection); Joint Inspection Framework 2023–2024 (Criminal Justice Joint Inspection, September 2024).

Reporting on the operation of the criminal courts by the National Audit Office

132. The next mechanism for the government to consider is audit and reporting through the NAO. Independent reporting done by the NAO is influential in ensuring that government departments and public bodies are scrutinised in their spending. The NAO has experience of reporting on the operation and administration of the criminal justice system including through its 2024 report into 'Reducing the backlog in the Crown Court' which looked at the action taken by the MoJ, HMCTS and other parts of the criminal justice system to address the open caseload in the Crown Court.[234] The government could therefore consider whether to utilise the NAO to conduct audits of the criminal courts looking specifically at spending and the operation of HMCTS. An example of an area for reporting by the NAO would be on the physical court estate, on which I make recommendations in Chapter 11 (Broader Justice Issues), and the extent to which I have heard about the poor quality of the criminal court estate and how it impacts efficiency. Again, it is important to reiterate that any audit and reporting on the criminal courts must remain cognisant of the independence of the judiciary and their decision-making.

Recreating the Inspectorate of Court Administration

133. A third and final mechanism for the government to consider is bringing back HM Inspectorate of Court Administration (HMICA). As I have referenced already, HMICA inspected and reported on the system which supported the Crown, county and magistrates' courts in England and Wales between 2003 to 2012. Given there are inspectorates for the Prison and Probation Service, the CPS, and the Constabulary and Fire & Rescue Services, it seems a sensible course of action that the government consider bringing back an inspectorate that is solely focused on the criminal courts.

134. Reinstating HMICA could also mean that there is broader inspection of HMCTS's performance and administration of the courts, which looks specifically at the court estate, timeliness and bottlenecks to delivery and does not have a vested interest towards another area of

234 Reducing the backlog in the Crown Court (May 2024).

the criminal justice system. It does, however, run the risk of reaching a similar fate to the OCJR and becoming redundant in another attempt to streamline government and its administrative functions.

135. Regardless of approach, it is necessary that any mechanism for the inspection of HMCTS operation of the courts is mindful of and does not infringe on the independence of the judiciary. Ultimately, it is for the government to decide which option it pursues but I remain steadfast in my view that there must be routine scrutiny of the operation and performance of the criminal courts, and it must go further than the current structures that are in place.

Recommendation 58: I recommend that there is a mechanism to examine His Majesty's Courts and Tribunals Service's operation of the courts, without impeding on independent judicial decision-making. This could be through either a thematic joint inspection via the Criminal Justice Joint Inspection, through reporting and audit by the National Audit Office or by reinstating His Majesty's Inspectorate of Court Administration.

The Role of Technology in Governance

136. Technology is a powerful enabler to deliver the vision and objectives set by leaders in the criminal justice system. It can enhance cross-system interoperability, ensure agencies operate on a single version of the truth and unlock efficiency gains offered by emerging tools, such as AI. However, these benefits can only be realised through robust governance frameworks that promote the deployment of technology responsibly.

137. This section explores both why the governance of technology is essential in the justice system and the way that technology can be an enabler for good governance and efficiency gains across the criminal justice system. It considers the role of technology leadership and the importance of capacity building to equip the system with the skills needed to manage innovation. I also address cyber resilience, which is key to build trust and security and discuss how system interoperability (the ability of systems or software to exchange and make use of information) can better connect criminal justice agencies

more effectively to improve outcomes. Finally, I will examine AI and its challenges, including risks, ethical considerations and the needs for transparency and accountability in its use.

Why Governance of Technology Is Needed

138. Technological advances and the use of AI are transforming how the criminal justice system operates. Automating some tasks and implementing data-driven strategies for better decision-making is reducing errors and inefficiencies. It is vital that implementation is governed centrally to ensure technologies, including AI, are being used responsibly and align with the principles for responsible AI outlined in Chapter 1 (Introduction). Governance should recognise local implementation of such technologies, as discussed in other chapters, so the decision-makers and leaders in the criminal justice system can jointly provide the frameworks, standards and accountability mechanisms needed to align technology with legal principles, human rights and the goals of justice. Without proper oversight, technologies can risk introducing errors and bias and thereby eroding public trust.

139. Furthermore, the fragmented and siloed approach to governance across the criminal justice system impacts on deployment of technologies, including AI. It has led to what I call 'pockets of innovation'. This is when public money has been spent developing similar technologies without strategic coordination and oversight of them all through the end-to-end system. Having a robust governance structure can allow for learning on innovation to be realised and that public money is used efficiently.

140. Finally, as I have already mentioned at great length. there is no one singular body that has oversight of the criminal justice system. This is the same for technology, including AI. There is no one specialist and/or body that has a sufficient understanding of the technology landscape and could also make decisions about strategy and investment across the criminal justice system. I note there is some work being done across government, and the judiciary, but there does not appear to be a national leadership body on the use of new technologies, including AI, across the criminal justice system.

Current Bodies and Functions

141. The MoJ has its own Chief AI Officer and Supporting Justice AI Unit that is responsible for coordinating the delivery of its 'AI action plan for justice' with input from MoJ Data Science, Digital and Transformation teams.[235] The MoJ also has its own AI Steering Group which brings senior leaders from across the MoJ, including policy, data, digital, security, people, legal and leaders from HMPPS, HMCTS, risk and communications, to oversee AI initiatives and manage risks.[236] I note, however, that HMCTS has its own AI initiatives which are run independently but with collaboration from the MoJ.

142. As the action plan and steering group are an MoJ initiative, leaders from policing, the CPS, the judiciary and other criminal justice agencies are not included. The NPCC has its own Chief AI Officer who looks to improve productivity, make policing more effective and tackle the criminal use of AI.[237] The judiciary has its own lead judge for AI, the Chancellor of the High Court, Sir Colin Birss, and the SPJ leads the CCIG, which has its own working group on AI (chaired by Mr Justice Johnson).[238] Whilst it is natural for each agency to focus on its own priorities and its own part of the system, there is no single group or person responsible for governing the use of technologies, including AI, in the criminal justice system or how technologies and AI could interact with each other.

143. Other guidance also exists, such as the Responsible AI Checklist for Policing and the Ministry of Justice AI and Data Science Ethics Framework, but these are not applied consistently across agencies.[239] I am aware of CCIG's plans to co-develop a unified set of principles, and I strongly encourage this work. Such a framework must be capable of evolving alongside technological advances and informed by the growing body of academic research on responsible AI development and use. It is essential that this future set of principles reflects both operational realities and the enduring values of justice.

235 AI action plan for justice (MoJ, July 2025).

236 Ibid.

237 Policing Will Always Use Artificial Intelligence Responsibly (NPCC, September 2024).

238 New Chancellor of the High Court: Lord Justice Birss Sworn In (Courts and Tribunals Judiciary, November 2025).

239 Responsible AI Checklist for Policing (NPCC, May 2025); Ministry of Justice AI and Data Science Ethics Framework (MoJ, June 2025).

Leadership of Technology Implementation

144. To address the lack of national leadership of technology implementation, including AI, I suggest the creation of a criminal justice system technology leadership role. This could be a single point of contact for reform of the way the criminal justice system interacts with new and future technologies, including AI. The role could be a convening force to reform the current criminal justice technology landscape and should help identify inefficiencies and pockets of innovation. It could also be key to ensuring that the system has a resilience to crisis and is both future-proofed against and well placed to respond to any issues. I do not make a prescriptive recommendation for how the role should be defined but set out some key considerations for the government in developing the role.

145. There are options around whether this role is: a) the sole role filled by an individual who is suitably senior and has a depth of experience across both the criminal justice system and technology, including AI, or b) this gap is filled by a larger function which compliments an existing role within government hierarchies. Earlier in this chapter I recommended that the government should create a statutory role of the Prime Minister's Criminal Justice Adviser who coordinates criminal justice leadership as the Second Permanent Secretary of the MoJ. Their statutory powers include various mandates for technology, including interoperability and procurement. I suggest therefore that the government should consider whether the role of a national criminal justice technology leader should report to the Prime Minister's Criminal Justice Adviser, noting specific requirements to have an in-depth knowledge of the field of technology (including AI).

146. The government should consider a defined list of responsibilities for the role to ensure it is an efficient and functional role within the technology community. For ease, I have set out some of the responsibilities the government should consider in the footnote.[240]

147. In my view, it is essential that the individual holding the role (solely or in combination with other responsibilities) possesses not only a comprehensive understanding but also an overarching perspective of the technology being procured throughout the criminal justice system. This is necessary to prevent unnecessary duplication of investment in new technologies – a concern I have frequently encountered in discussions with those I have engaged with in the Review. I am aware, from anecdotal evidence, that central procurement of new technologies is often hampered by the fact that each agency operates with its own budgetary constraints and priorities. Establishing a technology leader with a system-wide overview could, I believe, facilitate more streamlined and coherent decision-making, ensuring that investments are both strategic and coordinated across the system.

Recommendation 59: I recommend the government introduce a criminal justice system technology leadership role to act as the key coordinator for technology and artificial intelligence across the criminal justice system. The technology leader should report to the Prime Minister's Criminal Justice Adviser.

240 Strategic Technology Leadership: develop and implement a cross-criminal justice system technology strategy aligned with justice system mission and strategy; Legacy Technology Risk Mitigation: identify, prioritise and enable the agencies to decommission outdated systems; ensure interoperability during transition; Data and Interoperability Standards: establish and enforce common data-sharing protocols and technical standards across agencies; AI Governance and Ethics: oversee responsible AI adoption, including compliance with national AI frameworks and ethical guidelines; Cybersecurity and Resilience: ensure robust security measures and disaster recovery plans across all criminal justice system technology platforms; Innovation and Scalability: drive adoption of emerging technologies (AI, automation, cloud) and ensure solutions are scalable and sustainable; Cross-Agency Coordination: act as the central point for technology collaboration between police forces, courts, CPS and MoJ. Chair the criminal justice system CTO Council; Vendor and Procurement Oversight: standardise procurement processes to reduce duplication and improve cost efficiency; Performance Monitoring: define KPIs and reporting mechanisms for technology initiatives across the criminal justice system; Stakeholder Engagement: work with NCJB, CJAG and local governance boards to ensure alignment and transparency.

Capacity-Building

148. It is beyond doubt that technology has advanced at a remarkable pace and, as I have observed throughout my career, will continue to do so over the medium and long term. As I discussed in Chapter 2 (Context), technology such as AI is being used throughout government and is transforming the legal sector.[241] However, the capability for the criminal justice system to adopt technology is hindered by the siloed nature of the system itself. Technology implementation is fragmented, with each organisation at different stages of development and maturity. There are 43 police forces taking forward a plethora of pilots and the system is failing to take advantage of working together.

149. While there are pockets of AI in use already across the criminal justice system, adoption is hindered by several factors relating to strategy and process. I am told by HMCTS that the biggest challenge in accelerating AI adoption across the courts and tribunals is ensuring that AI does not affect judicial outcomes in a way that impacts judicial independence, impartiality or integrity. It is my view that judges need to embrace the adoption of AI across the courts and tribunals, provided the necessary safeguards are in place for judicial decision-making.

150. Broader challenges to delivering successful digital transformation remain true, including securing funding to scale AI solutions, investing sufficiently in the change management and training needed for adoption and working to drive change across a complex system of managed services. However, HMCTS is optimistic that AI tools can be rolled out successfully and responsibly to the benefit of the overall system.

151. The public sector spends less on technology than other sectors; around 30% below benchmark comparisons.[242] The Home Office and particularly the MoJ received low allocations for research and development in 2025/26, compared to other government departments.[243] If this continues, the criminal justice system may never be fully up to date with technology. The public sector must recognise

241 Policy Making in the Era of Artificial Intelligence (Institute for Government, February 2025); B. Liu, How Is Generative Artificial Intelligence Changing the Legal Profession? (Economics Observatory, August 2024).

242 State of Digital Government Review (DSIT and GDS, January 2025).

243 Chi Onwurah MP, Research: Finance – Question for Treasury (UK Parliament, October 2024).

when the technology being used is no longer fit for purpose, otherwise it might deprive the criminal justice system of the opportunity to adopt new technologies that could bring efficiencies. Such a state would fall short of the principles I have set out in this Review, namely that technology should augment processes and that sustainability and adaptation must be at the heart of reform. An effort to foster a criminal justice system which promotes an appropriate focus on long-term technological adaptation and innovation is therefore required.

152. While I support the need for technological innovation, I am convinced that such innovation must be driven by the specific problems the Review is seeking to resolve and the vision it is seeking to fulfil. It is not sufficient for AI merely to accelerate or automate processes that are already inefficient. Rather, the criminal justice system should prioritise the optimisation of its business processes, ensuring that the adoption of AI proceeds hand-in-hand with thoughtful process redesign. When considering both immediate and long-term opportunities for technology within the system, it is imperative that the direction is determined by the challenges to be overcome. Only by doing so can the current pitfalls be avoided. The statutory powers of the Prime Minister's Criminal Justice Adviser can help to facilitate this.

Recommendation 60: I recommend that, through the new criminal justice system technology leadership role, the government expand capabilities to monitor the development of technology to ensure tools remain fit for purpose and to have an adaptable criminal justice system that takes advantage of emerging technology that enhances productivity and informed decision-making, whilst ensuring interoperability and compliance with data privacy requirements.

Cyber Resilience

153. As explained in Chapter 2 (Context), cyber incidents have increased in frequency, including on the Legal Aid Agency in 2025.[244] This was partly due to technical debt and vulnerabilities, including the use of legacy systems which are far more susceptible to attack than modern systems because they lack the latest security measures.[245]

154. In addition to the cyber risk associated with legacy systems, there are wider inefficiencies that ageing IT systems present. The Police National Computer was introduced in 1974 and is being replaced under the National Law Enforcement Data Programme, following a critical data deletion incident in 2021 that required several intervening measures to mitigate harm in the criminal justice system.[246] Similarly, the Electronic Monitoring programme has faced delays in implementing its new system due to challenges migrating device wearers and their data from legacy systems.[247] Legacy systems are not unique to the criminal justice system; rather, they constitute a challenge faced across the public sector.[248] In March 2024, the National Audit Office rated 63 out of 228 legacy IT systems as having a high likelihood and impact of cyber risk occurring.[249] HMCTS is one such agency with several legacy systems even after the HMCTS Reform Programme. HMCTS considers cyber security as a key challenge, particularly in light of the Legal Aid Agency cyberattack.

155. The issue of cyberattacks is not something this Review can deal with comprehensively, but it is critical to consider in the context of potential inefficiencies in the criminal courts that could be caused by a potential disruption. I am told that HMCTS is aware of this risk and is acting through its Decommissioning and Legacy Risks Mitigation Programme, to address the operational, technical and

244 Sarah Sackman MP, Statement on Legal Aid Agency Cyber-Security Incident (House of Commons, May 2025).

245 Obsolete Products: Managing Deployed Devices (National Cyber Security Centre, 2025).

246 Government's Approach to Technology Suppliers (NAO, January 2025); PNC Independent Review: Summary of Lessons Learned Report (Home Office, March 2021).

247 Ministry of Justice, Electronic Monitoring Investigation – Written evidence (UK Parliament, September 2025).

248 Government Cyber Resilience (NAO, January 2025); Government's Approach to Technology Suppliers (NAO, January 2025).

249 Government Cyber Resilience (January 2025).

cyber security risks that HMCTS legacy IT presents.[250] HMCTS has a mature approach to handling and assessing the risk of cyber threats with a particular focus on mission-critical and legacy applications. Shifting from legacy systems should not only mitigate cyber threats but also increase efficiency and productivity as new systems should be able to be updated, modernised and made more interoperable with other systems. I endorse the system modernisation and the decommissioning of legacy systems by HMCTS, through it decommissioning programme, to mitigate cyber threats and increase productivity.

156. Modernisation of systems is happening across the wider criminal justice system. I am aware that the MoJ is also working to replace its prison legacy technology with the intention to both mitigate against digital security risks and to facilitate the development of more efficient digital services.[251] This includes, for example, a tool to calculate the release date of prisoners more precisely and in a manner adopted across the criminal justice system in order to reduce human error from paper-based systems.[252]

System Interoperability

157. Earlier in this chapter, I discussed the fragmentation the criminal justice system suffers both in governance and data. This fragmentation, in my view, extends further to the digital systems used by its constituent agencies. Agencies across the system operate an extensive range of digital systems tailored to their operational needs. For instance, there is no singular evidence management system used by the 43 police forces across England and Wales, as I discuss further in Chapter 4 (The Police and the Prosecution: Getting It Right First Time). Even where the same system is adopted, variations exist in product versions and software.

250 Accounting Officer Memorandum: Decommissioning and Legacy Risk Mitigation (MoJ, March 2023).

251 Ministry of Justice Digital Strategy 2025 (MoJ, April 2022); Prison Legacy Replacement Digital Services (MoJ, February 2024).

252 State of Digital Government Review (DSIT and GDS, January 2025); F. Rhodes and E. Docherty, Calculate Release Dates (MoJ, May 2022).

158. The CPS uses a bespoke case management system, while HMCTS employs different systems – such as the Digital Case System and Common Platform – across the magistrates' and Crown Courts to manage operations.[253] Although these digital systems have improved data security and agency-level efficiency, and I welcome their widespread adoption, they remain largely siloed and do not enable efficient data-sharing across the justice system.

159. The various digital systems are based on separate, incompatible technologies that were simply not designed to communicate seamlessly. As I noted earlier, this lack of interoperability stems from the absence of a central authority championing, driving and incentivising technological cohesion. Agencies driven by distinct ministerial priorities, fiscal pressures and operational requirements have instead inevitably procured tailored digital systems in isolation. The resulting fragmentation, or rather lack of integration between systems, poses several challenges to the efficiency of the system.

160. Where digital systems lack interoperability, staff must manually transfer data across systems to progress cases. For example, although the Two Way Interface automates case file sharing between the police and the CPS, the Review has received anecdotal evidence of police officers still manually emailing data over to the CPS owing to limited system integration including upload limits. I discuss this in further detail in Chapter 4 (The Police and the Prosecution: Getting It Right First Time). It is clear that, in some instances, the complexity of cases is simply not compatible with the level of system integration on offer.

161. Further, it is undeniably inefficient for staff to spend time manually completing administrative tasks which, in this digital era, can be automated. Automation streamlines processes to improve efficiency and accuracy as seen in other sectors, like the NHS where AI-enabled tools have streamlined the transcription and sharing of consultant meetings with patients. In the criminal justice system, this absence of automation combined with fragmented digital systems not only slows case progression, due to the need for manual data entry, but it also reduces the availability of staff to complete more human-centric tasks such as frontline duties.

253 DCS interface with CPS CMS System – What do I need to know? (MoJ and Criminal Justice System, July 2018), p. 1; Common Platform: A Modern Digital Case Management System for the criminal justice system (HMCTS, March 2025).

162. Manual data entry also increases the susceptibility of case data to human error. Avoiding errors in the data that underpins criminal cases is essential for both preventing process failures and ensuring the fair and accurate application of justice. For example, HMPPS's cancellation of its case management system for electronic monitoring tagging 'Gemini' – not Google's Gemini AI assistant – in 2021 left police and probation officers without real-time access to tagging data, forcing manual requests and raising concerns about effective offender supervision.[254] The risks related to manual systems are further exemplified by the recent increases in prisoner release in error, in which prison staff incorrectly manually calculated release dates due to a lack of investment in digital technology, among other reasons.[255]

163. Moreover, when agencies use incompatible systems data can fragment and drift. In simple terms, when staff manually transfer data, different systems will hold inconsistent versions of the same case due to human misinterpretation and formatting differences. Over time, these discrepancies grow as updates in one system fail to reflect elsewhere. This absence of a single source of truth ultimately undermines efficiency by slowing down case progression and increasing the risk of process failure – I highlighted the importance of high quality and linked data earlier in the chapter.

164. To address the inefficiencies caused by fragmentated digital systems, interoperability must improve. By this I mean that systems must communicate and share data more seamlessly. From the Review's engagement with various technology leaders across the criminal justice system, I am aware of the consensus that building a singular system for use by all constituent agencies is neither a cost-effective nor practical way to improve interoperability. Lessons from the implementation of Common Platform and the inability to meet the original ambition for implementation across HMCTS and CPS illustrates the risk of such an approach. Agencies face distinct budgetary pressures, priorities and challenges, and previous attempts to adopt a singular unified platform have proven to be highly problematic and complex, leading to the siloed digital systems seen today.

254 Transforming electronic monitoring services (House of Commons Committee of Public Accounts, October 2022), p. 6.

255 G. Oxley and F. Cooney, Prisoners released in error (House of Commons Library, November 2025).

165. Instead, engagement with technology leaders has revealed an apparent consensus that interoperability should be achieved by adopting technologies that enable existing digital systems to communicate easily. To achieve this my recommendation is for the continued development and expanded use of system interoperability software such as Application Programming Interfaces (APIs). The statutory powers of the Prime Minister's Criminal Justice Adviser can help to facilitate this.

166. APIs are sets of rules or protocols that allow different digital systems to communicate seamlessly. APIs are a contract between parties to exchange system-to-system data in a consistent and prescribed format. In simpler terms, APIs are messengers, transmitting requests and responses between systems. The NHS App, for instance, uses APIs to display GP appointment availability and confirm bookings to users. APIs are currently in use across parts of the criminal justice system to enable interoperability and real-time collaboration, and I endorse their expanded use.[256] For example, whilst HMCTS has now automated the previous manual emailing of offender information from Common Platform to the Electronic Monitoring Service (EMS), to order electronic tags – a previous source of delay and error – EMS continues to process orders manually. To address this, EMS is developing an API to enable full automation. HMCTS is also adopting an API-First Principle, which I endorse, which should further enhance interoperability between Common Platform and the digital systems of partner agencies. In Chapter 4 (The Police and the Prosecution: Getting It Right First Time), I discuss the use of APIs further to improve interoperability between police and CPS systems.

167. The benefits of using APIs are clear. By automating data exchange, APIs should reduce the administrative burden placed on staff to manually exchange emails, papers and telephone conversations between agencies for progressing cases, supporting increased throughput of criminal cases. Further, as APIs ensure data stays consistent and synchronised across different digital systems, they prevent data fragmentation and drifting, thereby reducing instances of data errors that slow proceedings.

256 API Catalogue (MoJ, 2022).

168. I note however that seamless interoperability between different digital systems will only be possible if robust cross-system governance of APIs is established. From the Review's engagement with technology leaders, I am aware that governance is required to mandate that each agency conforms to specific standards when developing APIs to ensure the proper authentication, authorisation and protection of data. This again exemplifies the need for a technology leadership role, with the support of the statutory powers of the Prime Minister's Criminal Justice Adviser, to consider who should design and set those standards for APIs, as well as where the APIs should sit within governance and the enforcement of those standards. It is my view, that a criminal justice technology leadership role could be best placed to lead this work due to the strategic oversight required.

Recommendation 61: I recommend the continued development and further use of system integrations (such as Application Programming Interfaces) to support digital interoperability across the criminal justice system.

Integrating Artificial Intelligence

169. In Chapter 1 (Introduction), I outlined four broad categorisations for AI tools: those that enhance productivity, provide insights, improve access to the criminal justice system or forecast future outcomes. Together, these categories illustrate the breadth of the potential of using AI, while underscoring the need for robust governance to ensure these tools are deployed responsibly and ethically.

170. The integration of AI tools into existing systems does not extend to or support the adoption of AI tools that predict future outcomes. As I noted in the introduction, predictive AI tools raise significant ethical and practical concerns, and their use within the criminal justice system warrants very real caution – a position mirrored internationally. Therefore, the AI tools that I recommend should be embedded into existing systems are ones that fit into the first three categories outlined above – productivity, insight and accessibility. Robust governance and responsibility may therefore rest with the criminal justice technology leadership role, with the oversight of the Prime Minister's Criminal Justice Adviser.

171. In recent years, I have seen the digitalisation of the criminal justice system, and AI is increasingly part of this transformation. The remarkable increase in the use of technology has frankly reshaped how legal processes are conducted and led to vast improvements in efficiency, accessibility and transparency. Police forces in England and Wales now use cloud-based evidence management systems to securely collect, store and effectively manage growing volumes of evidence. This has undoubtedly strengthened accountability throughout chains of custody, reduced the arduous manual handling of data and fostered improved collaboration. Many forces are also adopting AI responsibly, which I explain further in Chapter 4 (The Police and the Prosecution: Getting It Right First Time).

172. A further example of the digitalisation of the courts is that remote hearings via video conferencing have also become commonplace, particularly since COVID-19. Through HMCTS's Reform Programme, 70% of courtrooms – including 90% of Crown courtrooms – are now equipped to support remote video participation (see Chapter 8 (Remote Participation)).[257] AI tools are also driving innovations across courts and tribunals. In the Immigration and Asylum Chamber, for example, HMCTS is exploring how AI transcription tools can assist judges with drafting judgments as in the Financial Conduct Authority (see Chapter 9 (Hearing Processes)).[258] Further, the Serious Fraud Office is also piloting AI-enabled technology assisted review (TAR) to support complying with disclosure obligations more efficiently (see Chapter 5 (Disclosure)). Initial evaluation indicates that TAR can review documents up to 40% faster than traditional methods.[259]

173. I endorse the widespread adoption of these tools due to the significant efficiency gains they offer. Tools that automate tasks reduce the administrative burden on staff, therefore increasing their capacity and accelerating case throughput. Likewise, insight-driven tools support timely, informed decision-making by analysing large amounts of data and highlighting key facts to enhance understanding and streamline case management throughout the lifecycle of a case.

257 Modernising courts and tribunals: benefits of digital services (HMCTS, March 2025).
258 AI action plan for justice (MoJ, July 2025).
259 Serious Fraud Office sets out next steps in ambitious plan (SFO, April 2025).

174. However, while the adoption of AI tools across the criminal justice system is welcome, there is a consensus amongst technology leaders that the efficiency gains these tools offer will only be realised if they are embedded within existing platforms. I am aware that as many AI tools being developed are in the pilot phase, they mostly operate on separate platforms with distinct user interfaces. Therefore, as agencies further develop or deploy AI tools, their end goal should be to ensure the tools are available on existing platforms and interfaces.

175. Throughout my engagement on this Review, it has been demonstrated to me that AI tools fragmented across different platforms disrupt user workflows and reduce operational efficiency. For example, if AI-enabled transcription tools are not integrated into Common Platform, a Court Clerk seeking to automate transcribing a Crown Court hearing must navigate a separate transcription platform, recall access and operating procedures and, most importantly, manually transfer the resulting transcript back into Common Platform for it to be utilised further.

176. This fragmentation poses a challenge to the efficiency gains AI tools offer by creating unnecessary time-consuming complexities. Staff will need both to understand and operate each platform. Given the fast-paced and high-pressured environment of the criminal justice system, if platforms remain fragmented, this increases the risk of errors and slows case progression due to system switching, duplicated data entry and manually reconciling insights. Therefore, to maximise the efficiency gains of AI tools, the tools must not be fragmented across different platforms.

177. To address this challenge, I recommend AI tools be embedded within existing platforms when adopted across the criminal justice system. Integration into existing platforms enables users to access multiple AI functions easily, such as transcription and summarisation, directly within familiar centralised interfaces. Centralised access to AI tools support user familiarity and consistency, ensuring that the efficiency gains these tools offer is maximised.

178. Given the different budgetary pressures, priorities and operational requirements across the criminal justice system, I again recommend each agency either develops or procures its own tailored suite of embedded AI tools to ensure relevance and usability. I also recommend that each agency develops and offers training to staff before requiring use of these tools.

Recommendation 62: I recommend that once adopted, artificial intelligence tools are integrated into existing platforms and singular interfaces to ensure a user-friendly experience for criminal justice system staff.

Conclusion

179. When governance is fragmented, as is currently the case, the criminal justice system operates in silos, leading to inefficiencies and missed opportunities for end-to-end improvement. Good governance involves leaders and decision-makers having a defined vision of what the government want to achieve in the criminal justice system, underpinned by clear routes of accountability and scrutiny, and in a proportionate way. All of which leads to a whole systems approach in the form of 'one criminal justice system'.[260]

180. A well-governed criminal justice system should enable its leaders to take an overarching view of the whole system, and not its constituent parts. This is why I have recommended the agreement of a unified government vision for the criminal justice system. Central to this vision is cohesive and aligned leadership with whole system oversight in the form of the Prime Minister's Criminal Justice Adviser as the Second Permanent Secretary of the MoJ. The further recommendations on governance in this chapter highlight the importance of establishing clear reporting structures, measurable outcomes and a culture of shared responsibility for the whole criminal justice system. All while remaining mindful that the direction agreed by ministers is not intended to override the operational independence of the police, the CPS, the courts or the judiciary in relation to any individual decisions but solely in relation to policy for which the government is responsible.

260 Note: unlike in other chapters following, a map to key efficiency metrics has not been included given the focus on governance here rather than operational changes that directly drive efficiency metrics.

181. Technology is a critical enabler within this governance framework if the criminal justice system is to take a 21st century approach. For the criminal justice system to be at its most efficient and to adapt to new technologies and the pressures it is facing, it must be thought of as one system and not three, separate government departments. Only through coordinated oversight can the system harness technology's full potential to improve efficiency, data quality and interoperability of technology between all criminal justice agencies.

182. With effective and embedded governance and leadership, I believe the criminal justice system can start to move towards an age where each agency stops being viewed in a silo and starts to be seen as a part of one criminal justice system.

183. Throughout the rest of the Review, I will follow the approach that I adopted in Part I, that is to follow the criminal justice system sequentially, outline the challenges and make recommendations at each stage through arrest to conviction or acquittal. As I have emphasised throughout this chapter the approach to governance of the system must not override operational independence of the police, the CPS, the courts and the judiciary. It is to the former two organisations that I now turn. The next chapter commences at the start of the system focusing on the critical theme of getting it right first time, considering processes through arrest to charge and the relationship between the police and CPS before a case enters the courts.

Chapter 4

The Police and the Prosecution: Getting It Right First Time

Chapter 4 – The Police and the Prosecution: Getting It Right First Time

Introduction

1. Efforts to improve the efficiency of the criminal courts must focus on activities long before a case reaches the courtroom. In this chapter, I turn to the work of the police and the prosecution (usually the Crown Prosecution Service but including other prosecuting authorities) from arrest through investigation, case file building and charging decision.[261] Coordinated work between the police and the prosecution is crucial to get cases right first time and ensure an effective criminal justice system.

2. The police, the CPS and other prosecuting authorities have a vital role as the entry point to the criminal justice system. First, the time taken as part of the investigation, case building and charging processes all add to the total amount of time victims and witnesses, and suspects, await an outcome of a case, often causing considerable disruption to their lives as is set out in Chapter 2 (Context). The timely progression of a case at this early stage is therefore equally important to timeliness in the courts.

3. Second, the decision-making of the police and the prosecution determines which cases enter the criminal courts. As set out in Part I of this Review (Problem Diagnosis), there has been a substantial shift in the volume and types of case entering the magistrates' and Crown Courts since 2019. Many factors are likely to have influenced this including changes in the types of crime being committed and government policy choices, in particular the recruitment of an additional 20,000 police officers and an increasing focus on tackling violent crime and Rape and Serious Sexual Offences (RASSO).[262] Operational decision-making by the police and the prosecution also has an important influence. For the police, the operational priorities

261 These areas fall directly within the scope of the Review, as the Terms of Reference require an examination of the processes of all agencies whose work influences efficiency within the criminal courts, even where this process begins before charge.

262 Police Uplift Programme (NPCC).

they set, the way in which they investigate crime, the arrests they make and the decisions they make about out of court resolutions (see Part I, Chapter 3) all have an impact. This, combined with the charging decisions made by prosecutors, has a direct and enduring influence on the work of the criminal courts and their ability to deliver the expeditious and fair resolution of cases.

4. Third, the quality and effectiveness of the police and the CPS work pre-court significantly influence the efficiency of court proceedings. The police, the prosecution and defence practitioners each play a vital role in maintaining the momentum of a case through the system. When these pre-court processes function effectively, cases progress efficiently through the courts and when they do not, the result is wasted effort, delay, unnecessary hearings and, in some cases, the collapse of trials.[263] Such failures frustrate victims, witnesses and defendants alike and erode public confidence in the system's ability to deliver swift and fair justice. This is why I outlined in my 2015 Report, 'getting it right first time is the absolute priority of any improvement to efficiency'.[264]

5. A central theme of this chapter is the importance of strong working relationships between the police and the CPS (and other prosecuting authorities). The roles and powers of these organisations have changed substantially over the course of my career. The CPS was established as recently as 1986, taking over responsibility for prosecution of the majority of criminal cases from the police with the prosecutions being conducted by the local authority. In 2005, through the Criminal Justice Act 2003, the CPS also took responsibility for making charging decisions for the most serious cases.

6. It is therefore critical that there is strong joint working between the agencies. In practice, despite the hard work of many on the frontline, this is often not the case and there are many barriers to effective collaboration. This was the repeated feedback received during numerous visits to police forces and CPS offices completed by the Review team, with one example being direct conversations between police officers and prosecutors (by phone, online or in person) becoming increasingly rare. This is in part a product of the fragmented

263 See Chapter 2 (Context) on the growth in preliminary hearings and the decreasing proportion of effective trials in recent years.

264 The Rt Hon. Sir Brian Leveson, Review of Efficiency in Criminal Proceedings (Judiciary of England and Wales, January 2015), Section 2.1.

leadership and governance examined in Chapter 3 (One Criminal Justice System). These relationships have also suffered in recent years from the growth in caseloads, the rising complexity of criminal law and investigations, and constrained resources set out in Chapter 2 (Context). This chapter will make recommendations on the many opportunities to improve the detailed processes between the police and prosecutors, to get cases right first time. However, for this to be delivered successfully, I must emphasise the fundamental importance of improving these relationships and fostering a culture at all levels of collaboration and joint problem solving. The Home Secretary and Attorney General should join the Deputy Prime Minister in taking ownership and accountability in solving these problems, recognising the importance of these relationships for the effective performance of the criminal justice system.

7. I open this chapter by explaining in more detail the respective roles of the police and prosecuting authorities and how this has evolved over time. The chapter then makes recommendations on a number of problem areas in the pre-court process. The chapter is structured into three distinct sections, each addressing areas of the process where there are clear opportunities to prepare cases more effectively and improve the efficiency of criminal justice:

   a. Section (i) examines the initial processes completed by the police, setting out challenges and recommendations relating to the role of defence lawyers in the police station, suspects' mental health, statement building and evidence-gathering.

   b. Section (ii) examines preparation of the case file by the police for a charging decision. It explores the overall file building process which happens regardless of which authority makes the charging decision, be it the police for the many relatively simple cases in the system, or the CPS and other prosecuting authorities for more complex cases (charging responsibility is explained further after this introduction, see Section 'Charging responsibility'). It then sets out my recommendations, most of which relate to cases where the CPS are the charging authority. This is because these are inherently the most complex cases, requiring more complex file building work, and the cases with some of the most acute issues relating to collaboration between the police and the CPS.

c. Section (iii) builds on the focus on complex cases where the CPS are the charging authority, examining how CPS technology can be modernised to facilitate getting their responsibilities in working with the police right first time.

8. Throughout this chapter, I have sought to reflect and respond to the concerns raised with me by criminal justice professionals, while also identifying practical opportunities for improvement. Among the most significant recommendations are those which propose: enabling defence lawyers to provide crucial early advice to defendants at the police station via remote video link; better training and functions in police forces to ensure robust file quality; use of artificial intelligence (AI) and automated tools to assist at multiple stages of the process, including processing evidence and checking the quality of case files; removal of the requirements on the police to redact evidence pre-charge; and overall better collaboration through various means between the police and the CPS. In line with the definition of efficiency adopted by this Review, these recommendations seek to make best use of time and resources across the criminal justice process, to enable the expeditious and fair resolution of criminal cases and bolster public confidence not only in the police and the CPS but in criminal justice as a whole.

The History, Roles and Powers of the Police, the Crown Prosecution Service and Other Prosecution Authorities

9. There are 43 police forces in England and Wales, each of which is operationally independent. It is the duty of the police to protect the public by detecting and preventing crime, through three categories of powers, namely investigation, prevention and disposal.[265] There are several routes available to the police when dealing with a person suspected of a crime depending on the nature of the crime and the suspect:

   a. Take no further action.

   b. Issue a caution.[266]

265 Police powers: an introduction (House of Commons Library, October 2021).

266 Cautions are not a criminal conviction but may be used as evidence if the person goes to court for another crime. Cautions can also have conditions attached such as getting treatment for drug abuse or fixing damage to a property. My recommendations on cautions have been covered in Part I of my Review. I do not intend to revisit this topic in Part II.

c. Issue a fixed penalty notice.

d. Issue another out of court resolution.[267]

e. Charge.

f. Send the case to the relevant prosecuting authority for a charging decision (usually the CPS but includes other prosecuting authorities).

10. The CPS was established following a recommendation made by the Royal Commission on Criminal Procedure (1981), chaired by Sir Cyril Phillips.[268] The Royal Commission found that it was problematic for the police to both investigate and prosecute crimes. The inconsistencies highlighted in prosecution practices across England and Wales led to the recommendation that the police should retain responsibility for investigation and charging, but the prosecution should be handled by a newly created, locally based service, independent from the police, with some national oversight.[269] Concerns were also raised in the Phillips' Report and in Parliament, prior to the CPS's formation, that a national prosecution service might become overly centralised and bureaucratic.[270] These views were reiterated in the 1998 Glidewell Report, though they did note efforts to reduce this bureaucracy.[271] This debate persists in today's context, particularly as digital transformation and resource pressures challenge traditional structures.

11. The Royal Commission's vision was formalised in the Prosecution of Offences Act 1985, which established the CPS. The service began operating in 1986, marking a significant shift in the criminal justice system by separating the roles of investigation and prosecution. There has also been some historical commentary and changes with regards to the regionalisation of policing. I have mentioned this in Chapter 3 (One Criminal Justice System).

267 My recommendations on Out of Court Resolutions have been covered in Part I of my Review. I do not intend to revisit this topic in Part II.

268 Royal Commission on Criminal Procedure (Philips Commission) (The National Archives, 1978–81).

269 Ibid; The Rt Hon. Sir Iain Glidewell, Review of the Crown Prosecution Service: Summary (Attorney General's Office, 1998), p. 3.

270 Royal Commission on Criminal Procedure (Philips Commission) (The National Archives, 1978–81).

271 The Rt Hon. Sir Iain Glidewell, Review of the Crown Prosecution Service: Summary (Attorney General's Office, 1998).

12. The CPS is currently divided into 14 regional areas across England and Wales. This organisational structure means that in CPS areas where there are multiple police forces, operational complexity can arise due to differences in IT systems and processes. This is because not every force is using the same administrative approach or IT systems.[272] Each CPS area has separate teams dedicated to magistrates' courts and Crown Courts, as well as specialist units focused on RASSO and complex casework.[273] Each area has a Chief Crown Prosecutor who leads on working closely in collaboration with local police forces and other criminal justice partners.[274]

13. In addition to the 14 regional areas, the CPS also operates CPS Direct (CPSD) which provides immediate charging advice to police forces across England and Wales, operating 24/7 to support urgent or time-sensitive cases, particularly when suspects are in custody. The CPS regional areas manage all other prosecutions within specific geographic areas, handling the full lifecycle of cases from pre-charge advice or initial charge through to trial while working closely with local police forces. Together, they are designed to operate in such a way that charging decisions for CPS-charged cases are timely and cases are prepared effectively, supporting the broader aim of delivering justice efficiently.[275] The extent to which this goal is met (or otherwise) is discussed below.

Charging Responsibility

14. A significant development was the introduction of statutory charging in 2005, which fundamentally altered the balance of responsibility between the police and the CPS. Previously, the police held the responsibility for making charging decisions. As a result of this reform, the CPS now makes the charging decision in many of the most complex cases. The police continue to make charging decisions in the remaining two thirds of cases, which are relatively simpler in nature.[276] This change aimed to improve consistency, evidential standards and case readiness before matters reached court. While this

272 In the section 'Case Management Technology' I outline why I do not think one IT system across the police and the CPS is the solution.

273 Crown Prosecution Service annual report and accounts 2024 to 2025 (CPS, July 2025).

274 A. Sanders, 'The CPS 30 years on' [2016] Crim LR 82–98.

275 Director's Guidance on Charging, Sixth edition (CPS, December 2020).

276 How a criminal case works (CPS).

change strengthened prosecutorial oversight, it also introduced new dependencies between agencies, making collaboration and timely information-sharing essential.

15. There is a well-rehearsed history about the appropriate balance between the police and the CPS charging authority. While it is not within my Terms of Reference to comment on the allocation of charging responsibilities, this section sets out the distinct processes followed by both the police and the CPS in exercising their role as charging authorities. The police and the CPS have a key role to play in deciding which cases end up in the criminal courts. In Part I of this Review, I highlighted my concerns regarding overcharging, and the government might wish to consider what progress has been made since this and previous inspectorate reports which have referenced it as an issue as I understand that it remains a problem.

16. I now outline a brief summary of which cases are charged by the police and then the CPS, and the process and guidelines for charging these.

Police Charged Cases

17. The police are authorised to charge certain offences under defined circumstances. These include any summary only offence (triable only in the magistrates' court), irrespective of expected plea; any offence of shop theft, if it is suitable for sentence in the magistrates' court; and any either way offence with an anticipated guilty plea which is suitable for sentence in the magistrates' court.[277]

18. Police charging decisions must comply with the Code for Crown Prosecutors, which sets out the two-stage test: the evidential stage and the public interest stage.[278] Officers must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction and that prosecution is in the public interest. This framework ensures that charging decisions are made fairly and proportionately.

277 Director's Guidance on Charging, Sixth edition (CPS, December 2020), Annex 1: The Division of Charging Responsibility.

278 The Code for Crown Prosecutors (CPS, October 2018).

19. One of the most critical factors for the police to get right when making a charging decision is correctly identifying the anticipated plea ahead of the case proceeding to the magistrates' court as a guilty anticipated plea or not guilty anticipated plea case. Crucially this impacts on the amount of time for which a defendant is bailed and the time and requirements for prosecutors in preparing a case. As I will explore later in the chapter (see paragraphs 108–111), too frequently this identification is made incorrectly, leading to inefficiency and waste for the prosecution and in the courts. Whilst this decision must also be made by the CPS in cases they charge, they do so with the advantage of greater specialist expertise. This is an important factor in my recommendations on improving police training and better technology and functional expertise to support police decision-making.

20. I note that there is also some wider appetite to review the current scope of police charging. Provided that there is a system for speedy resolution of the issue of whether a charge is appropriate and, if so, what the charge(s) should be, efficiency should not be affected. I note that the Home Office is leading work under the Violence Against Women and Girls (VAWG) strategy to explore the return of some charging powers to the police. For further detail, I refer to the VAWG report published in December 2025 and add no additional comment on this matter.[279]

Crown Prosecution Service Charged Cases

21. The Full Code Test is used when police investigations are complete. It has two stages:

    a. Evidential Stage: This requires a determination by the prosecutor as to whether there is enough credible and reliable evidence for a realistic prospect of conviction. Prosecutors assess all evidence, including any that may undermine the case or support the defence. If the case does not pass the first stage, then it cannot move to the next stage, and the suspect will not be prosecuted.

    b. Public Interest Stage: This considers if prosecuting is in the public interest, weighing factors like the seriousness of the offence, harm to the victim and the suspect's age and maturity.

279 Freedom from Violence and Abuse: a cross-government strategy to build a safer society for women and girls (Home Office, December 2025).

22. Where a defendant is in custody and the police do not intend to grant bail, an immediate charging decision may be required even though the Full Code Test cannot be met. In this scenario, the Threshold Test is applied. Five conditions must be satisfied:

    i. There are reasonable grounds to suspect that the person to be charged has committed the offence.

    ii. Further evidence can be obtained to provide a realistic prospect of conviction.

    iii. The seriousness or the circumstances of the case justified the making of an immediate charging decision.

    iv. There are continuing substantial grounds to object to bail in accordance with the Bail Act 1976 and in all the circumstances of the case it is proper to do so.

    v. It is in the public interest to charge the suspect.

23. A Threshold Test decision must be kept under review to ensure that the charge remains appropriate, objection to bail is justified and the police are working to secure the additional evidence required. The Full Code Test must be applied as soon as the anticipated further evidence is received, and, crucially for the Crown Court, before the formal service of the prosecution case. If any of the five conditions are not met, charges cannot be authorised and the prosecutor must explain their decision to the police.

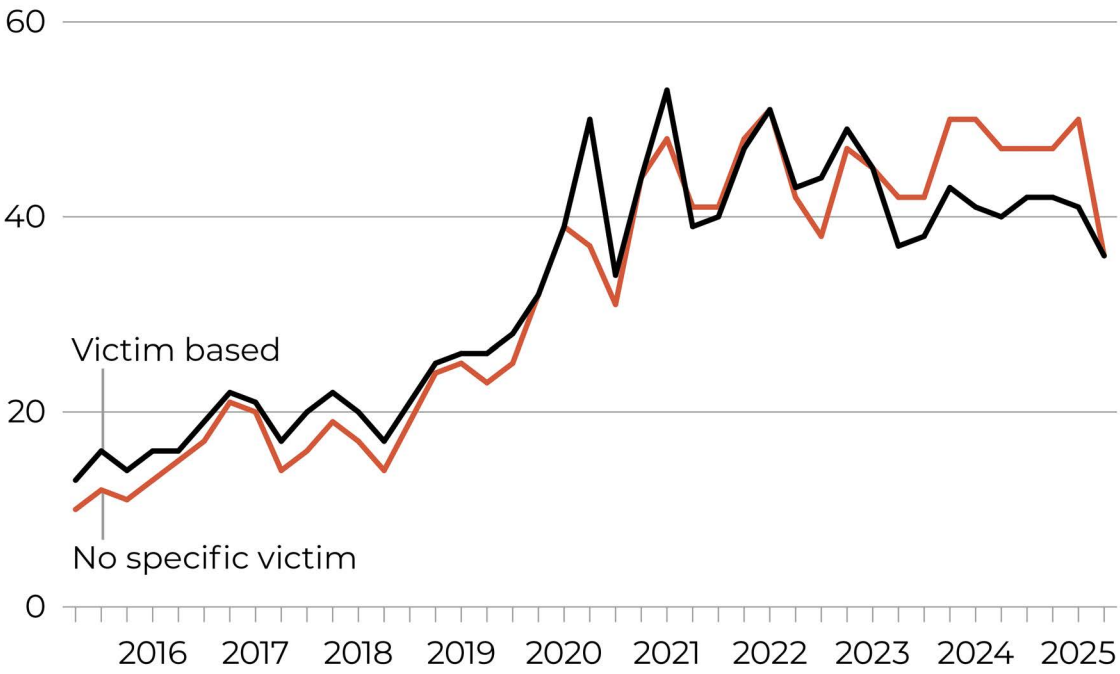
The Current Data Picture

24. It is important to note what the current evidence reveals on the timeliness of this pre-court work. The timeliness of file building and charging decisions form the early experience of victims' and defendants' interactions with the criminal justice system. Where these processes are delayed or inefficient, victims' and defendants' experience of the criminal justice system begins with delays before they even reach the courtroom. This is a matter of growing concern, partly driven by the increasing time it takes for police to charge offenders, which is a process that has significantly lengthened over the past decade. Figure 4.1 shows the median number of days taken from an offence being recorded to police charging an offender. The data includes both police charged offences (those not requiring CPS input) and those requiring a CPS charging decision.

Figure 4.1

Median days from offence being recorded to charge for all charge-only outcomes

England and Wales, Q2 2015 to Q2 2025



Source: criminal justice system delivery data dashboard, 6 November 2025

25. The median time taken for the police to charge offenders of victim-based crimes has almost tripled over the past decade, from 13 days in Q2 2015 to 36 days in Q2 2025. Crimes with no specific victim have followed a similar trend increasing from ten days in Q2 2015 to 36 days in Q2 2025.[280] The data includes time spent where the police are required to perform further work on the case file in response to a CPS action plan – a set of investigative tasks or evidential improvements requested by the CPS before a charging decision can be made (see section (ii)). Since the end of 2019, the timeliness of decisions has worsened, and delays have remained high since (the time period includes the introduction of the Director's Guidance on Charging (sixth edition) (DG6)[281]). These delays mean that many cases which find their way into the criminal courts are starting their lifecycle more slowly than they should be, leaving victims, witnesses and defendants with delayed outcomes from the outset.

26. Focusing on charging decisions made by the CPS, the average time taken per suspect per offence varies by offence type, with increases for offences against the person and sexual offences being the most significant contributors to the overall rise in charging times. Figure 4.2 shows that the average number of days from referral to charge for sexual offences increased by 90% between 2019/20 and 2024/25, compared with 80% for offences against the person and 50% for all offences. Among other contributing factors are a relative increase in the numbers of offences recorded as offences against the person and sexual offences,[282] which typically require more complex investigation, case building and greater use of early advice.

280 Source: Crime recorded to police decision – CJS delivery data dashboard (November 2025).

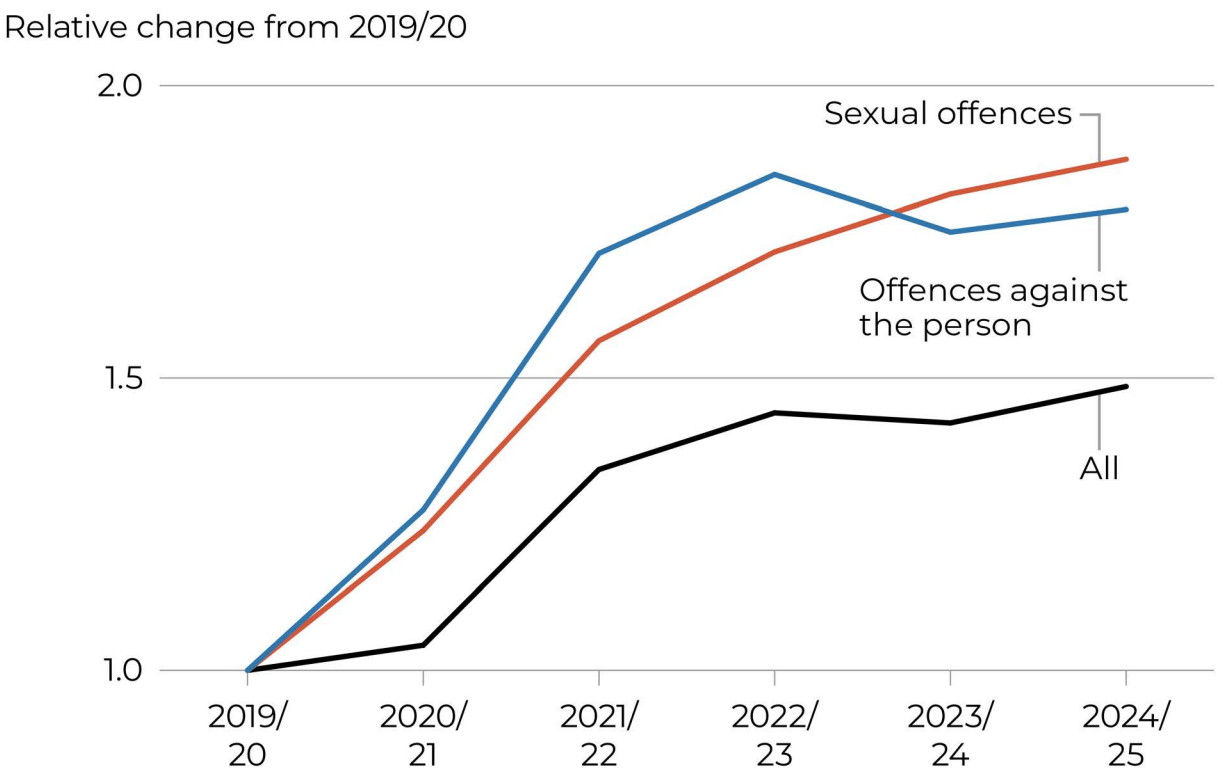
281 DG6 refers to the revised Director's Guidance on Charging (6th edn), which came into effect in 2021 and introduced stricter requirements for the police to submit fully prepared case files before seeking a CPS charging decision (see section (ii)).

282 Source: CPS (unpublished).

Figure 4.2

Change in mean CPS charging decision time by offence group

England and Wales, 2019/20 to 2024/25



1. Note that all offences included are: Homicide, Offences Against the Person, Sexual Offences, Burglary, Robbery, Theft and Handling, Fraud and Forgery, Criminal Damage, Drugs Offences, Public Order Offences, All Other Offences (excluding Motoring), Motoring Offences and Undefined.

2. The chart includes only CPS charge-only outcomes. The 2019/20 financial year is the earliest available. Values are shown as an index, with the base year (2019/20) set to 1.00, showing relative change over time and makes trends easier to compare. Subsequent years are expressed relative to 2019/20.

Source: Crown Prosecution Service (unpublished)

(i) Police, Arrest and Interview

27. In this section, I consider the police process from the point of arrest. I first examine the role of defence lawyers for police station work, considering their availability and communications from the police. Defence lawyers provide the first point of legal advice to most suspects, which is key to rights being upheld and ensuring that decisions are informed to prevent errors that can later lead to delays, collapsed cases or even risks of miscarriages of justice. I outline a full analysis of duty solicitor availability and resourcing in Chapter 10 (The Judiciary and Legal Workforce).

28. I then set out the approach to witness statements and evidence-gathering, highlighting their role as a foundation of the case build. When accurate and complete from the outset, they reduce the need for supplementary interviews and the risk of procedural challenges. I demonstrate how these issues connect to my principles of getting it right first time, leveraging technology and applying expertise, and how my recommended changes can improve efficiency in the criminal courts.

29. Finally, I explore the matter of suspects' mental health and the significant role it plays in the context of the police and subsequent impact on the criminal justice system. Investing in effective processes to assist with mental ill-health and prevent those who require community support entering the criminal justice system in the first place, is a sensible approach in terms of subsequent savings on police time and avoiding unnecessary cases making up the open caseload. I discuss the wider impact of mental ill-health on the criminal justice system in Chapter 11 (Broader Justice Issues).

Process: Arrest and Early Investigation

30. The police are the gatekeepers of entry for the criminal justice system. The police must keep a record of all reports of alleged crime made to them.[283] Where a report alleges that a crime has been committed, the police decide what action to take, ensuring their response is

283 Reports can be made by the public through 999 or 101 calls, online reports, direct to the officer or station; police identifying offences or proactive investigation; or reports from other agencies such as schools or social services. The source of this recording duty is the Code of Practice on police information and records management with the Police Act 1996, s. 39A as the source of the Code of Practice.

proportionate and appropriate.[284] Attendance at an incident is not always the appropriate response. For instance, 'the Right Care, Right Person' approach provides a framework for the police to decide whether they should be involved with incidents involving people who require further intervention to support their mental ill-health.

31. In circumstances in which it is appropriate for an arrest to be made in accordance with the powers in the Police and Criminal Evidence Act (PACE) 1984, the suspect is arrested, cautioned and transported to the police station. The suspect is informed of their rights, which includes 'the right to consult privately with a solicitor and have access to free independent legal advice'.[285] I outline the role and process of defence lawyers later in section 'Legal Representation in the Police Station'. Under PACE, a person may not normally be kept in police detention for more than 24 hours without being charged – this is often referred to as the 'PACE clock'.[286] When additional investigation is required, the suspect may be released under investigation or put on pre-charge bail. Part I of this Review outlines my thinking on release under investigation and pre-charge bail.

32. If at any point during the arrest or detention process, the suspect requires medical attention (physical or mental), action must be taken, and it may be determined that they are not fit for detention. The police must have arrangements in place to refer vulnerable people to services for assessment and support, including relevant healthcare services. There are special provisions in place for vulnerable suspects which are outlined in the Authorised Professional Practice (the official professional practice for policing).[287] Liaison and Diversion services are also available to identify and support those they identify as having mental ill-health. I discuss this further in the section 'Mental Health'.

284 This action may not be an arrest. The options that the police have available are outlined in para. 9.

285 Response, arrest and detention (College of Policing, October 2022), section: Rights and entitlements.

286 Unless the PACE 1984 clock is extended by an officer of an appropriate rank (superintendent or above) or by application to the magistrates' court. The legislation is set out in ss 41-43 of the Police and Criminal Evidence Act 1984.

287 Response, arrest and detention (College of Policing, October 2022), section: Fitness for Detention; Detention and custody (College of Policing, October 2013).

33. Once a crime is recorded, the police consider legal guidance, their individual force policies and any regional variations in practice or priorities to decide if the matter is to be pursued. The crime is investigated by an investigator which is often a police officer, referred to as the officer in the case (OIC). Different police forces have different structures in place to determine who is responsible for investigating the crime. In some forces, the frontline reporting officer (or 'response officer') retains responsibility for the case, and in others the case is passed to a dedicated investigation team, such as the Criminal Investigation Department. Either option presents its own set of challenges, but I do not comment on the optimum distribution of resources in this Review as this is a matter for police leadership to determine.

34. Most of the offences investigated fall into what police services refer to as 'volume crime';[288] i.e. categories of offence that occur frequently and have a significant impact on communities and police resources.[289] These typically include burglary, robbery, shop theft, vehicle crime, criminal damage, drug offences and assaults.[290]

Legal Representation in the Police Station

35. Anyone detained at a police station is entitled to free legal advice, as well as those attending a voluntary interview. This free legal advice service is provided by a publicly funded defence lawyer unless the suspect has their own nominated solicitor. These lawyers' services are free of charge to the suspect as they are funded by the Legal Aid Agency, unless the suspect chooses to pay for a solicitor who is not publicly funded. This service is frequently provided by a duty solicitor.

288 The College of Policing defines volume and priority crimes as: 'Volume crime is defined as any crime that, through its sheer volume, has a significant impact on the community and the ability of the local police to tackle it. Volume crime often includes priority crimes, such as street robbery, burglary and vehicle-related criminality, but can also include criminal damage or assaults. This definition can be extended to include non-crime issues, such as anti-social behaviour. Priority and volume crime will often include responding to and protecting vulnerable people and ensuring that appropriate safeguarding procedures are put in place.' Professionalising Investigations Programme (PIP): Programme policy 2023 (College of Policing, 2023).

289 Volume crime (HMICFRS, January 2025).

290 The PIP (Professionalising Investigations Programme) separates investigations into four types: PIP level 1 – priority and volume crime investigations; PIP level 2 – serious and complex investigations; PIP level 3 – major investigations; and PIP level 4 – strategic management of highly complex investigations. Investigation introduction (College of Policing).

36. Every suspect is informed of their right to free legal advice. Where a suspect requests a defence lawyer other than one they nominate as their own, the police refer that request to the Defence Solicitor Call Centre.[291] The Legal Aid Agency contract specifies that the lawyer's initial contact with the client should be made within 45 minutes of receiving a referral. The service that these publicly funded lawyers provide is 24/7 to ensure that suspects are not detained without receiving legal advice to support the statutory obligation on the police to comply with the time limits stipulated in PACE 1984. Defence lawyers can provide some advice over the phone, however attendance for police interviews is expected in person. Some defence lawyers cover large geographical areas, so there can be delays with the solicitor attending promptly. The few defence lawyers that are available for work try to cover a large area and act as locums for other firms so that they can respond to as many calls as possible per duty session. This reflects the fact that fees for this type of work are low, however I am aware that fees are increasing as a result of the MoJ's 2025 consultation on solicitor fees.[292] I examine the critical shortage of defence lawyers and proposed recommendations to address this in more detail in Chapter 10 (The Judiciary and Legal Workforce).

Defence Lawyers Presence in the Police Station

37. Despite being a free service, a significant proportion of adults in custody do not request legal advice. Based on analysis of custody records across eight police forces in England and Wales, a study published in 2024 found that 59.5% of adults in custody requested legal advice.[293] Dr Vicky Kemp, through her 2013 research, has noted initiatives within police stations that may encourage take up of legal advice: increased visibility of duty solicitors by having a waiting room in the custody suite; police officers routinely informing suspects that telephone advice is also available and ensuring that telephone advice is offered when in-person advice is declined; and an app to inform suspects of their legal rights.[294] Advice provided by defence lawyers at the police station is critical for the efficiency of the criminal

291 Defence Solicitor Call Centre (Legal Aid Agency).

292 Criminal Legal Aid: proposals for solicitor fee scheme reform (MoJ, December 2025).

293 Source: Analysis of electronic custody record data in England and Wales, p. 33. This figure only includes legal advice requests, not whether legal advice was received.

294 Dr V. Kemp, 'No time for a solicitor': Implications for delays on the take-up of legal advice [2013] Crim LR 184; Dr V. Kemp, Digital legal rights for suspects: users' perspectives and PACE safeguards (University of Nottingham, July 2018).

justice process thereafter as their prompt advice can ensure the most proportionate action is taken to the offence alleged to have been committed. Advice might support earlier guilty pleas or the administration of an out of court resolution and sets the defendant up for the best legal support ahead of any subsequent court process.

38. One problematic aspect of the duty solicitor service is that advice is expected in person. There can be delays to the overall process whilst the suspect receiving legal advice awaits the arrival of their solicitor. I have heard of many instances of advice being delayed far beyond the mandated 45 minutes, often due to solicitors having referrals for multiple police stations within a short timeframe. This is particularly problematic outside normal working hours, especially when there are insufficient defence lawyers available for the number of police requests. Call out arrangements for duty solicitors have not kept pace with changes to police detention and custody. Rationalisation of police estate and centralisation of custody suites means that not every police station is used to detain suspects. Inevitably, in most cases, the consequence is that duty solicitors are required to travel further to stations where the suspect is held.[295]

39. To increase the availability of legal advice in the police station and ensure that advice is provided promptly for suspects, I recommend changes to the Legal Aid Agency 'Police Station Telephone Advice Contract' to allow for defence lawyers to provide initial advice virtually via secure remote video link in appropriate cases.[296] In some cases, such as those involving children and young people or in indictable only offences this is not an appropriate option, but this should be a professional decision taken by the solicitor as it already is when they are determining whether some advice can be provided over the phone.[297] I recognise that there are advantages in face-to-face meetings, but I am confident that in many instances a remote video call should work adequately. Research of solicitors by Dr Vicky Kemp outlines that the ability to communicate and engage effectively with the client is clearly enhanced on a video link call by comparison with

295 E.g. Durham Police has moved most of their cells across the region into one centralised Investigation and Custody Hub.

296 Annex 1 Specification – Police Station Telephone Advice Contract 2020 (Legal Aid Agency, January 2020).

297 This could include cases involving a child or young person, those with an appropriate adult or for indictable only offences. This could be assisted by guidance from the Law Society.

a phone call.[298] In addition to making advice available more promptly than when solicitors must travel to provide advice in person, this reform would also make duty solicitor work a more attractive option for employment and increase the capacity of the defence workforce.

40. This recommendation would also present wider advantages in terms of improving monitoring and training of defence lawyers. Currently, solicitors completing police station work need to be trained and accredited. Ensuring adequate observation and assessment of a trainee's engagement with suspects can be a difficult task when many of the calls for advice arise out of office hours. An assessor must attend alongside the trainee in several cases until accreditation is awarded. This training and accreditation could be performed much more easily if being conducted remotely as the person training or accrediting could be dialled into the call at the same time as the trainee. It would also open opportunities for easier peer-to-peer observation and ongoing training as well as allowing the training and accreditation system to be a national one drawing upon expertise from trainers wherever they practice.

41. Appropriate facilities and equipment will need to be made available for suspects to speak in confidence to their solicitor using a remote link from a secure room, and the burden on the police should not become onerous. Equipment should also be physically secured in such a way as to minimise the risk of damage without suspects being supervised by police officers. It is essential that the spaces provided should be somewhere private to protect lawyer-client privilege. The importance of confidentiality was a key piece of feedback from my engagement with legal professionals. Whilst several of those at the defence solicitor roundtable I held advocated for the expansion of remote engagement pre-trial, especially in rural areas, others emphasised the risks of investigating officers having inappropriate access to defendant conversations with their lawyer. This included examples of lawyer-client telephone consultations being held in the open in the custody area of the station, as well as more general concerns about private rooms not being adequately soundproof. Whilst the importance of appropriate confidentiality must be emphasised, I am confident that these barriers can be overcome. Many police custody suites should have these facilities already, as existing interview rooms could be used.

298 Dr V. Kemp, Effective Police Station Legal Advice Country Report 2: England and Wales (University of Nottingham, April 2018), p. 30.

42. Fees for duty solicitors would need to be reconsidered in the light of this recommendation, however I do not propose that the fee be reduced because these will be full consultations, beyond the level of advice that is currently provided over the telephone. The level of advice provided through video link should remain the same as is currently the case with face-to-face advice. I will discuss remuneration for duty solicitors, and the wider operating model of legal aid in Chapter 10 (The Judiciary and Legal Workforce). It is worth noting here that an additional benefit of this recommendation is that there would be fewer costs resulting from travel expenses of solicitors having to travel, often long distances, to police stations. These savings and better outcomes from more legal advice offered earlier, for example through earlier use of out of court resolutions, should provide the savings needed so as not to require a reduction of police station fees.

43. To support this recommendation, police officers should ensure that, at the first point of contact, they provide the defence lawyer with all material that can properly be disclosed at that stage in accordance with the Criminal Procedure and Investigations Act 1996 and associated guidance. I cover disclosure in more detail in Chapter 5 (Disclosure). Disclosure at this early point is crucial for the solicitor to be able to advise their client properly and may result in earlier guilty pleas or an out of court resolution. This is particularly relevant in cases where there is overwhelming evidence of the guilt of the suspect, such as CCTV footage showing the crime being committed.

Recommendation 63: I recommend that the Legal Aid Agency changes the 'Police Station Telephone Advice Contract' to allow defence lawyers to have the option of providing initial advice using a remote video link, where this is appropriate (for example, not in cases of those under 18 or otherwise vulnerable persons, nor in relation to offences which are indictable only).

Notification of Charge

44. There is no consistent process for notifying defence lawyers of the outcomes of the investigation into their client's alleged offending, and in particular whether they have been charged. Where the police do notify the solicitor, their process for doing so is a manual one which is an added administrative burden on the police, diverting them from other work. In many cases, the defence lawyer only finds out about the outcome by proactively requesting this information or if they happen to be at court on the first hearing date.

45. When a defendant wants the same solicitor in court as advised them in the police station, the defendant is potentially disadvantaged in the subsequent steps in the criminal process: their solicitor is much less likely to be present in court unless they have contacted the police as they could be unaware of their client's court appearance. Not only is there a negative impact on the quality of justice for the defendant, but this can result in delays in the courts if the defendant needs to seek alternative legal advice by seeing the court duty solicitor. That is likely to be a different solicitor from the one who attended at the police station, but even if it happens to be the same solicitor, the solicitor will not have undertaken any pre-court preparatory work. The current system may also increase the number of unrepresented defendants in court, which are those more likely to cause delays.

46. Case Study B outlines a possible solution to this problem. Postal requisitions, a method of summoning a defendant to court (to such extent as they continue to be used in the future[299]), could also be used to support with duty solicitor notifications as they could be copied to the solicitor at the same time as being sent to the defendant.

299 In Part I, I recommended that release under investigation (RUI) be abandoned and that bail be reinstated in all relevant cases: this should mean that those bailed should return to the police station at which time they can be charged and then bailed to court.

Case Study B: Charging Notifications, West Midlands Police

In response to very busy custody suites (one custody suite in the West Midlands took over 35,000 calls in the first four months of 2023), the force replaced the process of duty solicitors contacting the custody suite by telephone, with use of a Microsoft Form. Once the Defence Solicitor Call Centre has appointed a solicitor to a case, the solicitor completes a contact form using Microsoft Forms. The completed form populates data into Microsoft Lists, and their automation software handles the initial contact with the duty solicitor. Validation checks are in place to ensure that it is safe and appropriate to share information with the solicitor.

The initial contact is updated on the custody record, and a copy is emailed to the solicitor. The submission of the form to the email automation is complete within three minutes on average. The automation software opens the custody record at set intervals to determine if an outcome is ready to be sent by checking whether all of the reasons for arrest have been finalised with an outcome. The software pulls the relevant information from the custody record into a set template, adding the template to the record and emailing the solicitor using the email originally provided on the form.

Reporting in 2024, West Midlands estimated that the process saved 77 hours of custody staff time in one month through automation of defence solicitors' initial contact with custody. As the programme has developed, I have been told that in September 2025 an estimated 275 hours of custody time were saved. Feedback from solicitors has also been positive as they can access information more quickly and do not need to wait for their calls to be answered.

Source: Case study collated using information provided by West Midlands Police and Automation of defence solicitors' initial contact with custody | College of Policing.

47. It is clear that better notification of charging decisions to solicitors who gave advice at a police station can facilitate a more efficient process when a case reaches court, in the form of consistent and timely legal advice, avoiding challenges posed by unrepresented defendants and facilitating early engagement by defence advocates. I therefore recommend that police forces should implement an automated mechanism for notification of outcomes to solicitors in all cases. This should improve efficiency by providing solicitors with the information needed for them to be well-prepared for their clients' appearance in court. I note that a potential issue has been raised in

relation to the current automation process outlined in Case Study B – that the Defence Solicitor Call Centre does not provide the custody reference number, therefore duty solicitors still need to contact custody suites to obtain this before filling out the form. I recommend that the Defence Solicitor Call Centre's text messages should include a custody reference number to enable the success of this innovation, and that forces building automation into their own systems should do so with this feature in mind.

Recommendation 64: I recommend that all police forces should implement an automatic mechanism that can be used to communicate charging outcomes to defence lawyers. To facilitate this process, the Defence Solicitor Call Centre text messages should include a custody reference number.

Statement Building and Evidence-Gathering

48. As part of their investigation of a crime, the police need to take statements from victims and witnesses to gather evidence. Statement taking is an essential police skill and, as such, considerable guidance is available to support officers.[300] Taking a statement involves a conversation between the police officer and the victim or witness at the police station or in the person's home or workplace. The officer writes up the statement using a standard form which will form a part of the case file and may be later used as evidence in court. The person providing the statement has the opportunity to check their statement for accuracy and change or amend if not accurate. Although a form is used, that is only to assist the officer, the content of the statement must be a true representation of the witness's recollection of the events. The form that the police complete when taking a statement is also known as a Manual of Guidance form 11 (MG11) (this is the statement made by a victim or witness in a criminal investigation).[301]

49. I endorse greater use of basic transcription tools, for example from body worn video footage, which would need to be confirmed by the witness. AI tools could be used to support with drafting witness statements and assisting officers in checking for essential elements alongside wider evidence-gathering processes. The tool could be

300 E.g. Crime and intelligence – Taking statements (N15b) (Kent Police).

301 The template for an MG11 form is viewable here: Form-MG11.doc.

developed to advise which questions to ask and guide the officer to focus on the legal requirements to prove the offence based on existing law – the tool would offer prompts to ensure that all key information is obtained from the witness and is recorded appropriately in the statement. The case law would need to be verified to avoid the risk that generative AI hallucinations could provide incorrect information.

50. Statement building takes up police officers' time as they need to record manually and edit the statement. Accurate statement building is an important part of a case so I would expect it to take time, however manual aspects of the task could be streamlined to reduce the time taken, thereby freeing up officers to devote themselves to investigation or case building to ensure higher quality case files. I am keen to exploit the opportunities that emerging technology offers here. I have seen through my engagement examples of AI tools that are supporting the police with other aspects of their investigations. For example, Dorset Police are using an AI tool to support with creating a primary investigation plan which identifies the approach to evidence-gathering and investigative decision-making, as outlined in Case Study C.

Case Study C: AI and Primary Investigation Plan, Dorset Police

Dorset are trialling an AI solution to make the primary investigation building process more efficient. The AI tool reviews the initial informal conversation between the officer and the victim or witness and pre-populates the initial officer primary investigation plan. The officer can make any changes until they are content with the plan. The outcomes of this local pilot will be reviewed locally and should be evaluated and considered at a national level for consistency.

Source: Case study collated using information provided by Dorset Police.

51. I envision that a tool to support with statement building would listen to the free-flowing conversation between the officer and the witness, summarise it and, based upon the policy and guidance as to the relevant law, identify which information should be included in the statement. The witness would then confirm they are content with the statement as drafted from the conversation and able to amend any incorrect or incomplete parts. While there are risks with AI transcription, such as challenges with certain names and accents, these are mitigated (if not removed) by requiring the witness to carefully review the statement before it is signed and documented,

recognising that it must reflect their true recollection and the evidence that they wish to give. A similar approach could be applied to victim personal statements, interpretation and preparation of summaries. Despite standard forms, at present these statements can vary considerably, which can affect court processes if they are not robust enough to serve as evidence.

52. There is also the problem of foreign languages and translation in statement taking where police officers do not understand the first language of the suspect or witness. Again, there is scope for emerging technology to assist, outlined in Case Study D. In Chapter 9 (Hearing Processes), I explore the broader application of such technology in both courtrooms and frontline services.

Case Study D: Axon's AI-Enabled Translation

AI-enabled translation tools can also be used to aid statement building. The Review has been informed of Axon's AI-enabled translation tools built into body-worn cameras, which I understand are now being deployed by the Joliet Police Department in the United States. The tool enables police officers to communicate in over 50 languages by automatically translating conversations in real-time. The tool also records translated conversations and produces searchable transcripts to allow subsequent verification by human interpreters if required, thereby streamlining statement building.

Source: Joliet, IL PD Get Body Cameras that Speak 50 Languages.

53. As I discussed in Chapter 2 (Context), AI and other emerging technologies could support the mounting challenge involved in processing increasingly greater volumes of evidence, such as by automating the analysis of large volumes of audio and visual data disclosure to the defence. There are ample opportunities to streamline this. However, I am acutely aware that emerging tools are not completely accurate and rely on human oversight and accountability. I refer back to the nine AI principles for responsible use of AI in Chapter 1 (Introduction), and I support the Responsible AI Checklist for Policing to help police decide whether an approved AI tool should be used.[302] In accordance with these principles, the police should be expected to reveal when AI was used to support in statement building.

302 Responsible AI Checklist for Policing (NPCC & Probable Futures, May 2025).

54. Concerns have been raised by police forces that over-reliance of AI may degrade key skills such as witness statement taking. To mitigate this, a system could be introduced whereby officers must complete a set proportion of statements manually to maintain core competencies. This ensures continued proficiency while leveraging AI for efficiency.

Recommendation 65: I recommend wider use of an approved artificial intelligence tool for the police to process evidence, prepare files and assist in police disclosure, with human oversight and accountability. This should include administrative functions such as summarising files to enable faster and more effective handover between police officers.

Mental Health

55. Mental health in the context of crime and policing is complex. I explore mental ill-health in the criminal justice system more generally in Chapter 11 (Broader Justice Issues), focusing here only on mental ill-health where it relates to police processes and suspects' mental health. Identifying and responding to mental ill-health as early as possible is crucial to ensure that adjustments and needs are considered at every stage of the criminal justice system. The police are the first point in the criminal justice process at which mental ill-health can be identified and documented, ensuring that, should a person be charged, the process is reflective of their needs.

56. The number of mental ill-health-related calls that the police attend has increased significantly in recent years. The BBC reported in 2023 that of 21 police forces that responded to their Freedom of Information (FOI) request, each force had reported a rise in mental health related incidents since 2017.[303] The number of mental health detentions (under section 136 of the Mental Health Act 1983) was 31,779 in the year ending March 2025.[304] Detentions had increased between the years ending March 2017 and March 2022 (except a small COVID-19-related fall in the year ending March 2021) but have since decreased;[305] this is likely because of the introduction of the 'Right Care, Right Person' approach in 2022 which I will outline in more detail.

303 S. Kotecha and C. Golding, Increase in mental health callouts received by police over past five years (BBC News, 9 March 2023).

304 Source: Police powers and procedures: Stop and search, arrests, and mental health detentions (Home Office, November 2025).

305 Ibid.

57. The impact on police time of dealing with mental ill-health of suspects and others whose conduct leads to police contact is huge. Of great concern to me is the time police officers spend responding to these incidents, which includes the time they must spend at the incident to oversee it being resolved and any follow-up work that results. This time could be better devoted to investigating cases and building thorough case files to improve efficiency of cases in the criminal justice system. Whilst there are limited studies and research into the amount of police resource used by mental health related incidents, I have heard that it is of significance. [306] My officials who attended a police ride along noted that the majority of calls they attended with response officers were as a result of mental ill-health, rather than there having been a crime committed. Where a crime had been committed, mental ill-health was more often than not a factor at play.

'Right Care, Right Person'

58. In 2022, the 'Right Care, Right Person' approach was implemented as a result of the Policing Productivity Review. It is 'designed to ensure that people of all ages, who have health or social care needs, are responded to by the right person, with the right skills, training, and experience to best meet their needs'.[307] The approach aims to limit police involvement in non-crime mental health related incidents unless there is a real and immediate risk to life or serious harm, so police do not attend these incidents unless these criteria are met. Instead, the NHS should be dealing with incidents of mental ill-health. Evaluation completed in 2024 estimated the officer hours saved each month from the 'Right Care, Right Person' approach across five police forces ranged from 1,030 to 18,910 hours.[308] The Association of Police and Crime Commissioners is supportive of the approach and has produced guidance to advise police senior leadership on best practice.

59. Building on this approach, some police forces had decided that officers should only be required to attend mental health related calls where there is an immediate threat to life. The Metropolitan Police had decided this in response to 'a significant rise in the number of mental

306 E. Kane, J. Cattell and J. Wire, 'Mental health-related police incidents: Results of a national census exercise in England and Wales' [2021] Criminal Behaviour and Mental Health 262.

307 Right Care, Right Person (Home Office, March 2025).

308 Source: Right Care, Right Person (HO, March 2025), Table 1.

health incidents being dealt with by the force in the past five years'.[309] As I understand it, despite this decision, officers are still attending non-urgent mental health calls, partly because other services, such as the ambulance service, are too stretched to respond. Other police forces have taken a different approach due to the operational realities of their policing. Case Study E provides an example of where the approach has been developed and adapted to align with the particular needs of the British Transport Police and the benefits of proper system integration with partner agencies, like the NHS.

Case Study E: The Harm Reduction Team, British Transport Police

The British Transport Police often encounter vulnerable individuals in mental health crisis on the rail network. To address this, British Transport Police partnered with NHS trusts to create the Harm Reduction Team (HaRT) and Integrated Mental Health Team. The programme targets high-frequency presenters – individuals presenting three or more times in two months. HaRT flag these as requiring mental health support, and via partnership with NHS care coordinators, real-time triage and guidance is provided to officers.

Since inception, HaRT has worked with 589 individuals, discharging 538 after tailored interventions, supporting and diverting individuals away from criminal justice pathways, reducing demand on courts. British Transport Police has analysed the value for money and cost-benefit of HaRT in the context of 'keeping the railways moving'. Since the introduction of HaRT, disruption costs fell from £6.92 million to £1.51 million (78% reduction), delay minutes fell from 104,915 to 31,260 (70% reduction) and section 136 detentions fell from 640 to 262 (59% reduction). British Transport Police considers that further gains are possible through faster integration with the NHS, systemic access to care data, clear escalation protocols and enhanced internal and external collaboration.

Source: British Transport Police Internal Management Information, shared with the Review for the purposes of this case study.

309 S. Seddon and S. Dilley Metropolitan Police: Move to attend fewer mental health calls sparks alarm (BBC News, 29 May 2023).

Liaison and Diversion Services

60. Liaison and Diversion services, which operate to identify and support those with particular health needs, including mental ill-health, have existed since 1989 when they were first opened as single-site schemes. Initially, there was no national approach to their existence or for the services that they provided. In 2009, Lord Bradley conducted a review of mental health in the criminal justice system where he recommended a consistent and universal approach to Liaison and Diversion services.[310] Liaison and Diversion teams play a vital role in ensuring effective participation of such individuals in the system and in their wider care. Since then, the Treasury approved the full business case for Liaison and Diversion services in 2016, allowing the commencement of the implementation of Liaison and Diversion across the criminal justice system. The initial focus was on embedding Liaison and Diversion services in police custody suites and magistrates' courts, including youth courts. This slowly expanded to include investment across all Crown Court centres.[311]

61. In March 2020, Liaison and Diversion services achieved 100% coverage at police custody suites and courts across England.[312] These services work to a nationally mandated operating model in all police custody suites and courts for people of all ages. The NHS defines Liaison and Diversion services as those which 'identify people who have mental health, learning disability, substance misuse or other vulnerabilities when they first come into contact with the criminal justice system as suspects, defendants or offenders'.[313] I focus in particular on the mental health related aspects of Liaison and Diversion services. In police custody suites, Liaison and Diversion services can be accessed pre-custody through street triage or through voluntary attendance.[314] Once in police custody, Liaison and Diversion services are used to identify suspects with mental ill-health and, where appropriate, divert them to the appropriate services and support and prepare a written report to assist the police in their decision-making. In some police

310 The Rt Hon. Lord Bradley, The Bradley Report (April 2009).

311 NHS commissioning » Programme updates.

312 Written Evidence from Ministry of Justice, Youth Custody Service, Department for Education, Department of Health and Social Care, and NHS England and NHS Improvement, p. 2.

313 NHS commissioning » About liaison and diversion.

314 A. Kirubarajan et al., Street triage services in England: service models, national provision and the opinions of police [2018] BJPsych Bulletin 253.

forces (such as Case Study E on the British Transport Police), where Liaison and Diversion is NHS provided, there is direct access to NHS records to ensure completeness. However, system integration is inconsistent throughout the country, especially where Liaison and Diversion is provided by the third sector. This is one area that needs to be reviewed.

62. If the person is charged, their Liaison and Diversion report should also be made available to the court in readiness for the first hearing. Liaison and Diversion teams cannot currently upload their written reports to HMCTS systems and instead rely on email or Liaison and Diversion court officers to share the report with the court. The decision not to provide Liaison and Diversion teams with access to court systems was made at a national level but needs to be reviewed.

Case Study F: Liaison and Diversion, Durham Police

The Durham Liaison and Diversion team are co-located with the police in the custody suite. The team are present between 08.00 and 20.00 with referrals made in person or using Microsoft Teams, if these come in overnight. The Liaison and Diversion team: reviews suspects where they are already known to mental health services; completes in-depth mental health assessments; makes a plan with suspects if support is needed, for example signposting, keeping the case open, referrals or support workers following up with phone calls or visits in the community until they are stable; and refers suspects to other support where this is needed, including accommodation or crisis teams. Each suspect who may benefit from Liaison and Diversion services is provided with a letter outlining the options available to them and contact details of other services which can support them. As well as the police station team, the Liaison and Diversion service has a Court Practitioner who will directly inform the court of defendants known to them and liaise with probation if they are sentenced.

Source: Information gathered on a visit to Durham Police.

63. Clearer communication between Liaison and Diversion in police custody and the courts could negate the need for further mental health advice to the courts in cases of a less serious nature. Where Liaison and Diversion services are also present in court, the court-based service should be aware of defendants who have been identified as having mental ill-health and related adjustments in the police station. They should then be able to support them accordingly in the courts. Case Study F outlines an example of where the Liaison and Diversion service and process is working well. This is not unique to Durham, and I am aware of numerous other examples of good practice throughout the country.

64. I endorse the use of Liaison and Diversion services in police custody suites. I recommend that more investment is made for services into which Liaison and Diversion can refer individuals for further treatment and support. The impact of Liaison and Diversion is limited if there are not sufficient services for onward referral – the individual's issues will persist without being addressed. The current provision of onward referral is variable based on the geographical area and the policy of the relevant NHS trust. The report ten years on from Lord Bradley's review recognises this too: 'Liaison and Diversion services need to have strong links with local mental health, learning disability and other relevant support services, including specialist services for children, women and for people from black and ethnic minority backgrounds. They also need to have links with wider support, for example with housing and welfare advice.'[315]

65. I also conclude that Liaison and Diversion services should be better equipped to enable mental health support in court. This could be done by ensuring they have access to both NHS and court systems so that police custody Liaison and Diversion teams can upload complete and accurate reports directly, to be viewed by court-based teams. It would also be beneficial for Liaison and Diversion teams to be able to search court lists, so they are aware of when a case is listed and can ensure relevant mental health information (and potentially other health information) is provided in advance of hearings to avoid any delays to court processes in having to obtain this information.

315 In ten years time (Revolving Doors Agency and Centre for Mental Health, 2019), p. 13.

66. Strong Liaison and Diversion services support efficiency in the criminal courts. Individuals who benefit from being diverted from criminal justice into healthcare do not take up court time unnecessarily. Those who do need to go through the court process are better supported with their mental health, with a complete and accurate report of their mental health needs. The result is that there are fewer delays in the courts and that they can be redirected to their needed support, whether they are convicted or acquitted.

Recommendation 66: I endorse the existing use of Liaison and Diversion services and recommend that more investment is needed in those services into which liaison and diversion will refer individuals for further treatment and support. I also recommend that liaison and diversion teams should have access to NHS and court systems to enable better sharing of information related to mental health.

(ii) Case File Preparation and Finalisation

67. In the second section of this chapter, I consider the matter of case file preparation and finalisation. I start by explaining the lengthy process for file building, including the expectations as set out in the CPS guidance on charging and the National File Standard (NFS, from here referred to as the 'file standard'). This considers the file building process irrespective of which authority will ultimately make the charging decision (the police, the CPS or another prosecuting authority).

68. This section then outlines each of the issues identified in this area and my recommended solutions. I set out a range of recommendations relating to: the need to improve the CPS guidance on charging and case files (Director's Guidance on Charging (sixth edition) (DG6)), which in my view is too complex and inaccessible to be of optimal use to police officers; police inexperience; the understanding of file quality requirements; the timeliness of decision-making; and the misidentification of cases. I assess the most proportionate approach to case file building and redaction and how this can be supported by training, a culture of collaboration, making best use of processes and technology and how this should all be underpinned by robust technology procurement and governance.

69. The recommendations I make relate in particular to cases where the CPS is the charging authority. This is because these are inherently the most complex cases, resulting in relatively greater challenges, and are the cases with some of the most acute issues relating to police–CPS collaboration. However, there are also key issues relating to police charge cases, in particular (as set out in paragraph 19) the correct identification of anticipated guilty or not guilty pleas, an issue which significantly impacts on the efficiency and effectiveness of the magistrates' courts, and I address through my recommendations for enhanced police training.

Process: File Build and Charge

70. Police investigators build case files using digital systems that store criminal justice data. There is no single system used across all 43 forces – popular platforms include Niche, Athena and CONNECT. Even where multiple forces use the same system, variations in product versions can result in differing functionality. Similarly, some

systems are purpose-built to fulfil specific functions, such as custody processes, and do not lend themselves in the best way to case management, and vice versa. I assess this further in the section 'Case Management Technology'.

71. Once the officer in the case has investigated all lines of enquiry, they must decide on the appropriate next step including whether the case should be charged by the police or the CPS. In cases that need to be referred to the CPS for a charging decision, the officer in the case or supervising officer can seek early advice from the CPS before a case file is submitted for a charging decision. Early advice can currently be requested at any point before a charging decision is sought and can be related to a range of topics.[316]

72. Before a case file is submitted to the CPS, it must be reviewed by a police decision-maker to ensure it meets the file standard, which specifies the material required for the first hearing.[317] The decision-maker is often the supervisor of the officer in the case, but this varies between forces. The decision-making role can also be undertaken by an Evidence Review Officer, a police decision-maker, or it can be a function of a Criminal Justice Unit where such a function exists within a force.

73. Some police forces have full time teams in place to assess case file quality. These can be known by a variety of names, including 'gatekeepers', Quality, Evaluation & Standards Teams or Evidence Review Officers. Such teams can fulfil a variety of functions ranging from: quality assuring case files;[318] managing the relationship with the CPS (including triaging or responding to action plans); and monitoring outcomes. I will refer to these teams as gatekeepers or gatekeeping teams, in the interest of consistency. There are differences between teams which assure file quality versus case quality. The existence of

316 CPS Director's Guidance on Charging, Sixth edition (CPS, December 2020), section 7: Prosecution advice. 'Prosecutors may advise the police and other investigators about: possible reasonable lines of inquiry; potential charges; evidential requirements; pre-charge procedures; disclosure management; asset recovery, including the overall financial strategy; the overall investigation strategy, including whether to refine or narrow the scope of the criminal conduct and the number of suspects under investigation; legal elements of offences.'

317 Charging and case preparation (College of Policing).

318 Within itself which ranges from checking DG6 compliance, quality of evidence checks, ensuring all forms and evidence required are presented and more.

these teams, their responsibilities and processes vary greatly across police forces. Many gatekeeping functions were reduced from 2010 onwards as a result of budget cuts to policing.

74. The HMICFRS and HMCPSI Joint Case Building inspection report (from this point referred to as the joint report) covered 12 police forces.[319] Each of these forces had a gatekeeping function, however there were some key variations:

a. Decision-making authority. Some gatekeepers can decide whether a case should be marked no further action or be resolved through an out of court resolution. Others that focused more on file content tended to refer cases to the CPS that would have been more suitable for a no further action or out of court resolution decision.

b. Process for poor-quality cases. Where gatekeepers have identified cases that do not meet the file standard, this needs to be referred back to the officer in the case for improvement. The process for this is not consistent across forces – in some cases gatekeepers explain what is required and why, but not in all. Supervisors are not always made aware of feedback on returns to the officer in the case so they may be unaware of the mistakes made on the case file and how to improve it for the future.

c. Triage. Not all gatekeeping teams have a triage process in place to assess risks associated with certain cases, particularly where the statutory time limit[320] is approaching in summary only cases or where the case has been previously rejected.[321]

319 Joint case building by the police and Crown Prosecution Service (HMCPSI and HMICFRS, July 2025).

320 The statutory time limit (STL) applies in summary only cases. The STL means the police and the CPS must notify the court of the charge within six months of the date of the offence – a failure to do so would end the case.

321 Joint case building by the police and Crown Prosecution Service (2025), Sections 5.28–5.40.

75. The decision-maker must consider the quality of the case and strength of the evidence in relation to the file standard as well as whether it is in the public interest to prosecute the case.[322] They must also decide whether the case is a guilty anticipated plea or not guilty anticipated plea and provide a rationale as part of the file.[323] The process differs slightly depending on how a case is identified, but in either instance a case should comply with the requirements as set out in the Director's Guidance on Charging (sixth edition) (DG6).

76. DG6, published in December 2020, replaced Director's Guidance on Charging (fifth edition) (DG5) and represents the most substantial revision to date, intended to reflect modern working practices and the increasing use of digital case files. This guidance is issued by the Director for Public Prosecutions under section 37A of PACE 1984. The revisions in the DG6 version of the guidance were introduced owing to failings in disclosure that led to potentially unsafe convictions. One aim of the revision was to reduce the proportion of cases discontinued by the CPS post-charge, particularly where discontinuance was a result of material being identified after charge which would have undermined the prosecution case.[324] It outlines the process for referral to the CPS either with a full code test or threshold test, depending on the stage of the investigation, with further guidance on material required. DG6 operates within a broader legal and procedural framework that governs criminal investigations and prosecutions.

77. Once the police have completed their checks, if the case is to be charged by the CPS, the case file is submitted to the CPS via the digital transfer of work to the CPS interface (the two-way interface), where it is uploaded to the CPS Case Management System (CMS). On receipt of charging advice cases by the CPS, operational delivery staff carry out an initial administrative triage before a prosecutor reviews the case.[325]

322 The 'public interest stage' of the Full Code Test outlines: 'Public interest factors that can affect the decision to prosecute include: seriousness of the offence; suspect's level of culpability; circumstances of and harm caused to the victim; if the suspect is under 18 at the time of the offence; impact on the community; whether prosecution is a proportionate response, for example, is a nominal penalty likely?; and whether sources of information or national security could be harmed.' Charging and case preparation (College of Policing).

323 Guilty Plea Identifier (NPCC).

324 Joint case building by the police and Crown Prosecution Service (2025).

325 Ibid, p. 125.

There are two triage categories for different types of cases:

a. **Red Cases:** These are when a suspect is in custody. Red cases require a charging decision within three hours. Missing material which the police have failed to submit does not lead to the file being rejected, instead a prosecutor is assigned immediately, and operational delivery staff contact the police to request the missing information. There is no formal guidance on how this communication should be conducted.[326]

b. **Green Cases:** These are cases when the suspect has been released from custody pending a charging decision on pre-charge bail or released under investigation. The standard timescale for a CPS decision on a green case is 28 days. Operational delivery staff identify the appropriate CPS unit (magistrates', Crown Court or RASSO) and transfer the case accordingly. Staff then check for compliance with the file standard. If material is missing or incorrectly submitted, staff notify the police via secure email or an action plan, which should be actioned within seven days.[327] Upon receiving the missing material, operational delivery staff conduct a further triage on the case which may take another 28 days.[328] Priority may be given to certain cases (e.g. domestic abuse) based on local agreements between Chief Constables and Chief Crown Prosecutors. If the missing material is not received within three months, the case is administratively closed on the Case Management System. To submit further material after closure, police must request reactivation.[329]

78. The joint report found that many officers are unclear about how to apply red and green charge categories correctly in CPS charging decision cases.[330]

79. Once triage is complete, staff assign the case to a prosecutor, who use the Case Management System to make charging decisions and prepare a case for court. New cases appear as tasks on the prosecutor's Case Management System dashboard. The prosecutor decides whether to charge by applying the Code for Crown Prosecutors.

326 Ibid, p. 119.
327 DG6 Desktop Guide (CPS, July 2025).
328 Joint case building by the police and Crown Prosecution Service (2025), p. 120.
329 Ibid.
330 Ibid.

80. If, on reviewing a file, the prosecutor does not believe that the Full Code Test will be met they advise the police to take no further action against the suspect. However, if the prosecutor's view is that with further work the Full Code Test may be met, then an action plan is sent to the police. The action plan explains what material is required and why the charging decision could not be made. It should set out what actions need to be taken before a charging decision can be made to allow the police to prioritise tasks. I share my concerns with action plans below in the section 'Proportionate use of Action Plans'.

81. Should a prosecutor decide to charge a case or send an action plan, they must complete an assessment on the quality of the file from the police, known as the Director's Guidance Assessment (subsequently referred to as the 'assessment'). The assessment is a joint initiative between the National Police Chiefs' Council and the CPS, which was designed to provide an important measure of the evidential quality of a police case file. When prosecutors make a charging decision in not guilty anticipated plea cases, they should use the assessment to assess whether the case file is compliant with Director's Guidance on Charging (sixth edition) (DG6).[331]

82. After three months, the CPS should close a case if they have not received further material from the police. This outcome is known as 'admin finalised'. The police can request the case be left open by contacting the CPS, and if material is obtained after the three-month period the police can request that the case be reopened.[332]

83. In cases where the prosecutor authorises a charge, the police are responsible for ensuring that the defendant is charged promptly, with timing depending on whether the suspect is on bail or released under investigation.

84. The police are able to challenge CPS charging decisions. Local arrangements between police forces and CPS areas should outline how disputes are resolved. CPS areas are responsible for collecting assessment data and producing a monthly dashboard which should be shared with local police forces and used to inform discussions on file quality at Joint Operational Improvement Meetings.

331 Ibid.

332 Ibid.

Operational Context and Barriers

85. Director's Guidance on Charging (sixth edition) (DG6) was introduced to 'provide a clear set of guidelines for prosecutors and police to ensure cases are referred to the CPS at the right time; with the right material and information so that prosecutors can make immediate charging decisions and cases pass effectively and efficiently through the criminal justice system'.[333] Despite this vision, I am aware that the reality is that DG6 has created additional burdens which has had a counterproductive effect on efficiency.

86. The current version of DG6 places unrealistic demands on frontline officers, particularly in fast-paced investigations, and does not account sufficiently for the practical constraints they face in gathering and presenting evidence. I am aware of work ongoing to review DG6 and recommend that future iterations promote high-quality decision-making and case file preparation from the outset. This should reduce the need for corrections, delays or resubmissions later in the process enabling practitioners to make accurate decisions early in the process, improving efficiency and strengthening the overall quality and consistency of outcomes across the criminal justice system. Though I welcome this work to revise DG6 and I endorse that the revised guidance should be more user-friendly and readily accessible, I must make my observations for reform based on the current conditions that I and the Review team have observed, the data before me and findings from engagement.

87. Whilst I appreciate the strategic effort to modernise charging practices through DG6, and to improve collaboration between the police and prosecutors, there remain a series of operational problems between both the police and the CPS that requires further consideration. Changes to charging practices and guidance must consider the operational needs of both organisations to enable efficient and consistent case building and decision-making. This decision-making point is crucial for efficiency of the criminal justice system as correct and timely decisions first time ensure the right cases are going to court.

333 New CPS guidance on charging for police and prosecutors (CPS, December 2020).

88. This section outlines the barriers which affect file quality. Issues arise from police inexperience, understanding of file quality requirements, timeliness of decision-making and misidentification of cases. CPS capacity and experience is another key factor in this too, however I cover this and wider legal capacity in Chapter 10 (The Judiciary and Legal Workforce). I outline these barriers here and offer my solutions and recommendations in section 'Solutions: A Proportionate Approach to File Build'.

Police Inexperience

89. The first issue that I outline is that many police officers are relatively new in service. In the year ending March 2025, 46,991 police officers had less than five years of service.[334] This accounts for 32% of all police officers. Breaking this down further, 5% (7,452 officers) had less than one year of service, and a further 5% (8,038) had experience of at least one year but less than two years.[335] This picture of relative inexperience is likely to be a result of the government cuts to police funding from 2010 and the subsequent increase through the Police Uplift Programme.

90. Supervisory ranks are also newer in service, and the numbers of sergeants and inspectors are below 2010 levels.[336] For example, the number of sergeants in post in the year ending March 2010 was 23,109, compared with 22,427 in year ending March 2025 – a 3.0% decrease. Over the same period, the number of constables increased from 109,669 to 113,225 – a 3.2% increase.[337] If the ratio of sergeants to constables in 2010 had been maintained, there should have been around 1,400 more sergeants in 2025. Before Police Uplift recruitment, there have been a high number of officers leaving the service since 2010, possibly due to the enhanced scrutiny placed on them by the Independent Office of Police Conduct, as I outlined in Part I of this Review.[338]

334 Source: Police workforce, England and Wales: 31 March 2025 (second edn).

335 Ibid.

336 Source: Police Remuneration Review Body Eleventh Report England and Wales 2025, p. 32.

337 Source: Police workforce, England and Wales: 31 March 2025 (second edn), Table H3.

338 Ibid, Fig. 2.2. Between 2010 and 2018 there were year-on-year decreases in the number of officers.

91. One challenge resulting from officers and their supervisors being newer in service is that key knowledge and experience has been lost. Of concern for efficiency in the criminal courts, is the expertise that has been lost in relation to case file building.[339] For officers investigating cases and building files, this can mean they are unsure of exactly what needs to be included in a case file. I am concerned to hear evidence that 'inexperienced officers, some just out of their probationary period [have] responsibility for multiple and complex investigations. This workload often included domestic abuse cases, some involving repeat victims'.[340]

92. I understand that the initial training as part of the police induction process is insufficient given how important file build is to the wider criminal justice process. Availability and uptake of training is another area which varies nationally due to the operational independence of police forces. The joint report (from HMICFRS and HMCPSI) found that 'case building training varied between forces and was often inadequate. Some supervisors had received training on file building and disclosure, but most had not received any bespoke training on file standards and DG6'.[341] Without robust and effective training, it is no surprise that officers are lacking the knowledge to build case files right first time. Beyond initial training, 'the mandatory annual refresher training for frontline officers is limited to "use of force", first aid and driver training, even in teams whose primary role is investigation'.[342]

93. Time demands on police officers are greater than ever, aside from training requirements. The rank or category of officers who are responsible for investigating different crimes varies between forces, depending on the operating model in use. In some forces, response officers are required to complete case files, and often resolve action plans, alongside their role in attending incidents. An observation from the Review team's police ride along was that feedback to the response team on their case file building amounted to a five-minute

339 There are also great risks to justice for victims as key lines of enquiry may be missed, causing cases to fail before they have even begun. This can also put the public at risk and erode public confidence in policing. Whilst my focus is how cases feed into the criminal courts, these are huge issues and should play a factor in the government's decision to take forward my recommendations in this space.

340 Joint case building by the police and Crown Prosecution Service (July 2025), Section 5.9.

341 Ibid, Section 5.57.

342 Policing Productivity Review: Improving outcomes for the public (Home Office, October 2023), p. 30.

presentation during their pre-shift briefing, which only lasted 15 minutes overall. Competing pressures can cause problems due to a lack of skillset and time available to dedicate to case management, as well as the inevitable impacts of taking police off the streets.

94. Supervisors are also facing greater demands on their time, with many claiming they do not 'have time to properly supervise investigations, due to the competing demands of their role'.[343] It is a matter of concern that HMICFRS inspections in 2021/22 found that in 22% (675) of 3,030 cases audited, supervision of investigations was ineffective.[344] Effective supervision is essential to ensure that cases are sent to the CPS with sufficient evidence and quality the first time to prevent the back and forth of action plans. Action plans are only used for CPS charged cases, but effective supervision should also be in place to support police charged cases. Supervisors should also ensure their staff are appropriately skilled to be carrying out investigatory roles.

Understanding File Quality Requirements

95. The next issue that I explore is that of understanding the requirements for a high-quality case file in line with Director's Guidance on Charging (sixth edition) (DG6). CPS data suggests that the proportion of not guilty anticipated plea cases which comply with DG6 has increased slightly from 53% (Q1 2022) to 64% (Q2 2025).[345] The joint report suggests that case file quality is even worse than the CPS data – in that study only 40.6% of initial file submissions met the file standard.[346] I note that steps have been introduced to improve quality, but these are not steps being taken consistently nationwide and can often be implemented in silos without sharing best practice between police forces and CPS regions.

96. For supervisors reviewing case files before sending them on to the CPS, the Review has been told they are often unclear on what constitutes compliance with the file standard. These worries may present themselves in two ways, both of which are of concern to me. First, officers often fail to outline clearly the elements of the offence, key information or distinguish between key and non-key witnesses,

343 Police performance: Getting a grip (HMICFRS, July 2023), Section: 'The importance of good-quality supervisory oversight isn't being recognised'.

344 Ibid.

345 Source: Criminal Justice System – All metrics (CJS delivery data dashboard).

346 Joint case building by the police and Crown Prosecution Service (2025), Section 7.9.

which undermines the prosecutor's ability to make informed charging decisions. Second, and compounding these issues, I have heard that there is a tendency to overbuild case files by including excessive and irrelevant material. Statements from officers that had no evidential value were routinely added, creating unnecessary workload for both police and CPS staff. This practice not only delays the review process but also reflects a lack of understanding of what constitutes a charge-ready file.

97. High-quality case files cannot be achieved if the police do not understand what is expected of them. The full version of DG6 is 68 pages long which is not an accessible length to support decision-making by those officers, working at pace, with numerous other responsibilities.[347] In practice, the police regard the guidance as 'written by lawyers, for lawyers', and that it had been imposed on them unilaterally by the CPS in a way that does not reflect the realities of how investigations are actually conducted. The consequence is guidance that was ill-received and is not readily understood or applied which can result in lengthened investigations.

98. The desktop version of DG6, issued in July 2025, tries to address this problem.[348] It was developed in consultation with police forces, the NPCC and the CPS. It is eight pages long and provides a short-form version of key points: what police can charge; when early advice should be sought; what material to submit; and so on.

99. During my engagement, I was surprised to hear that some officers are unaware of the development of the desktop DG6 guidance. This highlights a clear gap in communication and implementation. More needs to be done to ensure guidance is effectively communicated, understood and embedded in frontline practice.

Timeliness of Decision-Making

100. The next issue I identify is the time it takes for charging decisions to be made. The number of cases the police refer to the CPS for a charging decision has remained relatively stable with around 55,000 cases referred in Q2 2025, compared with around 59,000 referred in Q2 2018 (Figure 4.3).

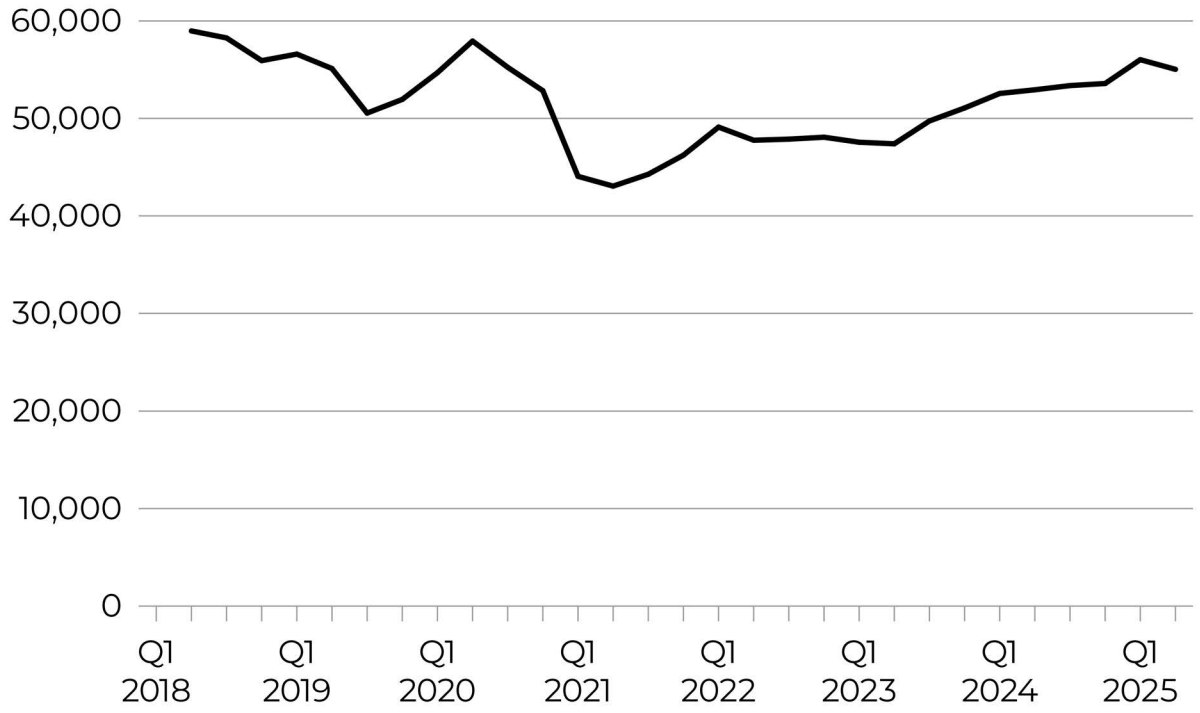
347 CPS Director's Guidance on Charging, Sixth edn (CPS, December 2020).

348 DG6 Desktop Guide (CPS, July 2025).

Figure 4.3

Number of cases the police refer to the CPS for a charging decision

England and Wales, Q2 2018 to Q2 2025



Source: criminal justice system delivery data dashboard, 6 November 2025

101. Despite a similar number of cases being referred to the CPS for a charging decision (Figure 4.3), the average (mean) time from a police referral to a CPS-authorised charging decision has increased fivefold over the past decade, from 8 days in Q2 2015 to 45 days in Q2 2025 (see Figure 4.4).

Figure 4.4

Mean days from police referring a case to CPS and CPS authorising a charge

England and Wales, Q2 2015 to Q2 2025



1. This measure includes both CPS and police time. It reflects the average number of calendar days from the police first case submission to the final decision to charge. This includes cases where the police were required to submit further evidence, which often involve multiple submissions and additional investigation Where early advice is sought, this counts as the first submission.

2. For most cases (>50%), the time between referral and CPS authorising a charge has remained between 1 and 2 days since 2015. Therefore, the median of this data has remained fairly stable. However, the mean data charted indicates that despite this, a small number of cases are taking longer and longer between referral and CPS authorising a charge. These are likely to be more complex cases which require more resources to progress through the CJS.

Source: criminal justice system delivery data dashboard, 6 November 2025

102. Several factors have influenced the increase in time taken for charging decisions, including larger volumes of evidence to review, particularly digital material such as body-worn video and mobile phone data (see Chapter 2 (Context)), and greater use of early advice, as well as factors related to Director's Guidance on Charging (sixth edition) (DG6) which I discuss below.[349] When the police seek early advice, they do

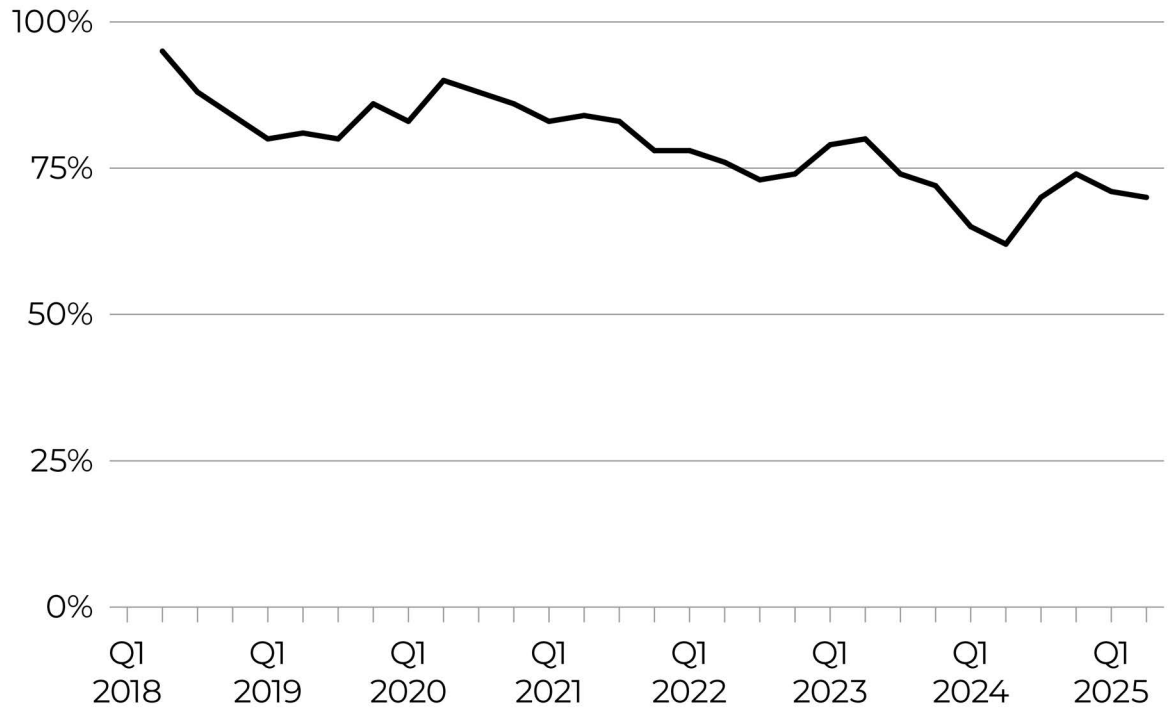
349 It is not possible to disentangle the extent to which CPS operational performance or working practices may have influenced timeliness from wider systemic changes, such as increased evidential complexity and greater use of early advice.

so before a case is fully ready for a charging decision, which lengthens the measured time from referral to authorisation. Early advice is not a negative development as it is likely to improve case quality, reduce the risk of later delays or discontinued cases, and supports getting it right first time. However, it does mean the 'clock' starts earlier, which impacts adversely on the timeliness metric. Similarly, as seen in Figure 4.5, the percentage of CPS decisions completed within the CPS target date of 28 days shows a reduction from around 80% during 2019 to 70% in Q2 2025.[350]

Figure 4.5

Percentage of legal pre-charge reviews completed by the CPS within 28 days

England and Wales, Q2 2018 to Q2 2025



Source: criminal justice system delivery data dashboard, 6 November 2025

350 Source: Criminal Justice System – All metrics (CJS delivery data dashboard). Given the phased rollout of this service level agreement, I focus here on data from 2019 when the agreement would have been in fuller effect.

103. The introduction of Director's Guidance on Charging (sixth edition) (DG6) has increased the time taken for investigations, with some cases affected more acutely. An officer within a Police Federation of England and Wales report commented that rape allegations previously took an average of six to nine months from the start of an investigation to the point of charge. Since the advent of DG6 that has now doubled.

> 'My most recent rape investigation has taken me 12 months to secure a charge. I have two colleagues who are at the 18 months point. This is not our investigations that are taking this long, it is the consistent changes and action plans from the Crown Prosecution Service. I have had victims whose mental health has taken a decline because they just want answers. It is bad enough what they have been through as a rape victim, let alone waiting a year to find out if they are going to get any justice'.[351]

104. The back and forth of action plans is also of significant concern for timeliness. Each additional action plan introduces further steps and communication between the police and prosecutors, which can slow down case progression and contribute to subsequent delays in the criminal courts. The challenge is compounded where police shift patterns do not align with standard CPS work hours. This can cause delays in police responses to queries from the CPS. More generally, if officers do not have enough time to conduct investigations, cases could fail, and the confidence and ultimately well-being of officers may be affected. These delays not only adversely impact court scheduling and resource allocation but also prolong outcomes for victims and defendants, undermining the overall efficiency of the justice system.

105. Evidence from a Home Office study of 1,002 case files shows that over 40% of cases required at least one action plan, with the first plan adding an average of 51 days to the length of a case.[352] The study also found that most first-cycle action plans requested material that was available but had not been included in the initial submission, underscoring the need for better internal review and triage by the

351 Disclosure guidance has created a 'crisis in policing' (Police Federation of England & Wales, May 2022).

352 M. Hopkins et al., Progression of cases submitted by the police to the CPS for charging decisions (Home Office, July 2025).

police before referral to the CPS. Further to this, there has been a decrease in the compliance rates in the CPS submitting their pre-charge reviews within the 28-day timeframe.

106. I have been told of numerous examples where disproportionate use of action plans occurred. This includes situations where unrealistic deadlines have been set, additional action plans have been followed up directly after the original plan, or action plans have contained significant numbers of points to address. This is something that could and should be easily resolved by greater interaction and where possible joint working, in this instance by the CPS reaching out to the officer in the case.

107. I recognise that a cultural change is needed. During my engagement, I learned that in the Thames and Chiltern CPS area, the Deputy Crown Prosecutor must approve all pre-charge action plans to ensure action plans are being requested appropriately. This requirement may encourage prosecutors to collaborate with police officers before an action plan is issued, which would improve timeliness of case progression as charging decisions could be made more quickly with less back and forth. I believe this approach should be considered across all CPS areas.

Misclassification of Cases

108. The final issue I identify in this section is the misclassification of cases based on anticipated plea. Misclassification of cases by the police or the CPS can result in inappropriate resource allocation and delays in progressing urgent matters. The joint report notes that while the categorisation framework is intended to streamline decision-making, its practical application is hindered by inconsistent understanding and limited training.

109. Similarly, in both police and CPS charged cases, I have heard through my engagement that cases are too often misidentified as guilty or not guilty anticipated plea, which has significant consequences for the way in which they are listed at court. In 2024/25, the percentage of guilty anticipated plea flagged cases in the magistrates' court which turned out not to be guilty pleas was approximately 13%.[353] This statistic encompasses both police and CPS charged cases, however the underlying issues are most likely attributable to police charged cases.

353 Source: CPS (unpublished).

This is likely due to factors previously identified, including limited police experience, for which I will propose recommendations focused on enhanced training.

110. The identification of guilty anticipated plea (GAP) or not guilty anticipated plea (NGAP) cases affects the date of the first appearance in court (GAP bail is two weeks and NGAP is four weeks). Incorrect identification in these cases is of particular concern where it meets with custody time limits on remand. Incorrect identification of a case as NGAP which turns into a guilty plea is an almost inevitable part of the way the system works with some defendants only admitting guilt when faced with the reality of court proceedings. However, incorrect identification of a case as GAP which turns into NGAP poses the main challenge as this leads to adjournments and delay at court.

111. Such misclassifications, along with pitfalls in file quality, can have a significant ripple effect across the criminal justice system, particularly in the courts. When urgent cases are incorrectly categorised, they may not be prioritised appropriately, thereby leading to delays in charging decisions, court listings and trial preparation. Such delays can result in adjournments, which in turn adds to the mounting open caseload, and prolongs the uncertainty for victims, witnesses and defendants. Ultimately, this undermines the efficiency of the criminal courts and erodes public confidence in the justice system. Addressing these issues through clearer guidance, consistent training and interoperable digital systems would support more accurate case handling and timely progression through the courts.

Solutions: A Proportionate Approach to File Build

112. Collectively, factors such as inexperience, inadequate file quality, delays and misidentification of cases underscore systemic challenges in the case file submission and review process between the police and the CPS. These inefficiencies are further exacerbated by the absence of robust internal review mechanisms, unrealistic deadlines and insufficient communication between officers and prosecutors.

113. I now identify my proposed solutions designed to achieve a more proportionate file build. My recommendations cover: file quality training; collaboration between the police and the CPS; checking of file quality; using action plans proportionately; and case management technology. My recommendations on this topic are intended to promote earlier engagement, clearer expectations and stronger

internal review processes. My proposals aim to ensure that cases are submitted to the CPS in a charge-ready state and are processed faster, with fewer revisions, to the right evidential and procedural standard.

File Quality Improvement

Training

114. During engagement with the police throughout this Review, I received evidence that case building support, resources and guidance do exist, but they can be hard to find and overwhelming in their volume. Coupled with the extent of regulations that the police must follow and their frequently changing nature, officers are often unsure of what is required of them. There are also endless examples of best practice across different forces and useful guidance documents not all of which can be shared more widely, even though they would benefit all case building officers.[354] Guidance is also produced by various organisations: many forces produce their own versions; the NPCC and the CPS jointly produced the Charging Model Handbook 2023; and, of course, the Director's Guidance on Charging (sixth edition) (DG6) sits above all of these. I am particularly concerned to hear of instances where available guidance is incorrect, confusing or contrary to DG6 and the Attorney General's Guidance on Disclosure requirements, as identified by the joint report.[355] Officers following this guidance could end up submitting unsuitable case files to the CPS, for reasons which must be avoided.

115. Having reviewed the submissions I received and the evidence from engagement, I conclude that training on case file building needs to be improved. The current training on file build as part of police induction training is insufficient and risks being forgotten amongst the other important training being delivered. The learning acquired can be difficult to apply before a new officer understands the realities of investigating a case and building a file related to it. Refresher training seems to be optional, and its availability varies between forces. Knowledge gaps appear to be Director's Guidance on Charging

354 E.g. the joint report identified a one-page guidance document on redaction which officers found helpful; another 'had comprehensive guidance that explained the difference between guilty and not guilty anticipated pleas, disclosure, rebuttable presumption material and contained links to DG6 and the AGGD'; another had quality assurance checklists within their RMS. Joint case building by the police and Crown Prosecution Service (2025), Sections 5.65–5.67.

355 Ibid, Sections 5.64–5.71.

(sixth edition) (DG6), the file standard, disclosure and redaction.[356] I recommend that training on case file building should be offered more widely and required to be completed, for example on a yearly[357] refresher basis following the principles of Continuing Professional Development.[358] This training should be jointly designed (and where appropriate, delivered) in collaboration with the CPS to ensure that officers can understand what information the CPS needs to make a charging decision and why. It should also be standardised nationally. I endorse the joint report recommendations regarding training for supervisors.[359] I agree that supervisors need to be suitably experienced to be able to provide adequate oversight and guidance to junior officers, but I believe these recommendations do not sufficiently recognise the importance of effective training for those doing the work in the first place.

116. The College of Policing, as the responsible authority for police training, should determine the appropriate remit of the training. I understand that it is not feasible nor efficient for every police officer to be required to complete regular refresher training on all subjects, particularly as some officers rarely build case files. Supervisors must ensure that dedicated time is made available for officers to be able to complete this training where it is relevant to them. I hope that the time saved from the recommendations I make in this chapter enable this to happen.

117. I am pleased to hear that the College of Policing, together with the NPCC and the CPS, is in the early stages of testing supervisor training to provide consistency in this area.[360] One suggestion made in the course of engagement with the police is that the training could be scenario-based and involve building a mock case file which would be assessed and discussed in a safe environment. I encourage the College of Policing to consider creative approaches such as this to ensure training is as effective and engaging as possible. A similar approach

356 Ibid, Section 5.55.

357 Or other time period, as determined appropriate by the College of Policing.

358 Continuing Professional Development is the term used to describe the learning activities professionals engage in to develop and enhance their abilities. Continuing Professional Development is a holistic approach towards the enhancement of personal skills and proficiency throughout a professional's career. What is CPD Continuing Professional Development Explained (The CPD Certification Service).

359 Joint case building by the police and Crown Prosecution Service (2025), Recommendations 6 and 7.

360 Ibid, Section 5.59.

could be adopted for the initial case file building training as part of the induction process. I reiterate that the CPS involvement in training should be considered wherever possible to enhance collaboration on what is a joint exercise in case file building.

118. Beyond case file building, I believe that more thorough training is required for use of the criminal justice application, as I outline in Applications to support file build (below) and how to take a statement, as I mentioned in section (i) of this chapter.

119. I recognise, however, that more training alone is not a cure to the problems I have identified and that appropriate decisions must be made with regard to resourcing and the need for clear benefits from training. Whilst outside the scope of this Review, I am aware of these challenges and I can only suggest that consideration should be given to the best approach to ensure appropriate training provision using effective governance systems (see Chapter 3 (One Criminal Justice System)).[361]

120. To complement more rigorous training, I recommend that all key guidance and documents on case file build should be collated by a central organisation, such as the NPCC or the College of Policing. This is to ensure consistency of messaging and to ensure all guidance is compliant with the Director's Guidance on Charging (sixth edition) (DG6) (and future iterations of that guidance) and to enable officers to produce case files using accurate guidance. The single repository of guidance should also facilitate continued professional development between any formal refresher training courses. A centralised approach means officers will have greater clarity about exactly where they can locate the most up-to-date guidance. This is in line with recommendation eight of the joint report, to implement a single national checklist.[362] I build on this to suggest that one organisation takes responsibility for ensuring that this is updated. This central repository should also include examples of best practice across forces

361 Policing Productivity Review: Improving outcomes for the public (Home Office, October 2023), p. 31.

362 Joint case building by the police and Crown Prosecution Service (2025), Recommendation 8.

which could be adopted more widely where relevant.[363] Such an initiative would support consistency, improve quality and encourage further exploration and innovation in this space.

Recommendation 67: I recommend that case file building refresher training should be developed jointly by the College of Policing and the Crown Prosecution Service and undertaken by relevant officers at appropriate intervals. I also recommend the development and implementation of a central repository for case file building guidance and best practice, overseen by a single, accountable organisation such as the National Police Chiefs' Council or the College of Policing.

Applications to support file build

121. To support the complexity of case file building, some police forces have developed applications to support live case file build.[364] These applications outline which documents are needed based on the case type.[365] Officers select which case file they need to build, specify whether their suspect is in custody, the mode of trial for the offence (summary only, either way or indictable only) and a type of offence.[366] This selection screen is pictured in Figure 4.6.

363 One example of this practice is: Practice bank (College of Policing). This provides a list of shared interventions that have been implemented between policing and local communities to support crime reduction and communicating safety.

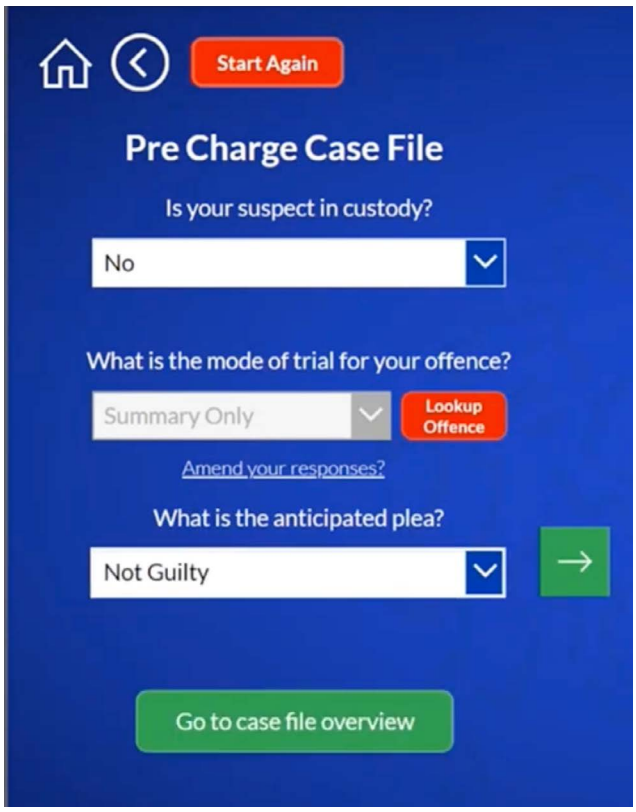
364 The Review has been made aware of the Metropolitan Police myCJ app (which Kent Police also use) and the Lancashire Police CJ Buddy app. The Met myCJ app is available on officers' phones and computers. Case files should be gold standard through using the app, but there has been no correlation between app usage and the Director's Guidance on Charging compliance – the Criminal Justice Unit suspects this is because officers open the app but do not use it. The Lancashire CJ Buddy app is available on officers' devices and desktops but is not integrated with Connect. Usage and impact on case file quality are unclear, though anecdotal evidence suggests benefits depend on local culture and supervision.

365 The myCJ app also includes functionality to support: managing disclosure obligations; Out of Court Resolutions and restorative justice process; requesting access to systems including Common Platform; and requesting assistance from other teams, e.g. from disclosure officers or Case Management Team.

366 Pre-charge, post-charge or minor traffic offence. I am most interested in pre-charge case files.

Figure 4.6

MyCJ app. Each of these fields includes guidance to support the police officers in making their selection



Source: Police Digital Service webinar (February 2025).

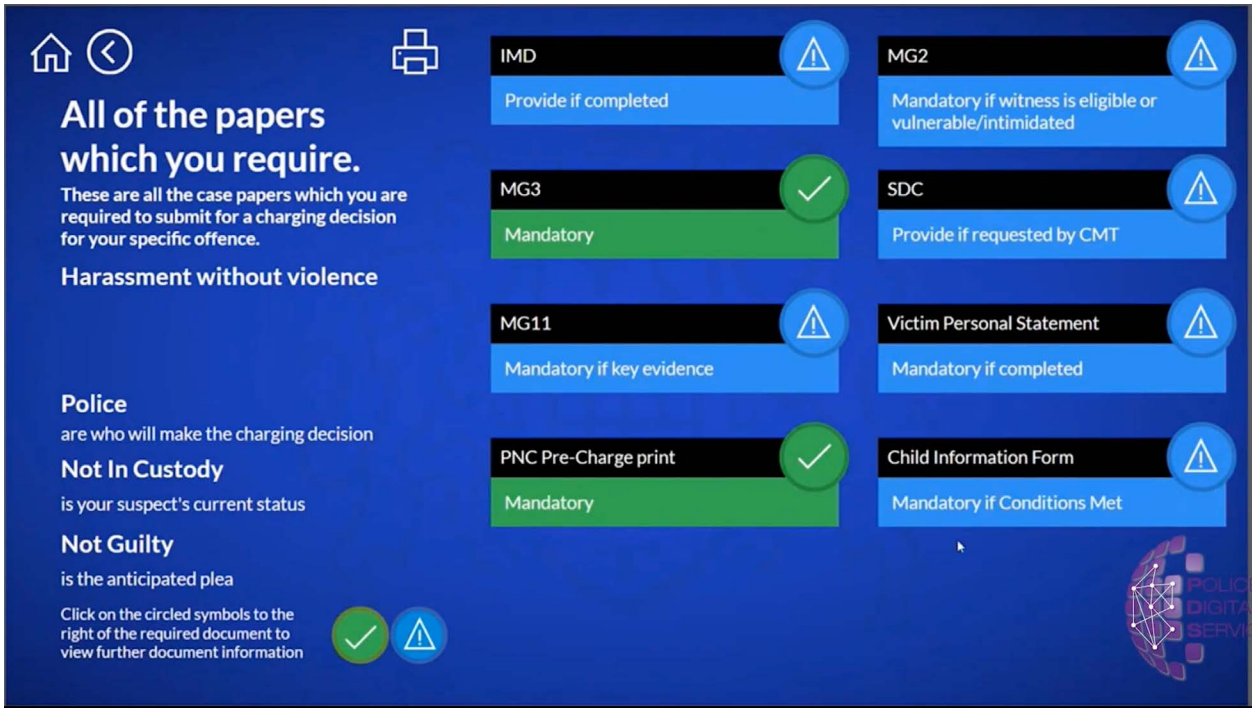
122. The application then generates a template and the anticipated plea (with guidance included on how to anticipate a plea). This provides a case overview of the type of case that needs to be built and to whom it must be submitted for decision-making. It is also useful to facilitate correct identification of guilty anticipated plea or not guilty anticipated plea cases for hearings in the magistrates' court, which can support better brigading of cases, a scheme I discuss in more detail in Chapter 7 (Preparing for First Hearing and Ongoing Case Management).
The application provides links to the Police National Legal Database guidance and the option to proceed to the 'case file assistant'.
The virtual assistant, pictured in Figure 4.7, identifies which case papers need to be submitted for a charging decision, including whether they are mandatory or if conditions need to be met for it to be mandatory.[367]

367 E.g. Investigation Management Document, Manual of Guidance forms, Victim Personal Statement, etc.

Each document type can be viewed to provide more information about: what the document is; what it needs to include; sections within the document; and more.

Figure 4.7

MyCJ app, 'case file assistant' screen



Source: Police Digital Service webinar (February 2025).

123. I note that applications to support with other aspects of police work are also in use, such as the College of Policing CyberDigiTools application to 'recognise and make the most of any cyber and digital evidence and intelligence when investigating a crime'.[368]

124. The use of criminal justice applications should be piloted with a view to achieving national roll-out. I anticipate that they offer benefits for both police-charged and CPS charged cases. A uniform approach, irrespective of who is making the charging decision, should be adopted, potentially by expanding an existing Criminal Justice app, to ensure consistency and compliance with revised versions of the Director's Guidance on Charging (sixth edition) (DG6) and the Attorney General's Guidelines on Disclosure. Centralised content management, ideally overseen by a single organisation (such as the National Police Chiefs' Council or the College of Policing, as in Recommendation 67

368 Mobile app for cyber and digital operations (College of Policing).

regarding the central repository), would help maintain standards. Police officers should be supported in using the app, with time allocated for familiarisation and integration into their workflow.

Recommendation 68: I recommend that case file build support tools for the police should be piloted with a view to roll out nationally to support case file building.

Case Study G: Chat Assistant, Rochdale Division, Greater Manchester Police

I find it useful here to refer to the operational knowledge tools which I recommend for further use in Chapter 10 (The Judiciary and Legal Workforce), as such tools enhance the operational knowledge of police forces with regards to guidance. As I have already noted, existing support resources and guidance for police officers is often fragmented, difficult to locate or even factually incorrect – slowing decision-making and increasing risk. To resolve this, the Rochdale Division of Greater Manchester Police is currently piloting an operational knowledge tool called the 'College of Policing Assistant'. The tool is a secure chat assistant with access to 1,600 certified documents including CPS guidance, legislation and authorisation professional practice from the College. It enables officers to ask questions and automatically receive specific answers, accurate summarisations of guidance and instructions for next steps with source citations. Early anecdotal evaluation has been positive with users reporting reductions in the time it takes to find and understand guidance as well as tasks such as drafting of the Manual of Guidance form 5 (MG5) (the police crime report) being reduced from taking approximately 45 minutes to just a few minutes. By enhancing the operational knowledge of the police, such tools improve the speed and accuracy of decision-making, thereby reducing operational inefficiencies.

Source: Engagement with College of Policing.

A Culture of Collaboration

125. The simplest way of preventing the back and forth of action plans, is the use of early advice or simply known as the police and the CPS just talking to one another. Director's Guidance on Charging (sixth edition) (DG6) already mandates early advice 'in serious, sensitive, or complex cases', and cases involving a death, rape or other serious sexual offence.[369] Early advice protocols are designed to facilitate proactive engagement between police investigators and prosecutors (usually the CPS but this includes other prosecuting authorities) before a formal charging decision is made. It is my view that use of action plans should be kept to a minimum and used only as a last resort.

126. Relationships and ways of working with the CPS vary between police forces. Between 2007 and 2010, CPS prosecutors were physically present in police stations, which made close collaboration much simpler. As funding has been cut, and prosecutors are no longer physically present, relationships between the police and the prosecution have suffered. Now, contact details in the form of a phone number, email address or name (to contact on Microsoft Teams) are required for the police to be able to make contact with someone at the CPS. Although prosecutor contact details should be provided on Manual of Guidance form 3 (MG3 – the facts of the offence on the case file) when sending an action plan, this is not always completed. Almost all the police interviewees in a Home Office study felt that their relationship with the prosecution was hindered by a lack of direct contact, with face-to-face, online and telephone conversations rare.[370] This echoes what the Review has heard through various visits to police forces, CPS offices and in the roundtable with the police and the CPS. I note the joint report recommendation 16, which was completed in October 2025, and agree that contact details should be provided on MG3s at a minimum.[371] Overnight approvals completed by CPS Direct will not have a named contact – a named lawyer should be provided as soon as the case is picked up by CPS Local the following day.

369 Director's Guidance on Charging, Sixth edition (CPS, December 2020), Section 7.3.

370 M. Hopkins et al., Progression of cases submitted by the police to the CPS for charging decisions (Home Office, July 2025).

371 Joint case building by the police and Crown Prosecution Service (2025), Recommendation 16.

127. The problem is exacerbated by the fact that many police officers are new in service, so there is a lack of familiarity about working directly with the CPS and longer-standing personal relationships have been lost. This is made worse by negative experiences that some officers have reported when contacting the CPS. There is also a risk that prosecutors may feel they are taking on the role that a police supervisor (or even investigating officer) should be fulfilling and having to step in to plug gaps in a case file for which the police should have been responsible.[372] In addition, CPS prosecutors may be less likely to engage in direct communication because of pressures of work owing to the high caseloads for which they are responsible.

Case Study H: Co-Location Pilot, West Midlands Police

Since June 2025, the case progression teams (performing a gatekeeping function) at West Midlands Police have been posted at CPS offices as part of a 'Co-Location Pilot'. This gives the police direct access to CPS legal managers on case file preparation. Anecdotal evaluation shows that the teams have experienced benefits of being able to work more closely together, understand each other's frustrations, see each other's systems and get cases right the first time. This included a dedicated team working only on rape and serious sexual offences.

Source: Information gathered on a visit to West Midlands Police.

128. Applications of existing early advice protocols, outlined in the Director's Guidance on Charging (sixth edition) (DG6) vary. Inspections and practitioner feedback indicate that early advice is often underutilised, even in cases where it could significantly improve outcomes. In some instances, advice is sought too late in the process, limiting its effectiveness in shaping the investigation or improving the quality of the case file. Several factors contribute to this inconsistent use. These include a lack of awareness or training among officers about when and how to request early advice, operational pressures that discourage early engagement and unclear expectations across different regions. Additionally, limited availability of prosecutors for early consultation can further hinder the process.

372 Ibid, Section 8.2.

129. To address the communication issues between the police and the CPS, the NPCC and CPS Joint Case Progression Working Group has been piloting Real Time Case Conversations (RTCCs) to enable closer digital collaboration.[373] Instead of issuing an action plan when a case is not ready for a charging decision, officers and prosecutors hold a Microsoft Teams meeting to discuss the case. This helps clarify what material is needed and accelerates progress on the case. The CPS outlines the RTCC process as: 'The prosecutor will attempt to contact the officer in the case (OIC) via Microsoft Teams (or by phone if necessary) to explain that a decision cannot be made based on the information submitted and that the case would benefit from an RTCC. The RTCC will take place there and then if the OIC is content to do so. Alternatively, the prosecutor and OIC will arrange a later time to have the RTCC. If the prosecutor is unable to get hold of the OIC, they will email the OIC from the case in Case Management System asking for an RTCC'.[374] All CPS areas have been encouraged to consider an RTCC in all cases. As of December 2025, RTCCs have been mandated in domestic abuse cases nationwide, under the Domestic Abuse Joint Justice Plan.[375] RTCCs are also mandated in any case where a third or subsequent action plan is going to be sent to prevent the back and forth of endless action plans.

130. The CPS has not been tracking data on this for long enough to determine the impact of RTCCs, however anecdotal evidence from the original North West pilot showed a reduction in escalations, case action plans, OIC follow-up activity, time taken to reach a final pre-charge decision and victim attrition. The pilot also suggested RTCCs would increase the rate of effective trials due to reduced missing material and more timely case progression and trial readiness.

131. Separately, the joint report outlines that some police force and CPS areas have been trialling early advice surgeries, where prosecutors could have informal discussions with police officers regarding their cases. Such an initiative has the potential to 'improve communication, break down cultural barriers, and lead to better quality and more timely investigations and case files'.[376] Unfortunately, take up of the schemes were low, however the joint report recommends that the

373 First piloted between February and June 2022 in the CPS North West region.

374 Internal CPS guidance, published in February 2025.

375 In these cases, an RTCC is mandatory where a charging decision cannot be made at first submission in non-custody, summary only and either way domestic abuse cases.

376 Joint case building by the police and Crown Prosecution Service (2025), p. 102.

Joint Operational Improvement Board should assess their impact and expand use nationwide if found to be successful.[377] I endorse this recommendation.

132. There should be a requirement for police officers and prosecutors to collaborate before the police submit a case file for review. It would not be proportionate for a conversation to happen in each and every case, particularly within volume crime, instead this should be based on the judgement of the officer in the case and prosecutor. A decision should be made based on the nature of the case, the nature of evidence and an assessment on the anticipated plea. The collaboration should take the approach outlined in the RTCC pilot.

133. Early engagement will help the police to identify cases that will end with no further action at an earlier point, which means less time needs to be spent building a case file for cases that will ultimately not end in a charge. The joint report estimates that about 20% of cases end in no further action, although it has been suggested that this number could be much higher, so this would be a significant time saving.[378] Early engagement should also reduce the number of action plans requested by the CPS as outstanding points should be identified earlier and overall delays should be reduced.

134. Collaboration should be digitally enabled, particularly where co-location is not possible nor feasible. Approved digital tools, such as Microsoft Teams, should be utilised to their maximum potential and policies should be in place to support this. This should be done in line with the government guidance on usage of Microsoft 365.[379] The current guidance on the use of Microsoft Teams is restrictive for CPS staff and limits opportunities for collaboration. This has been reflected in feedback during engagement for this Review, where concerns about its impact have been raised. Within the CPS, there is a specific worry that the wrong person could be added to channels or conversations, potentially causing a security breach. While there is consensus that this is not an encryption or security issue, the risk lies in human error. I understand that the CPS is exploring enhanced technology and processes to mitigate this, but the risk is comparable to mistakenly adding someone to an email chain.

377 Ibid, Recommendation 18.

378 Ibid, p. 91.

379 Microsoft 365 Guidance for UK Government – GOV.UK.

135. The UK government's Microsoft 365 Collaboration Blueprint highlights the importance of enabling seamless access to people and information across organisational boundaries. The Blueprint recommends adopting a centralised baseline configuration across government Microsoft 365 users to support consistent and secure collaboration.[380] This supports a culture of collaboration, proactive problem solving and delivery-focused leadership. When staff are equipped with the right tools and knowledge, they are better positioned to work across organisational boundaries, share information securely and confidently, and resolve operational challenges more efficiently.

136. Another challenge is the lack of a shared understanding of what constitutes collaboration versus what forms part of the corporate record. The CPS currently uses an Outlook plug-in to move content into Case Management System for record-keeping, but this automation does not exist in Microsoft Teams. This creates concern that decisions or other corporate records may not be captured correctly in Case Management System. This confusion appears to be driving the cautious approach. Policy, training and clear communications are needed to address this and reduce unnecessary restrictions and maximise digital collaboration.

137. General Data Protection Regulation (GDPR) is heavily referenced in the Microsoft Teams guidance, which has led to the use of coded language or unique reference numbers, instead of names. While GDPR compliance is essential, Teams itself does not inherently breach GDPR, and personally identifiable information can be transmitted securely if systems are configured correctly. The CPS believes its systems meet these requirements, but policy enforcement and training remain critical. Over-reliance on coded language risks inefficiencies and poor outcomes. Clear communication and collaboration should be prioritised to avoid these issues. Addressing data protection concerns through clear guidance or training on information security and secure configuration could unlock significant improvements in cross-agency collaboration.

380 J. Noyce and S. Jenkinson, Microsoft 365 Guidance for UK Government: External Collaboration (Microsoft, August 2023).

138. A requirement for collaboration would reflect my principle of getting it right first time as closer collaboration should result in stronger case files going to the CPS for a charging decision and fewer action plans. This should also support the problem solving culture that I believe is needed for a more efficient criminal justice system.

Recommendation 69: Where it is proportionate and appropriate to the case, I recommend there should be a requirement for police officers and prosecutors to collaborate before or immediately after the police submit a case file for review, and that this be enabled by secure digital collaboration tools. Action plans should only be used as a last resort.

Recommendation 70: I recommend that the Crown Prosecution Service and all police forces implement and stay up to date with the Microsoft 365 Guidance for UK Government. This will ensure effective and safe collaboration between agencies. The Crown Prosecution Service and the police should provide sufficient and accessible education and training to improve staff understanding of the functionalities, and the correct use, of Microsoft services. This guidance should be made readily available such as through the intranet, to ensure staff can confidently use the tools to their full potential.

Recommendation 71: I recommend that the Crown Prosecution Service should develop clear policy for the use of Microsoft Teams that demonstrably shows the difference between what is deemed to be 'collaboration' vs 'corporate record'.

File Quality Checking

139. There are significant efficiency benefits for the police in achieving high compliance with Director's Guidance on Charging (sixth edition) (DG6) as early as possible in a case. It avoids the back and forth of action plans and requirement to work on a case which could feasibly have been closed earlier had there been a proper review and quality check. It also has subsequent benefits for the victims, witnesses and defendants involved in a case as it provides a timelier decision and greater certainty on the next steps, if any.

140. Quality checking should maintain two distinct functions, case quality and file quality. Case quality involves checking of the evidence itself to justify a charge and is currently completed by roles such as Evidence Review Officers. This role ensures that charging decisions can be made using full evidence and should prevent instances of changes to charge in court. File quality involves checking the overall case file to ensure that all relevant documents are present and is currently a function of some Criminal Justice Units. This is key for proper engagement with the defence and timely serving of the Initial Details of the Prosecution Case, which I discuss in Chapter 5 (Disclosure) and Chapter 7 (Preparing for First Hearing and Ongoing Case Management). I believe that both file and case quality functions are equally important and are essential to ensure case files are right the first time and avoid later problems at court. These functions do not negate the need for quality supervision of case building officers.

141. I am concerned to hear that in some situations, the officer in the case is sending case files directly to the CPS without decision-maker sign-off. In these situations, cases are likely to be of lower quality as there has been no independent check of whether the case is compliant with the file standard. This causes unacceptable delays to timeliness as action plans from the CPS are more likely.

Case Study I: Project Sherlock/Operation Prudent, Northamptonshire Police

Northamptonshire Police were experiencing investigative delays for cases to be completed alongside a high rejection and action plan rate by the CPS. The project was introduced in June 2023 to support response officers who, in Northamptonshire, are responsible for volume crime investigations (as well as responding to 999 calls). The operation provides these officers with access to detective sergeants, Evidence Review Officers and Criminal Justice Case Builders through weekly surgeries. The Evidence Review Officers are retired police officers with substantial investigative experience who provide advice to investigating officers and evidential assurance on case files and charging decisions. The Evidential Review Officers review all cases which are due for pre-charge advice from the CPS. They are able to reject a case back to the officer in the case with an action plan or, on occasion, recommend that a case should take no further action due to evidential deficiencies. Feedback and learning is shared with the officer in the case and the sergeant when this happens. Case Builders are highly trained police staff who prepare case files before they are sent to the CPS, including undertaking full disclosure obligations and scheduling. These changes have enabled the force to achieve an average of 84% compliance with the CPS Director's Guidance Assessment in recent months.

Source: Information gathered on a visit to Northamptonshire Police and Operation prudent – supporting response officers with investigations | College of Policing.

142. With this in mind, I note that such teams are resource-intensive and could make an already lengthy process more bureaucratic. I have rehearsed the challenges in the section 'Police Inexperience' as to the capacity of the police, and I therefore recognise the challenges posed by the introduction of case and file quality gatekeeping teams in every force. That said, such functions could bolster the expertise of police which will have long-term benefits and create a more sustainable workforce. This could be supported by teams made up of retired officers who can support building the experience of other officers, as is the case in Northamptonshire. Additionally, existing Criminal Justice Units should have additional resource available as a result of my wider recommendations, particularly resulting from changes to redaction which I will cover in the section 'Redaction'.

143. I must also address the risk that case and file quality teams can add further delays to the process. I am shocked to hear of gatekeepers causing delays of 15 months in some cases dip-sampled by the joint report – such delays are unacceptable.[381] Efforts should be made to incorporate prioritisation into the process to ensure that more urgent cases or those which had already been delayed by multiple rejections from the gatekeeping team are seen as a higher priority.

144. I agree with and endorse the joint report and the recommendations of the NPCC Criminal Justice Co-ordination Committee (resulting from the Policing Productivity Review) to bring a more consistent approach to file building and Criminal Justice Unit responsibilities as part of this. The Policing Productivity Review recommended that success measures for the CPS and the police should be aligned. The joint report outlines a set of core requirements for forces to adopt[382] – I endorse these and their recommendation five.[383] Beyond this, I recommend further evidential quality measures are built into these principles.

Recommendation 72: I recommend that case and file quality functions should be adopted in every police force, supported by automated case quality checking, and in line with nationally established principles.

145. In addition to gatekeeping teams, some forces have developed automation solutions to support case file checking. As these are automation solutions, not AI, they only check for the presence of correct documents, not their quality.

146. Automation solutions should be used to support case file checking, with a longer-term view to utilise AI to support with quality checking as well. A similar solution to the Lancashire bot, outlined in Case Study J, could be used to check presence of key documents against a tick list.

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381 Joint case building by the police and Crown Prosecution Service (2025), Section 5.36.

382 These cover: an effective gatekeeper role to ensure investigations are completed to the appropriate standards and in a timely manner; an evidential and file content quality assurance process in accordance with the Director's Guidance on Charging (sixth edition) (DG6), National File Standard and smarter utilisation of technology such as digital case files and text redaction tools; clear, consistent and transparent communication between the police and the CPS through a specific point of contact; determining in the requisite cases whether no further action should be taken; and managing appropriate cases away from the court system.

383 Joint case building by the police and Crown Prosecution Service (2025), Recommendation 5.

This solution could be used in conjunction with gatekeeping teams as a 'first line of defence', allowing these teams to focus their efforts on quality-based functions.

Case Study J: Robotic Process Automation, Lancashire Police

A pre-charge RPA (Robotic Process Automation) bot was introduced in Lancashire to address case file failings and to ensure cases pass triage. The bot checks for the presence of required documents (not quality) using a tick list, issues a pass certificate if compliant and provides feedback and training links if not. Officers must upload the certificate before sending cases to the CPS, but manual bypasses are possible in urgent situations. The bot is integrated with CONNECT (by selecting 'perform task', which staff are accustomed to using), so the only manual task is uploading the pass certificate. The bot has not been live for long enough to receive formal evaluation, but anecdotal evidence suggests that it is helpful as it eliminates some of the thinking needed and is particularly supportive for officers who are new in service. Lancashire also have ten post-charge RPA bots that check which cases are stuck in the interface and resends those which are stuck in the 'pending' status – providing a daily list of all those that are pending (which affects about 100 cases per day). The bots also send an automatic email when a case is allocated to a case builder and add documents to the case file, such as the custody and investigation logs.

Source: Information gathered on a visit to Lancashire Police.

147. The College of Policing and several police forces are exploring the potential for tools such as Microsoft Copilot to create AI agents to support case file checking. AI agents are systems that observe an environment, analyse information and take actions to achieve specific objectives with the aim of reducing repetitive tasks. These agents can check case files against the file standard, confirming whether elements to prove the offence have been addressed and checking the accuracy of disclosure schedules. An agent that automates these checks would accelerate case progression, reduce the number of cases returned by the CPS and free up significant police resource from quality assurance functions. So far, attempts by a single agent to carry out these functions have not yet demonstrated the accuracy required, so research continues to refine the prototype.

148. A longer-term solution would be to use AI technology to check case file quality. This would involve assessing that the Director's Guidance on Charging (sixth edition) (DG6) and the file standard requirements for the offence(s) being investigated are sufficient within the required forms – establishing a base for the offence and ensuring that the officer has proved everything that will be needed for a charging decision. This is of particular benefit to support the charging decision when a case reaches court and should mitigate against changes to charges being necessary at court.

Recommendation 73: I recommend that an automation solution should be used to support case file checking, with a longer-term view to utilise artificial intelligence to support quality checking.

Proportionate Use of Action Plans

149. Even where cases are of a high quality, I understand that the CPS are perceived to be too hastily rejecting case files and too readily resorting to the use of action plans. I understand that police officers rarely challenge prosecutors when action plans include unrealistic deadlines. In several cases reviewed during an HMICFRS inspection, it was evident that case progression could have benefited from officers seeking clarification on the prosecutor's requests. However, this rarely occurred. Most police forces visited during the course of this Review, referred to excessive requests for information and evidence, as I outlined in paragraph 106.

150. The overreliance on action plans is absurd. Action plans should be reserved for only the most necessary of cases, and simple instances of a missing form or disclosure of unused materials should not warrant an action plan. These matters should be flagged to the officer in the case for the information to be provided ahead of the requirement for the Initial Details of the Prosecution Case. However, it is neither proportionate, nor necessary for such requests to form an action plan and reset the timeline for a charging decision. Every unnecessary action plan builds delay into the justice system.

151. Any issues with the case file such as evidential gaps, disclosure concerns, or procedural errors should be identified and resolved by a conversation before resorting to an action plan. These recommendations reflect the principle of getting it right

first time by requiring that cases be reviewed by a senior officer or prosecutor before an action plan is submitted, deterring prosecutors from submitting unnecessary requests. By reducing unnecessary back and forth, this approach promotes more accurate and effective decision-making from the outset. It also contributes to more timely charging decisions by preventing delays caused by avoidable revisions and repeated action plans, helping cases progress more smoothly through the system.

Recommendation 74: I recommend that the police and the Crown Prosecution Service agree a new working protocol and that, before the Crown Prosecution Service submits an action plan request, the police and the Crown Prosecution Service should ensure the case has been reviewed by a senior officer or prosecutor. This step allows any issues to be identified and resolved internally, reducing unnecessary escalation. The action plan should be used only as a last resort by the Crown Prosecution Service, ensuring a more constructive and proportionate approach.

152. In green charge cases, the police and the CPS have service-level agreements in place that require the CPS to make a charging decision within a maximum of 28 days. I recommend that this should be reduced to ten days to result in more timely charging decisions. This would ensure that decisions are made more swiftly, reducing uncertainty and stress for victims, witnesses and defendants. Together, these changes will help create a more responsive and proportionate justice system.

153. I recognise that such a change will likely result in a short-term spike in work for the CPS. I am confident that savings which will result from my recommendations in this chapter will balance out the potential resource implications.

Recommendation 75: I recommend that the service-level agreement for the Crown Prosecution Service charging decision be reduced from 28 days for Green Charge cases (pre-charge police bail) after each action plan to a maximum of ten days.

Case Management Technology

154. I have heard of many situations where, when the police send a case to the CPS, documents are 'lost' within the system, meaning that the CPS are not able to view every document needed to make a charging decision. This may be due to the two-way interface reconfiguring the order of materials sent, or that documents are still pending (uploading) from the police side at the point they reach the CPS. This means that conversations between the CPS and the police can be difficult as they try to navigate different displays of information and the CPS may also ask for documents to be sent which are already within the case file on the police side. These frustrations hamper efforts for proper collaboration to ensure case file and evidence quality.

155. It has long been suggested that this could be addressed by a single technology system used by both the police and the CPS, with suggestions to this effect going as far back as the Glidewell recommendations in 1998.[384] As recently as July 2025, this suggestion has been considered in the joint report which outlines that 'one obvious solution, as recommended in multiple reviews dating back as far as 1998, would be a single prosecution team IT system'.[385] Both reviews recognise the requirement for interoperability as a minimum.

156. Whilst seemingly logical, developing a single technology system for all 43 police forces, the CPS and other prosecuting agencies would not be feasible. Its theoretical scope would need to include the extensive functions of both the police and prosecutors, further complicated by inconsistent practices across regions. The shared leadership, funding and risk taking needed to develop and implement such a system across so many organisations would also not be practicable. The system that would be required would, I fear, be destined not to

384 Glidewell recommends: 'It is important that the CPS does not act in isolation, and it is therefore recommended that it joins with the Police IT Organisation to implement a new integrated system under the auspices of the new IT organisation for the criminal justice system. The emergence of an over-arching criminal justice IT organisation is therefore welcomed, while there is concern that, unless it has a significant budget and powers of its own, it will be no more effective than its predecessors'. The Review of the Crown Prosecution Service (Attorney General's Office, June 1998), Sections 59 and 60.

385 Joint case building by the police and Crown Prosecution Service (2025), Section 4.21.

succeed.[386] The comparable challenges faced by the development of Common Platform in the Crown Court in the last decade have been widely observed.[387] Steering away from adopting one single technology system also avoids the risks of large-scale cyber-attacks targeting a single point of failure and aligns with global technology best practice by encouraging loosely coupled, interoperable systems that enhance resilience, flexibility and integration across platforms. Therefore, I recommend that greater interoperability between several systems is needed, instead of one single system, as I have outlined in Chapter 3 (One Criminal Justice System).

157. Effective and interoperable digital and technology systems between the police and the CPS are essential for efficiency at the early stages of a case progressing through the criminal justice system. The existing fragmentation can slow down case progression, create duplication and hinder interoperability across agencies. Addressing this variation whether through standardisation, integration or improved guidance would contribute directly to improving efficiency across the criminal justice system. Systems which work effectively and allow transfer of information between organisations allow the police and the CPS to make good decisions and get cases right first time.

158. The policing think tank, the Police Foundation, outlines the interoperability issue as affecting information sharing within local forces, between local forces, between the police and key organisations, including the CPS and the courts, and with police forces overseas.[388] Technology issues affect efficiency by impacting on the timeliness of sharing information in a manner that can be readily accessed and used by the recipient.

159. Protected funding and central oversight of these systems by a dedicated organisation is needed to ensure interoperability, this would likely be delivered through the Home Office. The introduction

386 Comparable blockers do not exist for my recommendation in Chapter 6 (Listing and Allocation of Workload) for HMCTS to introduce a single national scheduling tool within Common Platform for listing cases in the Crown Court. This is because the tool would have a more focused scope (only listing) and could be funded and delivered by a single organisation (HMCTS).

387 Common Platform is the digital case management system which was developed for the criminal court between 2016 and 2025 by HMCTS. It was originally conceived as a joint system for HMCTS and the CPS but its scope was progressively simplified over time, with the CPS functionality being taken out of scope.

388 R. Muir, The Power of Information (The Police Foundation, October 2024), p. 7.

of technology governance and leadership functions (explored further in Chapter 3 (One Criminal Justice System)) would be crucial for the success of this recommendation. Interoperability also reflects my principles of minimising waste of systems and processes that do not interact properly to help ensure agencies get it right first time. To illustrate the potential of improved interoperability between the digital systems of the police and the CPS, I refer to a case study on the application programming interfaces which I recommend for further development in Chapter 3 (One Criminal Justice System).

Case Study K: Application Programming Interfaces

Historically, case file transmission between the police and the CPS relied on manual email-based processes, resulting in duplication of data, delays and administrative inefficiency. In response, the two-way interface, a secure application programming interface, was introduced to enable automated data exchange between the police case management systems and the CPS's Case Management System. The interface provides key functions within native police systems including the digital submission of case files, automated updates on charging decisions and real-time requests for further evidence or clarification. This integration reduces manual handling, improves data accuracy and improves operational coherence to accelerate case progression. Despite offering improvements in interoperability, the interface presents ongoing challenges. The 1MB file size limit, for example, necessitates manual compression of splitting of case information, thus increasing administrative burdens. As outlined in Chapter 3 (One Criminal Justice System), the development of further application programming interfaces, including Digital Case File, is essential to address these limitations and support more efficient data exchange.

Source: Delivering Justice in a Digital Age (HMCPSI and HMIC, April 2016), p. 33; Joint case building by the police and Crown Prosecution Service (HMCPSI and HMICFRS, July 2025), p. 46.

160. As noted in Case Study K, the upload capacity poses particular challenges with regards to the interoperability of systems. The upload capacity for most police forces is 1MB per document to be transferred to the CPS using the interface. The increased complexity and volume of case material mean this limit is unacceptable in the current climate. To work around the 1MB limit, the police may split or compress a document to be able to send it. Any time spent on such a task is not a good use of public resources. Some forces have been piloting increasing this limit to 4MB to allow larger documents to be transferred. It has not become clear to me through my engagement why this has not been piloted as a solution to a nationwide issue that exists irrespective of the police case management system in use. The police are already able to share larger digital evidence using digital evidence management systems. I am aware that reported use of these seems to be inconsistent which may be due to financial pressures or inexperience with using the system.

161. I endorse enhanced digital interoperability across police forces to ensure that systems align and integrate between forces and the CPS. Future procurement of case management systems and other technology should be done in line with principles of interoperability. This builds on my recommendations from Chapter 3 (One Criminal Justice System). A dedicated technology leadership role should oversee this to ensure the alignment happens.

Digital Case File

162. There is ongoing work to introduce the Digital Case File as a new data standard to replace the Manual of Guidance (MG) form system, delivered by the Police Digital Service using Home Office funding. The joint report made further recommendations, with which I agree.[389] The current MG forms are a digitised version of paper MG forms which have been in use since the 1990s, so an updated assessment of specifications is welcome. Digital Case File is not a system in itself, but rather a set of standards that police forces and the CPS (and other agencies) will use to build their systems to. It enables case file information to be entered right first time by mandating that each police force's Record Management System collects structured data in a pre-defined format (in line with the file standard), which is then passed over to the CPS in the same structured way.

389 Joint case building by the police and Crown Prosecution Service (2025), Recommendations 3 and 4.

This is as opposed to the current situation where the data is in an unstructured way (i.e. paragraphs of data) which makes it difficult to enable further automation of business processes downstream. Structured data enables greater automation, improved analytics and streamlined workflows. This structured approach complements recent enhancements to the CPS Case Management System under the Future Casework Tools Programme, which I outline in more detail in section (iii).

163. Roll-out of Digital Case File has been delayed, partly due to development taking longer than planned. The original pilot of Digital Case File took place in 2016, and the specifications were jointly agreed between the police and the CPS in 2019. No final plan has yet been set for full national roll out with implementation planned in South Wales and Gwent in Q2 of 2026. If this is successful, the next tranche of forces (those using Niche) would commence their own roll out in October 2026, with roll-out over a two-year period. Athena and CONNECT forces would be in the next wave, with roll-out also over a two-year period.

164. Digital Case File will enable the police and the CPS to achieve faster end-to-end charging decisions and provide insightful management information. It will lead to more effective case progression, swifter routing of cases at the pre-charge stage and reduce the number of times a case is referred back to the police for further and better information.[390] The CPS is supportive of the Digital Case File as they will be able to automate processing of the data received.

165. The police anticipate that the overall benefits of Digital Case File will save 442,000 hours in time per year, equating to c. £15.4 million. For the CPS and overall criminal justice system, cashable savings of £1.73 million per year are estimated to be achieved primarily by reducing time spent on case file administration, requests for additional information and/or reviews.[391]

166. The Digital Case File should reduce duplication and improve data sharing, reflecting my principle of minimising waste. It also supports long-term innovation and my principle of sustainability, by laying the groundwork for scalable digital transformation, reducing reliance on outdated systems and enabling continuous improvement through adaptable technology. By streamlining workflows and enhancing

390 Digital Outcomes Opportunities (Crown Commercial Service).

391 Annual Report, 2022-23 (Police Digital Service, 2023), p. 22.

interoperability, it supports a more joined-up and responsive criminal justice system by ensuring that cases progress more efficiently from arrest through to resolution. This will benefit victims, witnesses and defendants by minimising delays and improving the overall experience of the justice system. I endorse the Digital Case File and agree that it should be adopted by all police forces as soon as possible.

Redaction

167. Redaction of personal data in case files has become one of the most contentious and resource-intensive aspects of the criminal justice process. What was intended as a safeguard for privacy and compliance with data protection legislation has evolved into a significant operational burden, creating tension between the police and the CPS. The complexity arises from overlapping legislative frameworks which impose obligations that are interpreted differently by both organisations. Police officers are spending thousands of hours annually redacting material, much of which relates to cases that ultimately result in no further action. This not only diverts resources from frontline policing and investigative work but also delays charging decisions, undermining the timeliness of justice. For prosecutors, heavily redacted files can delay decision-making while, for police forces, the current approach is widely perceived as disproportionate and misaligned with legislative intent.

168. The obligations to redact personal data are governed by several pieces of legislation and guidance, outlined in more detail in the section 'Legislative framework', which makes it a complex issue. The joint report described it as 'the thorniest operational issue of [their] inspection'.[392] Due to the CPS's interpretation of the Data Protection Act 2018, CPS guidance requires police officers to redact all personal data[393] before it is shared with the CPS pre-charge.

169. Redaction is time consuming. The Policing Productivity Review estimates that 20% of a police officer's time when building a case file is spent on redaction – with an average of 14 hours spent on a file overall, which equates to almost three hours per case being spent on redaction. The Review estimates that 770,000 hours are spent annually

392 Joint case building by the police and Crown Prosecution Service (2025), p. 73.

393 As defined in the Data Protection Act 2018.

on redacting text material alone.[394] This burden varies significantly by case type with more complex investigations such as fraud or sexual offences often involving large volumes of sensitive material and digital evidence. The increased volume of digital evidence has also added to the time burden of redaction. The Home Office Accelerated Capability Environment estimated that it takes on average nine hours to redact 60 minutes of visual media.[395] This is time that could otherwise be spent on building good quality case files.

170. Of greatest concern is the amount of time that officers spend redacting files that do not progress beyond the CPS because they result in a decision that no further action should be taken – the Policing Productivity Review estimates that 210,000 hours are spent each year on redacting 38,274 files which result in no charge.[396] The Fisher Review of Disclosure equates the burdens of no further action redaction to '306 officers spending all of their working hours during 2023 building case files, scheduling and redacting material, for cases that ultimately terminated with the CPS'.[397] The joint report outlines that the NPCC estimates that since the introduction of the Attorney General's Guidance on Disclosure 365,000 hours were spent on redacting material in the 20% of cases that ended in a no further action decision. They estimated that this equates to a cost of £5.6 million per annum.[398] These numbers demonstrate the operational cost of unclear or misaligned redaction practices and the urgent need for a more proportionate and consistent approach. This current burden on the police leads to frustration with the clearly expressed perception that the timing of the current redaction process can be a waste of police time when the file is sent only for the purpose of a CPS review and was not at that stage for release to the defence or the courts.

171. The obligation of redaction on the police has increased since the introduction of the Director's Guidance on Charging (sixth edition) (DG6) and the Attorney General's Guidance on Disclosure –

394 Policing Productivity Review: Improving outcomes for the public (Home Office, October 2023).

395 Source: Creating a 60% efficiency boost for policing – Case study.

396 Policing Productivity Review: Improving outcomes for the public (Home Office, October 2023), p. 21.

397 Jonathan Fisher KC, Disclosure in the Digital Age: Independent Review of Disclosure and Fraud Offences (Home Office, March 2025), p. 9.

398 Joint case building by the police and Crown Prosecution Service (2025), p. 91. The CPS has expressed concerns that this data may also include the time to review the case file, so the estimate may not accurately reflect the time or financial cost of redaction.

this guidance requires police to redact case file material pre-charge and redact unused material, before it can be submitted to the CPS. The changes have led to more of the case file needing to be redacted in all cases. This change is also described as 'front-loading' cases. This 'front-loading' guidance goes beyond the strict legislative requirement. The intention of introducing 'front-loading' was an attempt to improve efficiency, but I demonstrate in this section that it has had the opposite effect. Based on my team's engagement, there is agreement between the police and the CPS that the redaction burden is unnecessary, however there is disagreement about the legislative framework for redaction and the subsequent requirements set out in DG6 and the Attorney General's Guidance on Disclosure.

172. I have heard through my engagement with the police and the CPS of instances where the CPS had requested material to be unredacted (in order to support their decision-making) which the police had already spent time redacting. Aside from the frustration felt by the police, this is a concern as the requests were in the form of an action plan. This added to the delay of the overall charging decision and required the police to perform further action.

173. The redaction issue exemplifies how procedural ambiguity and inter-agency misalignment can undermine system-wide performance. For the CPS, receiving heavily redacted files at the pre-charge stage can limit prosecutors' abilities to make informed decisions, while for police forces, the resource drain is unsustainable. Addressing this issue requires clearer guidance, shared standards and a review of whether current redaction expectations are proportionate to the stage of proceedings and the likelihood of prosecution.

Legislative Framework

174. There is no doubt that the complexity of the legislation around redaction adds to the confusion on this issue. The Attorney General's Guidance on Disclosure defines redaction as referring to 'any way of obscuring personal data, including but not limited to redaction, clipping, pixelization, anonymisation or pseudonymisation'.[399] Personal data also has a wide legislative definition: 'personal data means any information relating to an identified or identifiable natural person ("data subject"); an identifiable natural person is one who can be

399 Attorney General's Guidelines on Disclosure (Attorney General's Office, February 2024), Annex D.

identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person'.[400]

175. The Data Protection Act (DPA) 2018 governs the sharing of personal data (including addresses, dates of birth, gender, sexual orientation and more) including sharing between government agencies. The DPA 2018 recognises that 'law enforcement purposes' are one of many legitimate reasons for the sharing of information between agencies. Law enforcement purposes are the 'prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security'.[401] The police and the CPS are both designated as 'competent authorities' which means they can share personal information with each other for the purposes of law enforcement.[402] The Act outlines six principles governing data protection in relation to law enforcement processing – the compliance with these falls to the 'controller' of the data (the police at the pre-charge stage and the CPS become data controllers once they start to process the data to make charging decisions).

176. The Criminal Procedures and Investigations Act (CPIA) 1996 regulates the separate but related disclosure obligations and responsibilities for the police and the prosecution. During the file build, the police will obtain and record material before sharing the relevant material, in evidential terms, with the CPS in the case file. The CPIA's definitions relate to 'material' which is a much wider concept than personal data.[403] The CPIA 1996 regulates the material obtained during an investigation and regulates its recording and retention, as well as its ultimate disclosure to the defence.

400 Regulation (EU) 2016/679 of the European Parliament and of the Council (April 2016), Art. 4.

401 Data Protection Act 2018, s. 31.

402 Ibid, Sch. 7.

403 Criminal Procedure and Investigations Act 1996. The obligations on the police to reveal material to the prosecutor are contained in s. 7A.

177. The Attorney General's Guidance on Disclosure (AGGD) sets out the decision-making process that investigators must follow regarding redaction.[404] Officers must apply a 'necessity test' to determine whether the CPS prosecutor requires access to personal data in order to make an informed charging decision and if not, the data should be redacted.[405] The AGGD made a significant change to the volume of material that needs to be redacted by the police before a file is sent to the CPS. In short, the aim was for the police to redact material that would not be relevant in evidential terms so that the material submitted to the CPS would be in a state capable of being disclosed to the defence should a charge be laid. This guidance is subject to exceptions for cases where the defendant is in custody and an immediate charging decision is necessary or where redaction would be disproportionate at the pre-charge stage given the volume of material involved.[406]

178. The AGGD also provides guidance on unused material and the rebuttable presumption, which I examine in more detail in Chapter 5 (Disclosure). The key point to note here is that the AGGD was introduced to support decision-making through guidance, not as a mandatory checklist to be rigidly followed. This has unintentionally increased the workload for police officers when preparing case files – adding to the burden already posed by the schedules of unused material and Investigation Management Documents, both of which were also introduced by the AGGD. The police also apply the NPCC and CPS Joint Principles for Redaction agreement when sharing information pre-charge.

404 Attorney General's Guidelines on Disclosure (Attorney General's Office, February 2024), Annex D. I assess the AGGD in more detail in Chapter 5 (Disclosure) in relation to disclosure.

405 The AGGD outlines: 'Where the data is relevant, personal, and there is a reasonable expectation of privacy, investigators will need to go on to consider whether it is nonetheless necessary or strictly necessary to provide it to the CPS in an unredacted form for the purposes of making a charging decision. Where it is necessary or strictly necessary to do so, the data need not be redacted; where data does not meet this standard, it should be redacted'. Attorney General's Guidelines on Disclosure (Attorney General's Office, February 2024), p. 47.

406 The joint report found that the CPS took a different approach in some RASSO cases – they were not always subject to the same strict redaction measures, and some were redacted post-charge. The joint report did not identify legislation which sets out a distinction for RASSO cases. Joint case building by the police and Crown Prosecution Service (2025), p. 90.

Reducing the Redaction Burden

179. A significant cause of tension between the CPS and the police is a difference of opinion regarding how much redaction needs to be completed pre-charge to satisfy legislative requirements. There are tensions at both national and operational levels which are exacerbated by differing understandings and misinformation of what is required to comply with data protection legislation. I have no doubt that this tension has impacted on working relationships between the police and the CPS, which, as I have already identified, are crucial to efficient case file preparation.

180. The approach I recommend is a proportionate one. Exchanges of information to assist in investigation and charging between the police and the CPS should, in my view, be possible within the law enforcement exemption in the DPA 2018 which specifies both organisations as competent authorities.[407] The Information Commissioner's Office, as outlined in the joint report, confirms my assessment that 'material shared with the CPS that has already been deemed relevant [by the police] under Criminal Procedures and Investigations Act (and was obtained by the police in compliance with data protection law) does not require further redaction for the purpose of the police seeking a charging decision'.[408] This exemption means that legislative change would not be required.

181. I therefore recommend that the current requirement for the police to redact personal data pre-charge should be removed. I recommend that the police should send a full case file to the CPS unredacted in the first instance. Sensitive data, as defined by the DPA 2018, should still be redacted unless it is 'strictly necessary for the law enforcement purpose'.[409] The prosecutor should review the case and provide an

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407 Part 3 of the Data Protection Act 2018 outlines these exemptions.

408 Joint case building by the police and Crown Prosecution Service (2025), p. 92.

409 'Sensitive processing' means—

(a) the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership.

(b) the processing of genetic data, or of biometric data, for the purpose of uniquely identifying an individual.

(c) the processing of data concerning health.

(d) the processing of data concerning an individual's sex life or sexual orientation.

(Data Protection Act 2018, s. 35(8).)

indication of whether or not they will charge the case. If the indication is that a charging decision will be approved, the prosecutor should send the file back to the police for them to redact personal data, including where there are any suggestions for what content should be redacted. The police would need to send the redacted case file back to the CPS for the formal charging decision to be made. The file would then be reviewed by the CPS to check for redaction compliance. Although each case file would need to be sent to the CPS twice, the second review should be lighter touch as the prosecutor will have seen the file before. This, combined with the reduction in work required on no further action cases, would result in an overall time saving.

182. This should reduce the amount of wasted effort by the police on redacting case files that result in no further action. This allows the police to focus their attention and resource on those cases that will proceed to charge and need to be properly redacted to facilitate subsequent stages in the process of a case through the criminal courts, namely disclosure to the defence. Where police officers completing the case files have other responsibilities such as response officers, they are able to get back to their primary role. In other instances, this would free up time for the police to focus on investigation and further evidence-gathering that is paramount for the charging decision to be reached, as opposed to redaction which I consider is not. Whilst the police and the CPS may need to complete redaction once a charging decision is made, I consider that this is a time-saving effort when considering the wider criminal justice system. This is intended to save the police money and time, which is highly relevant as it allows them to devote resources to administer great use of diversions and Out of Court Resolutions.[410]

183. Looking to the bigger picture, simple clarification of the roles and responsibilities, and the process and stage that is 'optimal' for the redaction of case files, also address a significant tension point between the CPS and the police. Efforts to address these tension points are not insignificant, enabling more effective collaboration on case file preparation and therefore getting the case file right the first time, before it has even reached the courts.

410 See Part I, Chapter 3 (Diversions).

184. I have considered recommending options that would transfer the redaction burden onto the CPS. However, I have settled that redaction should remain a police obligation, albeit in a more proportionate number of cases. I recognise that this is a resource and financial burden on the police, but reducing the number of cases that need to be redacted should reduce this burden. This recommendation secures the fairest outcome for both organisations involved and maintains the low risk of unintentional sharing of unredacted personal information by keeping the police as the organisation responsible for redaction. I believe this option is the most efficient way of redacting case material. This recommendation would result in considerable saving of police time as fewer cases with a no further action decision would have been redacted. As around 20% of cases are estimated to result in no further action, this should be a significant time saving.

185. The Attorney General's Guidance on Disclosure and Director's Guidance on Charging (sixth edition) (DG6) on redaction needs to be updated to account for an accurate interpretation of the law. The AGGD is clear in imposing the obligation of redaction pre-charge, which, as written is binding on the police and the CPS as authoritative guidance, despite it not accurately reflecting the statute. By updating the AGGD on redaction to reflect my recommendation, it will ensure not only a proper interpretation of the law but also addresses a key tension between the police and the CPS. This, in turn, should facilitate greater collaboration and prevent the back and forth of arguments, even among senior leadership, about what legally needs redacting or not.

186. I understand that the Joint Operational Improvement Board has been considering redaction for some time and working to find an approach to resolve the situation in a way that works for both organisations involved. In principle I agree with the joint report recommendation 15 assessing the further actions the Joint Operational Improvement Board should take in this regard, although I suggest that changes to legislation may be unnecessary.[411] I add that they should consider my recommendation as a priority.

187. Aside from legislative considerations, I have been made aware of a possible issue arising with this recommendation regarding naming conventions of files. The CPS Case Management System is unable

411 Joint case building by the police and Crown Prosecution Service (2025), Recommendation 15.

to accept documents of the same name more than once which may be an issue when the police submit material for a charging decision, the second stage of my recommendation. Currently, the police spend substantial amounts of time renaming documents to enable them to be re-uploaded to the system. This is an existing issue when police are resubmitting case files as a result of the CPS action plans. This should be urgently reconsidered by the police and the CPS leadership to enable the success of my recommendation and to reduce wasted efforts.

188. Jonathan Fisher KC's report, 'Disclosure in the Digital Age', makes two recommendations (11 and 12) relating to redaction, which I endorse. These are that the Information Commissioner's Office and the National Police Chiefs' Council should issue guidance on redaction expectations within law enforcement which should be incorporated into the Code of Practice and the College of Policing Learning Standards. Fisher also recommends that consideration should be given to creating a 'data bubble' between law enforcement and the CPS, enabling unredacted sharing of data and information for charging decisions.[412]

Recommendation 76: I recommend that the requirement for the police to redact pre-charge should be removed. The police remain responsible for the material before it is disclosed, but redaction should follow an indication from the Crown Prosecution Service that a charge will be made. There should be some exceptions to this where the material is sensitive, such as material that might identify medical information of the person.

189. To address the inconsistencies currently experienced in the understanding of legislative requirements of redaction, I recommend the development of a single, consolidated set of guidance on redaction obligations for material in pre-charge file sharing between the police and prosecutors. This should form a part of the central repository of guidance that I have outlined in Recommendation 67. This guidance should be underpinned by a unified approach that aligns with the legal requirements of the DPA 2018 and the GDPR. Such an approach would provide clarity and consistency across agencies, reducing the operational burden on police forces and ensuring that the CPS receives

412 Jonathan Fisher KC, Disclosure in the Digital Age: Independent Review of Disclosure and Fraud Offences (Home Office, March 2025).

case files that are appropriately prepared from the outset. A unified framework would enable faster and more accurate preparation of case files, allowing for more timely charging decisions and reducing the risk of procedural delays that impact victims, witnesses and defendants.

190. As I have made clear, the police should retain responsibility for redaction prior to a charge being made and disclosure to the defence being triggered. To facilitate redaction, police forces need efficient and effective technology. The Home Office Accelerated Capability Environment have run several pilots and completed research on redaction. These included audio-visual multi-media redaction and case file redaction. The findings are being considered by the Home Office which will decide whether they will be taken forward. The College of Policing is supportive of the audio-visual and multi-media AI redaction programme with plans to roll out this technology to early adopter and fast follower forces at the time of writing this report.

191. Many police forces are using technological solutions to support with redaction. Text redaction software, such as the tool outlined in Case Study L, is already commonly used, however multi-media solutions are more limited.

Case Study L: DocDefender, Bedfordshire Police

Bedfordshire Police ran a redaction pilot in 2023 and identified DocDefender as the most effective tool for text redaction – it was found to be 92% accurate in identifying sensitive and personal information which required redaction. DocDefender works in this way: files are uploaded; categories of data to be removed are selected; AI scans the document and suggests redaction; and the officer makes adjustments if needed and downloads the file, ready to be shared. Several time savings were identified, for example a phone download of 578 pages, which previously would have taken several days to redact, was redacted by DocDefender in 20 minutes. Since the pilot in 2023, DocDefender has been in use in almost half of all police forces (as of January 2025).

Source: Auto-redaction of text for transfer to the Crown Prosecution Service | College of Policing and Nick Oliver 'How document redaction software can solve a big admin problem', *Emergency Services Times* (6 January 2025).

192. Automated redaction for audio-visual and multi-media evidence would provide further benefits. This AI-based technology automates removal or obscuring of sensitive information such as faces, vehicle number plates, voices and personal identifiers. This includes body-worn video, CCTV footage, mobile phone and dashcam recordings and audio files from interviews or surveillance. Automation solutions should be adopted more widely to support with redaction pressures. This would need to reflect the principles of augmentation of processes through technology that I articulated in Chapter 1 (Introduction). Its use across forces will likely be through a suite of solutions as there is not one solution that can successfully redact all different types of material.[413] I recommend that solutions for text, audio-visual and multi-media redaction should be considered at a minimum as they are the most common and time-consuming types of material that the police need to redact. Home Office Accelerated Capability Environment research suggests that 'up to 60% efficiency savings could be achieved by using automated redaction tooling'.[414] Use of these solutions will improve police efficiency and allow the police to spend more time building quality case files.

193. The Police Digital Service has already made four text redaction tools available to be procured by the police.[415] The Accelerated Capability Environment team conducted a review, in partnership with Blue Light Commercial, of six audio-visual and multi-media redaction tools – findings from this research should be used to identify the best options for police to adopt. Triad, a digital, data and technology consultancy firm, completed further research to identify 14 possible suppliers to assist with redaction.[416] Findings from this could also be used to support this recommendation. I also endorse the joint report recommendation 14 to identify which solutions are most effective.[417]

413 Finding the right multimedia redaction tools for the UK's police force (Home Office and Triad, 2024). The case study states: 'No fully automated AVMM redaction tool capable of serving the police force's needs is currently available'. And 'There is no current "right" single tool for AVMM redaction. Some tools excel at video tasks, others at audio, and the best tool for face redaction isn't the best tool for detecting text within videos'.

414 Source: Case study: Creating a 60% efficiency boost for policing (Accelerated Capability Environment, October 2025).

415 Provision of a Police and Justice Text Redaction Tool (March 2024).

416 Finding the right multimedia redaction tools for the UK's police force (Home Office and Triad, 2024).

417 Joint case building by the police and Crown Prosecution Service (2025), Recommendation 14.

194. This should improve timeliness by streamlining the redaction process and minimising delays at the pre-charge stage and getting it right first time as clearer guidance and automation support would reduce the likelihood of errors, rework and miscommunication between agencies.

195. To supplement this recommendation, in-house civilian technology media experts, as are currently employed by some police forces, could be appointed by forces to support with the human checking of AI output that would be required. They should be trained to validate and ensure AI output and communicate their findings with the police users. They should also be able to undertake any technical redaction or editing where the AI tool may be unable to. The cost of these additional posts should represent only a fraction of the savings generated by using AI for redaction, making this investment both practical and cost-effective.

196. As I will outline in section 'Technology Procurement and Governance', a joined-up approach to procurement and national standards should be in place to manage these technology solutions. Any solutions acquired in this space should be in line with my Recommendation 78 about a common procurement strategy.

Recommendation 77: I recommend that automation solutions should be adopted by the Home Office, Police Digital Service, and individual police forces to support both text and multi-media redaction.

Technology Procurement and Governance

197. Technology procurement and governance are critical considerations for the facilitation of a modern and digitally enabled criminal justice system. In this section, I set out my observations on these issues, recognising that there is particular complexity within policing, given the existence of 43 separate forces, each of which must interact with the CPS. I will first set out the police procurement process and then move on to the CPS in-house digital capabilities and expertise.

Police Procurement and Governance

198. Technology procurement decisions are made by Chief Constables or PCCs, reflecting the operational independence of each police force. This fragmented approach often results in multiple forces procuring identical digital and technology systems from the same suppliers, but in isolation. This lack of coordination can lead to inefficiencies both financially and operationally, as opportunities for collective bargaining are lost and it is more difficult to provide a national standard for training when forces are using different systems.

199. The NPCC, in conjunction with the Association of Police and Crime Commissioners and the Police Digital Service, have published a National Policing Digital Strategy for 2025–2030.[418] The Police Foundation has also completed research and made recommendations in this space in their 2024 report 'The Power of Information'. The report identifies a lack of interoperability as one of the biggest problems facing police technology and the key barrier to 'policing being able to exploit the power of the data it holds'.[419] I agree with their recommendations, namely: '1: A single national enabling body for police digital, data, and technology'; '2: National procurement frameworks to enable the scaling and deployment of new technologies'; and '3: A national strategy to promote interoperability'.[420] I recommend that this should go one step further to incorporate buy-in from CPS leaders and oversight of CPS digital and technology.

200. I have examined the lack of strategy or governance at a national and cross-organisational level in Chapter 3 (One Criminal Justice System). I reiterate here that everybody needs to understand, at some level, how everybody else in the system is working and I therefore agree with the joint report that 'a clearly mandated, end-to-end digital strategy for the [criminal justice system] is greatly needed'.[421] This should be supported by strong governance, as I set out in Chapter 3 (One Criminal Justice System). All future policing digital and technology procurement and development should be compliant with this strategy which should

418 National Policing Digital Strategy 2025-2030 (NPCC, 2025).
419 R.Muir, The Power of Information (The Police Foundation, October 2024), p. 7.
420 Ibid, pp. 19–20.
421 Joint case building by the police and Crown Prosecution Service (2025), Section 4.6.

be considered in tandem with CPS requirements and considerations further in the process, including court requirements. The National Policing Data Strategy is a good starting point for this.

Recommendation 78: I recommend a mandated strategy for police digital and technology development and procurement, which should be implemented in conjunction with the Crown Prosecution Service. This recommendation must be considered alongside recommendation 59 for a technology leadership role in the criminal justice system in Chapter 3 (One Criminal Justice System) and integrated with the work of the National Criminal Justice Board.

201. I acknowledge that police forces may view stronger governance structures as a loss of autonomy. I do not believe this to be the case – police leaders should accept that part of their role is to ensure that at a national scale policing is working together towards shared aims of tackling crime. More joined-up governance would ensure better value for public money as it would reduce siloed procurement of systems and allow patch upgrades to be undertaken by several forces in tandem. Better technology procurement should enhance interoperability between forces, streamline data sharing and reduce duplication of effort. As with interoperability, strong governance reflects my principles of minimising waste of digital and technology systems. It also creates a more sustainable future for the digital and technology systems of the police and the CPS.

Crown Prosecution Service In-House Digital Capability

202. CPS digital procurement and governance must ensure that technological investments are strategic, interoperable with police systems and deliver value through effective oversight. Ongoing engagement has revealed a notable shortage of in-house digital and technical expertise within the CPS, resulting in the reliance on external suppliers to deliver key programmes and solutions. This dependency not only increases long-term costs but can also limit organisational agility and the ability to respond quickly to emerging needs or policy changes. Strengthening internal capability in areas such as data, AI and digital transformation would enable the CPS to take greater ownership of its technology, reduce outsourcing and help to build

a more sustainable and resilient organisation. This would include training existing staff and considering the creation of new posts that can fulfil these requirements.

203. Strengthening internal digital capability within the CPS would also help embed specialist knowledge directly into the organisation, allowing staff to develop and apply technical expertise in ways that are tailored to the unique demands of the criminal justice system. This fosters a culture of continuous learning and innovation, where digital solutions are shaped by those closest to operational delivery. It also enables smarter use of resources by reducing duplication, avoiding costly external contracts and ensuring that investment is targeted where it delivers the greatest value, fully aligning with my principles of expertise and minimising waste.

Recommendation 79: I recommend investment in digital and technological expertise within the Crown Prosecution Service to reduce reliance on external suppliers and drive internal innovation. This includes training of existing staff and considering the creation of new posts to support these aims.

(iii) Modernising the Crown Prosecution Service

204. In section (iii) of this chapter, I identify further opportunities to modernise CPS technology and systems. I see no reason why some of these recommendations could not also be adopted by other prosecuting authorities, where relevant.

205. This section considers the systems, tools and processes that underpin case management and decision-making, and explores how modernising these capabilities can enhance operational effectiveness, improve data integrity and support timely, informed charging decisions. I identify opportunities for innovation that strengthen collaboration, improve efficiency and ensure that technology serves as an enabler of justice rather than a barrier.

Future Casework Tool

206. The effectiveness of CPS charging decisions is closely tied to the systems that support case management and communication with partner agencies. Once a charging decision is made, the CPS must manage the case efficiently through the court process, including disclosure, engagement with defence advocates, trial preparation and ongoing liaison with the police and victims. However, the CPS's current Case Management System (CMS), a bespoke legacy platform developed over two decades ago, limits its ability to adapt and improve these processes. The Case Management System's outdated architecture restricts agility and makes timely updates challenging, which can hinder the smooth progression of cases post-charge. This is the main focus of this section, but I also would like to redraw attention to the importance of accurate charging decisions I discussed at length in Part I of this Review (Chapter 4 (Investigation and Charging Decisions)).[422]

207. Recognising this, in 2021 the CPS opted to build interfaces with HMCTS's Common Platform rather than fully migrate to it, and has since launched the Future Casework Tools (FCT) programme to modernise the CPS's digital capability by 2030.[423] This investment is crucial to ensuring that charging decisions translate into timely and

422 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), p. 101.

423 Digital Outcomes Opportunities – Crown Commercial Service

effective case progression, supported by systems that enable better collaboration, data sharing and accountability across the criminal justice system.

208. The FCT programme, led by the CPS's Digital and Information Directorate, is a strategic initiative aimed at modernising the digital infrastructure that underpins casework management. Developed in response to the limitations of the CPS's legacy Case Management System, the FCT programme seeks to deliver more agile, efficient and scalable tools to support prosecutors and improve collaboration with criminal justice partners. The FCT programme unlocks future opportunities for automation, data analytics and streamlined workflows, making it a foundational investment in building a more responsive, transparent and efficient criminal justice system.[424] Its development represents a critical opportunity to modernise case management processes which I endorse in order to improve user experience and enhance interoperability across agencies. The implementation of Digital Case File, alongside FCT, also provides opportunities for more streamlining and further changes to the user interface of the Case Management System.

Enhancing the Crown Prosecution Service's Operational Procedures Using Technology

209. Missed opportunities in the utilisation of technology across the CPS has a direct impact on case management, timeliness and staff well-being. As the central bridge between police investigations and court proceedings, the CPS's systems must support prosecutors in managing heavy and complex caseloads and coordinating effectively with the police. However, the current legacy infrastructure often requires manual workarounds, slows down case progression, and contributes to administrative burden. When technology fails to streamline routine tasks such as evidence transfer, file tracking, or disclosure management, it increases pressure on prosecutors who are already managing high volumes of cases. This can lead to longer working hours, reduced job satisfaction and heightened stress, particularly among Senior Crown Prosecutors who carry the bulk of decision-making responsibility.

424 Digital Outcomes Opportunities (Crown Commercial Service).

210. As the demands on the criminal justice system continue to evolve, it must be ensured that the CPS's processes keep pace with this changing landscape. Enhancing technological capability should enable faster, more consistent charging decisions, reduce unnecessary delays and ultimately benefit the entire criminal justice system.

211. Empowering CPS staff with modern, user-friendly tools should support their day-to-day role. With prosecutors reportedly managing around 200 cases each, technology that streamlines routine tasks is not only vital for maintaining efficiency but also for supporting staff well-being. To remain effective as one unified justice system, it is essential to keep pace with evolving technologies and ensure the digital infrastructure is fit for purpose, future-proofed and aligned with the needs of frontline users.

AI Productivity Tools

212. My first suggestion in this section is that the CPS should consider using Microsoft 365 Copilot or similarly available platforms more widely to support staff in managing their day-to-day responsibilities. As an AI-powered assistant embedded within familiar Microsoft tools, Copilot can help prosecutors and caseworkers streamline routine tasks such as drafting documents, summarising case files, analysing data and managing communications.[425] Copilot's ability to respond to conversations allows users to interact with their digital workspace more intuitively and efficiently. I discussed the benefit of embedding AI tools with multiple functions into familiar interfaces in greater detail in Chapter 3 (One Criminal Justice System).

213. When securely configured to access only internal CPS systems and trusted sources, AI agents built within, for example, Microsoft Copilot can operate within a closed environment that maintains data integrity and compliance. I endorse efforts to actively educate users on the responsible use of closed AI productivity tools (such as Microsoft Copilot) across the CPS digital platforms. Where secure access to internal data is required, this should be achieved by developing dedicated AI agents configured to connect only to trusted internal sources, including CPS systems and the College of Policing.

425 Maximising Efficiency with Microsoft 365 Copilot: A Comprehensive Guide (Opus Technology, 2023).

214. By promoting the use of procured AI support tools like Copilot, the CPS can take a meaningful step toward modernising its digital infrastructure, improving operational efficiency and aligning with broader justice system goals around innovation, sustainability and timely case progression.

The Future of AI-Enabled Decision-Support Tools

215. I start by re-emphasising that the use of AI enabled decision-support tools should not replace human decision-making. As the CPS continues to modernise its operations and embrace digital transformation, there is growing potential to integrate AI responsibly to support the charging decision-making process. For example, AI tools can assist prosecutors in providing initial analysis of material and evidence to support with a more informed and timely charging decision. I must emphasise that the AI tools I am recommending are for future development as, to the best of my knowledge, no such specific tools yet exist. It is important to stress that the aim of developing such tools should be to provide better access to knowledge and enhance, not replace, professional judgement. In doing so, development should prioritise transparency, ethical standards and user trust to ensure these tools complement existing practices without introducing undue risk.

216. I find it essential to refer back to the four broad categories of AI I outlined in Chapter 1 (Introduction) and note that the tools I refer to here should fit into the insight, rather than predictive, category. AI-enabled tools can provide relevant procedural knowledge, analyse data to identify gaps and highlight key facts. Their aim is not to forecast future outcomes but rather to support informed decisions. These tools must operate within a clearly defined ethical and legal framework within an agreed set of AI principles, ensuring transparency, accountability and human oversight at every stage. This section focuses mostly on the CPS, but I see no reason why it could not be expanded to other authorities, including the police.

217. I envision tools that could offer a range of intelligent support functions to support informed decision-making. These tools could provide an initial analysis of available material and evidence, based upon the appropriate policies, and highlight alternative charges based on the facts of a case. They could also identify gaps in the case file such as missing documentation or procedural steps, and prompt users to take

corrective action. By utilising key guidance documents such as the CPIA 1996, CPIA Code of Practice, Director's Guidance on Charging (sixth edition) (DG6) and the Attorney General's Guidelines, the tools could offer real-time prompts or clarifications. These features would support accurate and timely decision-making which improves timeliness of cases going through the system but should not replace human decision-making.

218. Over time, the tools could provide analytics, helping to identify patterns of over- or under-charging and improve consistency across similar cases. This could be particularly beneficial at trial, as it helps prevent cases from becoming ineffective due to late pleas, alternative charges, or the prosecution discontinuing cases for lack of sufficient evidence. This could minimise waste at trial and improve timeliness of cases by augmenting processes through technology, in line with my principles.

219. Additionally, these tools could help users access operational knowledge, interpret standard operating procedures and identify next or missing steps based on the current status of a case. This should ultimately enhance professional judgement, improve efficiency and support better outcomes across the criminal justice system. Case Study M indicates an example of supported decision-making. Although the case study relates to a policing tool, it shows an example of a tool being used in the context of case decision-making and could be applied to a tool used by the CPS.

Case Study M: South Yorkshire Police

Officers in South Yorkshire are assisted by a digital decision-making tool when deciding if offenders are suitable for Out of Court Resolutions (OOCRs). The tool draws on guidance to determine if cases can be suitably finalised with an OOCR and outlines possible conditions that may be set. The tool aims to improve the quality of OOCR decision-making rather than increase their use, and local force reviews indicate that over 90% of resulting OOCRs are compliant with Home Office data quality standards. Further, the tool aims to increase the confidence of officers when making a decision to place an offender on to an OOCR by ensuring that decision is better informed.

Source: Out of court disposals – digital decision-making tool | College of Policing.

220. Such tools could be of particular use in several examples. Using a case involving a violent attack on a police officer as an example, the tool could present: the summary only option of assault on a police constable or common assault; the either way offence of assault on an emergency worker or actual bodily harm; and the indictable only option of grievous bodily harm. The tool could explain the legal definition for these offences, the types of evidence required and link in further information on sentencing from the Sentencing Council. This would allow prosecutors to test charging options in real time, guided by structured prompts and live discussion, while the prosecutor remains fully accountable for the final decision. These tools must be:

    a. capable of explanation and transparency, ensuring users understand how recommendations are generated;[426]

    b. securely integrated with internal CPS systems and legal frameworks (e.g. the CPIA 1996, Director's Guidance on Charging (sixth edition) (DG6), Attorney General's Guidelines);

    c. capable of being audited, with all interactions logged to maintain accountability and traceability;

    d. well-defined and rigorously evaluated on the specific tasks they will be undertaking, especially given the complexity and nuance of legal decision-making; and

    e. accompanied by training programmes for those who would be using the tools.

221. The development of AI-enabled decision support tools has the potential to deliver significant efficiency gains and foster a more consistent approach to charging decisions across police forces and the CPS. By providing structured, real-time guidance based on case inputs and relevant legal frameworks, such tools can help standardise decision-making practices, reduce variation and ensure that all prosecutors are working from the same baseline of procedural knowledge. This could improve operational effectiveness and also contributes to a more coherent and collaborative justice system culture.

426 K. Atkinson, T. Bench-Capon and D. Bollegala, 'Explanation in AI and law: Past, present and future' (2020) 289 Artificial Intelligence.

222. Such tools will incur cost to develop and run, and I have due regard to the financial constraints of the government as included in the Terms of Reference for this Review. However, forward-thinking and innovative solutions are key to build a justice system fit for the future (as discussed in Chapter 2 (Context)). Whether such an AI solution is worth that expense is for the government to decide, but a lack of forward thinking in many areas is without doubt a contributing factor to the current crisis the criminal justice system finds itself in.

Recommendation 80: I recommend the investigation of artificial intelligence-enabled tools to enhance Crown Prosecution Service decision-making. Such tools may support evidence-based charging decisions, accessing operational knowledge and standard operating procedures, or identifying next or missing steps based on current case status.

Conclusion

223. This chapter has explored the critical early stages of the criminal justice process, from arrest and interview through to case file preparation and charging decisions. These initial steps are not just procedural as they set the tone for the efficiency, fairness and credibility of a case throughout the rest of the criminal justice system. Across the analysis, several themes have emerged that highlight both the challenges and opportunities for reform.

224. First, the role of the police and the CPS in shaping case quality and timeliness cannot be overstated. Workforce pressures, operational misalignment and gaps in capability create vulnerabilities that ripple through the courts, leading to delays and inefficiencies that impact victims, defendants and public confidence. Addressing these issues requires investment in skills, clearer guidance and stronger collaboration between agencies to ensure that cases are built on robust foundations.

225. Technology is another critical enabler. Modernising case management systems, introducing AI-assisted tools demonstrated to be effective for statement drafting and improving communication platforms can significantly reduce administrative burdens and free up time for frontline tasks. However, technology must be implemented with

care supported by strong governance and designed to enhance professional judgement rather than replace it. Nonetheless, technology alone doesn't deliver results – it must be deployed together with business transformation to unlock real value. Digital transformation should be seen as a tool for smarter working, not a shortcut.

226. As I have made several recommendations relating to the increased use of AI, I would like to reiterate that AI should not be used to replace human judgement. In the limited use cases where I have recommended greater use of AI, this should be used to augment human judgement and decision-making.

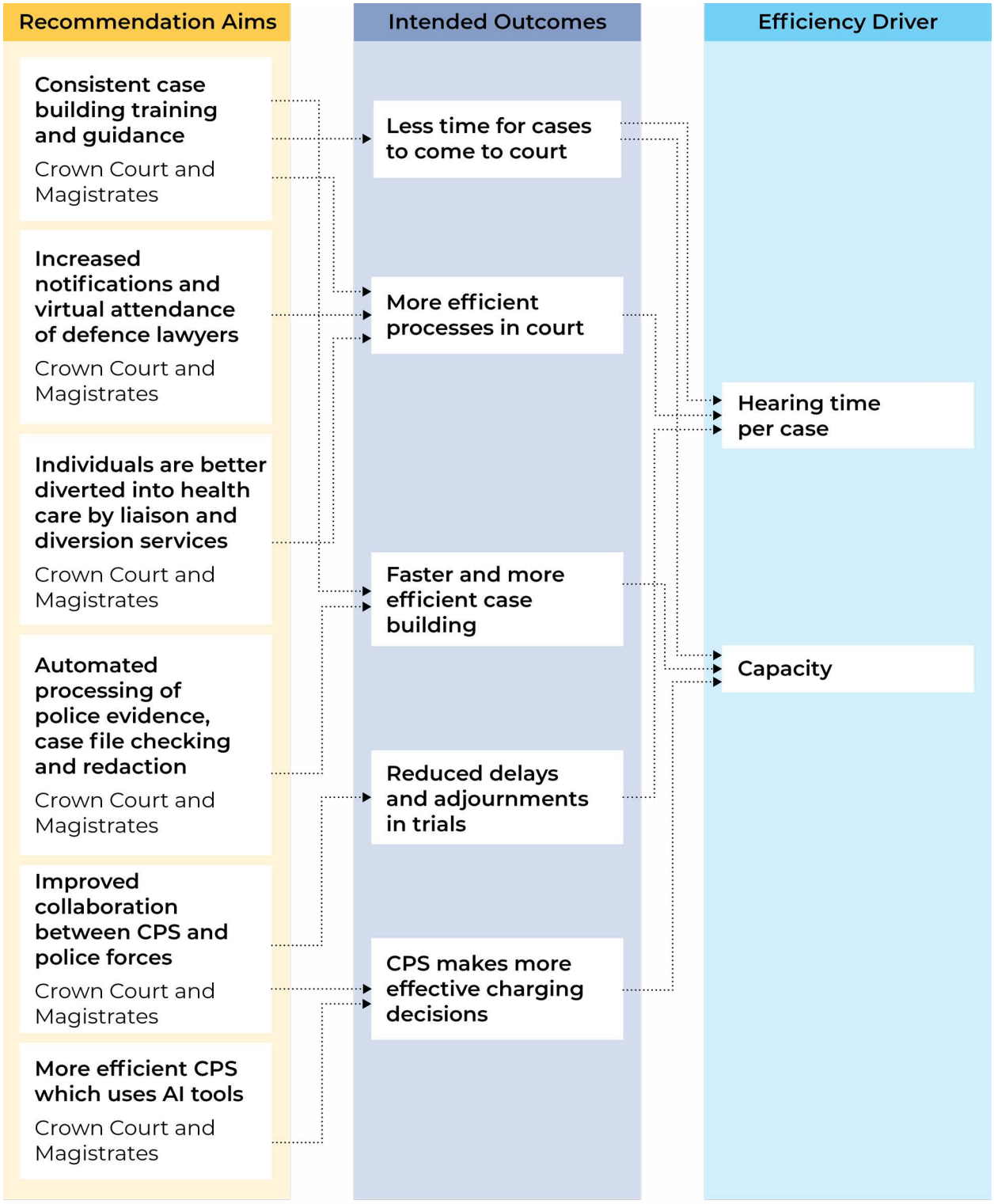
227. Early intervention remains a cornerstone of efficiency. Timely legal advice at the police station and streamlined processes for statement building can prevent bottlenecks later in the case journey. Similarly, clarity in case file preparation through effective guidance, rigorous quality checks and efficient redaction ensures that files meet evidential standards and progress without unnecessary delay. A means of notifying defence lawyers of charge and providing alternative approaches for them to engage with clients should also allow for earlier engagement in a case and preparation for first appearance. Both this and the police evidence-gathering process should help to improve wider system capacity. These steps are essential to getting it right first time.

228. Charging decisions, whether made by the police or the CPS, represent a pivotal moment in the criminal justice process. These decisions must be grounded in strong evidence, supported by practical frameworks and enhanced by technology that assists professional judgement rather than replaces it. Building capability and expertise within the CPS, improving operational alignment across the police, and embedding continuous learning will be vital to supporting case progression and reducing delays. If these recommendations are implemented, cases could take less time to come before the court and the time spent in court addressing avoidable errors within case files would be substantially reduced, thereby reducing hearing time per case.

229. The recommendations also aim to divert individuals with mental ill-health into appropriate healthcare, ensuring they receive care instead of taking up unnecessary court time.

Figure 4.8

Policy map visualising the intended aims of recommendations presented in Chapter 4



Many of the recommendations in this chapter affect pre-court cross-system efficiency drivers, which are not included in this policy map

230. Figure 4.8 demonstrates in pictorial form how the recommendations outlined in this chapter are anticipated to impact outcomes and influence key efficiency metrics. This figure should serve as a reference framework for evaluating the potential effects of these recommendations. Some of what is being targeted throughout this chapter is not just about in-court efficiency but also improving efficiency of the CPS and the police before a case reaches the court, which may improve overall end-to-end timeliness and is not captured above.

231. Ultimately, improving the efficiency of the criminal courts requires a systemic approach that recognises the foundational role of these early stages. Getting it right first time through better guidance, smarter technology and stronger collaboration delivers tangible gains: fewer delays; reduced waste; and restored public confidence. The recommendations set out in this chapter aim to create a criminal justice system that is resilient, responsive and equipped to meet today's demands and tomorrow's challenges.

Chapter 5

Disclosure

Chapter 5 – Disclosure

Introduction

1. Effective disclosure is critical to a fair trial. It is also a significant factor in an efficient prosecution. By ensuring that all relevant evidence is shared in a timely and transparent manner, disclosure enables both the prosecution and defence to prepare their cases effectively, reducing the likelihood of delays, adjournments or last-minute surprises at trial and provides decision-makers with clarity on the facts and circumstances of the case. This is essential to fair outcomes as well as supporting effective judicial case management, allowing courts to allocate resources more efficiently and avoid unnecessary hearings. Ultimately, robust disclosure practices strengthen the quality of justice, and trust in the system while streamlining legal processes.

2. Securing a fair and effective disclosure regime that operates well in practice remains one of the most challenging aspects of the criminal justice system. It has troubled the courts, policy makers, reviewers and the agencies involved since the regime's introduction in its modern form in the early 1970s. At that time the disclosure obligation was very different. The prosecution had to comply with the then Attorney General's Guidelines and disclose the names and addresses of witnesses interviewed but not used as part of the evidence.[427] Thankfully, the process has become more rigorous in promoting a fair trial, but despite the decades of reform efforts, the operation of disclosure continues to be plagued by inconsistency and inefficiency. Practitioners would say that the magistrates' court approach to disclosure is now worse than it was a decade ago when simple and effective solutions were proposed to improve a widespread problem; I cover this in further detail in Chapter 7 (Preparing for First Hearing and Ongoing Case Management). In today's digital age the volume and complexity of evidence has magnified these challenges, underscoring the urgent need for transformation of both procedures and professional attitudes. The advent of increasingly sophisticated

427 There was an exception for those who had been identified as alibi witnesses: no disclosure was necessary of statements that they had made to the police. See generally: Jonathan Fisher KC, Disclosure in the Digital Age: Independent Review of Disclosure and Fraud Offences (UK Government, March 2025).

technology creates a significant opportunity to address core issues and drive reform throughout the system, from the police station to the courtroom.

3. Inadequate disclosure presents two significant challenges. First, although relatively rare, it carries the risk of a miscarriage of justice. More commonly, poor disclosure results in wasted time, late guilty pleas, multiple preliminary hearings and an unacceptable number of ineffective trials. These issues are compounded by the practical difficulties of achieving proper disclosure in an environment where the range of material sources and sheer volume make the task monumental. Despite numerous reviews and working groups aimed at streamlining both the scope and processes of disclosure, none have delivered outstanding success.

4. What has become clear to me from the extensive engagement with the police, the CPS, judges and members of the defence community, is that there needs to be a shift in culture to compliance on all matters related to disclosure. The challenges include securing understanding of the statutory duties and the significance of those in terms of fair trial and efficiency. There is also the need to consider sanctions for non-compliance; and that applies to prosecution failures including in relation to Initial Details of the Prosecution Case (IDPC) as well as defence failures to serve defence statements.

5. This chapter examines the evolving landscape of disclosure within the criminal justice system, particularly in the context of digital evidence and modern procedural challenges. It begins with a review of recent commentary and reforms, including Jonathan Fisher KC's report, 'Disclosure in the Digital Age' (subsequently referred to as 'The Fisher Review'). The discussion then turns to the legal and procedural framework underpinning disclosure duties and fair trial safeguards. Subsequent sections explore key issues affecting efficiency and case progression, including managing voluminous digital material, handling unused evidence and the implications of the 'rebuttable presumption' burden. Practical considerations including scheduling, initial prosecution case details and the complex and unwieldy system in which practitioners, across the sectors, are not well trained in the practical delivery of disclosure practices. I also focus on disclosure in the context of RASSO cases to illustrate the complexities of intensive disclosure regimes.

6. My remit, however, is not to conduct a review of disclosure itself, but rather to examine efficiency across the criminal justice system more broadly. In that context, it is clear that disclosure plays a significant role in how cases progress within the courts. Although I am keenly aware of the need to promote fairness by disclosure, my focus here is on where disclosure reform might impact on the measures of efficiency without diminishing the fair trial protections it secures.

7. Whilst I acknowledge the lack of data on the effectiveness of disclosure and its impact on efficiency; I must emphasise that my conclusions are not reached lightly. They are informed by extensive engagement with HMPPS, the Bar Council, the Criminal Bar Association, the Law Society and the NPCC, as well as the Criminal Justice Board, the CJAG and the CCIG. I outline the extent of this engagement in the Executive Summary. Equally, I have real confidence that these recommendations can help shift the culture within which the system is currently operating. Cultural change cannot happen overnight; it requires sustained, thoughtful action. The considerations I have set out – alongside those of my predecessors – are essential to driving meaningful and effective change.

Background

8. Disclosure is the legal obligation to share relevant documents during litigation. In the criminal context the source of those obligations lies in the Criminal Procedures and Investigations Act (CPIA) 1996 supplemented by Part 15 of the Criminal Procedure Rules (CrimPR). Together these outline the duties of the prosecution and defence regarding the sharing of material.[428] This includes the obligation on the prosecution not only to disclose evidence on which it relies to prove guilt, but also any material that might reasonably be considered capable of undermining the prosecution's case or assisting the defence. The rules are further clarified by the Attorney General's Guidelines on Disclosure (AGGD), which were most recently updated in 2024.[429]

428 Criminal Procedure and Investigations Act 1996; Part 15 of the Criminal Procedure Rules 2025.

429 Attorney General's Guidelines on Disclosure (Attorney General's Office, February 2024).

9. No one questions the centrality of effective disclosure to a fair trial. In *R v H and C* Lord Bingham stated: 'Fairness ordinarily requires that any material held by the prosecution which weakens its case or strengthens that of the defendant, if not relied on as part of its formal case against the defendant, should be disclosed to the defence. Bitter experience has shown that miscarriages of justice may occur where such material is withheld from disclosure. The golden rule is that full disclosure of such material should be made.' [430]

10. When disclosure is timely and performed properly, it underpins fairness. It also reduces delays, prevents unnecessary litigation and promotes early resolution of cases, thereby conserving judicial resources and enhancing public confidence in the system. Conversely, failures in disclosure by both the prosecution and defence can lead to collapsed trials, appeals, retrials and wrongful convictions, all of which strain the system and erode trust. Thus, robust disclosure practices are not merely ethical imperatives but operational necessities for a just and efficient criminal justice process.

11. The significance of disclosure is too frequently highlighted by striking miscarriages of justice. A decisive shift occurred following *R v Ward*.[431] Judith Ward was convicted in 1974 of multiple terrorist murders, including the M62 coach bombing, which killed 12 soldiers and members of their families, as well as IRA bombings at Euston Station and the National Defence College. Although she confessed to the offences, her admissions were unreliable, partly due to inconsistent accounts linked to a personality disorder and the prosecution's selective reliance on her statements. Subsequent scrutiny also undermined the credibility of the forensic evidence, much of which had been withheld from the defence. The case revealed serious prosecutorial failures in disclosure, amounting to wilful negligence.[432] In 1992, the Court of Appeal quashed Ward's conviction, but only after she had served 18 years in prison – one of the most serious miscarriages of justice in modern times.

430 *R v H and C* [2004] UKHL 3 at 7.

431 *R v Ward* [1993] 1 WLR 619.

432 Disclosure in the Digital Age: Independent Review of Disclosure and Fraud Offences (2025), para. 58.

12. The fallout from *R v Ward* not only reshaped disclosure obligations but also exposed the systemic inefficiencies that arise when timely and transparent processes are neglected. The case demonstrated how delayed or selective disclosure can lead to prolonged wrongful imprisonment, wasted public resources and weakened public trust. In response, the justice system began a welcome shift towards more expansive prosecution disclosure practices, but this also introduced new operational burdens. The challenge now lies in striking a balance ensuring that disclosure is both comprehensive and timely, without overwhelming investigators or delaying proceedings. Efficiency in this context means embedding clear procedural safeguards, supported by adequate training and a digital infrastructure, to ensure that relevant material is identified and shared early enough to support case file preparation for fair trial, while maintaining the pace of case progression.

13. In recent years, several high-profile cases have exposed further systemic weaknesses in disclosure practices within the criminal justice system. The wrongful convictions of the Cardiff Five, which was followed by prosecutions of officers *R v Mouncher* in 2011 at Swansea Crown Court which in turn collapsed after prosecutors failed to disclose over 227 boxes of unused material and even misplaced critical files during trial.[433] The case of Liam Allan (2017, at Croydon Crown Court) highlighted similar failings in sexual offence prosecutions as it revealed systemic problems in digital evidence handling and resource shortages, prompting a national review of disclosure in serious sexual offence cases (see below). A further example is Operation Linden which examined handling of reports by South Yorkshire Police of non-recent child sexual abuse and exploitation in Rotherham. The Operation found that significant intelligence about perpetrators was not properly recorded or shared, and disclosure failures contributed to systemic shortcomings. These issues led to prolonged inquiries and criticism of the force's compliance with statutory responsibilities.

14. The Post Office Horizon scandal (between 1999 and 2015) represents one of the most widespread miscarriages of justice in British legal history as it impacted more than 700 sub postmasters.[434] The Post Office repeatedly failed to disclose known software bugs and Fujitsu's

433 Richard Horwell QC, Mouncher Investigation Report (Home Office, July 2017).

434 Sir Wyn William, Post Office Horizon Inquiry: Volume 1 (Post Office Horizon IT Inquiry, July 2025).

ability to remotely alter branch information.[435] In *Hamilton v Post Office Limited*,[436] the Court of Appeal Criminal Division quashed 39 convictions (of the 42 appellants) on the basis that there had been an abuse of process.[437] The final example I outline in this short selection of the many miscarriages of justice, is the case of Andrew Malkinson which underscores the devastating human cost of disclosure failures.[438] He was convicted of rape in 2004 and wrongly imprisoned for 17 years: the Court of Appeal found that police had withheld photographs contradicting the victim's account and the criminal records of key witnesses, breaching his right to a fair trial. Collectively, these cases demonstrate how inadequate disclosure can perpetuate wrongful convictions, and undermine trust in the justice system, driving urgent calls for reform.

15. The challenges of disclosure are not all one way and care has to be taken to ensure that the duties of disclosure are not misused in an attempt to derail the prosecution. Operation Amazon (*R v Richards and others*) concerned arguments about primary disclosure in a case involving the seizure of computers containing seven terabytes of data.[439] The defence submitted that the prosecution had wholly failed to comply with its duty of primary disclosure over five years (after 2010 when the first defendants were charged) as a result of which, in 2015, the trial judge ultimately stayed the prosecution as an abuse of process. On appeal by the prosecution, the Court of Appeal (Criminal Division) observed that the judge had effectively been prepared to grant the defendants 'the keys to the warehouse' (i.e. access to all the files in the possession of the police) having been 'diverted from a clear analysis of what could truly undermine the prosecution case or assist the defence'. It concluded that the obligations of primary disclosure had been discharged by 2011 and, allowing the appeal, ordered the trial to continue. As a result of this case, the Attorney General's Guidelines were again amended to clarify the obligation on the defence to engage with the prosecution when prompted to do so.

435 *Bates -v- Post Office judgment* [2019] EWHC 3408 (QB).

436 [2021] EWCA Crim 577. See Dr S. Day et al., Accessing Injustice? Experiences of representation and the criminal justice system during the Post Office Scandal (The Post Office Project, November 2025).

437 [2021] EWCA Crim 577. *Hamilton -v- Post Office judgment*

438 *Malkinson -v- R* [2023] EWCA Crim 954.

439 *R v Richards & Ors* [2015] EWCA Crim 1941.

16. Whilst all these cases played a part in shaping the understanding of disclosure, it is the case of Liam Allan that has most impacted on the current challenges facing disclosure. It exposed critical failings in the process and served as a catalyst for reform within the CPS. Allan was charged with multiple counts of rape and sexual assault, and his trial collapsed after it was revealed that police had failed to disclose thousands of text messages from the complainant's phone that clearly undermined the prosecution's case and supported the defence. This material had been downloaded months earlier but was not reviewed or shared, highlighting systemic weaknesses in how digital evidence was handled and disclosure duties were understood.

17. The consequences of this case were immediate and far-reaching. The CPS, in collaboration with the Metropolitan Police, launched a joint review and subsequently introduced the National Disclosure Improvement Plan (NDIP) in 2018.[440] This plan aimed to address the structural and operational barriers to effective disclosure, with reforms including enhanced training for police and prosecutors, earlier engagement between investigative and legal teams, and improved procedures for managing digital evidence. The case also prompted a further update to the AGGD, reinforcing the principle that disclosure is a continuing duty and must be approached with rigour and transparency.

18. The case of Liam Allan also demonstrated the urgent need for cultural and procedural change. It exposed the lack of appreciation from some police officers of the fundamental importance of disclosing material that undermines the prosecution case and represented a clear failure to follow the well-articulated legal requirements. The consequent guideline extended disclosure requirements beyond that which the law then required. It nevertheless remains a key reference point in ongoing efforts to improve the efficiency, fairness and integrity of the criminal justice system. In terms of efficiency, the case highlighted how inadequate resourcing, outdated technological systems, and inconsistent disclosure protocols can lead to significant delays, wasted public funds and unnecessary emotional and reputational harm.

440 Government response to the Justice Select Committee's Eleventh Report of Session 2017–19: Disclosure of evidence in criminal cases (MoJ, December 2018).

Previous Reform

19. After the miscarriage of justice revealed in *R v Ward* (and many other similar cases), the Royal Commission on Criminal Justice[441] led to the introduction of a statutory disclosure regime under the CPIA) 1996 (in force 1 April 1997). There have since been many attempts to deal with the process of disclosure in a catalogue of reviews focused exclusively on the topic. These include:

    a. The Rt Hon. Lord Justice Gross, Review of Disclosure in Criminal Proceedings, (September 2011);

    b. The Rt Hon. Lord Justice Gross and The Rt Hon. Lord Justice Treacy, Further review of disclosure in criminal proceedings: sanctions for disclosure failure (November 2012);

    c. Resident Judge at Woolwich Crown Court, His Honour Judge Kinch QC and Senior District Judge and Chief Magistrate Howard Riddle, Disclosure in Criminal Cases in the Magistrates' Courts – Courts and Tribunals Judiciary (2014);

    d. Richard Horwell QC, Mouncher Investigation Report (HC 292, 2017);

    e. The HMCPSI and HMIC report, Making it fair - a joint inspection of the disclosure of unused material in volume Crown Court cases - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (2017);

    f. Metropolitan Police Service and CPS, A Joint Review of the Disclosure Process in the Case of R v Allan (2018);

    g. Justice Committee Report Disclosure of evidence in criminal cases inquiry – Committees – UK Parliament (July 2018);

    h. The Attorney General's Office, Review of the Efficiency and Effectiveness of Disclosure in the Criminal Justice System (2018);

    i. Brian Altman QC, Review of *R v Woods & Marshall* – Serious Fraud Office (2022);

    j. Jonathan Fisher KC, Disclosure in the Digital Age (CP 1285, 2025).

20. Throughout this chapter, I aim not to replicate the work done in previous reviews, but to reflect on concerns raised during my engagement and share my own observations on how the disclosure

441 Viscount Runciman of Doxford, Royal Commission on Criminal Justice (Cm. 2263, HMSO, 1993).

regime might be revised to support even greater efficiency whilst respecting the critical requirement of fairness. Commonly these reviews have led to revision of guidelines for individual agencies rather than making more radical recommendations. In some instances, these reactive reforms have served only to add complexity potentially adding confusion and inconsistency in practice. Efficiency in the criminal justice system depends not on the proliferation of rules, but on the rules that are necessary being clearly articulated, understood and consistently applied.

The Current Law and Procedure

Legal and Procedural Framework

21. The Fisher Review offers a comprehensive account of the evolution of the disclosure process in the context of the right to a fair trial and the principles underpinning disclosure. Given the detailed nature of its review of the history and development of disclosure as well as its current operation, I do not seek to duplicate its substantive content here. After I have summarised developments, I focus on the procedural framework that is central to enhancing operational efficiency within the system.

22. During the 1980s, the framework for sharing material and evidence differed significantly from today. At that time, 'unused material' was disclosed to the defence only if deemed relevant, while the prosecution retained discretion to withhold sensitive material. The miscarriage of justice in Judith Ward's case (and many other similar cases) prompted the Royal Commission on Criminal Justice[442] to recommend reforms, leading to the introduction of a statutory disclosure regime under the CPIA 1996, which came into force on 1 April 1997.

23. The CPIA 1996 provides the statutory foundation for how criminal investigations and procedures are conducted.[443] It outlines the responsibilities of police officers in recording, retaining and revealing material to the prosecutor. Section 23 of the Act provides for a Code of Practice, issued through secondary legislation, which applies to all criminal investigations.

442 Cm. 2263, HMSO, 1993.

443 Criminal Procedure and Investigations Act 1996 (section 23 (1)) Code of Practice (MoJ, November 2020).

24. Additional guidance is now provided through the CrimPR 2025 (Part 15) and the AGGD 2024. Together, these instruments support the practical application of the CPIA 1996 by setting out detailed procedural requirements and best practice principles for disclosure. Part 15 of the CrimPR translates the statutory duties under the CPIA into enforceable court procedures. The AGGD complement this by offering interpretative guidance and practical advice, particularly on complex issues such as managing large volumes of digital evidence, rebuttable presumption material and applying proportionality in disclosure decisions.

Disclosure Duties and Fair Trial Safeguards

25. The disclosure process involves not only the appropriate sharing of material between the police and the prosecution for the purposes of charging decisions and file building, but also fundamentally about what is shared with the defence. The process begins with the police recording all relevant material accurately and retaining it in its original form to preserve integrity. This material must then be shared with the prosecution, enabling prosecutors to make informed charging decisions. Once a charge is brought, the prosecution assumes responsibility for disclosure to the defence, ensuring that any material which might reasonably undermine the prosecution case or assist the defence (referred to as unused material) is provided in accordance with legal obligations. Each stage of recording, retaining, sharing, charging and disclosure, represents a critical safeguard in upholding justice and the right to a fair trial.

26. Sections 3 and 4 of the CPIA 1996 are central to this process:

    a. Section 3 imposes a duty on prosecutors to disclose to the defence any material that could reasonably be considered capable of undermining the prosecution's case or assisting the defence.

    b. Section 4 requires the police to provide a schedule of unused material to the prosecutor, which is then shared with the defence.

27. Timely initial disclosure, which is in line with the CPIA is critical for court efficiency. This is essential for enabling the defence to prepare effectively, as I discuss further in Chapter 7 (Preparing for First Hearing and Ongoing Case Management). This is particularly true after a not guilty plea in the magistrates' court or before the PTPH in the Crown Court. Currently, initial disclosure should occur as soon as practicable and, in any event, no later than the beginning of the day of the first hearing.

28. Section 6 of the CPIA 1996 addresses disclosure by the defendant. The Act envisages that a defendant will, having had prosecution disclosure and an opportunity to consider the prosecution case, provide a defence statement setting out the challenges to the prosecution case. If the defendant provides a defence statement to the prosecutor, they must also serve it on the court. This obligation only arises once the prosecutor has met their own disclosure duties, highlighting the importance of timely and accurate initial disclosure. The intention is clearly to ensure that the prosecution has an opportunity to avoid the defence ambushing the prosecution at trial by reliance on evidence or claims that the prosecution has had no opportunity to investigate.

29. Following this, under section 8 of the Act, the defendant may apply to the court for an order requiring the prosecutor to disclose material if there is reasonable cause to believe relevant material exists. This is an important safeguard that can cause the prosecution to review aspects of the evidence in a more focused manner following the defence prompts. The CrimPR 2025[444] set out the form and process for such applications.[445]

444 Criminal Procedure Rules (2025).

445 Ibid.

Complexity and the Process

30. The legal framework and the guidance to be applied in relation to unused material present a complex picture, driven by a range of interrelated factors, many of which stem from the compliance framework of the system itself. At its core, the regime is underpinned by multiple layers of procedural guidance. Aside from the CPIA 1996 as amended ('the CPIA'), these include:

    a. the Code of Practice issued under section 23 of the CPIA 1996 ('the Code of Practice');

    b. Part 15 of the Criminal Procedure Rules 2025, as from October 2025 ('the CrimPR');

    c. the Criminal Procedure and Investigations Act 1996 (Defence Disclosure Time Limits) Regulations 2011 issued under section 12 of the CPIA 1996 ('the Regulations');

    d. the Magistrates' Courts (Criminal Procedure and Investigations Act 1996) (Disclosure) Rules 1997/703;

    e. Attorney General's Guidance on Disclosure 2024 ('the AGGD'); Disclosure of information between family and criminal agencies and jurisdictions: 2024 protocol (1 March 2024); and other such guidance.

31. It is expected that both police and prosecutors not only understand these frameworks but also apply them consistently and accurately in practice. This expectation is ambitious given the volume, technicality and sometimes overlapping nature of the guidance which contributes towards the inefficiencies seen in the system today. These inefficiencies begin in the police station not least because of the increasing volume of evidence in cases (particularly in digital form). It is clear that these challenges faced by the police hinder timely case progression.

32. Recording, sifting and sharing the unused material remains a persistent and complex challenge within the disclosure process, with direct implications for the efficiency and effectiveness of the CPS.[446] Despite long-standing statutory obligations under the CPIA 1996, compliance with the handling and disclosure of unused material continues to fall short of expected standards.

446 Disclosure Manual: Chapter 1 – Introduction (CPS, July 2022).

33. This issue is not merely procedural, it affects the quality of charging decisions, the timeliness of case progression and the fairness of trials. The inspection conducted by HMCPSI in January 2020 provides a detailed snapshot of performance across hundreds of cases, revealing areas of improvement and enduring weaknesses that continue to undermine operational efficiency.

34. HMCPSI published a report on Disclosure of Unused Material in the Crown Court. The report confirmed persistently poor levels of compliance.[447] The report underscored the persistent challenges in managing unused material effectively, despite some signs of incremental improvement. The low rates of compliance in police provision of accurate unused material schedules and in CPS handling of disclosure obligations point to systemic weaknesses that continue to undermine the quality and timeliness of case preparation.[448] The fact that a substantial proportion of disclosable material was incorrectly categorised as non-disclosable is particularly concerning, as it raises questions about the robustness of decision-making and the risk of unfair trial outcomes. These issues are not isolated; they reflect broader inefficiencies in inter-agency coordination, training and procedural clarity.

'Rebuttable Presumption' Material

35. As noted, the police have responsibility for obtaining and securing the material which may form evidence in the case but also, just as importantly, what material might undermine the prosecution case or support the defence. The miscarriage of justice cases outlined above (and many more), the evidence received by the catalogue of independent reviews and the empirical data from inspections identify persistent risks that police are not applying those tests with appropriate rigour.

36. The difficulty experienced by the police, and the CPS, in dealing properly with disclosure (of unused material in particular) prompted the introduction of a 'rebuttable presumption' model within the AGGD, promulgated in 2018 following the review by the Attorney General (then Geoffrey Cox QC MP). This was intended to strengthen

447 Disclosure of Unused Material in the Crown Court: A follow-up of the January 2020 review of the Crown Prosecution Service's handling of the disclosure of unused material in the Crown Court (HMCPSI, December 2020).

448 Ibid.

the culture of disclosure and improve consistency across the criminal justice system. It directs investigators and prosecutors to presume that certain specified categories of material should be disclosed unless there is a compelling reason not to do so. This includes all Criminal Record Interactive Search (CRIS) reports, witness statements, CCTV footage and full digital downloads from devices. For example, if a 999 call is involved in the case, the police should presume that to be disclosable without needing to apply their minds to the tests in section 3 of the CPIA 1996. While well-intentioned, I have heard from police and prosecutors through my engagement in the course of the Review, that the application of rebuttable presumption may not be of significant practical value and may complicate, rather than clarify, the disclosure process and thus the complexities of trial preparation.

37. Stepping back from the detail, the questions seem to me to be: a) whether the mischief of non-compliance with disclosure obligations is better targeted by the application of the rebuttable presumption rather than the pure statutory test in section 3, and b) if it the rebuttable presumption does offer that advantage, whether the burdens of inefficiency generated by the rebuttable presumption are worth it.

The value of rebuttable presumption

38. Dealing with the first of those questions, it can be argued that the CPIA 1996 already provides a clear and structured statutory basis for disclosure. It requires investigators to identify material that could reasonably either undermine the prosecution case or assist the defence, and to pursue 'reasonable lines of inquiry'. This framework is principled and flexible, allowing for case-specific analysis rather than a rigid checklist approach. If followed correctly, the CPIA should be sufficient to guide disclosure decisions without the need for additional presumptions based on rigid categories of types of evidence.

39. The CPIA was designed to do two things: ensure that material which undermines the prosecution or assists the defence is always disclosed (subject to protections of public interest immunity), and guide investigators in pursuing reasonable lines of inquiry. These principles remain sound; the question is whether the rebuttable presumption enhances or complicates their application. There are

risks in shifting focus away from the statutory test and toward a more mechanical, form-driven process that may not reflect the nuances of individual cases.

40. On the other hand, one consultee spoke of the benefits brought by the rebuttable presumption regime, for example that relevant items are now more likely to feature on Manual of Guidance form 6C (MG6C) schedules.[449] Be that as it may, I have not seen evidence that it is the rebuttable presumption regime that has led to an improvement in disclosure compliance (rather than a greater adherence to the requirements of disclosure which the CPIA always required). It is against that rather limited evidence of the value of the rebuttable presumption that I turn to consider the proportionality of the burden it has introduced.

The burdens of the rebuttable presumption

41. Turning to the second question relating to the proportionality of the burdens arising from the introduction of the 2018 reforms, it is clear that they introduced a significant shift. While this was intended to promote transparency and consistency, the changes also introduced new burdens. The categories of material specified to be presumptively disclosable are routinely generated in an investigation and often voluminous, making their identification, review and scheduling resource-intensive, particularly in complex or multi-defendant cases.

Scheduling

42. The statutory requirement to schedule unused material (section 4) is not displaced by the rebuttable presumption regime identified in the AGGD. That duty to schedule all the material subject to the rebuttable presumption places a considerable burden on police forces. Outside limited exceptions, such as summary only offences or anticipated guilty pleas, this obligation applies broadly.

43. The obligation to follow the guidance relating to rebuttable presumption places a greater burden on police forces to schedule material accurately and comprehensively. This task is resource-intensive and, if not performed diligently, can lead to

449 MG6-related forms are confidential between the authority and the prosecutor and will not come into the possession of the defence but the content will become known through communication between the parties. MG6C and MG6D represent the disclosure schedules, being non-sensitive and sensitive respectively.

significant procedural issues. It can lead to late or incomplete disclosure, procedural delays and even trial adjournments. Inadequate scheduling increases the risk of late defence disclosure, which in turn can disrupt trial preparation and result in adjournments. These consequences not only affect case progression and undermine the efficiency of the justice process, thereby affecting the fairness of proceedings for all parties involved. Moreover, the burden of the scheduling process is often compounded by the volume and complexity of digital evidence, which requires careful review, categorisation and documentation.

The volume of material

44. The challenge of effective disclosure is further compounded by the sheer volume and complexity of case material generated during modern criminal investigations, far exceeding what was envisaged when the current legal framework was first established. Investigators now routinely handle vast quantities of digital evidence, including mobile phone data, social media content, cloud-based documents and CCTV footage. Despite the best efforts of the courts in seeking to interpret the legislation to deal with these societal changes associated with digital and online information, this material is often gathered over extended periods and across multiple platforms, making it increasingly difficult to identify, review and disclose relevant information in a timely manner.

45. The variety and scale of this data not only places immense pressure on the police and prosecutors but also strain the procedural mechanisms designed to support fair and efficient disclosure. Managing this volume of material presents a series of operational challenges.

46. In many cases, the volume of data has led to prolonged investigations and delayed charging decisions, undermining both the rights of defendants and the interests of victims. At the same time, defence teams face significant challenges in ensuring they obtain appropriate disclosure and have the resources to review it effectively in time for trial. Without proportionate approaches and adequate tools to avoid trawling through terabytes of data at enormous cost with minimal evidential value, the risk of inefficiency and injustice persists. Addressing these pressures for both the prosecution and defence is essential to safeguard fairness and prevent miscarriages of justice.

47. Not that long ago a simple street theft might have only the evidence of the complainant and perhaps a witness, in written form taken by a police officer. Now the same crime could potentially have large volumes of digital evidence: mobile phone and cell-site evidence; body worn video footage; smart doorbells, camera recordings and CCTV from neighbouring properties or dash cameras of passing vehicles; the defendant's phone evidence etc. This is true across almost all offences and is a significant problem in cases of complex crime.

48. Today, the 256 gigabytes storage of a typical smartphone, if printed, would represent around 50 million sheets of paper. If stacked, that would be approximately 3.1 miles in height (slightly taller than Mont Blanc). This is without considering the cloud storage that may contain terabytes of data, and many people also own multiple devices, which can multiply the volume of evidence in cases. While such material can provide important insights into a defendant's movements and intentions, the time and complexity involved in examining this data is immense. This is particularly acute for fraud trials. Between 2010 and 2017, the average size of Serious Fraud Office (SFO) cases grew from around two million documents (350 gigabytes of data) to six million documents (850 gigabytes), with the largest live case on the SFO system as of January 2025 having around 48 million documents (6.5 terabytes).[450]

49. A significant burden within the disclosure regime falls on the police, who are often tasked with identifying and reviewing vast quantities of material – it may be relevant,[451] unused[452] or sensitive.[453]

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450 Written Evidence to Home Affairs Select Committee (SFO, October 2023). With thanks also to the SFO for its submission to this Review in The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025).

451 Relevant material is defined as: 'Material that has some bearing on any offence under investigation or any person being investigated, or on the surrounding circumstances of the case, unless it is incapable of having any impact on the case.' This includes material that may assist the defence or undermine the prosecution case. Attorney General's Guidelines on Disclosure February (2024).

452 Unused material refers to: 'Material that is collected during the investigation but is not relied upon by the prosecution as part of its case.' This includes items not served as evidence but which must be reviewed for potential disclosure. The CPS Disclosure Manual outlines how unused material should be scheduled and assessed for relevance and sensitivity. Disclosure Manual (CPS, July 2022).

453 Defined in both the CPIA Code of Practice and the CPS Disclosure Manual, sensitive material is:

> 'Relevant unused material which, if disclosed, would give rise to a real risk of serious prejudice to an important public interest.'

This responsibility is increasingly shouldered by less experienced officers as discussed in Chapter 4 (The Police and the Prosecution: Getting It Right First Time), many of whom are still navigating the complexities of the disclosure process. The challenge is particularly acute in large-scale investigations, where digital evidence and documentation can span thousands of files. Identifying what is relevant, unused, or sensitive within this material is far from straightforward and requires not only legal understanding but also sound judgement and procedural confidence. It also requires meticulous record keeping and data handling to ensure the disclosure to the defence and court is comprehensive and accurate.

50. In theory, DG6 (see Chapter 4 (The Police and the Prosecution: Getting It Right First Time)) should help mitigate these risks by requiring police to identify and schedule all relevant unused material early in the process, ensuring that disclosure obligations are met in line with legal standards. At a practical level, that is not the case as I have already explored in Chapter 4 (The Police and the Prosecution: Getting It Right First Time). Disclosure failures have persisted for over four decades. This suggests that the underlying systemic issues such as inconsistent practices, lack of training, or cultural resistance have not been fully addressed by the introduction of DG6. There have been a number of reviews of rape and sexual offences that have indicated the extensive work and recommendations in relation to disclosure. Whilst improvements have been made in some respects, the pace of change has been too slow, and the scale of the problems remain.[454]

51. The burden is further compounded by the potential for speculative or unfocused defence requests, which can frustrate pre-trial efforts and divert attention from material genuinely relevant to the case. I heard of one case where on the second day of the trial, the prosecutor received a skeleton argument from the defence at 1am, seeking to exclude all scientific evidence, without any advance notice. While the defence has a legitimate right to challenge and seek disclosure, the lack of clear boundaries or filtering mechanisms can lead to inefficiencies and unnecessary workload for both the police and the prosecutor.

454 Rape and serious sexual offence prosecutions: Assessment of disclosure of unused material ahead of trial (CPS, June 2018); The decriminalisation of rape: Why the justice system is failing rape survivors and what needs to change (Centre for Women's Justice, End Violence Against Women, Imkaan and Rape Crisis, November 2020); A joint thematic inspection of the police and Crown Prosecution Service's response to rape (HMICFRS, July 2021).

Workforce Training

52. There is broad recognition across the criminal justice system that both the police and to a lesser extent, the CPS could benefit from more effective and targeted training in relation to disclosure. This is not a new observation; numerous reports and reviews over recent years (as outlined under 'Previous Reform' above) have consistently highlighted the need for improvements in both training and organisational mechanisms to support quality assurance in disclosure practices.

53. These developments led to the creation of the National Disclosure Improvement Plan, which set out specific targets for both the police and the CPS. Progress against these targets has been actively monitored (see NPCC, College of Policing and CPS *National Disclosure Improvement Plan: Progress Update* (2018)).[455] More recently, further work has been undertaken by policing bodies and the Home Office, including joint inspections and thematic reviews, to assess the effectiveness of disclosure practices and identify areas for continued improvement.[456]

54. Despite these efforts, concerns persist. As highlighted in the Fisher Review,[457] the risk of non-compliance continues because of a fundamental lack of understanding of the nature of the core disclosure obligation under section 3 of the CPIA 1996.

55. These findings suggest that while structural reforms and monitoring mechanisms are in place, the underlying issue may be conceptual rather than procedural. In my view, rather than attempt to sidestep the issue of a proper understanding of the CPIA by the introduction of the rebuttable presumption regime, the focus should be on effective training to ensure compliance with the statutory framework. Training must therefore go beyond compliance checklists and instead focus on building a deeper understanding of the purpose and principles of disclosure particularly its role in ensuring fairness and transparency

455 National Disclosure Improvement Plan (CPS, NPCC and College of Policing, January 2018).

456 Disclosure of unused material in the Crown Court (HMCPSI, January 2020).

457 Disclosure in the Digital Age: Independent Review of Disclosure and Fraud Offences (2025), para. 19.

in criminal proceedings. Without this foundational knowledge, even well-intentioned officers or police staff may struggle to apply the CPIA correctly, especially in complex or high-volume cases.

56. There have been repeated suggestions throughout my engagement that there is a failure amongst some police officers to appreciate fully the importance of disclosure in ensuring a fair trial. This view is predicated on the assumption that, historically, the police focus was directed at the need to investigate a crime and build a case against a suspect. There have been efforts to shift that focus to a more open-ended one of investigating the crime which includes lines of enquiry that point away from the suspect as well as those that incriminate them. The statutory Code accompanying the CPIA makes clear that there is an obligation to pursue reasonable lines of enquiry. This is defined: 'A reasonable line of inquiry' is that which points either towards or away from the suspect. What is reasonable will depend on the circumstances of the case and consideration should be had of the prospect of obtaining relevant material (reasonable lines of enquiry need to be limited to checking only that in the police/CPS possession), and the perceived relevance of that material.[458]

Increasing pressures on the system

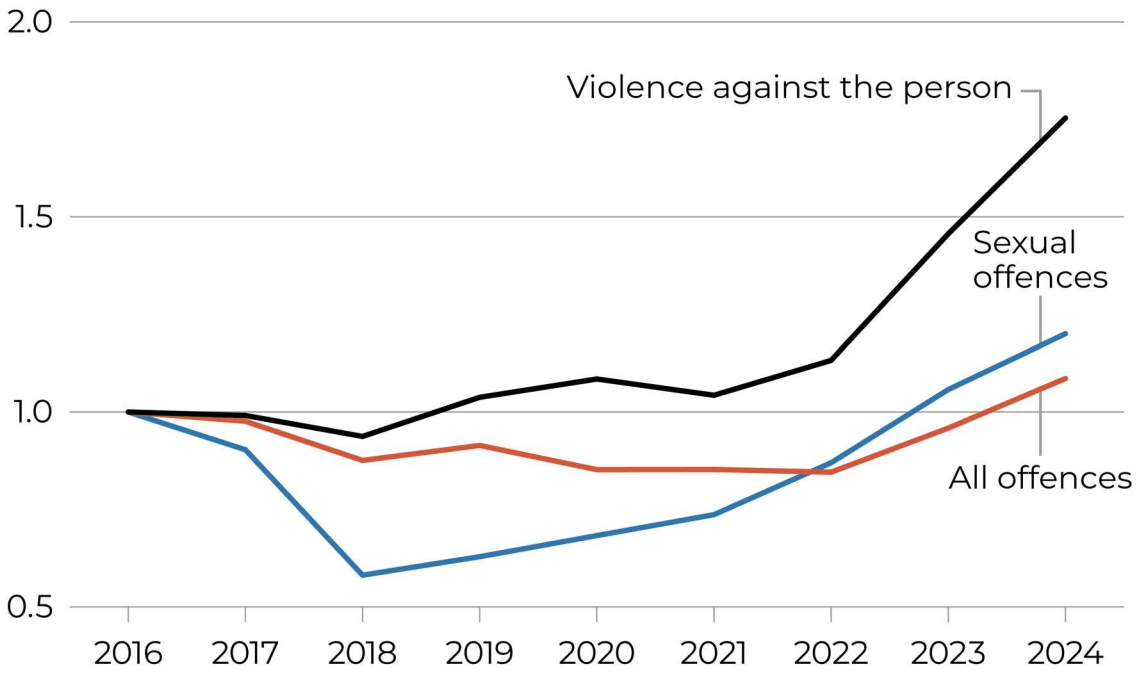
57. Offences against the person and sexual offences give rise to particular issues in relation to disclosure and it is undoubtedly the case that there is a growing proportion of these offences. This is particularly so over the last nine years in relation to violence against the person. To illustrate, Figure 5.1 below compares Crown Court receipts each year to the baseline in 2016 and shows, for example, that in 2024, the number of receipts for sexual offences was 20% higher than in 2016 and, for violence against the person, 75% higher. These cases are often complex, sensitive and evidence-heavy, requiring meticulous investigation and robust disclosure practices. As the volume of such cases rises, so too does the demand on police, prosecutors, defence and courts to manage the disclosure obligations efficiently.

458 Attorney General's Guidelines on Disclosure February (2024).

Figure 5.1

Relative number of receipts received by the Crown Court compared to 2016 by offence group

England and Wales, 2016 to 2024



Base year: 2016 = 1.00

Source: Criminal court statistics quarterly, July to September 2025

58. One feature of cases involving allegations of sexual and violence against the person is that they may well include third-party material such as medical or school records which often carry sensitivities and require careful legal handling. These add to the complexity and burden in disclosure terms. Numerous reviews of RASSO cases have indicated the need for extensive work to improve disclosure. Whilst improvements have been made in some respects, the pace of change has been too slow, and the scale of the problems remain.[459]

59. One of the most pressing concerns is the volume and intrusiveness of digital evidence requests, particularly those involving complainants' personal data. Victims frequently report feeling as though they are the ones under investigation, with extensive demands for access to

459 Rape and serious sexual offence prosecutions: Assessment of disclosure of unused material ahead of trial (CPS, June 2018); The decriminalisation of rape: Why the justice system is failing rape survivors and what needs to change (2020); A joint thematic inspection of the police and Crown Prosecution Service's response to rape (2021).

their phones, messages and private communications.[460] This not only risks retraumatising individuals but also contributes to delays in case progression, as digital evidence review is often slow and resource intensive. The balance between protecting privacy and ensuring a fair trial is delicate, and current disclosure practices in RASSO cases have struggled to maintain that equilibrium. [461]

60. The courts have been alive to these problems and have sought to take a lead in this area. Given the significance of this issue to RASSO cases generally, and recognising that the law has since moved on, it is worth setting out four principles identified by the Court of Appeal in *R v Bater-James and Mohammed* (2020) which concerned various allegations of RASSO and offences against the person.[462] Dealing with the extraction and use of digital material, the court decided:

    a. Before seeking to access a complainant's mobile telephone or other device, there must be a properly identifiable foundation for a reasonable line of inquiry, not mere conjecture or speculation and consideration should be given to whether there are ways of accessing information that do not involve looking at or taking possession of the device.

    b. Any review should adopt an incremental approach. First, to consider the nature and detail of any review that is required, the particular areas that need to be looked at and whether this can happen without recourse to the complainant's mobile telephone or other device. Second, if that is not possible, is it sufficient simply to view limited areas (e.g. an identified string of messages/emails or particular postings on social media) perhaps by screenshot. Third, if a more extensive enquiry is necessary, the contents of the device should be downloaded with the minimum inconvenience to the complainant and, if possible, it should be returned without any unnecessary delay. If the material is voluminous, consideration should be given to appropriately focused enquiries using search terms with appropriate redactions to avoid revealing irrelevant personal information.

460 This has often been referred to colloquially as a digital strip search.

461 Extraction of information from electronic devices: code of practice (Home Office, March 2023), Annex B.

462 *R v Bater-James & Anor* [2020] EWCA Crim 790.

c. The complainant should be reassured: a) that the prosecution will keep him or her informed as to any decisions that are made as to disclosure, including how long the investigators will keep the device; what it is planned to be 'extracted' from it by copying; and what thereafter is to be 'examined', potentially leading to disclosure; b) that in any event, any content within the mobile telephone or other device will only be copied or inspected if there is no other appropriate method of discharging the prosecution's disclosure obligations; and c) material will only be provided to the defence if it meets the strict test for disclosure and it will be served in a suitably redacted form to ensure that personal details or other irrelevant information are not unnecessarily revealed (e.g. photographs, addresses or full telephone numbers).

d. If the complainant refuses to permit access to a potentially relevant device or deletes relevant material, the reasons should be considered and the witness furnished with an explanation and appropriate reassurance as to the procedure that will be followed if the device is made available.[463]

61. The issues raised in *Bater-James* extend beyond digital devices to wider questions about victim third-party material, including medical, counselling and social care records, which have similarly been subject to inconsistent and often intrusive requests across the system. Since the courts took the lead on this, legislation has been enacted in the Police, Crime, Sentencing and Courts Act 2022, with an accompanying Code of Practice which governs policing requests for victim third party material and the victim's own phone.[464] This introduces a presumption rebuttal, as well as a higher threshold of substantive probative value for counselling record requests.

62. I am also aware of the Law Commission's recent recommendations for an even stricter model with greater judicial oversight of access to and disclosure of such records although I understand that this proposal is not being taken forward by the government.[465]

463 Ibid, paras 77, 88, 92 and 99.

464 The Police, Crime, Sentencing and Courts Act 2022 (Commencement No. 3) Regulations 2022, reg 5; Extraction of Information from electronic devices: code of practice (Home Office, October 2022).

465 Evidence in sexual offence prosecutions: a final report (The Law Commission, July 2025), p. 243.

63. I have set the principles out at length on the basis that victim attrition may be linked to disclosure because the disclosure process often extends case timelines and affects victims' confidence in the justice system. Sexual offence cases in the Crown Court continue to have the longest average hearing times across all offence types, reaching 8.5 hours in 2024.[466] This is nearly triple the average of 3.3 hours across all offences in the Crown Court.[467] The number of suspects charged with sexual offences rose by 76.5% between the financial years 2019/20 and 2024/25.[468]

Challenges in Court

64. There are clear efficiency impacts where disclosure failings arise. In 2024, 793 ineffective trials in the magistrates' court were due to the defence not being ready because of disclosure issues.[469] This represented around 4% of all ineffective trials in the magistrates' court. In the Crown Court, 253 ineffective trials were caused by the defence not being ready for the same reason (around 3% of all ineffective Crown Court trials), while 83 resulted from the prosecution failing to disclose unused evidence (around 1% of all ineffective Crown Court trials). I understand that the readiness of the defence as a result of disclosure issues is in part because of previous failings by the prosecution, or other factors completely outside their immediate control. These figures relate to trials, not preliminary hearings (e.g. PTPH), where hearing time can also be wasted due to disclosure issues, though this data is not available. Police hours, too, can be wasted on disclosing material related to offences where no further action is taken.

Compliance with the Process

65. One of the recurring operational challenges identified during engagement is the delays caused in receiving the IDPC, particularly in busy magistrates' courts. This may in part be caused by the significant pressure the prosecution often faces in attempting to extract key information too quickly from lengthy and sometimes

466 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

467 These figures refer to the total duration of all hearings for closed cases and include guilty and not guilty pleas. For further information, see A Guide to Criminal court statistics (MoJ, September 2025).

468 Source: CPS Unpublished Management Information.

469 Source: Criminal court statistics quarterly (2025).

poorly structured case files. This can hinder timely decision-making, affect case management and contribute to delays in early hearings. I acknowledge also the need for effective disclosure compliance to maintain public trust in the system.[470]

66. The IDPC must be sufficiently detailed to demonstrate that there is an evidential basis for the charge; it cannot be based on assertion. This enables defence lawyers to assess the strength of the case and then properly to advise their clients on the desirability of entering a guilty plea. It also permits the court to manage the case effectively. Without this clarity, early engagement and efficient case progression are compromised.

67. The challenges do not end with the IDPC compliance. Other impediments to efficiency in the magistrates' court include: late service of the statements and exhibits that support the case itself; the initial disclosure (letter and schedule) are sometimes provided as late as the day of trial or shortly before in breach of all case management directions; the inability of the defence to contact the prosecution lawyers in the magistrates' court to resolve issues. All of these mean that active case management for the defence is hindered substantially. I return to this below and in Chapter 7 (Preparing for First Hearing and Ongoing Case Management), but there is no sanction available for such failings.

68. Similarly, in the Crown Court under the CPIA 1996, the defence is required to submit a Defence Case Statement and failures to do so continue to affect case management and trial efficiency. I have heard that this is often because of disclosure failings by the prosecution but I am not in a position to reach a judgement about that. I recognise, however, that there is an important balance to maintain: the defendant has a fundamental right to be presumed innocent and to put the prosecution to proof of their guilt and the creation of any burden of participation must be seen against that principle and in that light. On the other hand, I do not consider that it impinges on that presumption to require the defence to participate and to identify what facts are or are not in issue in order to ensure the most effective and efficient use of court time.

470 T.R. Tyler, '**Procedural Justice and the Courts**' (2007) 44(1/2) Court Rev: J American Judges Assoc 26.

The Impacts of Technology – 'Disclosure in the Digital Age'

69. One topic that has been central to the sequence of recent reviews on disclosure starting with the reports by Lord Justice Treacy (2011), Lord Justice Gross (2017), the decision in *R v Richards*[471] and culminating in the most recent Fisher Review, is the focus on disclosure and its intersection with technology. The effectiveness of technology particularly in managing the challenges posed by vast volumes of digital material has far-reaching implications for system-wide efficiency, fairness and public confidence.

70. Although the Fisher Review's Terms of Reference were broad and included the possibility of recommending legislative reform, the report was shaped by a number of practical constraints. It should be understood within its wider context as part of a broader initiative to evaluate the effectiveness of the criminal justice system in responding to fraud. A notable feature of the review was its emphasis on the potential role of artificial intelligence and other digital technologies in addressing disclosure challenges, particularly in complex fraud cases. Before turning to the findings and conclusions, it is also worth noting that the Fisher Review adopted what might be described as a bottom-up approach to the investigation and reform of the regime, described as a 'practical grassroots strategy', which drew heavily on insights gathered through engagement due to lack of available data. The unavailability of such data remains a limitation of this Review as well; however, I also want to take a top-down approach, reviewing disclosure at a more structural level.

71. Such an approach maximises the opportunity for a more ambitious and structural reassessment of the disclosure regime, including whether its foundational principles remain fit for purpose in the digital age.

72. I also want to focus on the needs of the judiciary. Judges play a pivotal role in managing disclosure, particularly in complex fraud cases where digital evidence is voluminous and often contested. A more judiciary-focused approach should be considered for procedural tools and judicial training. The case management powers could be enhanced to support fair and efficient disclosure. This could also

471 See para. 12 above.

explore whether current judicial guidance is sufficiently robust to navigate the challenges posed by AI-assisted investigations and digital evidence handling.

73. Finally, like the Fisher Review, I too am keen to maximise the uses of AI/digital tools to solve the specific functional problems identified. I am however committed to ensuring that the underlying structure of the process is sound and that those applying it understand its significance before turning to identify ways in which AI/digital tools could assist. AI and digital solutions are useful to improve efficiency in process, but only where the process itself is already clear and understood.

74. While a wider set of AI principles is outlined in the Introduction, I am keen to reiterate the following principles in particular, given their central importance to the safe, fair and effective use of AI within the justice system. The use of AI must remain proportionate: AI systems must never make decisions where essential human oversight is required to ensure justice is administered fairly and judicial independence is upheld. It must be transparent, with clear and publicly accessible information about how and where AI systems are used across the courts and tribunals, while safeguarding legitimate security and intellectual property considerations. It must be accountable, with properly governed processes and clearly defined lines of responsibility to guarantee effective human oversight throughout the lifecycle of deployment of any AI system. Finally, it must be contestable, ensuring that the use of AI is open to challenge through proportionate and accessible mechanisms that enable individuals to question, review and, where necessary, contest the outputs of an AI system.

75. In summary, it needs more than technology to 'shift the dial'; it is also necessary to rationalise and render efficient the disclosure regime. I am happy to endorse many of the incremental improvements suggested by Fisher but go beyond these in some instances. This includes not only removing the rebuttable presumption but also, in doing so, seeking to address the deeper structural and cultural issues embedded within the current disclosure regime.

Recommendations

Disclosure Ownership

76. Understandably, disclosure is a complex area that involves actors and agencies across the criminal justice system: the Attorney General's Office, the Home Office, the police, the CPS and the courts. As a result, establishing clear accountability has long been challenging. Greater clarity of responsibility and stronger accountability across all aspects of disclosure operations is essential. Although the guidelines are issued by the Attorney General, their practical implementation relies on operational agencies whose performance is assessed separately. To strengthen system-wide accountability, the Attorney General should take clear ownership of its guidelines, with the police, CPS and courts responsible for delivering against them.

77. Given the complexity of the disclosure regime's operation and the interdependencies between agencies, I believe that it should become a key theme considered by the Performance Oversight Board (my recommended unified sub-group of the Criminal Justice Action Group, as outlined in Chapter 3 (One Criminal Justice System)). This should provide a direct line of reporting to the AG and should provide the necessary oversight and coherence on disclosure both to support the government's vision and at operational levels within regions.

78. Equally, consideration can be given to having an independent disclosure officer to support its management although I am not persuaded that this is a practical solution. The disclosure officer would have to have a full understanding of the investigation in every case in which they were involved. It is far more straightforward to ensure that investigating officers are properly trained and comply rigorously with their statutory obligations.

Reforming Rebuttable Presumption

79. There are considerable difficulties experienced by police and CPS in dealing properly with disclosure (of unused material in particular) under the 'rebuttable presumption' model. That has been made clear to me throughout the Review. As I have explained, the approach to disclosing categories of 'rebuttable presumption' material was introduced in response to high-profile disclosure failures, most notably the case of Liam Allan (2017), which exposed serious operational shortcomings. With the benefit of hindsight, it is more than arguable

that this case did not require such a significant change in guidance, but rather better adherence to existing rules. The failure was not structural, but procedural. This distinction is important: the integrity of the disclosure regime depends on proper application of the CPIA, not on the continual layering of supplementary guidance.

80. Having considered carefully the concerns raised throughout this Review I am led to recommend removing this aspect of the AGGD.[472] This is not a conclusion I reach lightly, and I appreciate the apprehension about making such a significant change to a complex process and I return to this below. However, change is justified. The risks of unfairness from failure remain as serious as ever; indeed, they are arguably greater now, given the sheer volume of digital material. In my view, the CPIA framework is sufficient; what is needed is its correct and consistent application.

81. As I have already noted, one of the problems generated by the rebuttable presumption regime is the disproportionate burden placed on police and CPS because of the breadth of the categories of evidence rebuttably presumed to be disclosable. A second is the necessary corollary of redaction of all such material which I examined in Chapter 4 (The Police and the Prosecution: Getting It Right First Time). A further, albeit less significant, problem is that the AGGD added to the proliferation of guidance which has to be considered by those applying the CPIA. In short, there are currently too many pieces of guidance, fragmented across different codes, protocols etc. which I explain above.

82. In light of these concerns, I have concluded that the simple step of a complete removal of the rebuttable presumption could be of maximum overall benefit to criminal justice partners and the system as a whole. However, from my discussion with the Attorney General's Office, I understand that a working group led by the NPCC, Attorney General's Office and Home Office is currently reviewing the AGGD, with a focus on refining the practical application of the rebuttable presumption. I understand that there are also a number of ongoing pilots around the country, this includes some regions piloting disclosure without any application of the rebuttable presumption,

472 This will also have the effect of saving the police time and thus money, which is highly relevant as it allows them to devote resources to administer greater use of diversions and OOCRs. See The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), Chapter 3 (Diversions).

and the other regions piloting the rebuttable presumption of only commonly used and served material. The pilots aim to test how proportionate approaches to disclosure, within the statutory tests, can be operationalised, particularly in cases involving large volumes of digital material. Preparatory work in November 2025, marks a key step in efforts to improve consistency, efficiency and fairness in the disclosure process.

83. I stand by my view that the rebuttable presumption should be removed in its entirety: it is sufficient that there is proper compliance with the CPIA. Nevertheless, I am conscious of the series of ongoing reviews and pilots and that it will be for the Attorney General to evaluate them. It will therefore be a matter for him whether the rebuttable presumption should be removed in its entirety or (at the very least) be subject to substantial revision. If the latter is his conclusion, based on the evidence emanating from these pilots, I am content to support it.

84. Whatever the approach ultimately adopted to the rebuttable presumption guidance, it must promote clearer, more consistent use of the existing CPIA framework directly supporting the principle of fair decision-making underpinning this Review. By ensuring that disclosure decisions are grounded in a well-established statutory framework, rather than variable interpretations of rebuttable presumptions, the approach will also promote transparency, consistency and proportionality. It will allow prosecutors to make decisions that reflect the nature and seriousness of the offence, while also considering the impact on defendants, victims and witnesses.

85. I also recommend that, whatever the revised approach the Attorney General adopts, it should be subjected to monitoring. I also recognise the significance of training in relation to any new approach. The College of Policing and the CPS will need to put in place adequate training (to which I refer below) before a new approach is rolled out; it would be insufficient that such training is only in development.

86. I also urge the Attorney General, in conducting this reform of the guidance, to have regard to the principle which is at the heart of so many of my recommendations: getting it right first time. The CPIA provides a structured and legally sound basis for disclosure decisions, and reinforcing its consistent application reduces the risk of errors, misinterpretations or unnecessary delays. Where this

can be assisted by an AI tool is a matter that can be considered. Its efficient and effective operation in practice depends on high-quality decision-making from the outset, minimising the need for rework or correction later in the process. This not only improves operational efficiency within the CPS but also strengthens the overall integrity and reliability of the criminal justice system.

Recommendation 81: Subject to the outcome of the current reviews and pilots, I recommend that the model of 'rebuttable presumption' material being disclosed within the Attorney General's Guidelines on Disclosure be abolished. At the same time, a clearer, more consistent use of the existing framework set out in the Criminal Procedure and Investigations Act 1996 should be promoted.

87. While I addressed the matter of redaction at great length in Chapter 4 (The Police and the Prosecution: Getting It Right First Time), I believe that in the context of the burden of rebuttable presumption material that consideration must be given to the ethical considerations of redaction. This is where documents have been insufficiently or poorly redacted, such as failing to remove personal information, or where redaction can be reversed by simply unhighlighting a passage of text. Ethical consideration must be bolstered where there have been failings related to redaction. Although AI, as I have recommended in Chapter 4 (The Police and the Prosecution: Getting It Right First Time), will support with the burden of redaction, it is necessary that protections are in place where this and human checks make errors. When disclosure has occurred and a redaction issue is identified, guidance should be sufficient to ensure a consistent approach to addressing this issue and identifying where failings are occurring recurrently for the benefit of consideration.

Recommendation 82: I recommend that the Law Society and the Bar Council produce guidance on process and next steps where there have been failings in redaction of material disclosed to the defence. This should include the ethical considerations that must be taken when dealing with redacted or unredacted material.

Managing Voluminous Material

88. Given the challenges presented by the increasingly voluminous material, especially as technology continues to advance, AI offers opportunities to analyse this information faster in the future but will also bring its own complexities. These include ethical considerations around bias and transparency, the need for robust data protection and ensuring that automated analysis does not compromise legal standards or human judgement.

89. Emerging technologies offer a transformative opportunity to improve disclosure processes. Advanced tools for analysing and searching vast volumes of material are already being deployed beyond criminal litigation by agencies such as the SFO and Financial Conduct Authority (see Case Study N below) – though these are unlikely to be suitable for volume crime, lessons can be taken from them.[473] Similar innovations are underway across government and the private sector. With expert advice informing this Review and the growing potential of AI to deliver precisely the capabilities required, there is scope to build on existing work and accelerate meaningful reform.

90. The police and prosecution must navigate technical constraints, data protection risks and procedural demands while maintaining case momentum. By having adequate tools, training, and coordination with police investigators, the burden of digital disclosure could aid better and, perhaps, more efficient case preparation and progression. This matter was raised consistently during engagement, reflecting a growing need to modernise disclosure practices to keep pace with the realities of modern criminal investigations and material.

91. For this reason, I support the adoption of AI systems designed to process and filter large datasets efficiently. These systems typically incorporate advanced search functionalities that enable the retrieval of relevant information with greater speed and accuracy than manual processes. I endorse continued work in this area to implement AI-enabled evidence management solutions to enhance both police and CPS ability to filter and search large datasets efficiently.

473 HMICFRS defines volume crime as: 'Crimes occurring so frequently that they have a significant effect on the community and the ability of local police to deal with them. These crimes can include criminal damage, assault, burglary, vehicle-related crime and theft, and retail theft.'

Case Study N: Serious Fraud Office - Technology Assisted Review

In 2024, the Serious Fraud Office (SFO) began exploring technology-based solutions to improve disclosure processes in cases involving millions of documents. Historically, hundreds of thousands of documents per case were manually reviewed and described for disclosure purposes. To address this, the SFO successfully trialled Technology Assisted Review (TAR) on a live case at court. TAR, an AI-driven tool integrated into the SFO's review platform Axcelerate (with similar functionality available in Relativity (see Footnote 476), uses Continuous Active Learning to refine document prioritisation. In practice, reviewers tag documents during the day, and overnight TAR recalculates the statistical probability of relevance, reordering unreviewed documents for the next day. This iterative process significantly improves efficiency until all necessary material is identified. Currently, disclosure accounts for 25% of the SFO's operational budget and 40% of its capacity; in 2023 alone, 280,000 staff hours were spent on disclosure at a cost of £11 million to taxpayers. While TAR is highly effective for complex, document-heavy cases such as those handled by the SFO, it is not suitable for high-volume crime evidence in its current form and consideration should be made to creating a system that is.

Source: Internal Management Information from the Serious Fraud Office (SFO) and engagement with the SFO.

Training

92. Both of the above recommendations will require considerable additional training. That is desirable in any event. Improving compliance with the CPIA requires a shift in how disclosure is understood and approached within policing not as a procedural burden, but as a vital component of a fair and effective justice process. It is important to acknowledge that there appear to be very few instances in which failings are rooted in any intent to conceal; almost all the failings stem from realities of modern policing: the challenges are the sheer volume of digital material, the pace at which cases must be progressed, limited resources and outdated IT systems. These pressures, combined with the complexity of building case files to meet legal standards, create a difficult environment in which disclosure obligations must be fulfilled. Training must therefore be designed to reflect these operational constraints. Having said that, I have no

hesitation in underlining the need for all training to include a focus on reinforcing the importance of disclosure in supporting fair trial rights and public confidence in the justice system.

93. Training programmes must therefore be practical, scenario-based and responsive to these operational realities. They should equip officers with the tools and understanding to apply the CPIA framework confidently and consistently, while also reinforcing why disclosure matters not just to meet legal obligations, but to support fair and effective justice. This approach fosters a culture of shared responsibility and professionalism, helping to embed disclosure as a core part of investigative practice rather than a burdensome add-on.

94. Careful consideration should be given to the order of implementation of this recommendation and my previous two regarding rebuttable presumption material and managing voluminous material. It may be appropriate to ensure that training has been designed and imposed first, and that further changes to the guidance on disclosure is contingent on that training having taken place. The Performance Oversight Board (the sub-group of the CJAG) which I recommend in Chapter 3 (One Criminal Justice System) and noted above in the section 'Disclosure Ownership' should be used as a mechanism for oversight, enforcement and evaluation of the training. Particularly in combination with any action taken as a result of other changes to the disclosure regime. They should prioritise reviewing whether the training remains of a high-quality and that police officers who take a leading role in disclosure have been trained to do so. I emphasise, the Performance Oversight Board must take on this responsibility because of how important proper and effective disclosure is to prevent miscarriages of justice.

Recommendation 83: I recommend that the College of Policing and Crown Prosecution Service should co-develop training to deliver practical, scenario-based disclosure training that reflects operational realities. The Performance Oversight Board (as recommended in Chapter 3 (One Criminal Justice System)) should oversee, enforce and evaluate the effectiveness of this training.

Creating Schedules of Unused Material

95. To enhance the efficiency and fairness of disclosure processes, AI-powered summarisation tools should be deployed to generate clear, concise summaries of material listed in schedules. These summaries should provide the defence with sufficient context to make an informed decision about whether to request full access to the underlying documents. I have heard anecdotally in the case of this Review that schedules are too often providing vague indications of the unused material in cases with large volumes of data. Implementing such tools, or police systems, should reduce unnecessary delays, improve transparency and ensure that disclosure obligations are met in a way that is proportionate and practical.

96. Any use of AI to support the creation of schedules of unused material should be introduced on a pilot basis and rigorously tested before any wider roll-out. Such tools must remain subject to strong human supervision and auditing, to ensure all outputs adhere to quality, accuracy and compliance with disclosure obligations. It should be compulsory to state clearly whether any summary within the schedule has been generated by AI or produced by a human reviewer, in line with the AI principles set out in the Introduction.

Recommendation 84: I recommend that the police, Crown Prosecution Service and other prosecution agencies deploy artificial intelligence summarisation tools to generate clear, context-rich summaries of material listed in disclosure schedules following successful pilots and a positive evaluation.

Supporting the Initial Details of the Prosecution Case

97. The serving of the IDPC is critical if a prosecution is going to get off to an efficient start. The Transforming Summary Justice (TSJ) Renewal Programme requires that IDPC be published on Common Platform at least five days before the first hearing, enabling the defence to self-serve from the platform.[474]

474 Revised TSJ characteristics (Courts and Tribunals Judiciary, 2023).

98. This approach supports early engagement and efficient case preparation. Currently, CrimPR 8.2 states that the prosecutor must serve IDPC on the court officer as soon as practicable and, in any event, no later than the beginning of the day of the first hearing.[475] I recommend updating the CrimPR to reflect the TSJ requirement for publication on Common Platform five days in advance, while retaining the obligation to serve on the court officer promptly. Aligning the Rules with digital processes will ensure operational consistency, reduce ambiguity and uphold fairness by giving the defence sufficient time to review materials. This change should also reinforce that once published, IDPC should be accessed by the defence via Common Platform, streamlining service and supporting modernised case management.

Recommendation 85: I recommend that the Criminal Procedure Rule Committee update the Criminal Procedure Rules to align with the Transforming Summary Justice Renewal Programme, which states that the Initial Details of the Prosecution Case must be served onto Common Platform a minimum of five days before the first hearing.

99. Furthermore, I would also like to consider the greater use of AI tools to summarise the IDPC based on a set of standardised questions to facilitate HMCTS staff and other relevant partners in their roles. For example, a tool could assist by being able to respond to the prompt 'give me a summary of what each witness says in their statement'. This should assist HMCTS staff and judges by providing rapid, structured insights into the content of case files, enabling them to focus on the most relevant material and make informed and consistent decisions more efficiently. With any AI summarisation tool, care must be taken to ensure that it is summarising only the statements and not the 'Manual of Guidance form 5' (MG5, as mentioned in Chapter 4 (The Police and the Prosecution: Getting It Right First Time)), which may itself be an existing short AI summary of the case.

100. While this is not a substitute for professional judgement, it offers a practical way to reduce the administrative burden and improve the speed and quality of early-stage decision-making. Any deployed tools must demonstrate a very high level of accuracy in their summaries during pilot testing. In turn, this supports the broader goals of

475 The Criminal Procedure Rules 2025, r. 8.2.

improving timeliness and ensuring that decisions are made correctly and consistently from the outset. If implemented effectively, such a tool could enhance courtroom efficiency and contribute to a more streamlined and responsive justice process.

101. Legal advisers in the magistrates' court are often required to review large volumes of material under significant time pressure. I have heard through my engagement that legal advisers will pre-read as part of their preparation for court: for not guilty anticipated plea (NGAP) courts the IDPC should include the statements of witnesses on which the prosecution propose to rely. The MG5 summary provided by the police often does not set out adequately what is in those witness statements, so a summarisation tool could support with this. That aside, the pressures on legal advisers' time in general mean that a summarisation tool could facilitate them to digest documents properly and thoroughly but in a proportionate way to other responsibilities they must also fulfil.

102. The recommendation to use AI to summarise the IDPC is grounded in the principle underpinning my recommendations on technology, namely the augmentation of processes through technology, but not replacing professional judgement. By deploying AI tools that can extract and summarise key information such as what each witness says in their statements, this approach supports decision-makers by enhancing their ability to work efficiently and accurately. It does not remove the need for legal expertise; rather, it enables practitioners to focus their attention on the most relevant aspects of a case, improving the quality and fairness of early-stage decisions.

103. HMCTS has developed an IDPC summarisation tool, which streamlines the presentation of key case information and supports more efficient handling of unused material. This represents a significant step towards improving both the efficiency and effectiveness of disclosure.

104. Time spent manually reviewing and extracting information from IDPCs can be substantial, particularly when documents are poorly structured or overly lengthy. By automating the summarisation of routine content, AI can reduce duplication of effort, streamline administrative tasks and allow legal advisers to allocate their time and resources more effectively. This may improve cost-effectiveness and helps ensure

that limited capacity within the criminal justice system is deployed where it is most needed, such as in complex case preparation or direct engagement with defendants and victims.

105. As the volume and complexity of digital case material continues to grow, the criminal justice system must evolve to remain effective and resilient. Integrating AI tools into routine processes like IDPC review represents a forward-looking investment in innovation. It supports a delivery model that is not only more efficient today but also adaptable to future demands, ensuring that the system remains capable of meeting the expectations of justice in a digital age and aligns with the deployment of AI technologies in an increasing number of sectors and society more generally. I endorse the continued development, testing and deployment of using AI to summarise the IDPC based on a set of standard questions or prompts.

106. It is important that any AI tool deployed demonstrates a high level of accuracy in its summaries. This is to ensure that the system complies wholly with the AI principles I set out in my introduction. Especially so, that given the tool will be used to assist with disclosure that it is lawful, fair and reliable. A tool of this nature should therefore be piloted and evaluated before complete roll-out.

Recommendation 86: I recommend the greater use of artificial intelligence tools to summarise the Initial Details of the Prosecution Case based on a set of standardised questions to facilitate His Majesty's Courts and Tribunals Service staff and other relevant partners in their preliminary reviewing roles. This should be subject to a successful pilot and evaluation before complete rollout.

Defence management of unused material

107. As the use of AI tools increases across the system to support the efficiency of prosecutions, it is equally important to recognise that defence representatives already make use of similar technologies – for example, commercial AI-powered legal review platforms such as Relativity,[476] which are routinely used in large complex cases. The growing reliance on these across both prosecution and defence underscores the need for their responsible and transparent

476 Tackle your legal data challenges (Relativity).

deployment within legal practice. It is therefore essential that the use of AI by legal professionals continues to be governed by clear professional standards, including the emerging guidance issued by the Bar Standards Board and the Solicitors Regulation Authority. The recent Bar Standards Board guidance published in December 2025 provides an important step in setting expectations for safe, ethical and accountable adoption of AI within the profession, and further regulatory work in this space will be critical as the technology evolves.

108. It is also important that the defence has tools to challenge the prosecution, if there is a lack of transparency in how AI outputs were generated to support the prosecution preparation of its case. If a defendant cannot question how AI was used to support the prosecution (or precisely what AI had been asked to do), it could weaken their ability to defend themself.[477] I suggest that, to enable the defence to assess the reliability of AI-generated material used by the prosecution, the defence should be permitted to propose search terms for unused material to the prosecution. This should remain transparent (in line with the AI principles outlined in the introduction) and subject to judicial oversight to ensure such requests do not amount to fishing. At a minimum, this may help the prosecution to identify relevant evidence thereby maximising their participation in the disclosure process and ensuring fair decision-making on their behalf, in line with the principles of this Review.

Recommendation 87: I recommend that the defence should be permitted to propose search terms for unused material, subject to any judicial decision. The prosecution should then disclose the results of those searches to the defence.

477 S. Boyce, Artificial intelligence: A stark warning of its limitations as a research tool in legal proceedings (Brett Wilson LLP, May 2025).

Timely and Complete Defence Case Statements

109. Defence disclosure obligations under sections 5 and 6 of the CPIA are triggered by the prosecution's 'purported' compliance with the disclosure obligations. The statutory language focusing on 'purported' disclosure could be seen as a formulation that allows for prosecution inefficiency by allowing for failed disclosure. However, this language has to be understood in its context.[478] I do not see any need to amend the statutory language.

110. As part of wider efforts to improve early engagement with disclosure obligations and case preparation, I have explored the potential for incentivising defence representatives through swifter legal aid payments for a dedicated section of work relating to effective Plea and Trial Preparation Hearing (PTPH). This proposal includes remuneration for the submission of a meaningful defence case statements completed in advance of the PTPH. I have considered recommendations in relation to this in Chapter 10 (The Judiciary and Legal Workforce).

111. Aside from such development, I also understand that strengthening judicial oversight by clearly establishing that defence case statements must be submitted prior to the PTPH in accordance with the CrimPR is also pivotal. This should reinforce the expectation that both the defence and prosecution are accountable to the judiciary for their engagement with the disclosure process.

478 As I said in my judgment in *R v Richards* [2015] EWCA Crim 1941 (at para. 46) 'whereas ss. 5, 6, 7A and 8 CPIA spoke of the situation when the prosecutor has complied or "purported to comply" with his obligations in question, the terms of s.3 simply provided for the prosecution to give initial disclosure – and said nothing about the prosecutor "purporting" to comply with this obligation. Too much should not be made of this point. First, in context, compliance with the prosecutor's duty under s.3 must mean substantial compliance. Realistically, it cannot be supposed that cases will never proceed beyond the stage of initial disclosure merely because some documents have not yet been disclosed. A search for perfection in this area is likely to be illusory. Second, both ss. 5 and 6 provide for a defence statement to be given not only when the prosecutor has complied with s.3 but also when he has purported to comply with it. Progress can and should thus be made, even where it is or may be apparent that further prosecution disclosure might be required in the future. It also follows that cases are not doomed to proceed in compartmentalised, consecutive stages; progress can be made in parallel, both completing outstanding initial disclosure and illuminating the true issues in the case pursuant to ss. 5, 6, 7A and 8.'

Compliance with disclosure obligations

112. I have already addressed the significance that effective disclosure has in securing a fair trial. That applies in relation to both the substantive fairness of the trial and the procedural fairness and perceptions of fairness. I acknowledge the well-established findings that litigants' perceptions of the outcomes of their trial are affected by how fair they perceive the process to have been.[479]

113. I note also that compliance with disclosure obligations should be more readily achieved in the light of the recommendation in Part I that the PTPH be pushed back in time in all cases in order to allow parties to prepare more effectively. In an effort to maximise the compliance with disclosure obligations, I have made recommendations above on the need for police training and guidance on disclosure, as well as recommendations that will assist the CPS in complying. I have also made recommendations for incentives for more effective defence engagement with disclosure obligations. I appreciate that many of the disclosure issues at the PTPH are dealt with by very busy junior counsel who will not appear at trial. By pushing back the date of the PTPH, as recommended in Part I, compliance with disclosure obligations by the PTPH should be more easily managed and remunerated. The question remains whether there is a need for sanctions to secure better compliance by prosecution agencies and defence representatives.

114. Unlike the civil regime where sanctions would flow in costs for failure to comply with procedural obligations, there is no point in enforcing a costs regime in relation to the CPS or police. To make them pay for wasted court time would simply further diminish their limited resources. The same is true in relation to the defence community. I have considered a range of other options including:

    a. Requiring the legal representatives who have failed to comply with the statutory obligation in the CPIA to appear before the judge to explain their reasoning; while this could promote accountability, and would apply equally to the prosecution and defence, it risks consuming additional court time and may not be proportionate as the practical burden on judicial resources would be high. I reject this option.

479 T.R. Tyler, 'Procedural Justice and the Courts' (2007) 44(1/2) Court Rev: J American Judges Assoc 26.

b. Reporting the legal representative to their professional body (e.g. Bar Standards Board or the Law Society); although this could signal the seriousness of non-compliance, it may be inappropriate where valid reasons exist for the failure and become especially difficult to apply where reasons for failure are privileged. Moreover, it could discourage open engagement with the process and would require a high threshold for referral. I reject this option.

c. Creating a bespoke wasted costs order in criminal cases; this option was considered too complex and potentially controversial, especially in terms of its application to the CPS. It would require significant procedural reform and could introduce further litigation over costs. I reject this option.

d. Introduce a reporting and retraining system; this would involve reporting non-compliance to the relevant agency (CPS, police, Bar Standards Board, Law Society) for mandatory retraining, rather than treating it as professional misconduct. While constructive in principle, implementation challenges and the need for cross-agency coordination led to the decision not to proceed at this stage. However, the concept of 'disclosure awareness' training remains something I am keen to recommend more widely, as I have above.

115. This final option seems to be a sanction better suited to the prosecution agencies who have control and ownership of disclosure from the outset. How that should be implemented is a matter for the DPP.

116. In relation specifically to cases where defence representatives fail to engage with the disclosure process or submit inadequate statements, I propose the introduction of a modified version of the approach adopted to compliance enforcement in Scotland. Section 79 of the Criminal Procedure (Scotland) Act 1995 provides that 'where the party seeks to raise the objection [to the proposed admissibility of evidence] after the commencement of the trial, the court shall not, under section 79(1) of this Act, grant leave for the objection to be raised unless it considers that it could not reasonably have been raised before that time'.[480]

480 Criminal Procedure (Scotland) Act 1995, s. 79.

117. In Scotland, if counsel do not raise challenges to matters such as the indictment, disclosure, or admissibility of evidence at or before their equivalent of the PTPH, they cannot raise those challenges at trial unless the trial judge grants leave, having regard to whether there were good reasons for not making the challenge earlier.

118. It is also important to recognise that the example in question arises from a markedly different jurisdiction. The profession there operates at a far smaller scale, where advocacy standards are shaped and reinforced through a close-knit group of professionals. This dynamic has allowed cultural refinements to develop organically. Whether similar effects would materialise in a jurisdiction many times larger – where the profession is more diffuse, where some may only meaningfully engage with issues at the final moment – remains uncertain. These structural and cultural differences limit the extent to which such an example can be assumed to translate directly but it may be able to be refined in a way that is operationally feasible.

119. With thanks to Professor P.R. Ferguson for her support in this research, I understand that the provisions introduced by the Criminal Procedure (Amendment) (Scotland) Act 2004, and implemented through Practice Note No. 1 of 2005, have generally worked well in promoting early case preparation and reducing trial delays. Furthermore, the Scottish approach has achieved some success, but it depends on judges exercising constant vigilance and determination to enforce the rules. While flexibility will sometimes be necessary to serve the interests of justice, adopting the Scottish model in full would require legislative change, which I am not proposing. Instead, I recommend a less prescriptive approach. However, the prevailing culture within the system poses challenges, as effective implementation would demand judges to apply the rules with consistency and rigour.

120. The Practice Note sets out mandatory expectations for practitioners, requiring detailed preparation before preliminary hearings, including disclosure, agreement of evidence and identification of objections to admissibility. Section 79A(4) of the Criminal Procedure (Scotland) Act 1995 reinforces this by restricting late objections unless they could not reasonably have been raised earlier. Case law demonstrates a strict judicial approach: in *Murphy v HM Advocate*[481] the reforms were described as addressing the 'scourge' of adjourned trials,

481 *Murphy v HM Advocate* [2012] HCJAC 74.

while decisions in *Radic v HM Advocate*[482] and *Bhowmick (Pradeep) v HM Advocate*[483] confirm that late objections are generally refused unless exceptional circumstances exist. Although judges retain a discretion to guarantee fairness, the statutory framework emphasises early resolution of evidential issues, supported by disclosure obligations and judicial case management. This system aims to balance efficiency with fairness, though practical realities may differ from the strict position reflected in reported cases.

121. The fact that the Scottish legal system has used such a model of sanction for 30 years, in a not wholly dissimilar criminal justice system including jury trials, rebuts the suggestion that this could in some way contravene Article 6 of the ECHR or common law fair trial rights.[484] Judicial discretion to allow the challenge at trial is a sufficient safeguard.

122. It should certainly be possible to adopt a similar rule, requiring the defence case statement by the PTPH, with a failure to do so being possible only with leave of the judge. I want to be clear that even if this model may have worked in Scotland, I have some reservations about increased trial-day disputes and the basis for the exercise of judicial discretion. This can be kept to a minimum if sufficient time has been allowed for appropriate instructions to have been taken.

123. This will also be facilitated by the recommendation in Part I of the Review to delay PTPHs to ensure that the defence had sufficient opportunity to take instructions (and are appropriately remunerated for doing so). These reforms justify requiring the defence case statements to be made promptly and in advance of the PTPH. In that way, judges will be better positioned to identify the real issues in dispute, manage disclosure more effectively and ensure that the case proceeds efficiently. This approach avoids the complexity and controversy associated with sanctions or financial incentives, while still promoting early and meaningful compliance. It also aligns with existing procedural frameworks and supports the broader goal of improving case readiness and reducing delays.

482 *Radic v HM Advocate* [2014] HCJAC 76.

483 *Bhowmick (Pradeep) v HM Advocate* [2018] HCJAC 6.

484 Article 6 of the European Convention on Human Rights states the right to a fair trial. It provides that everyone is entitled to a fair and public hearing, within a reasonable time, by an independent and impartial tribunal established by law.

Recommendation 88: I recommend that the Lady Chief Justice consider the implementation of a Criminal Practice Direction that empowers judges to prevent new issues from being raised at trial that were not raised or disclosed at the Plea and Trial Preparation Hearing, without good cause.

Disclosure in RASSO Cases

124. Disclosure in RASSO cases presents a distinct set of operational challenges. These cases often involve highly graphic or triggering material, complex evidential issues and significant volumes of digital data particularly from mobile devices and social media. The stakes are high, disclosure failures in RASSO cases can have profound consequences for victims, defendants and public confidence in the criminal justice system.[485]

125. Currently, the broad scope of disclosure particularly in cases involving third-party material is being misused tactically in ways that undermine both efficiency and fairness. Defence teams are increasingly making extensive and often late applications for third party material, not only seeking highly confidential records such as medical, therapeutic or social care notes, but doing so in a manner that can serve tactical purposes. Once requested or obtained, such material must be sourced by the police, a process that is time-consuming, resource-intensive and often disruptive to the progress of a case. Prosecutors are then obliged to review and assess the relevance of large volumes of material that is rarely probative. In some instances, these expansive requests are used strategically to create delay, trigger adjournments and exert pressure on the prosecution. A more robust and clearly defined regime is therefore essential, one that prevents abuse of the process while striking the right balance between disclosing what is genuinely required for a fair trial and protecting the privacy and dignity of victims.

485 Operation Soteria: Improving CPS responses to rape complaints and complainants – Summary briefing from independent academic research (CPS, March 2024).

126. This is a significant issue and represents a major inefficiency in how RASSO cases are prosecuted. Disclosure is too often approached in an excessively broad manner, enabling misuse while exposing victims to unnecessary and intrusive requests. While the legal framework appears sound, there seems to be a problematic culture with the police and the CPS granting more access to far more material than is required in RASSO cases.

127. Operation Soteria has led to significant progress in training police and CPS teams on appropriate disclosure practices. Operation Soteria is a UK-wide initiative aimed at transforming how police and the criminal justice system respond to RASSO. It was launched in response to widespread concerns about low prosecution rates, poor victim experiences and systemic failures in handling sexual violence cases.

128. Whilst I have been told through engagement on this Review that Operation Soteria has improved the culture of how the police handle such cases during the investigative stage, once cases reach court, the approach becomes inconsistent. This variation undermines the benefits of earlier improvements and contributes to delays and adjournments. For that reason, I recommend that the Judicial College should consider updating the Crown Court Compendium to include more guidance for jurors on what to expect in terms of evidence for RASSO cases, in particular specific guidance of evidence for the use of third-party material. Providing clearer guidance should help jurors better understand the evidential context of RASSO cases, reducing misconceptions and supporting fairer, more informed decision-making.

129. To strengthen disclosure practices in RASSO cases the culture around how third-party material is requested in RASSO cases must be amended. The Victims and Prisoners Act 2024, which began implementation in stages and was commenced in January 2025, introduces several measures aimed at improving victims' rights and strengthening disclosure practices, particularly in sensitive cases such as RASSO. Early indications suggest it will be positive, but better implementation of existing law and guidance is urgently needed. There must be a shift in practice regarding what should and should not fall within the scope of third-party disclosure requests. Narrowing this scope will help reduce investigation time and improve trial efficiency.

130. Additionally, recent amendments to the CrimPR in 2025 have clarified the timing and obligations for disclosure requests, introducing business-day time limits and reinforcing case management duties under Parts 15 and 33.

Recommendation 89: I recommend that the College of Policing, Crown Prosecution Service and other prosecution agencies should conduct further work in promoting consistency in how existing guidance in rape and sexual offence cases is applied and interpreted across the criminal justice system through enhanced training.

Intensive Disclosure Regime

131. The Fisher Review recommendation for an Intensive Disclosure Regime (IDR) (Recommendation 22, along with associated Recommendations 30–35) is particularly relevant to this Review's objective of improving court efficiency, as it proposes the introduction of a new type of hearing and additional pre-trial procedures. This includes the Disclosure Management Document (DMD) being served seven days prior to the PTPH and that the PTPH form is filled out ahead of the PTPH and includes a new IDR case section. Once the PTPH takes place a judge will designate as an IDR case and should provide bespoke directions; the prosecution must revise the DMD; the defence respond to the DMD; and, finally, there is a disclosure management hearing.[486]

132. Some might argue that an intensive disclosure regime might impact on timeliness and increase the average number of hearings per case which are key metrics by which I am measuring efficiency. However, early identification of disclosure issues is key to avoid subsequent ineffective trials, this is especially important in the more complex cases which are likely to last longer at trial. Early identification of disclosure encourages prompt engagement from the defence and prosecution in the case, ensuring a case is as a ready as possible by the first day of trial.

486 Disclosure in the Digital Age: Independent Review of Disclosure and Fraud Offences (2025), Annex 1.

133. While the regime is intended for the most serious, complex and otherwise difficult cases, legal professionals and others I have engaged with have raised concerns about the lack of a clear definition for which cases fall within its scope and as such, the extent to which it might impact efficiency. While I endorse the IDR recommendations within the Fisher Review in the circumstances for which it is proposed, I would take it further. However, a more specific and operationally grounded definition is needed to assess the potential impact on the wider criminal justice system and to ensure that any procedural changes are appropriately targeted and proportionate.

134. One convenient and well-established definition that could be drawn upon is that in section 29 of the CPIA 1996, which provides the judge with discretion to 'direct a preparatory hearing in cases of such complexity, seriousness, or a case whose trial is likely to be of such length that substantial benefits will accrue from a hearing'.[487] I recommend that the provisions in section 29 of the CPIA provide a clear explanation as to where the intensive disclosure regime that Fisher recommends might be applicable. By following the same definition for IDR, it also avoids any additional complexity in procedure and any practice direction as a result can cover both the IDR and any other power to order a preparatory hearing.

135. The decision should be made at a preparatory hearing by the Crown Court Judge. To confirm, a separate preparatory hearing is not required. Disclosure issues should only arise in cases where section 29 of the CPIA allows for the matter to be determined at a preparatory hearing. Therefore, disclosure should be addressed as part of an existing preparatory hearing, not in a standalone hearing. The limits of and process for these powers should be set out in a Practice Direction.

487 Criminal Procedure and Investigations Act 1996, s. 29. This also includes cases in which an application under s. 45 of the Criminal Justice Act 2003 applies; where at least one of the offences charged by the indictment against at least one of the persons charged is a terrorism offence; and where an indictment reveals a case of fraud of such seriousness or complexity as is mentioned in s. 7 of the Criminal Justice Act 1987.

Recommendation 90: I recommend that should the government implement Jonathan Fisher KC's recommendation on an intensive disclosure regime, and that the Lady Chief Justice should implement a Criminal Practice Direction setting out that the definition of cases within scope should be in line with that of section 29 of the Criminal Procedure and Investigations Act 1996.

Conclusion

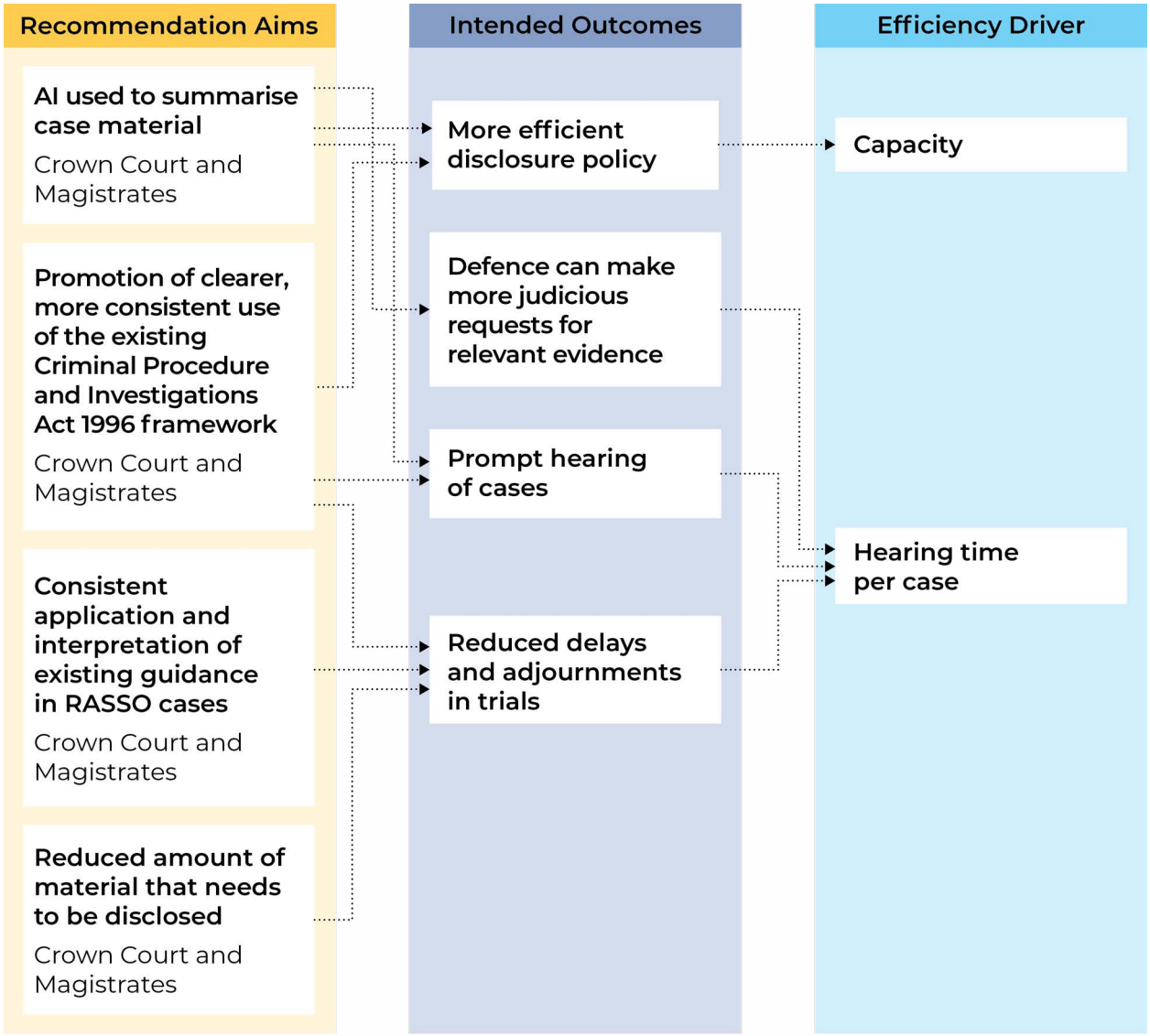
136. Disclosure remains one of the most enduring challenges in criminal justice, not because its importance is unclear, but because delivering it well demands more than procedural compliance. It requires a system-wide commitment to transparency, timeliness and trust.

137. The insights gathered throughout this chapter point to a clear imperative: disclosure must evolve. Not through repetition of past reviews, but through practical, collaborative reform that addresses both structural limitations and cultural inertia. The digital age has transformed the nature of evidence, and the system must respond with tools, training and behaviours that reflect this reality.

138. Getting disclosure right is not only fundamental to fairness, but also foundational to reducing delays, avoiding collapsed trials and making best use of limited resources. But it cannot be treated as a technical fix. It must be embedded as a shared responsibility across agencies, supported by leadership and driven by a clear sense of purpose.

Figure 5.2

Policy map visualising the intended aims of recommendations presented in Chapter 5



Many of the recommendations in this chapter affect pre-court cross-system efficiency drivers, which are not included in this policy map

139. Figure 5.2 shows the expected relationship between the recommendations in this chapter and their influence on efficiency measures. If the recommendations I make are implemented as intended, they should help to make disclosure process more efficient. This could be achieved by using AI to summarise case material and by promoting a clearer, more consistent application of the existing CPIA 1996 framework. In turn, this should help reduce pressure on prosecutors to meet disclosure demands and enable cases to be heard more promptly, reducing the hearing time spent on ironing out issues associated with disclosure.

140. The recommendations I make in this chapter also aim to reduce the volume of material requiring disclosure by promoting consistency in how existing guidance is applied in RASSO cases. They further propose enabling the defence to assess the reliability of AI generated material used by the prosecution by allowing the defence to suggest search terms for unused material.

141. Collectively, these measures should make the disclosure process more efficient and help reduce delays and adjournments in trials, ultimately reducing hearing time per case.

142. Introducing of a version of the Scottish model for pre-trial disclosure could also reduce delays in court by preventing new issues being raised at trials that were not disclosed at the plea and trial preparation hearing. This approach should contribute to reducing the hearing time per case.

143. Ultimately, improving disclosure is not a standalone task. It is closely tied to the wider ambition of a justice system that is efficient, fair and trusted. Progress will depend on practical collaboration across agencies, a shared commitment to change, and a clear understanding of what works. It is essential to get the basics right and ensure existing procedures are applied correctly before adding further layers to the regime. While these recommendations introduce substantial changes, they are both necessary and overdue to meet the demands of a modern justice system. While challenges remain, there is a real opportunity to build on existing efforts and shape a disclosure regime that better supports the delivery of justice.