

London Criminal Justice Board - 28 September 2021 minutes

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London Criminal Justice Board - 28 September 2021 minutes

Present

Louisa Rolfe, MPS (Chair) – AC Met Operations

Barbara Gray, MPS – DAC

Damon Williams, MPS – LCJB Business Manager

Sara Lewis, MPS – Head of Met Prosecutions

Sue Williams, MPS – CJ Commander

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Mat Pickering, MOPAC

Damian McCleave, HMCTS – Head of Crime

Darius Hemmatpour, MPS – Chief Superintendent

Barry Hughes, CPS CCP – London North

Stephen Beckett-Carroll, Probation

Helen Isaac, CoLP

Simone Oram, MPS – Police Sergeant

Gary Mancini, MPS – Police Constable

Lisa Mylett, BTP

Domonic Daley, Youth Justice

Mo Foster, Prisons

Kris Venkatasami, CPS Deputy CCP – London South

Apologies

Lionel Idan, CPS CCP – London South

Alex Murray, MPS - Commander

Stephen McAllister, MMCTS – Magistrates Courts

Adeela Khan, London Criminal Court Solicitors Assoc

Charlie Doyle, BTP - ACC

Welcome - introductions, minutes and actions

The Board agreed the previous minutes without amendment.

The Board reviewed and discussed LCJB outstanding actions.

Actions agreed for closure as per recommendations.

Agenda item two: case progression, court backlog and timeliness

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

Cracked and ineffective trials – The Board discussed what can be done in relation to this issue. On the 19th October, the CPS are looking at case progression, overall, there tends to be more cases adjourned within London than in the rest of the country. The Police have met with MoJ in relation to thinking about how defendants can be encouraged to plead guilty at the earliest opportunity. The Board are aware that due to the length of time that is currently waiting for a trial to come to court may provide little incentive to plead guilty

early on in the process.

Crown Court throughput – the throughput of cases through the Crown Courts is currently high. HMCTS are in the process of

completing a deep dive into the available data. The results will be brought back to The Board.

BTP Pilot – BTP will be commencing a pilot soon in which they will observe what happens in court. The intention is to observe from the Police perspective rather than the CPS, and exploring the possibility of trying in the absence of the defendants to negate the need for an adjournment.

Backlog in London – The Board discussed how the case file backlog remains an issue in London and that there are defendants still in custody since before COVID. This is causing a number of issues, there have been cases where the Judges have released the defendant when CPS request an extension to custody. HMCTS continue to petition the Judiciary around providing further resources to be able to utilise all available court spaces. Police are keen to ensure that all cases are consulted with prior to any release from custody at court so that all circumstances (not just time served) are considered.

Agenda item three: CJ options to reduce youth homicides and violence

The Board agreed that the discussion in the previous meeting was very useful where an action was raised to trial a new way of working, work continues in relation to this and all updates will be logged on the actions sheet.

This discussion began due to the high number of young people that are involved in knife crime, violence and homicide offences as victims and/or suspects that are on bail for other offences, and therefore, is there more that can be done through intervention as they are already within the CJS.

The Board have been considering the options where a young person is arrested for, for example, possession of offensive weapon and possession with intent to supply drugs (PWITS). MPS are keen to consider early charging decisions which is not possible in these cases, prevented by the further work in relation to the drugs offences (forensic ident through analysis of drug for evidential

offences (forensic ident through analysis of drug for evidential purposes) which leads to the defendant being bailed.

Splitting charges

The Board discussed situations when there is a charge of possession with intent to supply drugs (PWITs) and offensive weapon, and whether the charges should be split. This is due to the delay in charging for the offensive weapon while the drugs are sent away for analysis. MPS with CPS colleagues are currently looking further into the data to see how best to move forward with this.

CPS (London South) and Police Pilot in Lambeth

MPS are putting a paper together with data etc. with the aim of exploring various options, including splitting charges. This is looking at how police can expedite some of the GREEN charging decisions. The MPS is looking at running a pilot in Lambeth and initially, in consultation with CPS colleagues looking at what offence types would be included in that pilot. MPS will pull together a proposal, considering the number of cases, once complete this will be put to CPS colleagues. The Board highlighted these are initial discussions and have not, at this time involved Youth Justice colleagues.

What charges to consider

Some of the charges are police charged – possession of offensive weapon, possession of knife.

PWITs cases have been mentioned and are currently being explored and volumes looked at. Some CPS colleagues in London feel these crimes are not able to be included within the pilot.

National charging – there is discussion at NPCC around national charging. RED exception cases. Policing was disappointed with the position reached in these meetings with CPS around RED exception cases.

It will now be part of a 6 months discovery phase, national piece of work with the aim of establishing what could be a RED exception case.

Chief Constable Nick Dean leads on this work with Greg McGill (CPS) and meet as part of the criminal justice update at the NPCC where discussions around the RED and GREEN cases will take place.

If a national position is reached around these types of cases, the local negotiation with CPS will no longer be needed. The police are

renewal negotiations that are no longer as needed. The police are keen to establish a position that suits operationally.

Charging transformation

What is a RED exception case:

in custody, seeking a charge, anticipating a remand application

Or

on bail, remand application may be considered.

Community Resolutions (CR) for U18s for possession of cannabis

The MPS recently introduced CR for Under 18s for possession of cannabis. The main advantage is that it enables the police to have the intervention (for them and their family) that can steer the youngster into a different more positive pathway.

Since 01/08/2021 nearly 200 CR have been issued to young people across London for possession of cannabis and each one are referred to the Youth Offending Teams (YOTs) where interventions are offered.

Community Resolutions for under 18s for other offences

MPS are looking into CRs for U18s for all offences where current possible interventions are looked at as well as considering how this can be improved across each BCU.

Problem Orientated Policing (POP)

The MPS are using POP, also known as problem solving policing which is an approach that involves the identification of a specific problem and uses data analysis to understand the problem and develop a tailored response. The MPS currently have 211 identified individuals where interventions will be made for focused deterrents and are working with the partners on those individuals.

Civil orders

The MPS have been focusing on civil orders, looking at how officers can consider utilising civil orders more effectively as an alternative to remand or when remand has been refused for example, in addition to post court hearings (CBOs).

Knife Crime Protection Orders (KCPOs) – The Board discussed the KCPO pilot currently running and that very few orders have progressed. MPS are in discussions with HMCTS around how information can be provided to the Magistrates so that they are

information can be provided to the magistrates so that they are more aware of the KCPOs.

Probation met with MPS DI Dean Purvis to ensure that the communication between the two agencies is effective in relation to

KCPOs. Probation have a plan in place that will look at:

- how KCPOs will be promoted to probation staff
- devise and implement a clear process within probation
- ensure identification, liaison and effective proposals are in place
- engaging with sentences.

The Board established that further communications with MOPAC is needed on KCPOs.

Action 2021/39 LCC : KCPO communications - MOPAC may be able to make some useful communications to explain the recent importance of the use of that Knife Crime Prevention Orders. Louise Capel-Cure to look into what might be possible from MOPAC.

Agenda item four: Victim Care Hub

LVWS introduce colleagues from PA Consulting. It relates to a Mayoral manifesto to explore the creation of a Victim Care Hub. LVWS and Met Prosecutions have been working closely on putting together a tender specification that will go out to suppliers.

PA introduce themselves, Andrew Dowie and Neil Amos to The Board. They will meet with most of the members, some meetings have already taken place. PA Consulting bring policing and justice insight and combine it with their business case experience to enable evidence-based decisions to be made.

PA Consulting are looking at the strategies of what's already been completed, aiming to complete the priorities by December. For this project to be successful engaging with the right stakeholders is very important, reaching agreement on the objectives and consider the full range of options ensuring that the objectives are delivered.

The business case will be built around delivering key groups of benefits:

- developing a victim centred approach

Improved CJ outcomes

value for money and the efficiency and effectiveness of the victims' journey

continual improvement.

The Board discussed the below points:

Probation – PA Consulting have a meeting arranged with Probation to discuss how victims tend to be linked into Probation post sentence, which is a different part of the CJS, to ensure this is considered and covered in the objectives.

Scope – part of the consultation at this stage involves the scope. Some victims never report to the police, for example so would the work involve these victims or only the ones that reach court. The work aims to establish the operational scope of the Victim Care Hub.

MoJ – PA Consultancy are liaising with MoJ and are keen to liaise with anyone further (national strategy leads) that is felt to be worth speaking to so welcome any suggestions from anyone in The Board.

All comments and thoughts are welcome in relation to this.

Agenda item five: domestic abuse and hate crime

The Board received the previously circulated DA update paper in which an update was provided in relation to the monthly multi agency Domestic Abuse Delivery Board (DADB), chaired by the CPS.

Over the last 12 months and looking forwards, the key priorities of the are to increase the referral rate coming from police to the CPS for consideration for a charging decision. Analysis has shown that in the cases that are referred to the CPS, there is a relatively high charge rate compared to the national figures.

CPS have completed some historic working looking at no further action (NFA) and cautions taken what we can and fed it back in terms of lessons learned etc.

Evidence led prosecutions – CPS have been working closely with MPS on evidence led prosecutions, which relies on evidence other than from the complainant (BWV, 999 call, house to house etc.)

This work is very important as we know that witness attrition accounts for half of unsuccessful outcomes. This involves by investigators and prosecutors so training has been delivered across the MPS and the CPS in regards to these cases.

Conviction rates – performance is embedded in the previously circulated paper, which shows that London is behind the national conviction rate.

Guilty plea rate – the delivery board is focusing on ways to improve the guilty plea rates. It is preferable for the defendant to plead guilty at the earliest opportunity as this prevents the victim needing to attend court to give evidence and prevents attrition. The key to the guilty plea at the earliest opportunity is to ensure the strongest case is built and from the outset and once at court, there is effective case management.

Remote witness sites – the Board discussed additional support that can be provided in terms of the work of the Domestic Abuse Delivery Board. Further work around providing remote witness sites, that would enable victims and witnesses to give evidence from remote locations meaning they don't have to travel to court and face the perpetrator. This would work with the roll out of the expansion of S28 and with recording of cross examination.

Best practice framework – one of the pieces of work that the DA Delivery Board is working on is to implement and embed the best practice framework across London. The Board discuss how far away implementation of this is. At the end of 2020, work was done to ensure all the components of the framework were adopted across the LJAs into the agreed position. Due to a move away from reporting, the picture across the LJAs is quite varied. We need to focus now on regular updates to ensure that that framework is embedded as BAU across the LJAs.

The Board discussed how there is currently no representative from FLP that attends the Domestic Abuse Delivery Board.

If any actions are raised in relation to the work of the DA Delivery Board, they can be taken through MPS CJ Gold Group to prevent duplication.

Action 2021/41 LR/DW: the MPS at the DADB - The MPS are not currently being represented at the Domestic Abuse Delivery Board. It may be possible that they can. Louisa Rolfe to look into the possibility of some MPS attendance at the DADB. Damon Williams will liaise with Lisa Ramsarran and Matt Pilch to map out DA meeting structure and ensure appropriate MPS attendance.

Effectiveness and attendance of LJAs – The Board discussed how the attendance at LJAs can be bad. When the LJAs run, they are very effective as they incorporate all the CJ agencies within the Court areas. The Board agree that this is an area that needs to be looked at. These should report into the LCJB or the CJ Efficiency Board. The LJAs were providing quarterly updates that appears to have fallen away since COVID.

Action 2021/40 SL/DW: LJA re-invigoration - LJAs used to give updates back to the LCJB. These have stopped and should be brought back plus ensuring that the relevant framework is being used. Sara Lewis/Damon Williams will contact the LJA Chairs and them to provide updates for the next LCJB meeting.

Work overseen and monitored by the Domestic Abuse Delivery Board was discussed:

MPS pilot – 2 MPS BCUs are running a pilot in which a risk-based approach is used, where there is a STANDARD risk and the officers have the opportunity to arrest the defendant at an early stage and support the victim effectively. The work is in its early stages, the Delivery Board have provided the MPS with outcome data to set a benchmark for outcomes. The DADB are expecting an update from the MPS at their November board.

Op Cara – is where conditional cautions are being considered for DA offences. Members of the DADB have been involved with meetings with MPS which established that this is not for consideration at this time but will be considered at a later stage.

Domestic Abuse Deep Dives, key findings from Hampshire Police.

The work looked at DA cases as they progressed through the CJ system.

Methodology – selecting eight to 10 DA cases that had entered the CJS and ended in a conviction. Using an investigator and prosecutor that was not involved in the case, HMCTS reviewed their agency's input into that case. 75 cases were looked at across 8 police forces.

Looking at things such as DA Best Practice Framework and considerations around DA.

The key findings:

- agencies operating in isolation

- timeliness issues across the system – especially if the suspect

unnecessary releases across the system – especially if the suspect was bailed

victims get lost within the process – the longer the process, the higher likelihood of the victim withdrawing

delays in court system and listing trials a contributing factor

police prioritising front end demand, not secondary investigation

inconsistent prioritization by CPS at point of charge

variable use of BWV by police.

Some positives from the report:

Many forces adopting a DA gatekeeper role to expedite secondary enquiries that is very successful.

The main recommendation is that LCJBs commission a more joined up process. For example, prosecutors, investigators and court service staff in a room together, take them through cases and get them to perform a more system-based review by looking at the case together.

The Domestic Abuse Delivery Board does look at similar work, but on a smaller scale. This work will be remitted to the delivery board where the partners can be organized to look at cases together.

Hate crime

This will be discussed at the next LCJB. There is work in progress and an action plan is in place. Marin Kerby, the MPS LRO will be invited to the next LCJB.

Agenda Item six: agency updates

CPS

CPS are preparing for the trial blitz that is due to start. In the Crown Court the backlog remains the main issue. The CPS are continuing to recruit additional prosecutors as well as non legal staff.

HMCTS

HMCTS are working in a number of areas to address the Crown Court backlog, including scrutinizing Crown Court disposals data to ensure HMCTS is always working at optimum operating levels.

Prisons

Prisons are looking into available options for increasing capacity

across the country, which may lead to additional pressures on police custody. The Police will struggle to find additional capacity in custodys in London and would need considerable warning to ensure planning is possible. In the meantime Prisons are

considering other options within the estate. Higher amounts of prisoners together may increase crimes inside prisons.

Probation

Service delivery – from 10/09/2021 every probation region has moved from the exceptional delivery model to the new operational model, which is in line with the national standard.

Some of the key changes that we will move to include:

Minimum monthly face to face appointments to all people on probation, with the exception of unpaid work which is stand alone.

Home visits – reintroduction of home visits in every case. If not complied with, this is recorded.

Initial appointments – all carried out face to face. This includes people on probation with standalone unpaid work.

Different regions are at different stages of recovery and each region is able to apply to have some national standards suspended if they can't be delivered (for example, for recovery reasons) but also, for BAU reasons (such as low staffing).

London is recovering well 14 out of 18 of our delivery units are currently delivering national standards fully.

The four delivery units that are not delivering at the moment have suspended between one and four national standards – work continues to assist them achieving BAU.

Community Payback

Currently operating at around 55 per cent of delivery. This is due to reduced groups (due to continued social distancing) as well as difficulties sourcing some of our unpaid work placement options in addition to a backlog that is being dealt with through a national piece of work. This involves bulk listing. Those cases that were affected by the lockdowns will be extended by the court passed the original time so that those unpaid work hours can be completed.

Accredited programs – is currently operating at around 25 per cent of delivery.

Restricted group numbers.

Not being able to get the numbers through the program as before.

All the groups are up and running and we are exploring alternative ways to deliver those groups.

Pre-release services are currently working at 80 per cent of service delivery:

Polygraph testing.

Victims unit.

Sex Offender program.

Senior attendance centres.

Court report recovery

Making progress with some courts that are very close to 50 per cent, Ealing Magistrates Court, Highbury Corner.

Croydon and City of London Courts are not improving at the ideal rate, but both have non COVID related performance issues that continue to be addressed, with improvement plans in place.

Training bootcamp for legacy CRC staff – this increases the amount of probation officers that are available and enables them to complete pre-sentence reports (PSRs).

Probation are confident that they will be able to provide the additional capacity to support the trial blitzes in the courts.

The chair discusses with probation the work that MPS has discussed with Probation where work for TSG teams doing some work around stop and search, particularly in areas of London where there is a high proportion of black communities – sharing information in a constructive way, ie why we carry out stop and search and what it is all about. MPS are awaiting an update on this from probation.

London Victims and Witness Service (LVWS)

The Agency are seeing volumes go back to pre covid and staying steady. Changes to the staffing structure are in progress and much more face to face working is taking place.

Defence Community (LCCSA)

No one present

no one present.

Youth Justice

Youth Justice are now working mostly face to face, with some hybrid working still in place. The number of cases being referred into YOTs are low which adds to the concern around the current level and nature of violence across London.

Police:

Metropolitan Police

Met Detention - are operating back to normal levels.

Witness Care Units (WCU) – due to the court backlogs, the higher demand led to a higher workload for staff. More staff have been recruited.

VRH – a small number of VRH are used to support the courts where required. The MPS have a pilot for Breach of Bail VRHs working with HMCTS Magistrates Court. More information will be available to bring to The Board for the next meeting.

PECS and SERCO - HMCTS chairs a group, where it has been raised that PECS and SERCO have recruitment issues and will keep The Board informed. There is a plan in place to improve performance and the option for VRH remains if required.

Out of Court Disposals (OCD) – 2 tier structure will be adopted in London in 2023. The necessary work needed to ensure planning, training and delivery is in progress.

City of London Police

No update.

British Transport Police

BTP have found that they are holding onto cases for longer and that last minute adjournments causes issues. More finalisations have been recorded which is positive. BTP trials appear to be excluded from the trial blitzes which may prevent our backlogs reducing at the rate that other police forces are reducing. BTP are engaging in the right conversations to address this and working with our CPS colleagues but as we are a national force, this can make this slightly more complicated.

Agenda Item 7: Risk Register

Risk of increase in officer numbers and increase in crime due to the ending of the COVID restrictions are to be combined as the risks are linked.

CJS Recovery Plan – when considering all the risks that are currently on the Risk Register, The Board discussed the need to consider commissioning a high-level end-to-end CJS recovery plan which would involve joining together each part of the system's individual plans, identifying inter-dependencies, effective monitoring and support with investigation and initiatives where required.

Action 2021/42 DM/DW/ALL : High Level CJS Recovery plan - A useful project will be to begin a high level risk management strategy for COVID recovery, mainly in the crown court as various small actions are currently working independently. This could involve monitor and reporting systems. All Agencies can have someone involved in the project. DM may begin as the chair of this project. All Agencies need to put someone forward to play a part. Damon Williams to find out from other LCJBs what strategies may be useful for COVID recovery planning. DW will check with business managers at regional LCJBs for best practice.

Agenda item 8: agenda setting

Hate Crime – Martin Kerby, LRO to be invited to next LCJB

LJAs – SL to give update to The Board on the work to reinvigorate the LJAs.

CJS Recovery plan – The Board would like to speak further at another LCJB meeting around this item to discuss progress

S28 and S17 – a suggestion was made that a member of the Judiciary could come and update The Board. HMCTS will discuss with colleagues to establish the best person to come to The Board and provide an update on S28 and S17

Frequency of meetings – these meetings will become quarterly. The Chair will meet with the CCPs for London north and south to discuss further

Agenda item 9: AOB

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