

# **Rebalancing the criminal justice system in favour of the law-abiding majority**

## **Cutting crime, reducing reoffending and protecting the public**

**Home Office July 2006**



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## Foreword by the Prime Minister

I am, in some ways, an unlikely champion of the need to transform our criminal justice system for the challenges of the new century. I am, after all, from a legal household, who studied and practised law and inherited the traditional lawyer's view of the balance between crime and civil liberties.

It was, however, the clash between what I was taught and what I saw – the realities of modern life in London where I lived and in my North East constituency – which made me question whether this balance properly protected our society. I could see profound social and cultural upheaval all around me, and that our criminal justice system had not kept pace with this change.

Crime in the last century increased nearly thirtyfold but our laws, our court processes and, above all, the culture of the legal and political establishment had not adapted. We still had a criminal justice system and thinking largely shaped by the need in Victorian times to counter the gross unfairness of the past by safeguarding the rights of the accused, with no real concern for the victim.

It was also increasingly obvious to me that it was those neighbourhoods most in need of protection from the law which suffered most from this failure. For while the breakdown of respect in our society and the impact it has on crime and behaviour affects us all, it hits hardest those in the most deprived communities.

Given this background, it is a real achievement that crime as measured by the British Crime Survey has fallen sharply since 1997. We have begun to rebalance the criminal justice system. Investment in a record number of police and the introduction of a raft of new measures to crack down on anti-social behaviour have played their part.

But, despite this progress, there is still a great deal more to do. The chances of being a victim of crime might be lower than for over 20 years but levels of crime remain too high. We have speeded up youth justice but there remain too many delays in the court system. There is, above all, a worrying gap between what the decent majority expect of a criminal justice system and what they see it delivering. The public believe that the system shows more concern for protecting the rights of those who break or ignore the law than those who keep it.

We have begun to put this right. Many of the steps we have taken, such as the action against anti-social behaviour, have been controversial in some quarters but rarely in the communities where they have been used.

But the imbalance remains as does public concern. Public faith in the criminal justice system is not just desirable but absolutely essential for its continued effectiveness.

We can't duck these challenges. It doesn't mean turning the clock back even if it were possible. Nor does it mean tearing up hard-won and cherished liberties. But we must ensure that in a modern world stripped of the bonds of the past, with new opportunities for crime, the criminal justice organisations live up to their duty of protecting the rights of victims and communities. We must build a criminal justice system which puts protection of the law-abiding majority at its heart. This review sets out how we intend to accelerate this process.

Tony Blair  
Prime Minister

## Foreword by the Home Secretary



Justice is a cornerstone of a democratic, free and civilised society. And it is at its most powerful when it has the full confidence of the people. Without public faith that the system of justice reflects reality, protects the innocent, and punishes those who break the law, its legitimacy and effectiveness is compromised. This faith is hard won and can't be taken for granted.

Our criminal justice system, which has grown up over centuries, is widely admired and copied. Since 1997 we have built on its many strengths. We have invested to recruit record numbers of police and have introduced a raft of new measures to tackle anti-social behaviour and lawlessness. Our youth justice system has been transformed and sentences for serious offences have been toughened.

These changes have helped cut overall crime by a third since 1997. But crime and, crucially, the fear of crime, remain too high. The renewed terrorist threat, rising global insecurity, mass migration and rapid social change also create new challenges for our criminal justice system. And there is increasing public concern that it gives the wrongdoer better protection than the law-abiding.

Our criminal justice system, a product of history and piecemeal change, has developed in an uneven way. Its unfairness and savagery in Victorian times, for example, led to a priority being placed on extra safeguards for the accused. These rights are of vital importance. But at times they can now seem to overshadow the rights of the victim and the public at large.

The immediate improvements we have put in place have given us the breathing space needed for a fundamental examination of how the criminal justice system is working and, in particular, whether the rights of the accused and those of the victim and the community are correctly balanced.

The reforms and operational changes in this document are the result of this thorough audit of the entire system to ensure that we get this balance right. It looks not just at sentencing and giving victims a stronger voice in the court process, but also at how we can work smarter to cut crime – tackling anti-social behaviour swiftly and firmly, and focusing our efforts more effectively on the worst repeat offenders, and the most serious crime and criminals.

Some of these reforms are straightforward. Some will require consultation on how they can best be delivered. Our intention is to stimulate a wide-ranging public debate on the way forward, on sentencing for example. Justice is a matter not just for the Home Office or the Government but for our whole society.

We are fortunate to live in this country, one of the most prosperous, fairest and safest in the world. The vast majority of people are decent and law-abiding. Crime rates and the chances of being a victim of crime are at their lowest for a generation. But we have to do more to give our country a criminal justice system it deserves. This document sets out how we intend to deliver it. These changes add up to a step change in the way our criminal justice system protects us – both as individuals and as a society.

A handwritten signature in black ink that reads "John Reid". The signature is written in a cursive style with a long horizontal stroke underneath.

John Reid

## Executive summary

An effective criminal justice system is the basis of a civilised and prosperous society. Our legal system and police services are rightly esteemed throughout the world. But, just as the threats to our way of life are evolving ever more rapidly, so we need to ensure that change accelerates in the system which protects us all.

This review reports on the Government's plans to further rebalance our criminal justice system in favour of the victim and the law-abiding majority. It sets out an ambitious but practical programme of change that will benefit everyone except the people who seek to undermine and destroy our way of life. We have a firm foundation of progress on which to build.

- Crime has fallen by 35 per cent since 1997 and violent crime has also fallen significantly over the same period (British Crime Survey 2005/06).
- The risk of becoming a victim of crime is the lowest since the British Crime Survey began, in 1981.
- 250,000 more offences are brought to justice each year than in 2001.

This has been achieved by tough legislative change, by improved joint working across all the front-line agencies but, above all, by refusing to accept that we can do nothing about crime, anti-social behaviour and the exploitation of the system.

The review sets out the progress we have made, but recognises there is more to do to deliver the service that ordinary law-abiding families rightly expect from us.



1.30pm, Friday 7 July, Baroness Scotland, Minister for Criminal Justice and Offender Management, meeting stakeholders and staff at the launch of the Brighton and Hove Drug and Alcohol Treatment Service

### Putting law-abiding people and communities first

We need to rebalance the system in a way that gives the law-abiding public much greater involvement in the criminal justice services they receive. That starts with ensuring **the needs of victims must be at the heart of what the criminal justice system does**. The Government has already done a great deal in introducing new services for victims and witnesses (for example new rights and better information, giving victims and witnesses a voice and better emotional and practical support) but these initiatives must be expanded further. We will do that by:

- **ensuring that all members of parole boards making decisions on a serious violent or sexual offender have direct or indirect experience of being a victim or can demonstrate a strong appreciation of victim issues;**
- **introducing a Victim's Voice in the most serious cases heard by the parole board;**
- **requiring all prosecutors to follow a new pledge to take into account and protect the interests of victims; and**
- **increasing the compensation that offenders pay, requiring violent offenders to meet the medical expenses of victims, and new powers to allow the court to reopen cases beyond current limitation periods, allowing victims to sue, for example if the offender later received a windfall. We will consult on the proposals.**

We have examined the **Human Rights Act** and whether it prevents the application of a **common-sense balance between the rights of individuals (offenders in particular) and the rights of victims and communities to be protected against harm**. We have found that the Act itself represents a powerful framework to deliver this, and repealing or amending the Act will not assist in rebalancing the system. There are examples of court judgments (in particular, the *Chahal* ruling in the European Court of Human Rights) which stop us applying a proper balance effectively. The review also identified examples of individuals or organisations being overcautious in their interpretation of competing rights. To address this, we will:

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- challenge judgments (especially the Chahal judgment) that stop us from properly balancing individual rights against protecting the public;
- clarify that all relevant criminal justice agencies have a duty to protect the public underlined, if necessary, by legislation;
- restrict the ability of the plainly guilty to have their convictions quashed because of a procedural irregularity, and will consult how this is best achieved in practice;
- issue robust, practical, myth-busting advice to practitioners on how rights should be balanced between offenders and the wider community; and
- set up an advice service for front-line staff (like the police) to get clear advice on the application of human rights.

We need a **sentencing framework that has public confidence**. We have already taken significant steps to ensure the robust and consistent sentencing the public expects, including the introduction of new unlimited sentences for serious offenders who pose a risk to the public. However, the review has revealed that, despite this progress, and the willingness of the judiciary to use these new sentences, we have not yet convinced the public that the sentencing process is delivering what it must.

We are in this review announcing clear action to address some issues of immediate concern. But the Home Secretary, Lord Chancellor and Attorney General believe that there is also a wider set of issues which needs further detailed discussion. The three Ministers will therefore bring forward a consultation on a range of sentencing and related issues shortly. In the shorter term, and in consultation with the Sentencing Guidelines Council and others, we will act to:

- give judges discretion to end the automatic one-third discount on sentence length given for an early guilty plea;
- stop offenders who are re-sentenced after an appeal against lenient sentences being given

a sentence discount simply for the distress of being sentenced again;

- change the way the Sentencing Guidelines Council works so that the Home Secretary and criminal justice Ministers are the last to advise on guidelines; and
- end the requirement that, in setting the earliest release date, judges should for unlimited sentences automatically halve the term. It will also contain options for how they should set the first possible date for parole.

Perhaps most importantly, if the criminal justice system is to command the respect of the law-abiding majority and offenders, it **must deal effectively with those who flout the rules**. For example, it must be firm with those refusing to comply with community orders and bail. We have already got much better at this but the review has revealed there is more we can do to ensure that offenders **comply** with their sentences and give front-line staff more power to deal with those who breach we will:

- **introduce an integrated enforcement service nationally by 2007/08;**
- **consult on new targets for swifter return of those who breach bail to court, and use police–court live television links to make it easier;**
- **begin phased national implementation of new powers to ensure that courts operate to a new presumption that offenders who breach bail and offend while on bail will be remanded in custody. We will start with those who commit more serious offences;**
- **speed the return to court of bailed defendants who fail to appear by restricting the use of ‘warrants with bail’. We will consult on how to do so;**
- **speed the return to custody of offenders who breach their licence conditions, including a tough new target for serious offenders; and**
- **consult on giving probation staff the power to vary the punishment an offender serves depending on their behaviour, without having to go back to the court.**

Rebalancing means our courts should not be remote and inaccessible to the public. There is a perception that the criminal justice system is out of touch with the realities of modern life. The way to address this is by making **justice a community matter** where the public are more closely involved in seeing and taking part in the process. That is why we will:

- roll out the community justice approach in more areas, which will create stronger links between the judiciary, magistrates, prosecutors and the communities they serve;
- extend Community Payback, which gives communities the chance to choose what unpaid work offenders do; and
- reform the way the criminal justice system is held to account for the way it treats people from all ethnic communities, with a programme of work to improve the response to crimes motivated by racial and religious hatred.

We want a **Police Service that is more localised** and delivers the highest professional standards. We have already done a great deal to make that happen but the review has confirmed the need to do more to make the police genuinely visible and responsive to people, dealing effectively with the crime and anti-social behaviour that concern them and can blight people's lives. To achieve this, we will:

- provide a dedicated neighbourhood policing team in every area by April 2008;
- put in place improved service standards in all forces by November 2006 (for example will make it easier to contact the police); and
- introduce a community call for action, to trigger a response from police (or other agencies) where communities feel that their concerns are not being addressed.

### **Gripping offenders to cut crime, reduce reoffending, and protect the public**

The review has confirmed that the central aim, as we rebalance the system, must continue to be to **reduce crime** but that we need to get **smarter about the way we do that**. We can and should tackle all types

of crime and anti-social behaviour; but we should tackle minor crime swiftly and efficiently so that we can put more time and effort into dealing with repeat offenders, and with serious and violent crime.

While overall crime is down, and we are bringing more offences to justice, violent crime has not fallen as quickly as high-volume crime like burglary or vehicle crime. In order to put more focus on **serious crime** and protect the public from dangerous and violent offenders, we will:

- build an additional 8,000 prison places and will keep under close review whether more are needed;
- increase the maximum penalty for carrying a knife without good reason to four years;
- introduce Violent Offender Orders to provide the courts with tough new powers to manage dangerous violent offenders beyond the period of their sentence with penalties of up to five years for breach of conditions;
- take tougher new action on alcohol, with new powers for trading standards officers to act against those selling alcohol to children or those who are drunk, and a new 'alcohol intervention programme';
- change the rules for parole decisions, so that any decision to release an offender into the community must be made unanimously;
- consult on measures to make the cost of remand and sentencing decisions more transparent to local courts;
- implement tough new measures to prevent criminals from continuing their illegal activities in prison; and
- consult on an ambitious new target for seizing the assets of criminals and increase the involvement of the private sector in asset seizure.

Unchecked low-level offending can lead to more serious offending and cause great damage, nuisance and harm. For **low-level crime and anti-social behaviour** the public expects fast, effective action to address local problems and punish offenders. To deliver that, we will:

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- increase the take-up of anti-social behaviour powers, and reduce the variation in local performance, with anti-social behaviour and Respect indicators in every local area;
- introduce Parental Compensation Orders in ten areas from summer 2006 to make sure parents take responsibility for the damage their children cause;
- publish proposals about what new powers might help us to cut low-level crime and anti-social behaviour even further; and
- make it easier to collect fines directly from income or benefits including consulting on compulsory as well as voluntary deductions at the point of sentence.

There is a continuing need to tackle **the most prolific offenders**, including drug users. A small minority of offenders in England and Wales are responsible for a disproportionate amount of crime. As part of our smarter approach to crime, we need to ensure we are focusing on the group that are causing the most harm, giving them tough choices, but always aiming to stop their reoffending. To do that, we will:

- combine our prolific and priority offenders programme with our Drug Interventions Programme, and overhaul our approach to high-harm drug users, with tougher conditions, tougher enforcement, and new follow-up assessments;
- work with the Lord Chief Justice and sentencers to ensure that probation resources are targeted on the offenders who most need it;
- bring in expertise from the private and voluntary sectors to drive up the quality and performance of community punishments; and
- consult on a new power for the courts to impose extended sentences with tough conditions on the most persistent offenders, to prevent them causing more harm in the future.

## A simpler, swifter, fairer system to support rebalancing

The system that underpins all this needs to be less bureaucratic and faster. 21st-century crime requires 21st-century solutions. To deliver that, we will:

- introduce a new, simplified performance framework for crime, drugs and policing by 2007/08 so we can streamline the mechanisms to keep track of police performance and prevent them from being too burdensome;
- issue a consultation paper in summer 2006 to seek views on improvements to the Police and Criminal Evidence Act, to improve practice and cut bureaucracy; and
- start and support an increasing number of locally focused improvement projects learning from the front line and gaining new skills.

In courts, we have made the management of cases more effective but processes can still be lengthy and valuable court capacity is still tied up dealing with thousands of low-level offences where the offender is already pleading guilty. That is why the Lord Chancellor and the Attorney General have been developing proposals to simplify, streamline and speed up the prosecution and court systems, including to:

- expand the use of Conditional Cautions – provisions, including on enabling punitive conditions, are being taken forward in the Police and Justice Bill;
- develop ‘bulk processing’ by the court for non-contested cases for regulatory offences like TV licences, to free up local court capacity;
- work with the judiciary to introduce practical measures to speed up magistrates’ court and Crown Court processes, including greater use of live television links and measures to achieve ‘next day justice’;
- work with the judiciary to test out a variety of approaches to take courts closer to local communities; and
- work with the judiciary to take steps to reduce the length and costs of very high cost cases in the Crown Court, and we are consulting on

sanctions to address where the defence fail to follow court orders.

We are using modern technology to revolutionise the experience of those who work in criminal justice and those who use its services. We will continue to exploit all the opportunities this provides, including by:

- further developing the use of CJS Exchange to develop innovative ways of sharing information on offenders across the criminal justice system as a whole;
- increasing the use of live television links to improve efficiency and reduce stress for victims and witnesses giving evidence in court; and
- improving the use of DNA technology in detecting crime.

## Chapter 1: Introduction

- 1.1 A properly functioning criminal justice system is the foundation of civilised society. Without effective policing, an efficient court system, and mechanisms for both punishing and rehabilitating offenders, a fundamental part of government's contract with the citizen would be overturned, and we would return to a primitive world of revenge and vigilantism.
- 1.2 We are a pioneering nation in criminal justice. Our court system is one of the oldest and most highly respected in the world. We pioneered policing, and our police forces are reckoned among the finest in the world. And we also led the way in prison reform and in the development of probation services, making sure that our penal system was about rehabilitation as well as about punishment, so that it protects the public in the long term as well as in the short term.
- 1.3 This is a proud history. But we must make sure that, as well as having a long pedigree, our system is fitted for the modern world, and that we continually challenge it to make sure that it supports its fundamental purpose of delivering justice which keeps citizens safe.

### A changing context

- 1.4 In many ways, we are safer in the modern world than we have ever been before; and the long arm of the law reaches further. But new challenges have taken their place.
- 1.5 These challenges cannot be accommodated by the piecemeal shifting of priority and policy. They are manifestations of the seismic changes that have been brought about by globalisation. The frozen certainties of the Cold War have melted into torrents of new challenges – including mass migration, international terrorism, and organised crime. Technology – including the internet – offers new opportunities for crime, as well as new ways of combating it. Our system needs to keep pace with these new challenges if we are to keep people safe.
- 1.6 In addition, family structures have changed, with higher divorce rates, more single-parent families, and fewer extended families living together. Tightly-knit geographical communities are giving way to communities of interest, which can be spread across the globe. This makes for a richer life for most of us; but it also diminishes our sense of familiarity and safety in our local community; and reduces levels of what is known as 'informal social control', whereby figures of authority in a community act as a check on the behaviour of others. This lies at the root of anxieties about levels of respect and about anti-social behaviour.
- 1.7 Thirdly, as a society, we have steadily become more affluent; and more and more of us now expect a high standard of living as a right. Aspirations are being levelled more quickly than incomes. We own far more, but we also want far more and, in addition, we own a large number of small, portable, valuable items which are relatively easy to steal and sell. Some 78 per cent of UK households now own a mobile phone (Office for National Statistics, *Expenditure and Food Survey, Family Spending*, 2004). And acquisitive crime is also driven by drug addiction, with a very high proportion of those involved in shoplifting and theft stealing to feed a habit.
- 1.8 At the same time, our expectations of the criminal justice system have increased. We know far more about crime than we ever have before – not just in terms of the statistics we gather, but in terms of what we see and hear around us in the media. A better connection between the police and public means we report far more crime to the police. The British Crime Survey, which asks victims of crime whether or not they have reported incidents to the police, shows that the proportion of crimes reported has risen significantly during the 25 years the survey has been running. Crimes which were once hidden are now more visible. We cannot know, for example, whether there are more attacks on children now than used to be the case

– we can only know that we are aware of more, and that we still find them utterly unacceptable.

- 1.9 So, rightly, as we become aware of more crime, we expect more to be done to deal with it. We expect the system to work in favour of the law-abiding. This clearly means that the public should be protected from serious and dangerous crime; but it also means that no one should be able to break the law with impunity. Playing fair should bring rewards. Not doing so should lead to punishment. Increasingly, we expect our system to be able to deal with the full range of offences, from the most serious to the most minor.
- 1.10 The modernisation of the criminal justice system is therefore not yet complete. The system has been improved a great deal over the past decade but it is still not good enough. The result of the success we have had is that we can now address the remaining failures. In 1997, we inherited a system that was poorly funded and poorly performing. Partly as a result of administrative failure and partly as a result of legal culture, the interests of the victims of crimes had not been taken seriously enough. A fundamental reassessment was not possible while the system was so poor.
- 1.11 This document looks at the whole system – from policing through courts to prisons and probation – and sets out clear action for reform. It looks at sentencing and human rights, at how to give victims a stronger voice, at how we can work smarter to cut crime, at how we can concentrate our efforts on the worst repeat offenders. But first it is worth reflecting on how far we have travelled.

## Successes

- 1.12 In 1997, the Government inherited a system that was ill-equipped to do even the basics. Police numbers were falling, the Crown Prosecution Service was struggling and under-funded, probation training had stalled

completely between 1995 and 1998 and in that period no newly qualified probation officers entered the system at all. Since then, we have driven significant reforms that have delivered real progress in improving our criminal justice agencies, joining up services, reducing crime and getting better at bringing offences to justice, improving how victims and witnesses are treated, enforcing our justice system better and making our laws more fit for the 21st century.

- Crime has fallen by 35 per cent since 1997 and violent crime has also fallen significantly over the same period (British Crime Survey 2005/06).
- The risk of becoming a victim of crime is the lowest since the British Crime Survey began in 1981.
- After falling for a number of years, public confidence in the criminal justice system is now on the rise (British Crime Survey 2005/06).
- Worry about anti-social behaviour has fallen by almost a quarter since we introduced our Respect programme (British Crime Survey 2005/06).

- 1.13 We have given individual criminal justice agencies greater resources and more powers. We now have a record 141,270 police officers in England and Wales, and over 6,300 Community Support Officers (*Police Service Strength* – Home Office Statistical Bulletin, January 2006) working with them as a visible presence on the streets. We have driven up the performance of the Crown Prosecution Service, which is now properly funded and employs over 2,800 prosecutors, playing a far more active part throughout a case. Since 1996 there have been no escapes of Category A prisoners, prison resources have risen by 35 per cent in real terms, there are 19,000 more prison places, and there has been a significant increase in front-line probation staff.
- 1.14 But modernising our systems has been about more than simply improving the performance of

individual agencies, it is also about **joining up services**. In the past, the police, prosecutors, the courts, prisons and probation all tried to improve performance in isolation. This led to some significant successes; but too often improvements in one agency were not carried through to others; and, at worst, attempts to improve speed or quality in one place actually reduced performance elsewhere.

- 1.15 This Government has brought the agencies that work in the criminal justice system much closer together. This starts from joint leadership by the Home Secretary, the Lord Chancellor and the Attorney General, including through the creation of the Office for Criminal Justice Reform, and is backed up by the national and local Criminal Justice Boards which bring all the key partners together. We have put tough multi-agency management and monitoring arrangements in place for high-risk serious and dangerous offenders in the community. Targets are now increasingly shared rather than individual. For example, all the criminal justice agencies have worked together to **bring more offences to justice**. We are well ahead of our target, with 1,272,000 offences brought to justice in the year ending December 2005 compared with 1,002,000 in the year ending December 2002 – more than ever before.
- 1.16 **Victims and witnesses** are no longer marginalised by the system. We have almost trebled the funding for Victim Support since 1997 and brought in a code of practice for victims of crime. We have introduced victim personal statements – so that victims have a say in court about how a crime has affected them – and changed the rules to allow prosecutors to speak to victims and witnesses before a trial. We have also introduced Witness Care Units, providing support for victims and witnesses throughout the legal process and are piloting victims' advocates schemes in five areas.
- 1.17 **The orders of the court are being enforced better**. The payment rate for fines has improved
- from 55 per cent in 2002/03 to 83 per cent in 2005/06.
- 1.18 We have **begun to modernise** our laws to ensure they properly reflect reality and let us take pre-emptive action to tackle bad behaviour before it gets out of hand. We have introduced new powers and penalties that let us deal with low-level disorder quickly and simply – including Penalty Notices for Disorder, which can be handed out for yobbish behaviour on the streets. For the first time in over a century, we have overhauled the legislation on sex offences to ensure we have the powers we need to monitor those convicted. Other legislation has allowed us to seize the money criminals make from their crime unless they can prove it has been honestly come by; require serious and prolific drug offenders to attend drug assessments; make it easier for courts to hear about previous bad behaviour; and remove the double jeopardy rule for serious cases, meaning the defendant can be tried again where compelling new evidence is found. We have improved sentencing through the Criminal Justice Act 2003, which introduced unlimited sentences for violent and sexual offenders who are judged to pose a risk to the public. Courts are using the new sentences. We have also expanded places in prison by 19,000 since 1997 to make sure we can keep the public safe from dangerous people.
- 1.19 We have achieved a great deal of which we should be proud – and our achievements have changed and saved lives – but there is more we can and should be doing. Having taken stock, our conclusion is that the system needs more balancing and much better enforcement, coupled with a drive to ensure 21st-century laws for 21st-century crimes. That is the public's conclusion too; they rightly expect high standards of service from all public institutions, and the criminal justice system is no different.

## **Rebalancing the whole of the criminal justice system, from end to end**

- 1.20 Despite all that has been achieved, people continue to believe that the system treats those accused of crime fairly. In the latest British Crime Survey (2005/06), 80 per cent of respondents thought our system was fair to the accused; only 36 per cent were confident that it meets the needs of victims.
- 1.21 Despite substantial progress, there is still more we could do to improve the treatment of victims and witnesses and rebalance the system.
- 1.22 There are still cases, for example, where rules and regulations are perceived to be getting in the way of common-sense justice. For instance, there are cases where plainly guilty offenders are released on technicalities, or where offenders are given significant time off their sentences for pleading guilty, despite having been caught red-handed. The Human Rights Act and the European Convention on Human Rights – which are essential protections for all of us – have been misunderstood and misquoted, sometimes preventing the proper protection of the public. Despite major reforms, our system of sentencing is still too complicated and obscure – so that, although many more offenders are going to prison now than ten years ago and prison sentences are getting longer, there is a public perception that sentencing is soft and getting softer. High-profile examples of apparently lenient sentences can also damage confidence.
- 1.23 We also still have a system where those from certain ethnic groups are disproportionately more likely to be arrested, to be convicted of a serious crime, and to be imprisoned. The system needs to be rebalanced in favour of the law-abiding; but we also cannot tolerate a justice system that contains any built-in unfairness based on race, creed or colour.
- 1.24 We are not using prison well enough. We need to be clearer about which types of offenders

should be in prison, and which should be punished in the community, and get far better at assessing and reducing risk.

- 1.25 Overall, we need to do more to tackle the crime that people are most worried about, in the most appropriate way. The public are clear about what they expect of a criminal justice system in the 21st century. People want us to put more focus on serious and violent crime; but they want us to deal with low-level anti-social behaviour. The staff who work in the criminal justice system want to deliver a modern, simple and effective service without being overburdened by bureaucracy and regulation. We can and should be doing all of these things, but clearly not all in the same way for every crime. We need to do far more to tailor our approaches to different offenders and offences, getting the appropriate response to fit the crime – ‘smarter justice’.
- 1.26 To do this, we need to build on the foundations we have laid – and look at how we can do more to serve the law-abiding, tightly grip offenders through every part of the process, and streamline and improve our systems to support this. Only by continuing to look at the whole system together will we be able to rebalance the criminal justice system in favour of the law-abiding majority and victims and, as part of that, do more to cut crime, reduce reoffending, and protect the public.

## **This document – action and consultation**

- 1.27 This document is the result of a review which has been carried out inside government, informed by experience and research, and by a programme of ministerial visits to gather ideas from the front line. In many areas, we are confident that we know what action needs to be taken in order to further rebalance our system, and we set out clear proposals for change in the chapters that follow, with timescales and milestones. In other areas, we are using this document to begin a process of wide

consultation, and we invite views on the proposals we are setting out.

1.28 We have consciously designed this document according to what we need to do throughout the system, from end to end.

- The next chapter, **Chapter 2, begins by setting out how we will respond to what victims and the law-abiding really want** from our system – better treatment and a stronger voice for victims and witnesses; fairer sentencing; better enforcement; and more responsive policing.
- **Chapter 3 looks at how we will grip offenders** to cut crime, reduce reoffending, and protect the public. It looks at the spectrum of offences and offenders, from minor offences and anti-social behaviour, through prolific offenders, to the serious and dangerous from whom the public needs protection.
- **Chapter 4 looks at how our system needs to change** – at how we can join it up more effectively, stop technicalities and bureaucracy getting in the way, and make best use of technology.
- **Chapter 5 sets out our plans for action, with clear timescales and milestones.**
- **Chapter 6 concludes the document and invites comments on the points for consultation.**

1.29 Clearly, this document is the beginning rather than the end of this critical phase of our work to rebalance the system. But we believe it sets a clear direction for a system of ‘smarter justice’ that is genuinely just and fulfils its purpose as one of the cornerstones of democracy.

## Chapter 2:

# Putting law-abiding people and communities first

- 2.1 If we are serious about putting the law-abiding first, we need to be clear about what they most want from the criminal justice system. The 2004/05 British Crime Survey tells us that reducing crime, bringing people who commit crimes to justice and dealing with cases promptly and efficiently are the most important issues for the public.
- 2.2 We know that people want to be treated properly if they are a victim of crime, or if they are a witness to a crime they want to be given help, support, advice and a chance for their voice to be heard. They want to give evidence without fear of reprisals. They want to know that if they were arrested and convicted, they would be treated fairly. But, most importantly, they want to see the system delivering justice – with fairer sentencing and fewer occasions when the system seems to let the offender off the hook.
- 2.3 In addition, we know that the public want community policing which is visible and responsive, and allows them to live and work without fear of crime.
- 2.4 We will put public confidence measures at the heart of our reform plans, with clear targets for increasing confidence in what we do throughout the system.

### Treating victims and witnesses better

- 2.5 The needs of victims must continue to be at the heart of what the criminal justice system does. They must be **treated properly throughout the system** – with help, support, advice, and a chance for their voice to be heard. In December 2005, the Government published far-reaching proposals to improve the support we provide to victims.

### What we have done to support victims and witnesses

#### Better emotional and practical support

We now spend over £230 million annually on supporting and compensating victims of crime. Victim Support funding has risen to £30 million in 2005/06 – almost three times the 1997 level. One of the things this has enabled Victim Support to do is establish a witness service in every criminal court to provide support to witnesses on the day. We are also improving services for witnesses before they go to court: 165 Witness Care Units have now been set up, run jointly by the police and the Crown Prosecution Service, to provide advice and support to victims and witnesses throughout the process – from charge to disposal.

There will be separate waiting rooms for defendants and witnesses in 90 per cent of all magistrates' courts by 2008. Ninety per cent of Crown Court Centres now have television links to support victims in giving evidence – easing the pressure of giving evidence and tackling witness intimidation.

#### New rights and better information

The Code of Practice for Victims of Crime came into force in April 2006 and gives victims legal rights for the first time. It defines a minimum level of service which can be measured and establishes a right of complaint to the Parliamentary Ombudsman. We plan to introduce a non-statutory Witness Charter that will set out the levels of service that prosecution and defence witnesses can expect to receive from agencies and legal practitioners.

The Code of Practice for Victims of Crime also obliges every criminal justice agency to provide better information to victims at all key points of their case's progress. The Crown Prosecution and Probation Services have changed their practices to make sure they do this, and have introduced new services to offer practical support.

### Giving victims and witnesses a voice

We have introduced victim personal statements – so that victims have a say in court about how a crime has affected them – and changed the rules to allow prosecutors to speak to victims and witnesses before a trial. We have established the Victims Advisory Panel – a group of victims of crime who make recommendations to Ministers about how to improve the criminal justice system.

We are recruiting a Commissioner for Victims and Witnesses to act as a figurehead to champion their interests. The Commissioner will promote victims' interests at the highest levels of government and the media, and will also be responsible for keeping the Victims' Code of Practice under review. We are also piloting the introduction of victims' advocates schemes in five locations, who will give the relatives of homicide victims better support before a trial, free legal assistance, and the choice of addressing the court in person about the impact of the crime on them (after the offender is convicted, but before they are sentenced).

- 2.6 We intend that every new member recruited to a parole board will have direct or indirect experience as a victim of crime, or will be able to demonstrate a sound awareness of victims' issues. We will also enhance training for all parole board members in victims' issues. We intend to introduce a Victim's Voice, which will enable the concerns of victims in the most serious sexual and violent cases to be put powerfully to the panel hearing the case, as well as dealing with public safety issues.
- 2.7 The Attorney General will set out a prosecutor's pledge which requires all prosecutors to take into account and protect the interests of victims at every point in the case from charge to appeal in all types of case.
- 2.8 We also think that offenders should contribute more to compensate for their crimes. We propose requiring violent offenders to meet the costs of medical expenses for their victims, in

the same way as a driver who has caused a road traffic accident pays towards the cost of any injuries they cause. To make it easier for victims to sue offenders in the civil courts, we propose reforming the current law of limitation. This would give the court the discretion to reopen cases beyond current limitation periods, allowing victims to sue if the offender later receives a windfall, for example. We will consult on all these proposals.

### We will:

- ensure that all members of parole board panels making a decision on a serious sexual or violent offender have direct or indirect experience of being a victim of crime or can demonstrate a strong appreciation of victims' issues;
- introduce a Victim's Voice in the most serious cases before the parole board;
- require prosecutors to follow a new pledge to take into account and protect the interests of victims; and
- increase the compensation that offenders pay, requiring violent offenders to meet the medical expenses of victims, and new powers to allow the court to reopen cases beyond current limitation periods, allowing victims to sue, for example if the offender later received a windfall. We will consult on how this is to be done.

### Rules that don't privilege the offender over the victim

- 2.9 It is essential that we have a criminal justice system which treats all individuals fairly. That includes those suspected or convicted of crimes. People must be treated fairly, and discrimination stamped out. But those checks must not limit our capacity to protect the public from harm and provide victims of crime with the support they need. That means

striking the right balance between individual rights and those of the law-abiding majority and, in particular, of victims.

2.10 The issue of human rights polarises debate.

On the one hand, they are characterised as a criminal's charter which allows the undeserving to flout the system by fraudulently claiming rights to which they should not be entitled. On the other, it is seen as an inviolable list of entitlements which the state must accommodate in perpetuity regardless of whether they conflict with those of public safety or no longer reflect the modern global reality. Neither view helps us. We need to have a rational debate which acknowledges that we must have a robust approach to securing rights but also acknowledges that, where these conflict, a balance must be applied which properly secures the safety of the law-abiding majority in a changing global context.

2.11 The Human Rights Act provides a powerful framework to deliver this. We have reviewed the Human Rights Act, looking in particular at the way it impacts on the criminal justice system.

2.12 The Government does not accept the argument that we should repeal the Act. The Act gives effect in UK law to the provisions of the European Convention on Human Rights, to which we have been bound for over half a century. This sets out the rights that represent the basic principles of human decency, but also contains provisions which permit exactly the sort of balanced approach that allows the courts to weigh up the freedom of the individual against the right of the public to be protected.

2.13 But we will be robust in addressing the areas where the European Court of Human Rights in Strasbourg interprets the Convention in a way that stops us applying a proper balance effectively. In the 1996 *Chahal* case, the Court found (by a narrow margin) that the UK Government could not consider the protection of the public as a balancing factor when arguing

the case for the deportation of a dangerous person. We believe that this goes against the fundamental principle in the Human Rights Act that individual and collective rights can and should be balanced against each other. That is why, in the context of the current threat posed to this country and its people by international terrorism, we are working with our partners in Europe to challenge this as vigorously as possible.

2.14 In addition, we need to do more to ensure that the Human Rights Act is not misinterpreted to prevent action to protect the public. In the light of recent cases such as the tragic murder of Naomi Bryant, we are conducting a thorough review of how police, probation, parole and prison services balance public protection and individual and collective rights. If necessary, we will legislate to ensure that public protection is given priority. This could include a requirement that agencies share data to protect the public – to make it clear that the Data Protection Act should be no bar to this.

2.15 We will restrict the ability of those the courts agree are guilty to have their convictions quashed on a technicality, and will consult on how to do this.

2.16 In other cases, organisations or individuals are over-cautious in their interpretation of competing rights. Sometimes, misreported cases gain credence and become urban myths, fostering the idea of a system skewed in favour of the offender in a way that defies common sense. To combat this, we will make better practical 'myth-busting' advice and guidance available to those working at the front line – which, for example, would deal with issues such as agreeing with police forces the circumstances in which 'mugshots' might be published.

2.17 We will create an advice service to allow front-line practitioners to obtain fast online access to relevant legal resources – so that if they are worried that something they want to do might

conflict with the Human Rights Act, they can check quickly. We will also institute a routine process of review through a scrutiny panel (made up of practitioners and lawyers) reporting to the National Criminal Justice Board, which will scrutinise the application of rights and ensure that the approach to administration is robust and fair. It will propose further changes to the law and guidance where it detects problems or imbalances.

**We will:**

- challenge judgments (especially the Chahal judgment) which stop us from properly balancing individual rights against protecting the public;
- clarify that all relevant criminal justice agencies have a duty to protect the public and may legislate to underline this;
- restrict the ability of the plainly guilty to have their convictions quashed because of a procedural irregularity and consult on how this is best achieved in practice;
- issue robust, practical, myth-busting advice to practitioners on how rights should be balanced between offenders and the wider community; and
- set up an advice service for front-line staff (like the police) to get clear advice on the application of competing rights.

**Fairer sentencing, meeting the needs of the community**

2.18 Courts must pass sentences that both protect the public and reduce crime. High-profile examples of lenient sentences and the apparent complexity of the process have given rise to public concern that this is not happening.

2.19 The Government has taken steps already to secure the robust and consistent sentencing the public rightly expects. We introduced the Sentencing Guidelines Council to promote greater consistency in sentencing. The Criminal Justice Act 2003 changed the system, introduced in 1991, which meant prisoners who had committed extremely serious offences were automatically released at the two-thirds point of their sentence regardless of the danger they presented to the public.

2.20 For serious offenders judged to pose a risk to the public, we have now provided unlimited sentences (indeterminate sentences for public protection), which mean that offenders can only be released once the parole board judges that they no longer present a threat to the public. In some cases, this will be never – so that life really does mean life. These sentences are already being used by sentencers. Between April 2005 and July 2006, around 1,120 offenders were given these unlimited sentences.

2.21 But, despite this progress and the willingness of the courts to use the new sentences, we have not convinced the public that the sentencing process is tough enough for the most dangerous offenders. We have therefore looked again at the system. This review has identified a number of issues that need to be addressed.

**Discounts for guilty pleas**

2.22 Clearly, there are sensible reasons for giving offenders a shorter sentence if they plead guilty at the earliest possible point. Without this, the incentive would always be to plead not guilty, and hope to avoid conviction. Pleading guilty also saves the victim and their family the pain of lengthy court proceedings. But the current rules are too restrictive, especially where an offender has been caught red-handed. We want judges to have more discretion, so that they no longer have to reduce the minimum sentence they impose by up to a third, regardless of the circumstances. In future, judges should be able to reduce or remove the discount for an early

guilty plea altogether where the evidence against the defendant is overwhelming.

- 2.23 We will also change the rules on what happens when the Attorney General refers a case to the Court of Appeal for being unduly lenient. At present, the Court gives a discount to the offender on being re-sentenced to reflect the anxiety they are alleged to feel at going through a sentencing hearing a second time. We have already abolished this practice in murder cases and will now abolish it for all life and unlimited sentences and limit it for other sentences.

#### Parole dates for those serving life or unlimited sentences

- 2.24 At present, when judges award an unlimited sentence, including a life sentence, they explain the **minimum term** that the offender must serve. To calculate this, they decide on a tariff for punishment purposes and then set the first possible release date at the halfway point of this tariff.
- 2.25 In fact, very few offenders on unlimited sentences will be released at the halfway point – it is just the earliest point at which their release can be considered by the parole board. But it gives the public the impression that dangerous people might be released after a very short time; and we believe it is wrong to automatically apply this principle to ‘halving’ the sentence tariffs for dangerous offenders. We will consult on a range of options for ending this convention and will give the courts the discretion to make dangerous offenders serve a higher proportion of their tariff.

#### Release dates for determinate sentences

- 2.26 Under the Criminal Justice Act 2004, prisoners given determinate (time-limited) sentences for non-violent or less serious violent offences automatically serve half of their sentences in prison and half in the community, supervised by the probation service.

- 2.27 We will consider carefully whether there should be **more discretion for judges** to identify a small number of determinate-sentence offenders whose offences are not serious enough for them to be given unlimited sentences, but who nevertheless should not be released automatically at the halfway point, because of serious concerns about the risks that they pose.

- 2.28 As we address these issues, we will begin a wider public conversation on how we can reform sentencing and release arrangements to restore public confidence, and make sentencing clearer and easier to understand.

#### Sentencing Guidelines Council

- 2.29 We will work with the Sentencing Guidelines Council to streamline the process for developing and issuing sentencing guidelines, and make it clearer for the public. At the moment, proposals around the same guideline are issued several times – there is a draft guideline, then a Government response, then a response from the Home Affairs Select Committee, and finally the ultimate guideline. This can lead to confusion and duplication. We shall explore with the Council whether this can be simplified.
- 2.30 We also believe it would make more sense if the views of Parliament expressed through the Select Committee were obtained before those of the Government, so that the Home Secretary and criminal justice Ministers can reflect on the draft guideline and the views of the Select Committee, respond to the draft and make clear if, in their view, the draft guideline is consistent with the relevant legislation.

#### Further consultation

- 2.31 We are in this review taking clear action to address some issues of immediate concern. But the Home Secretary, Lord Chancellor and Attorney General believe that there is also a wider set of issues which need further detailed discussion. The three Ministers will therefore bring forward a consultation on a range of sentencing and related issues shortly. This will include proposals on how to make sentencing

decisions clearer and whether to provide more discretion to judges about keeping prisoners in beyond the halfway point of their sentence if it is clear that they pose a serious risk to the public, even if the offence is not serious enough to justify an unlimited sentence.

**We will:**

- give judges discretion to end the automatic one-third discount given for an early guilty plea;
- stop offenders who are re-sentenced after an appeal against a lenient sentence being given a sentence discount simply for the distress of being sentenced again;
- change the way the Sentencing Guidelines Council works so that the Home Secretary and criminal justice Ministers are the last to advise on guidelines;
- consult widely on how we can make sentencing clearer;
- end the requirement that judges should automatically set the earliest possible release date at the halfway point of the punishment tariff for those serving unlimited sentences, and consult on other options for setting the first possible date for parole; and
- consult further on whether there should be more discretion for the courts to keep some prisoners serving fixed-length sentences in prison after the halfway point of their sentence, where there are clear and significant risks to the public.

**Compliance and enforcement**

2.32 As well as ensuring appropriate sentences are passed, the public expect the system to enforce them effectively with robust measures to make sure people comply with court orders. Without

that, the public – and importantly the offender – will not respect the system. Performance has already improved. We have increased the enforcement of fines, and the number of outstanding ‘fail to appear’ warrants was reduced by 28 per cent in 2005/06. But we must do more. Where offenders do not comply, we must make sure that there are serious penalties for breach.

2.33 With cross-government partners, we will introduce a National Enforcement Service to clamp down on those who do not pay fines or comply with the orders of the court. The Service will, by 2007/08, be a partnership between criminal justice agencies (including the police) in England and Wales, offering:

- much better intelligence and data sharing;
- enhanced collaboration between agencies for faster processing of warrants and more efficient deployment of resources;
- smarter targeting of those who fail to comply, with a particular focus on wilful fine defaulters, those skipping bail and community penalty breaches;
- systematic implementation of best practice including the lessons learned from Operation Payback and Turn-Up;
- a more professional body of enforcement agents; and
- better tools and specialist equipment, including links to the Police National Computer and a credit reference agency database for front-line staff.

2.34 We have already changed the law to ensure that when an **offender breaks a community order**, sentencers must do something about it. Simply returning the offender to their community penalty for another chance or a fine (as they often did in the past) is no longer an option. In every case where an offender is ‘breached’ for not complying with their order, the magistrate or judge **must** now punish them, either with extra community punishment (for example, more hours of unpaid work) or with custody,

even if the original sentence was not punishable by imprisonment.

- 2.35 Working together, probation and court staff are getting better at bringing offenders who breach back to be dealt with. But sending offenders to court to be sentenced for breaching their community order is a time-consuming process. It wastes court resources and lets offenders off the hook for too long.
- 2.36 It should always be open to the supervising officer to return to court someone whose breach requires a much more serious penalty. But professional probation staff should be able to deal with most breaches directly themselves. We will therefore consult on giving offender managers the power – within a framework set by the court at the time of sentence – to vary the punishment an offender serves depending on their behaviour, without having to go back to the court.
- 2.37 We also want to make sure that people who **breach bail**, by failing to attend court, are dealt with quickly and effectively. We have cut the number of outstanding warrants for failing to appear by over 43 per cent from 65,321 to 37,339 since August 2004 and have a target to cut this to 33,598 by March 2007. Some 90 per cent of warrants for failure to attend are now notified by the courts to the police within one working day compared with just 61 per cent in April 2005.
- 2.38 We have also been encouraging application of the Lord Chief Justice's Practice Direction on Bail. The practice direction promotes the use of trials in the absence of the defendant where he does not turn up, so that victims and witnesses are not inconvenienced or frustrated by the defendant's absence, and it also encourages prosecution of the Bail Act offence where a defendant has failed to appear. But, with over 160,000 warrants issued last year for defendants failing to attend, there are still too many people

not turning up and it still takes too long to catch them and deal with them.

- 2.39 We need to send a clear message to people who breach bail that they can expect to be:
- caught quickly;
  - brought back before the court quickly; and
  - dealt with robustly by the courts rather than simply let out on bail again.
- 2.40 Local criminal justice areas now collect data on the speed with which they bring bail breachers back to court. We will set local and national targets for speed of warrant execution in consultation with local areas, with a view to implementation from April 2007. These targets will prioritise getting the most serious and prolific offenders back before court quickly.
- 2.41 Once the police have found a bail breacher, it is critical that they can take effective action. At present, courts can issue either a 'warrant with bail' or a 'warrant without bail' when someone on bail fails to attend. But warrants with bail just mean that the person who has not attended is served with another piece of paper telling them to appear at some future date. So we will restrict the use of warrants with bail, so that, except for the most minor of offenders, anyone failing to appear in answer to bail can expect to be taken into police custody as soon as they have been found until they can be brought before the court.
- 2.42 We will also use new technology to ensure a faster and more effective response to those who fail to appear. For example, we are working with the London Criminal Justice Board to introduce live television links between police charging centres and courts, and extend courts' working hours so they can deal with cases straight away by live television link. We will legislate to ensure this approach can be used for bail breachers.

- 2.43 Once a bail breacher is brought before the courts, it is essential that sentencers have the range of powers they need to take effective action to prevent further breach. We have introduced electronic tagging for those on bail where the courts consider this would be an effective way of preventing further breach, and new orders are already being issued at a rate of over 100 defendants each week.
- 2.44 And we will implement Sections 14 and 15 of the Criminal Justice Act 2003 on a national phased basis starting with more serious offences by December 2006. The courts will then be required to operate to a new presumption that offenders who fail to appear in court when required or who commit a further offence while on bail will be remanded in custody.
- 2.45 We will also make sure **offenders who break their licences are recalled quickly and efficiently**. Recall decisions are now made far more quickly than in the past but, once the decision has been made, it still takes too long in some areas for offenders to be returned to prison. We will consult Local Criminal Justice Boards and enforcement agencies on introducing a target for the percentage of recalled offenders who are returned to custody within four days and, for the most serious offenders, within 24 hours.

#### **We will:**

- introduce an integrated enforcement service nationally by 2007/08;
- speed up the recall to prison of offenders who break their licence, including a tough new target for serious offenders;
- begin phased national implementation of presumption against bail for those who abscond or offend while on bail, starting with more serious offenders;
- speed the return to court of bailed defendants who fail to appear by restricting the use of ‘warrants with bail’. We will consult on how to do so;
- consult on giving probation staff the power to vary the punishment an offender serves depending on their behaviour, without having to go back to the court; and
- consult on new targets for swifter return of those who breach bail to court, and use police–court live television links to make it easier.

#### **Community justice**

- 2.46 As well as making sure that sentencing has more public confidence and that those sentences are more effectively enforced, we need to address the wider perception that the criminal justice system is out of touch with the realities of modern life, and that it is distant from the communities who are most likely to be the victims of crime. Those communities often see offenders causing damage and disruption, who may be arrested, but to whom nothing seems to happen before they are back in the community, carrying on as before.
- 2.47 It is essential not only that we do more to bring offenders to justice, but that the community is more closely involved in the whole process. In

particular, it is critically important that judges and magistrates become much more involved with the communities they serve. The North Liverpool Community Justice Centre and Salford Community Justice Initiative show that it can be done.

### **Community Justice in North Liverpool**

In North Liverpool, Judge Fletcher meets regularly with local residents through the Community Reference Group and the Young People's Reference Group. These groups consider the list of offences prioritised by the Community Justice Centre, and suggest tasks from within the area to be added to the list for offenders to undertake as unpaid work. There has also been a series of 'meet the judge' public meetings held where people were able to hear about the work that the Centre does, ask questions, and make suggestions.

At one such meeting, the community mentioned that there was a problem with prostitutes in a local street. Residents didn't want to walk down it and this meant it was cutting the neighbourhood in two. The judge promised to do something to help. The team approach of the Centre meant that the police launched an operation to arrest prostitutes and kerb crawlers, and the defendants were brought swiftly to court. As part of their sentence, the kerb crawlers had their driving licences suspended so they couldn't offend in other areas.

- 2.48 We will roll out more community justice initiatives of this kind in areas of England and Wales chosen based on an analysis of crime and social deprivation factors and, after consultation, the Lord Chancellor will announce these areas shortly.
- 2.49 We will also do more across the country to develop restorative justice – where offenders make amends to the victim or the community for the harm they have caused. And we will build on approaches like Youth Offending

Panels – in which members of the community draw up contracts with young offenders for what they must do as part of their sentences for first-time offences.

- 2.50 We will continue to expand our successful Community Payback initiative. This makes the 5 million hours of compulsory unpaid work done by offenders more visible to the public, and gives local people (including victims of crime) the chance to say what work offenders should do in the community, with leaflets and websites to encourage people to choose particular schemes. A highly visible Community Payback logo shows where work has been done by offenders. In Ipswich, offenders have removed graffiti from park walls and buildings and cleaned up a children's playground.
- 2.51 Our system needs to do more to treat all communities equally. We have made major progress in ensuring that those responsible for delivering law and order promote equality, don't discriminate, and tackle racism and racist crime. But still black people are six times more likely to be stopped and searched and three times more likely to be arrested than white people. That imbalance is likely to be the result of a range of factors, but our current data do not tell us enough about where in our system it occurs, or the extent to which it is due to direct or indirect discrimination, which makes it harder to tackle. We will implement a fundamental reform of the current ethnicity statistics collected under Section 95 of the Criminal Justice Act 1991, and use them to drive performance. We will also consult widely with all communities on what more we can do; and we will implement the recently published report by the Race for Justice Taskforce on how to improve the handling of crimes motivated by racial and religious hatred.

**We will:**

- roll out the community justice approach to more areas;
- extend Community Payback, which gives communities the chance to choose the unpaid work offenders do; and
- reform the way the criminal justice system is held to account for the way it treats people from all ethnic communities, and will implement a programme of work to improve the response to crimes motivated by racial and religious hatred.

**Visible, responsive and accountable policing**

2.52 The police have a crucial role in ensuring the criminal justice system responds effectively to local needs. They are the gatekeepers of the criminal justice system and the agency the public is most likely to come into contact with. We have already done a great deal to make sure they are more responsive, locally accountable and citizen-focused. We have started to introduce neighbourhood policing across England and Wales, and will have a dedicated team in every area by April 2008.

Neighbourhood policing is about local police teams being genuinely visible and responsive to people, and dealing effectively with the crime and anti-social behaviour that concern them. The Government, police and police authorities have embarked on a major programme of police workforce reform and modernisation to support better policing.

2.53 To help provide this visibility and reassurance at a local level, we are increasing the number of Police Community Support Officers to 16,000 by 2007. The goal will be to increase this number to up to 24,000, in consultation with police services and in a way that is tailored to reflect local circumstances.

2.54 We are also introducing a set of service standards which all forces will have in place by November 2006, to make sure that everyone who comes into contact with the police is treated as well as they should be. We know that a key test is how well and quickly the police deal with initial contacts from the public. We will raise the standards by making it easy to contact the police by phone or email, and ensuring that if the incident is not an emergency but does require a visit, a suitable time is arranged quickly. With police forces, we will work to improve satisfaction, measuring how content people are with their contact with the police. We have already introduced clear standards for how the police and the criminal justice system treat victims, and we will extend these to witnesses through a Witness Charter.

2.55 We are trialling '101' – a single non-emergency number – in five areas, for people to instigate action, and obtain information and advice on community safety and anti-social behaviour issues in their neighbourhood easily and quickly.

2.56 Where people feel the police are not listening, we intend to give them more power to make the police take notice. We are currently legislating to introduce a 'Community Call for Action' to enable local communities to trigger action by the police and other local agencies where they have failed to tackle a persistent local crime or anti-social behaviour problem.

2.57 We are clear that there is a gap in the ability of police forces to provide 'protective services' – tackling organised crime, terrorism, and other major crimes that cross boundaries. This means that small forces working in isolation are not the future. Following extensive discussions with Chief Constables and police authorities, we believe that the key improvements can be achieved without enforced mergers. Instead, we are asking forces and police authorities to show us how they can improve their protective services and preserve neighbourhood policing, especially

by substantially increasing cross-force working and exploiting major opportunities for greater efficiency such as sharing back office functions and modernising the workforce. We will also look at what greater freedoms and flexibilities we can give to high-performing forces.

**We will:**

- provide a dedicated neighbourhood policing team for every area by April 2008;
- put in place improved service standards in all forces by November 2006 (for example, this will make it easier to contact the police);
- introduce a 'Community Call for Action' to trigger a response from police (or other agencies) where communities feel that their concerns are not being addressed; and
- consult with police forces and police authorities on how police forces can best be reformed in order to make sure they can deliver both visible, accountable and responsive local policing, and effective action against serious and organised crime, terrorism and drug dealing; and how high-performing forces can earn greater freedoms and flexibilities.



12 noon, Wednesday 12 July, Vernon Coaker, Under Secretary for Policing, Security and Community Safety, meeting officers from Leicester's New Parks and Beaumont Leys neighbourhood policing teams to discuss their work with the local community

## Chapter 3:

# Gripping offenders to cut crime, reduce reoffending, and protect the public

- 3.1 Our central aim, as we rebalance the system, must be to continue to cut crime. We need to tackle all types of crime, but to put more focus on the most serious and violent crimes and criminals, in order to keep the public safe.
- 3.2 At present, we have a target to reduce all crime by 15 per cent by 2008, and more in high-crime areas. We also have a target to bring more offences to justice. Although these targets recognise that the public is concerned about all types of crime, there is a risk that they encourage the police to tackle very large numbers of minor offences, rather than making sure they are giving priority to serious crimes. We need to work much smarter, realising that we do not have to deal with all crime in the same way.
- 3.3 We need quick, firm responses to minor offending which do not clog up our courts; targeted action to tackle the most persistent offenders, who cause most misery; and a sharp focus on the most serious offences. Following this smarter approach will mean we can tackle all types of crime, without letting our desire to cut overall crime stop us prioritising the most serious offences and offenders.

### Preventing crime

- 3.4 We are working closely with colleagues across Government, and especially with Hilary Armstrong, the new Cabinet Minister for Social Exclusion, to address the causes of crime and of reoffending. The Government has introduced Sure Start and on the New Deal has increased Child Benefit; as well as investing much more in inner-city regeneration to ensure that everyone has the life chances necessary to be a responsible member of society.
- 3.5 Work with young people is central to our efforts to prevent crime. We have completely overhauled the youth justice system since 1998, with the creation of the Youth Justice Board and multi-agency Youth Offending Teams, set up to work as much with those at risk of

becoming involved in crime as with those who have already offended.

- 3.6 We have invested an additional £45 million in targeted prevention programmes. These include activity-based Youth Inclusion Programmes for those 13 to 16-year-olds most at risk of offending in deprived neighbourhoods. Independent evaluation found that arrest rates among young people on Youth Inclusion Programmes fell by 65 per cent. This extra funding means that our commitment to increase the number of these kinds of programmes by 50 per cent by 2008 will be met.

### Low-level offending, public disorder and anti-social behaviour

- 3.7 Low-level offending does not mean low-priority offending. Unchecked, it can lead to more serious offending and cause great damage, nuisance and harm in its own right. We need swift responses which tackle the problem speedily, without taking up unnecessary resources of the court system.

### Anti-social behaviour and Respect

- 3.8 Since 1999 we have given innovative new powers – including Anti-Social Behaviour Orders (ASBOs), crack house closure orders and dispersal powers – to police and local authorities to tackle anti-social behaviour and public disorder. We have also established a network of specialist anti-social behaviour prosecutors and co-ordinators to provide expert legal advice. In many areas, the powers are being used extensively and imaginatively to nip bad behaviour in the bud. Perceptions of anti-social behaviour are falling, from 21 per cent of people seeing anti-social behaviour as a problem in their area in 2002/03 to 17 per cent in 2005/06, according to the British Crime Survey. The Respect Action Plan, published in January 2006, showed how we would take this work broader, deeper and further. We will:
  - work to make sure the powers are getting used well everywhere, with every Local Area

Agreement having anti-social behaviour and Respect indicators by September 2006. The Respect Squad will accelerate action where local agencies need additional support;

- continue our work to intervene with problem families, and establish Family Intervention Projects in 50 areas by the end of 2006. The Government is also providing £70 million to increase the availability of good quality parenting programmes and ensure take-up through parenting contracts and orders; and
- promote 'face the people' sessions through which those involved in community safety – for example, the police and local authorities – meet their local communities to set local priorities and monitor performance.



11am, Thursday 13 July, Tony McNulty, Minister for Policing, Security and Community Safety, meeting Gwent police officers on Llisbury Estate, together with Nick Ainger, Under Secretary for Wales

### New powers

3.9 We will continue to look for new ways of tackling bad behaviour. We will now introduce **Parental Compensation Orders** in ten areas, which mean parents can be required to pay compensation for damage caused by the anti-social behaviour of children under 10 (who cannot be given ASBOs), making parents take more responsibility for the damage their children cause.

3.10 We are also considering what additional powers might be helpful in tackling low-level offending and anti-social behaviour.

3.11 The most effective interventions work precisely because they are delivered swiftly and proportionately. Visible summary punishments send a signal to wider society that the behaviour has been tackled and not tolerated.

3.12 Summary powers offer a swift way to tackle minor, uncontested offending and anti-social behaviour, giving individuals the opportunity to make amends, apologise and put things right, while preserving an individual's right of appeal to court, should they contest their guilt.

3.13 We must shift the balance so that the anti-social perpetrator is put to inconvenience, rather than the law-abiding majority. So, for example, later this year we will consult on a new power to close properties at the centre of serious and persistent anti-social behaviour, regardless of the tenure of the occupier(s).

3.14 In conjunction with business partners, we will also consider how to strengthen existing summary powers against businesses that trade illegally and undermine both legitimate businesses and public safety. Our aim is simple – to inconvenience the businesses that are flouting the rules, not those that are obeying them.

3.15 Fixed Penalty Notices have proven to be an effective power and we must ensure greater take-up across the country. We will consider how to encourage wider use of fixed penalties by a range of authority figures, where they provide a proportionate and appropriate response to anti-social behaviour or regulatory offences, with particularly flexible solutions for offences such as criminal damage and littering.

3.16 As part of our neighbourhood policing plans, we will develop new ways for the police and Crown Prosecution Service to resolve minor misdemeanours by young people in cases where a formal criminal justice intervention would be disproportionate. Getting young people to recognise that their behaviour was wrong, apologise and make amends is an important

part of their education. And we intend to legislate to introduce a youth version of the adult Conditional Caution, to strengthen police and prosecutor powers to respond more robustly to youth offending that merits more than a written warning or caution. As with adults, young people would have the opportunity to make amends and get help or face prosecution.

- 3.17 We will continue working with the Prime Minister's Strategy Unit on these issues and will publish proposals later this year.

#### Better use of fines

- 3.18 When an offender is fined by the court, they should pay up. We have made tremendous progress but need to do more. The payment rate for fines has improved from 55 per cent in 2002/03 to 83 per cent in 2005/06.
- 3.19 We want to do more to make sure fines are collected – which is why we are considering making it easier to deduct fines automatically from income or benefits (at present we can only do this after someone has defaulted, or with their permission).
- 3.20 More confidence that fines are a meaningful punishment for everyone should help ensure the courts don't use community sentences where fines could be just as effective – freeing up probation resources to deliver better community sentences where they are really needed, and to protect the public.

#### We will:

- increase the take-up of anti-social behaviour powers, and reduce variation in local performance, with anti-social behaviour and Respect indicators in every local area;
- introduce Parental Compensation Orders in ten areas from summer 2006 to make sure parents take responsibility for the damage their children cause;
- publish proposals about what new powers might help us to cut low-level crime and anti-social behaviour even further; and
- consult about making it easier to collect fines directly from income or benefits, including consulting on compulsory as well as voluntary deductions at the point of sentence.

#### Reducing reoffending, and tackling repeat offenders and drug users

- 3.21 Cutting reoffending is essential if we are to cut crime. Around half of all of crimes are committed by people who have been through our system before.
- 3.22 We need the entire criminal justice system to take responsibility for reducing reoffending, from the police through sentencers to prison and probation. We will consider whether we should make our objective to reduce reoffending a formal shared target for the whole of the criminal justice system and its key partners, as part of our wider consideration of targets for the Comprehensive Spending Review.
- 3.23 We are developing three strong alliances – the Corporate Alliance, the Civic Society Alliance and the Faith and Voluntary Sector Alliance – to promote and encourage greater involvement from employers, local authorities, and voluntary and faith organisations in reducing reoffending.

Reducing reoffending should be everyone's business – maximising what different sectors and groups have to offer to help ex-offenders reintegrate into society and get them engaged in purposeful activities in the local community. And we are beginning to have some success. In the last year, the proportion of offenders released with suitable accommodation to go to has risen by 16 per cent; the number of educational awards that offenders have achieved have risen by 11 per cent; and the number completing a drug treatment course in prison or a Drug Treatment and Testing Order in the community is up by over half.

### Tackling prolific offenders, including drug misusers

- 3.24 A small minority of all offenders in England and Wales are responsible for a disproportionate amount of crime. We need to tackle the most prolific offenders, giving them tough choices, but always aiming to stop their reoffending (and, for the very large numbers who are drug users, tackle their habit). Gripping the most prolific offenders is part of our 'smarter' approach to crime – making sure we focus on those causing the most harm.
- 3.25 At present, we are tackling the most frequent offenders through a range of strategies. We have a successful 'prolific and other priority offender' programme, which brings the police, prosecutors and probation and others together to grip offenders, 'catch and convict' them, but also 'rehabilitate and resettle' them, offering hard choices between accepting help to change, and a swift return to prison. Ten thousand offenders are managed by the scheme, of whom around 40 per cent are in prison at any time. We also have a drug interventions programme, with over 700 offenders a week now entering treatment. If they test positive for Class A drugs, they are required to undergo assessments; and those who refuse face tough new sanctions. The programme is proving successful; but one of the main concerns is whether its efforts are targeting the drug users who cause the most
- crime and harm. We also know that the two programmes overlap, because so many drug-using offenders commit huge volumes of crime.
- 3.26 We will re-launch the prolific and other priority offenders programme in autumn 2006, and will bring it together with our Drug Interventions Programme to ensure that the highest crime causing drug-users are identified and targeted. We will continue our ambition to get 1,000 offenders a week into treatment and increase the range of offences for which drug testing is mandatory. We will implement an additional power from the Drugs Act 2005. This will mean that drug-misusing offenders who have tested positive for Class A drugs and who are identified as requiring further intervention must attend a follow-up assessment or face a fine or imprisonment.
- 3.27 We also want to do more to curb the offending of those who will not accept help, and who keep committing crime. We have already changed the law so that sentencers must treat previous convictions as a factor, and give tougher sentences to those who have long records. But this does not stop them offending again when they get out.
- 3.28 We want to give more power to the courts to put tough conditions on a small number of the very worst prolific offenders, to stop them causing harm in future. We will consult on a proposal for 'extended sentences' for the most prolific offenders. This would mean that after a tough initial prison sentence for their crime, the court could order an extra period after release during which the offender can be prohibited from doing anything described in the order. So, for example, a persistent drug-using burglar who had committed hundreds of offences could be prohibited from approaching areas where they have previously been active, or from going out at night.

### The Drug Interventions Programme in practice

#### Back to work and family

Thirty-year-old John has a history of heroin injecting. He persistently offended to finance his drug habit and in the process became estranged from his family. In December 2004, he was picked up by the Arrest Referral Team following a burglary and tested positive for Class A drugs. He was referred to the local Criminal Justice Intervention Team and the case co-ordinator tracked and supported him through each stage of treatment. By January 2005, John was back in employment.

John has not offended since starting the programme. He is still working and has renewed his relationship with his partner and daughter. He says that he has 'never received so much help before'.

#### Tackling drugs, tackling crime

Life for residents of Tameside has improved dramatically over the past three years, as a result of a multi-agency and anti-crime strategy with a key focus on drugs. Working together, the Borough's Prolific Offenders Project and Drug Interventions Programme have reduced offending by local offenders by almost 80 per cent. The impact on overall crime has been significant: theft of vehicles has fallen by 49 per cent, personal robberies by 35 per cent; and domestic burglaries by 34 per cent.

### Improving probation performance

3.29 To underpin our work to reduce reoffending, we need to drive up performance in community sentences. International research suggests that community-based programmes in general produce more positive results than prison; but given what we know about the impact of employment, housing, and family links, they ought to be far more effective at rehabilitating offenders than they are.

- 3.30 First, we want to make sure that probation services are not being swamped with less serious offenders, and with huge burdens of report-writing. We know that more and more minor offenders are getting community sentences (including people who might have been fined in the past). And courts are also demanding more and more reports from probation before they sentence. We need probation to be able to concentrate on the people who really need intensive supervision, either because they are dangerous, or because of their very high risk of reoffending. We will work with the Lord Chief Justice and with sentencers to find ways of ensuring that probation resources are targeted on those who most need them, that more minor offenders are fined rather than given low-level community sentences, and that courts do not make excessive demands for reports.
- 3.31 Second, we want to get a wider range of partners involved in managing offenders and cutting reoffending. At present, probation boards are monopoly providers of probation services. Only around 3 per cent of probation work is carried out by the voluntary and community sector, in partnership with probation boards. We believe both that there are more providers out there who could help us improve the way we manage offenders in the community; and that allowing others to provide services would also help drive up standards across the board, as it has done in the Prison Service.
- 3.32 Therefore, we will legislate to open up probation to other providers, and will only award contracts to those who can prove they will deliver reductions in reoffending, and keep the public safe. To accelerate this process, we are introducing **measures to improve performance immediately**. They will focus first on Probation Boards which are performing well below the standards of the best. We have already required six Boards to produce immediate improvement plans. We will ensure that all these Boards have made demonstrable, measurable progress by March 2007.

### We will:

- combine our prolific and priority offenders programme with our Drug Interventions Programme and overhaul our approach to high-harm drug users, with tougher conditions, tougher enforcement and new follow-up assessments;
- work with the Lord Chief Justice and sentencers to ensure that probation resources are targeted on those who most need them;
- bring in expertise from the private and voluntary sectors to drive up the quality and performance of community punishments; and
- consult on a new power for the courts to impose extended sentences with tough conditions on the most persistent offenders, to prevent them causing more harm in the future.

### Protecting the public from serious, violent and dangerous offenders

3.33 We need to do more to deal with serious, violent and dangerous offenders. Although crime is down, and we are bringing more offences to justice, violent crime has not fallen as quickly as high-volume crime like burglary or vehicle crime. We need to use our 'smarter' approaches to low-level crime and disorder to free up time and resources to devote to serious and violent crime.

#### Preventing violent crime

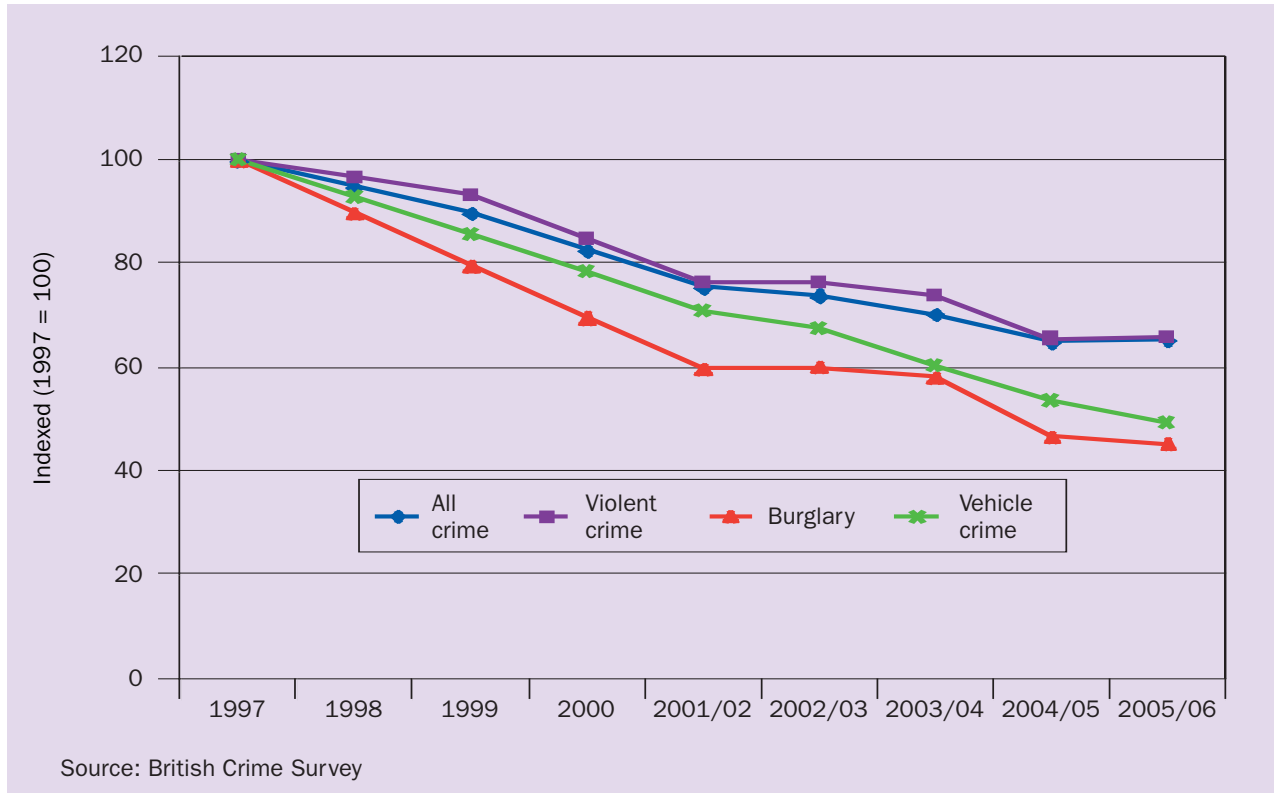
3.34 We must do all we can to ensure we prevent serious violent crimes from occurring in the first place. We will ask our agencies to work in much closer partnership to prevent violent crime, and in particular to share information and intelligence.

3.35 We will build on the Tackling Violent Crime Programme, which provides intensive support to local areas with highest levels of serious violence. It works with these areas to identify, develop and share good practice which can then be spread nationally. The programme includes high-visibility policing in hot spot areas, early intervention to prevent the escalation of violence, and improving investigation of domestic violence incidents.

3.36 We know that we need to continue to tackle alcohol-related disorder, which often escalates into violence. We have seen good results from the Alcohol Misuse Enforcement Campaign to tackle alcohol-related crime and disorder. However, the Enforcement Campaign tactics are not used in every area; and there is still far more to do to stop shops, bars and clubs routinely breaking the law and serving children, and those already drunk. We will:

- make action on alcohol part of the priorities we set the police, and reflect it in their performance framework;
- take far tougher action against those selling alcohol to children and those who are drunk, with regularly published results of 'test-purchases' to name and shame; support for licensing authorities to put conditions on licences or take them away; and new powers for trading standards officers to issue Fixed Penalty Notices to those making illegal sales. We will consider further legislation if these steps do not produce improvement; and
- work with the Department of Health to encourage more interventions (like arrest referrals and conditional cautions) designed for those committing low-level alcohol-related offences, which could in future include an element of compulsion. For example, the police could direct an offender to attend a short session on responsible drinking as an alternative to a Penalty Notice for Disorder. We will also consider whether to introduce an 'alcohol intervention programme', similar to the successful Drug

**Trends in crime 1997 to 2005/06**



Interventions Programme, to provide dedicated referrals for offenders, including rehabilitation programmes.

3.37 Reducing domestic violence is a critical part of our overall strategy, because it accounts for 15 per cent of all violent crime (British Crime Survey 2005/06), and has more repeat victims than any other crime. Focusing on these domestic offenders earlier will help to prevent serious crimes (including murders) in the future.

### Specialist domestic violence courts

Caerphilly in Gwent was one of the original specialist domestic violence courts. Between the beginning of the pilot in January 2004 and September 2005:

- guilty pleas rose from 21 per cent to 61 per cent;
- conviction rates rose from 8 per cent to 32 per cent;
- victim retractions went down from 53 per cent to 17 per cent;
- overall offenders being brought to justice increased to 73 per cent; and
- cases where no evidence was offered fell from 46 per cent to 4 per cent.

### Cutting the murder rate by focusing on domestic violence

Cardiff in South Wales has been pioneering multi-agency risk assessment conferences for high-risk victims of domestic violence. By sharing information, agencies get a better picture of victims' situations and develop responses that are tailored to their needs. Safe information sharing also allows agencies to manage the perpetrator in ways that reduce risk.

In South Wales in 2001 there were 11 domestic violence-related homicides. Since introducing the multi-agency risk assessment system across the region, domestic violence-related murders have dropped to just one in 2005. Furthermore, 42 per cent of domestic violence victims experienced no repeat incident and there were no police call-outs in the 12 months following their case being heard at the multi-agency risk assessment conference.

### Bringing serious offenders to justice

3.38 Our first aim must be to drive down serious violent crime. But where serious crimes are committed, it is important that the criminal justice system has the powers needed to deal effectively with these offenders.

3.39 The Violent Crime Reduction Bill currently before Parliament contains a wide range of measures to combat knife and gun crime. It includes new powers to ban the manufacture, import and sale of realistic imitation firearms; increase sentences for carrying imitation firearms; and raise the age limit for purchasing a knife from 16 to 18.

3.40 We will do more, by legislating to:

- increase the maximum penalty for possession of a knife or sharp instrument in a public place or a school, without good reason, to a maximum of four years; and
- introduce Violent Offender Orders, which will enable the court to impose requirements on those convicted of violent offences – for example, placing restrictions on where the offender can live, or preventing them associating with certain organisations or individuals. We will be able to apply them to people convicted before our new unlimited sentences were introduced, and will target the most dangerous offenders. Breach will be a criminal offence punishable by a maximum of five years' imprisonment.

### Focusing prison on keeping the public safe

3.41 Where the courts sentence or remand an offender in custody, we must provide the necessary prison capacity. Violent and serious offenders are now significantly more likely to get a custodial sentence and to be sent to prison for longer than in 1997. We now have 19,000 more prison places than we did in 1997, and there are around 7,000 more seriously violent offenders in prison, protecting the public from thousands of offences a year which might otherwise have occurred.

3.42 Spending on prisons has increased by more than 35 per cent in real terms since 1997, and we continue to have a strong record on prison escapes, with no Category A escapes from our prisons at all since 1996. And we have also introduced unlimited sentences for dangerous offenders to keep the public safe.

3.43 Prison capacity should be determined by the need for places. If people need to be in prison, the places will be made available. There are policy changes in this document which will increase the need for places – for example, toughening our response to bail breaches; better enforcement of community sentences; and new proposals on serious and prolific offenders. To accommodate the impact of these changes, we will look for more effective ways of focusing the existing prison estate on those who should be in our prison system (for example by doing more to return foreign prisoners to their country of origin). And we will build new capacity. We already have an additional 900 places under

construction which are due to come onstream in autumn 2007 and which will take capacity to 80,400. On top of this, we will now build an additional 8,000 places and will keep under close review whether more are needed.

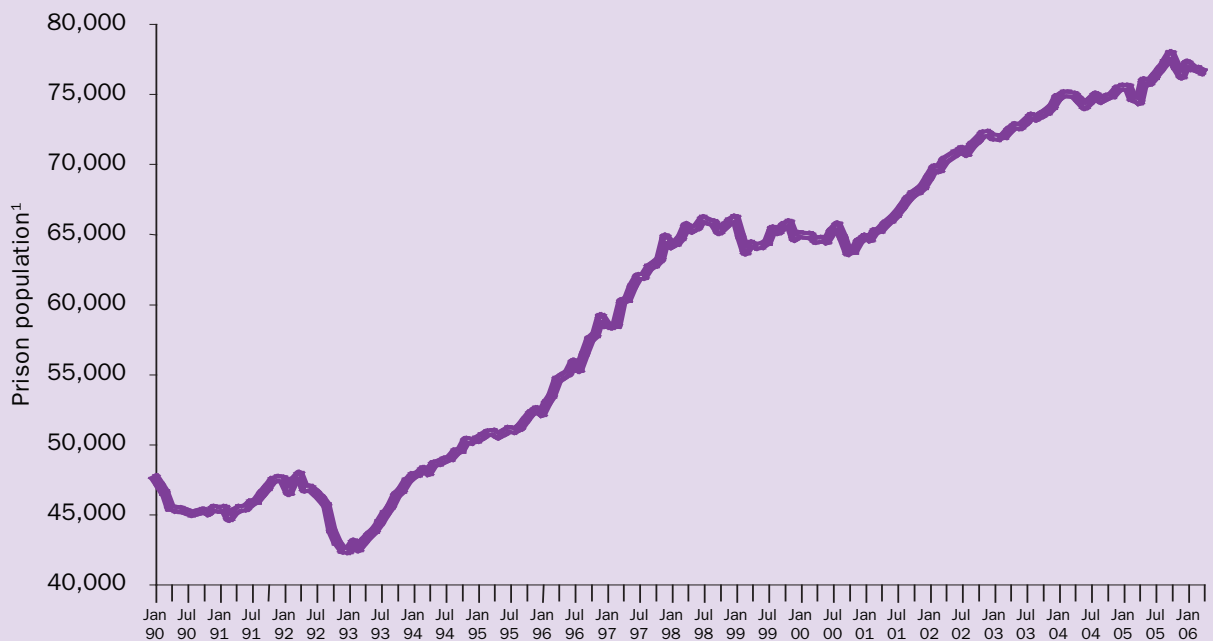
**Not releasing prisoners until is it safe to do so**

3.44 For prisoners serving life sentences or unlimited sentences, or back in prison because they have broken their licence, a parole board must consider them safe before they can be released.

3.45 When considering the release of prisoners, the parole board sits in panels of three. At present, when there is a difference of opinion, the

**Refocusing the way we use prison**

In addition to providing 8,000 more prison places, we want to do more to focus this extra resource and existing capacity on those offenders who most need to be in custody.



1. Seasonally adjusted prison population

We need firstly to ensure we deport **foreign prisoners**, to stop them clogging up the system, by increasing our prisoner transfer agreements with other countries, and by removing them earlier in their sentences (which will also ensure that they are not released without being considered for deportation).

Secondly we need **better ways of dealing with less serious non-violent offenders** with tough community sentences that ask a lot of them. For non-violent offenders who do receive a custodial sentence, we will expect the courts to maintain current practice on sentence lengths to allow additional custodial resources to be focused on long sentences for the most dangerous offenders.

We continue to imprison too many non-dangerous people with **mental health problems**. The majority of offenders with lower-level disorders can be treated in the community without any risk to the public and we need to explore how we can more effectively divert them into appropriate treatments at an early stage in the criminal justice process.

There is considerable variation between different areas in the proportion of defendants who are **remanded in custody** (even when the profile of offences is quite similar) and half of those remanded do not, in the end, receive custodial sentences (Home Office Offender Management Casework Statistics). We will focus prison places for remand prisoners on those with the highest risk of reoffending and will make sure that sentencers have the information they need to make decisions about remand, and about sentencing generally. So we will consult on measures to make the cost of remand and sentencing decisions more transparent to local courts.

Given the need to prioritise prison and probation resources on more serious offenders, we will not now implement the new sentence of Custody Plus (a short spell in prison followed by longer community punishment) in autumn 2006.

majority view prevails. To give an extra safeguard, we are going to move to a system of unanimous decisions, with offenders remaining in prison if just one board member is not satisfied about the public risk they pose.

### Supervising serious offenders better

3.46 Shocking recent incidents in which offenders who were under our supervision have committed serious crimes have shown that we need immediate and decisive action to improve the way we manage serious, violent and dangerous offenders following release from custody.

3.47 Not all offenders who might be considered a risk to the public are convicted of very serious offences. Some may come to the notice of the criminal justice system for a very minor offence, so they cannot be imprisoned indefinitely.

3.48 So while we cannot eliminate risk entirely, we must do our best to manage it effectively. We have already placed a duty on the police, probation, prisons and local organisations to exchange information about potentially dangerous offenders, and work together to manage the risk they pose. The arrangements are called Multi-Agency Public Protection Arrangements (MAPPA).

3.49 We will improve MAPPA, with stringent case review procedures to make sure we deal with cases consistently, and assess risks well, and we will ensure that all responsible authorities operate to national standards in the assessment and management of violent and sexual offenders.

3.50 We will also consult on how we can reflect our focus on serious further offending within our

overall target to reduce reoffending. The intention is for this target to be shared by Local Criminal Justice Boards, so that the full range of criminal justice agencies are involved.

### Serious and organised crime

3.51 We have taken action to tackle major criminals with the launch of the Serious Organised Crime Agency (SOCA). SOCA will tackle drug trafficking, organised immigration crime, money laundering and identity fraud by developing an intelligence picture of organised crime, pursuing key criminals and groups, disrupting criminal markets and attacking criminal assets. We have recently equipped all those tackling organised crime with wide-ranging new powers to:

- compel individuals to answer questions in interviews with prosecutors and produce documents on demand;
- strike deals with informants and convicted offenders to turn Queen's Evidence; and
- use enhanced powers of confiscation in respect of proceeds of crime investigations, and use Financial Reporting Orders, which allow courts to impose obligations on people convicted of specified offences to report particulars of their financial affairs.

3.52 We are consulting on further powers against organised and financial crime, including:

- creating new statutory offences to help prosecute more people around the fringes of complex conspiracies and consider changing the conspiracy law itself; and
- new types of civil orders, one against individuals, the other against companies or other entities, covering a wide range of prohibitions or requirements – for example, requiring engineering companies to inform the authorities if they are asked to construct concealed compartments in lorries.

3.53 Prisons will work with the Serious and Organised Crime Agency to make sure that

organised criminals are not able to control activity or build up networks inside prisons and that we can pass on information we have that helps to crack down on organised crime outside. The first step is to identify individuals of interest already inside prison. This has started and has enhanced SOCA's intelligence picture and should improve the ability of prisons to manage their own risk. We will go further to prevent serious criminals from continuing to offend in this way. This is an international problem and will require a combination of:

- piloting body scanners to stop mobile phones and SIM cards getting into prison in the first place;
- considering new heavy penalties against those who do smuggle them in;
- tactical use of mobile phone blocking technology where we suspect that it occurs;
- making better use of the intelligence we glean from those we know about;
- working with technology companies to adapt to the changing mobile market; and
- producing a joint action plan by autumn 2006 with all relevant agencies to combat this.

3.54 Where it will help to reduce harm, we will hold organised criminals in particular prisons, for example away from their associates. We will make greater use of debriefing, both of those held in prison and those in contact with them, with a view to use of the Queen's Evidence or disclosure notice provisions in the Serious Organised Crime and Police Act 2005, or instituting broader enforcement action against identified criminal businesses. Where we identify individuals engaged in supporting the conduct of criminal businesses from within prison, we will consider the use of the new powers set out above. In parallel, we will continue to bear down on criminal finances, including the finances of those in prison, through an approach of 'total confiscation', where criminals pay back to society the

proceeds of their crime, imposing Financial Reporting Orders where appropriate.

3.55 We want to increase the risks that organised criminals face in doing their business. We will be keeping under careful review the impact of sentencing levels, including by working with the Sentencing Guidelines Council and the Sentencing Advisory Panel. We will think innovatively about the sentencing framework, considering (for example) the potential of options like huge fines (in millions of pounds) to make illegal activity much more of a risk.

### Seizing money from criminals

3.56 Criminals fund their lifestyles and commit further crimes with the money they have stolen from innocent victims and the community as a whole. Seizing criminals' assets – their cash, their luxury houses, their cars – is a key tool of law enforcement. It reduces crime, puts resources back into the hands of the law-abiding majority and ensures (and shows) that crime does not pay.

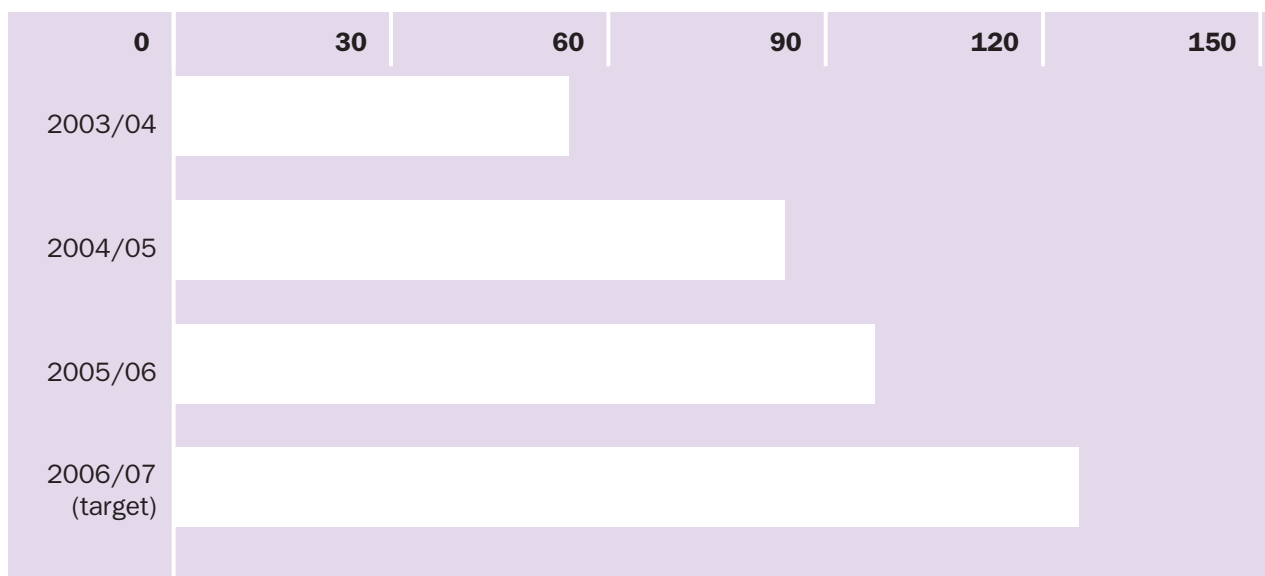
3.57 Since the Proceeds of Crime Act was passed in 2002, we have made great progress in increasing the amounts recovered:

3.58 We believe there is potential for the system to go much further. We want to set much tougher targets for the criminal justice system, with big year-on-year increases accelerating towards a goal of detecting up to £1 billion, backed up by a major drive to improve training of front-line agencies on asset recovery and enforcement. To achieve this we need to ensure that the process for freezing assets is as streamlined as possible.

3.59 Following consultation with front-line professionals, we will:

- set tough new year-on-year targets, doubling the current target to a minimum of £250 million a year by 2010;
- go after criminals who have hidden their assets abroad by drawing up more asset-sharing agreements with our European and international partners;
- consult on ways to make it easier for law enforcement agencies to freeze assets suggested to be the proceeds of crime;
- consult on a role for the private sector in enforcing the orders of the courts to seize assets more quickly and effectively, and on

### Criminal assets seized (£ million)



Source: Joint Asset Recovery Data (JARD) (2004/05–2005/06) and RDS-compiled HM Courts Service data

new powers and measures to improve the asset recovery process; and

- build on the existing incentive schemes so that front-line agencies benefit collectively from their work.

3.60 But asset recovery is not just about taking large sums from the most wealthy criminals. It is also about disrupting the people whose illegal businesses make life a misery for some of our most deprived communities, and infuriate those who work hard and obey the law. We will therefore reflect this in our performance regime, making sure that stopping harm to the community counts, as well as the amount of money seized.

**We will:**

- increase the maximum penalty for carrying a knife without good reason to four years;
- introduce Violent Offender Orders to provide the courts with tough new powers to manage dangerous violent offenders beyond the period of their sentence with penalties of up to five years for breach of conditions;
- take tough action on alcohol, with new powers for trading standards officers to act against those selling alcohol to children or those who are drunk; and consider introducing an ‘alcohol intervention programme’;
- take tough new measures to prevent criminals from continuing their illegal activities while in prison;
- change the rules for parole decisions, so that any decision to release an offender into the community must be made unanimously;
- consult on measures to make the cost of remand and sentencing decisions more transparent to local courts; and
- consult on an ambitious new target for seizing the assets of criminals and increase the involvement of the private sector in asset seizure.

## Chapter 4:

# A simpler, swifter, fairer system with strong enforcement to support rebalancing

4.1 If we are to make the changes that we have set out above, to rebalance the system and make it better at gripping offenders, we need to make sure that we have the fundamental processes and ways of working that will allow us to deliver. We need an increasingly joined-up, simpler, and more streamlined system where bureaucracy and technicalities do not get in the way; and we need a system which is respected and enforced.

### Police bureaucracy

4.2 We need to ensure that a 21st-century Police Service has the right tools to tackle 21st-century challenges without being burdened by unnecessary rules and paperwork. The Police and Criminal Evidence Act 1984 (PACE) and the PACE Codes of Practice have provided the police with clear rules and procedures for arrest, detention and investigation of crime to ensure that perpetrators of crime are brought to justice. Since 1997, we have made important changes to PACE to improve the investigative process and at the same time reduce the burden on the police in areas such as arrest, search warrants and introduction of street bail.

4.3 It is important that we keep good safeguards and protections for the public in the way the police work (which is what PACE provides). We do not want to go back to the days where prosecutions failed (and innocent people were convicted) because of failures in the processes of gathering and handling of evidence.

### Home Secretary hears about bureaucracy first-hand

As one of his visits to the front line, the Home Secretary followed the process of patrol, arrest, charge and conviction when he visited Charing Cross police station and Bow Street Magistrates' Court on a Friday night and Saturday morning. This allowed him to hear first hand from police officers and court officials what we need to do to improve the system and also to see for himself what needs changing.

- There was a clear call for a **reduction in paperwork**, especially forms which repeat information (name, date of birth, etc) and **lengthy forms** (like those for drugs testing). There was also a clear call to **improve the flow of information** between police and the courts and making sure the **right people have access to it**.
- At Bow Street Magistrates' Court, the Home Secretary heard feedback on **cutting down process delays** and the benefits of live television **links between prisons and courts** to save having to transport prisoners.

4.4 But while these processes need to be sufficiently robust, we must also ensure they are not overly bureaucratic. We will be launching a consultation paper in summer 2006 to seek views on whether we need to amend the Police and Criminal Evidence Act to maintain the necessary safeguards but cut bureaucracy. This will cover areas such as:

- questioning after charge;
- changes to the police detention clock to allow greater use to be made of detention for investigation and questioning; and
- enabling the Codes of Practice to be more reflective of operational good practice.

4.5 We know that the police can find the current mechanisms for keeping track of performance burdensome. We are working to streamline performance monitoring and will replace three

existing frameworks (the Drugs Performance Framework, Partnership Assessment & Delivery System (PADS) and Police Performance and Assessment Framework (PPAF)) with a single overarching one. The aim is to simplify and focus partners on the key outcomes, reducing bureaucracy and increasing clarity, as part of our deal with the police to give them more freedom in return for good performance. We intend to introduce this new framework in 2007/08.

- 4.6 We will also welcome other suggestions from the police and others about how we can reduce bureaucracy and improve effectiveness.

### **Improving our processes by learning from the front line**

- 4.7 We want to do more to improve our processes and systems by learning from those who know best how to improve what they do – front-line professionals.
- 4.8 We have been running a series of pilot programmes to turn ideas from the front line into better ways of working on the ground. These have included police forces and local criminal justice boards, and the results so far have been promising. Examples from two of the projects include:

### **Response to the public by police in Suffolk**

Police officers and staff from Suffolk Constabulary's Southern Area have been working on a six-month project to turn their ideas for improvement into reality on the ground. Supported by the Home Office, they have been analysing basic processes and developing ways of working more effectively and in a more streamlined way. An early success has been in improving how dispatchers and officers respond to calls from the public.

When the project first started, around 130 less severe calls from the public were not dealt with on the same day, needing follow-up afterwards. That put significant pressure on officers, who were constantly fighting to clear the backlog; and nor did it satisfy the public. Officers and police staff have designed and implemented a better system for responding to less urgent calls, freeing up response and patrol teams to deal with urgent calls more effectively.

For example, Southern Area created an 'events diary', with timed appointments for members of the public who request non-urgent police attendance. That means the caller knows when to expect an officer, which is better for them, and also avoids wasted journeys for the police, because the person is at home and ready for the call.

As a result of Southern Area's work, victim satisfaction with the local police rose by over 10 per cent to over 84 per cent in June 2006, compared with satisfaction levels of 74 per cent during the whole of 2005/06.

### Live television links as a cost-effective way to avoid transporting prisoners

Unnecessary transport of prisoners to and from court is extremely costly and disrupts prison officers' ability to run effective offending behaviour programmes. Prison and court staff in West Midlands, Dorset and London are working on a six-month project to make it easier to use existing live television conference links as an alternative to movements. We estimate that national roll-out of their work could save more than £50 million per year. They have been:

- identifying what makes it difficult for courts and prisons to list cases for live television link use and set-up bookings;
- helping to design a simple, internet-based booking tool to allow officials in different buildings to set up bookings;
- working out how to identify easily what parts of which cases are most suitable for live television link use; and
- redesigning their prisoner-handling processes so that prisoners are in place to keep their live television link court appointments, and are not necessarily taken to court.

4.9 We will extend and build upon these pilots, including through the work of the new National Policing Improvement Agency, giving front-line staff tools and support for identifying and then solving the nuts and bolts difficulties they encounter at the local level, which also builds their skills.

### We will:

- introduce a new, simplified performance framework for crime, drugs and policing by 2007/08, streamlining three frameworks into one;
- start and support an increasing number of locally-focused process improvement projects, learning from the front line and giving staff new skills; and
- issue a consultation paper in summer 2006 to seek views on improvements to the Police and Criminal Evidence Act, to improve practice and cut bureaucracy.



2pm, Wednesday 5 July, Gerry Sutcliffe, Under Secretary for Criminal Justice and Offender Management, meeting National Offender Management Service staff in Sheffield

### Simple, Speedy, Summary

4.10 There is much in our current system of law of which we should be rightly proud: the right to trial, a fully independent judiciary and the principle of being presumed innocent until proven guilty. The introduction of case progression officers and more effective case management have driven down ineffective trials in the courts. Since September 2002, ineffective trials in the Crown Court have fallen from 28 per cent to 12.5 per cent by May 2006 and in the magistrates' court they have fallen from 30.9 per cent in September 2002 to 20.0 per cent in May 2006, which is a significant improvement in the services provided for victims and witnesses.

- 4.11 However, court processes can be lengthy and there is a limited amount of time in Crown and magistrates' courts each year in which cases can be heard. Too much time is currently spent processing high-volume, relatively low-level work in the magistrates' courts; time which would be better spent dealing with more serious cases that matter to victims and local communities. As we have said in the previous chapters, we need to make sure that we are fitting our system to different types of offenders and offence – dealing swiftly with minor offending, but making more time to deal with serious offences and bring justice much closer to the community.
- 4.12 The *Criminal Justice – Simple, Speedy, Summary Review* focuses on practical measures identified by criminal justice practitioners. The Lord Chancellor, working with the Home Secretary and the Attorney General, will set out detailed proposals for delivering justice that is:
- **Simple:** dealing with some specific cases transparently by way of warning, caution or some other effective remedy to prevent reoffending without the court process.
  - **Speedy:** those cases that need the court process will be dealt with fairly but as quickly as possible.
  - **Summary:** a much more proportionate approach – for example, dealing with appropriate cases the day after charge or during the same week (which would be a step change in the way that cases are currently dealt with in the magistrates' court).
- 4.13 Two reviews of the progression of cases through the courts were carried out with criminal justice practitioners, looking at the way the criminal justice system was operating, the barriers to improving the system and the solutions that we can take forward to deliver significant improvements. The reviews have worked with all criminal justice agencies and the judiciary to look at the practical measures that can be taken to improve pre-court preparation and in-court processes.
- 4.14 At the moment it takes an average of over 21 weeks to take a magistrates' court case from charge to conclusion, which covers work carried out by criminal justice agencies and the defence as well as the court process. That is too long. The same is true for the more complex and serious cases. Our current waiting time target for 78 per cent of cases tried in the Crown Court to be commenced within 16 weeks is not being met in every court. There needs to be more of a focus on improving the speed and effectiveness of magistrates' court and Crown Court cases, and to look at different ways of doing things.
- 4.15 The practical measures being taken, working with the judiciary, to improve the speed and effectiveness of magistrates' courts cases include:
- introducing an improved management structure in magistrates' courts to take responsibility for the judicial management of the caseload and performance of the court;
  - streamlined case management procedures in four areas to reduce the overall time between arrest and conclusion;
  - piloting the concept of 'next day justice' to challenge the notion that justice is slow, focused on taking appropriate and specific offences such as shop theft, quality-of-life crimes, domestic violence and breach of court orders to courts in between 24 and 72 hours;
  - live television links between the police station and the court for guilty pleas to low-

level offences to be dealt with at charge, subject to legislation; and

- piloting the concept of ‘courts on the move’, taking courts back into communities, for example by setting up occasional courts in a town hall or community building initially for quality-of-life crimes such as graffiti/criminal damage/noise nuisance.

4.16 The ambition is that over time these will deliver:

- a reduction in the number of hearings in most cases, from an average of between five and six to an expectation of one (for guilty pleas) and two (for contested cases); and
- the majority of simple cases taking between a day to 6 weeks from charge to conclusion, as opposed to the current system, which averages over 21 weeks.

4.17 The measures being taken, working with the judiciary, to improve Crown Court hearings include:

- implementing best practice for more effective preliminary case management hearings;
- dealing more effectively with early guilty pleas; and
- eliminating unnecessary pre-trial hearings in the Crown Court.

4.18 The ambition is that over time this will deliver:

- a reduction in the time taken so that most cases from are commenced and dealt with in 16 weeks; and
- a reduction in the number of pre-trial hearings from an average of six to no more than two (i.e. the preliminary hearing and the plea and case management hearing) in most cases, except for complex and difficult cases.

### High-cost cases

4.19 As well as ensuring that the criminal justice system is fair and effective, it must also deliver value for money. The top 1 per cent of Crown Court cases take up a disproportionate share of

resources (accounting, for example, for half of the relevant legal aid spend). Criminal justice agencies, the judiciary, and the High Cost Cases Review Board have put measures in place to tackle the very high cost of these cases (lasting over 40 days), ensuring effective case management and operational oversight of cases on an individual, regional and national basis.

4.20 The measures proposed to deal with very high-cost cases include:

- consulting on the Carter Review’s proposals on controlling defence work in these cases – excluding poor-quality defence practitioners from very high-cost casework;
- strengthening the judiciary’s power to manage long and complex trials – we will consider introducing new powers for trial judges in long and complex trials to order changes of representative when they believe that conflict of interest or capacity issues threaten the trial reaching a conclusion;
- working with the judiciary to ensure that recent judicial protocols on disclosure of evidence and unused material, terrorism, and the management of Complex Fraud are adhered to by the criminal justice agencies and the defence in high-cost cases;
- enhancing the training provided for judges managing long and complex trials, and supporting judges trying very high-cost cases with extra case and trial management training from the Judicial Studies Board; and
- closely monitoring the progress of ongoing very high-cost cases – to support increased oversight of long and complex cases that are listed for trial or in court, through the High Cost Cases Review Board, director-led panels from prosecuting agencies, CJS-wide register of high-cost cases. This will enable senior managers to make quick decisions on how cases should go forward, and manage resources effectively.

4.21 Once these measures have been implemented, their impact will be monitored. Ensuring that

agencies and parties to the court process comply with court orders is essential. The proposal is to address this with an enhanced range of sanctions, both through consulting on financial penalties in the contracting regime and through giving the judiciary power to make orders to change defence representation in specific circumstances. These proposals would give new mechanisms to monitor the compliance of the defence with court orders in very high-cost cases. Work will continue with the judiciary to assess how effective these new powers are, developing further measures if required by the judiciary, representatives of the legal professions and the criminal justice agencies.

4.22 The High Cost Cases Review Board will work with the judiciary to examine ways to develop the required elements of a defence case statement and consider how to make these more effective. This may include changes to the contracting regime to tie defence case statements more closely to work paid for under contract.

4.23 We will also press ahead with our proposals to change the system for serious and complex fraud trials, so that they can be heard without a jury when that is what is needed for justice – the length burden and complexity of some fraud cases is just too great. Trials break down or never get off the ground and too many fraudsters walk free.

#### Removing more minor cases from the courtroom

4.24 The ambition is to remove around 500,000 cases from courtrooms (over one quarter of the magistrates' courts' workload by volume), by introducing a range of measures. Most of this will be achieved by introducing bulk processing for non-contested cases such as TV licences and some minor documentary motoring offences. This will free up court capacity to deal more quickly with crimes that matter to local communities, like grievous bodily harm or racially aggravated common assault.

4.25 As we have said in Chapter 3, action by police or prosecutors which confronts a minor offender immediately can be very powerful, especially for first-time offenders. We have already changed the system to make it easier to do this, but we want to do more. As a next step, we will roll out conditional cautions, allowing punitive conditions (for example, fixed fines and unpaid work) to be added to cautions by April 2008 (subject to legislation), and we will legislate to create an equivalent scheme for young offenders (who are not covered at the moment). As set out in Chapter 3, we will bring forward proposals on what other new summary powers might help us tackle low-level offending and anti-social behaviour.

4.26 It is important that these schemes are open and transparent to the public, and that the public is confident they will be operated fairly. As part of taking this forward, we will enter into discussion with the judiciary and the magistracy, police, prosecutors, courts and the public on where the line should be drawn between cases where we can use these summary powers, and those which are proceeded with in full before the court.

### We will:

- work with the judiciary to introduce practical measures to speed up magistrates' court and Crown Court processes, including greater use of live television links and measures to achieve 'next day justice';
- expand the use of Conditional Cautions – bringing forward provisions enabling punitive conditions in the Police and Justice Bill currently in Parliament;
- develop 'bulk processing' by the court for non-contested cases for regulatory offences like TV licences, to free up local court capacity; and
- work with the judiciary to take steps to reduce the length and costs of very high-cost cases in the Crown Court and we are consulting on sanctions to address where the defence fail to follow court orders.

### Better technology to help join things up

4.27 The organisations that make up the criminal justice system use a variety of information systems designed to meet their local needs, but these were not originally designed to share information with colleagues in other organisations. Over the years, this has resulted in an ageing, fragmented IT system. To tackle this, the Criminal Justice System Information Technology (CJS IT) programme was set up in spring 2002. As a result of this:

- all users across the courts, prisons and probation service have access to an upgraded IT infrastructure;
- since April 2004, all criminal justice organisations have had the capability to securely email each other and other agencies outside the Government Secure Network; and

- a number of IT systems have been rolled out, including COMPASS, which manages cases for the Crown Prosecution Service, and OASys, which enables probation staff to share data on offenders.

4.28 The first phase of the CJS IT programme will be finalised by March 2008, when full roll-out of the NSPIS Custody and Case Preparation application and magistrates' courts' Case Management System will be complete. Underpinning this work to join up the criminal justice system and these various case management systems is the CJS Exchange, which is designed to transport data between organisations, transforming the data where required.

4.29 We are also using video technology to improve the way we deliver justice – using live television evidence to reduce the stress felt by victims and witnesses; putting live television links between police stations and courts to deliver faster justice; and using live television links between prisons and courts to cut down on the costs and delays of prisoner transport when a prisoner is a witness.

### DNA database

4.30 We have also led the way in the development of DNA technology. The UK is currently the world leader in terms of applying DNA technology to the identification of criminals and has the largest operational policing DNA database in the world. At the end of May 2006, the database held over 3.39 million profiles from sampled individuals, including the great majority of the known active UK offenders. Between 2000 and 2005, over 2.25 million persons were sampled and had their profiles added to the database, treble the number of profiles loaded in the previous five years.

4.31 The database is a key police intelligence tool helping to: identify offenders more quickly; eliminate suspected offenders earlier in the investigation; make earlier arrests; and secure

more convictions. It provides critical investigative leads for police investigations and contributes to approximately 45 per cent of detections where DNA is involved and loaded to the database. We will continue working to ensure that newcomers to crime are sampled and their DNA profile held on the DNA database, including by:

- sharing best practice and good news stories on use of the DNA database between forces; and
- conducting focused force reviews to assess performance and identify and resolve any technical issues about the application and use of the database.

**We will:**

- further develop the use of the CJS Exchange to develop innovative ways of sharing information on offenders across the criminal justice system as a whole;
- increase use of live television links to improve efficiency and reduce stress for victims and witness; and
- continue to improve use of DNA technology in detecting crime.

## Chapter 5:

# Action plan: what will be done by when

5.1 In this document we have set out a range of actions that we will take, in order to rebalance our system. This table sets out clearly what will be done by when; and how we will measure our success.

Our objective	What we plan to deliver...			
	By December 2006	By April 2007	By April 2008	By April 2009
<b>Putting law-abiding people and communities first</b>	<ul style="list-style-type: none"> <li>We will consult on wide-ranging changes to the sentencing framework</li> <li>We will roll out advice on interpretation of Human Rights Act to practitioners</li> <li>We will consult on whether we can make offenders pay more to cover medical costs; and on clawing back payments later in life if an offender comes into money</li> <li>We will introduce a set of service standards for the police to ensure everyone who comes into contact with them is treated well</li> <li>We will consult on new targets for breach of bail, how to restrict use of warrants with bail and new powers for probation officers to deal with breaches of Community Orders without returning to court</li> <li>We will have begun a phased implementation of presumption against bail in certain cases</li> </ul>	<ul style="list-style-type: none"> <li>We will ensure judges have more discretion about the amount of 'time off' offenders should be given for a guilty plea</li> <li>We will change the way the Sentencing Guidelines Council works so that it is simpler</li> <li>We will establish a web-based legal hotline for practitioners on human rights</li> </ul>	<ul style="list-style-type: none"> <li>We will have a dedicated neighbourhood policing team in every area</li> <li>We will change the law to stop the plainly guilty getting their convictions quashed on a technicality</li> <li>We will stop offenders who are re-sentenced after an appeal against a lenient sentence being given time off for the distress of being sentenced again</li> <li>We will introduce a Witness Charter</li> <li>We will introduce a 'Community Call for Action'</li> <li>We will introduce a National Enforcement Service</li> </ul>	<ul style="list-style-type: none"> <li>We will complete roll-out of the community justice approach</li> </ul>
<b>Gripping offenders to cut crime, reduce reoffending, and protect the public</b>	<ul style="list-style-type: none"> <li>We will introduce Parental Compensation Orders in ten areas</li> <li>We will introduce legislation to increase the maximum penalty for carrying a knife to four years</li> <li>We will introduce a probation performance improvement programme</li> <li>We will bring forward proposals about what new powers might help us to cut low-level crime and anti-social behaviour even further</li> <li>We will consult on measures to make the cost of remand and sentencing decisions more transparent to local courts</li> </ul>	<ul style="list-style-type: none"> <li>We will introduce legislation to provide for changes to the way the parole board make decisions</li> <li>We will have seen measurable improvement in under-performing probation areas</li> <li>We will take tough action on alcohol, including new powers for trading standards officers to stop sales to children; and consider introducing an 'alcohol intervention programme'</li> <li>We will introduce legislation to provide for Violent Offender Orders</li> </ul>	<ul style="list-style-type: none"> <li>We will introduce contestability and performance testing to drive up the performance of probation in cutting reoffending</li> <li>We will introduce judge-only trials for serious fraud cases</li> <li>We will change rules for parole decisions, so that any decision to release an offender into the community must be made unanimously</li> <li>We will introduce Violent Offender Orders</li> <li>We will have reduced reoffending by at least 5 per cent between 2002/03 and 2007/08</li> <li>We will bring 900 additional prison places onstream (autumn 2007)</li> </ul>	<ul style="list-style-type: none"> <li>We will have reduced crime by 15 per cent (and more in high-crime areas) between 2002/03 and 2007/08</li> </ul>

**Our objective**

**A simpler, swifter system with strong enforcement to support rebalancing**

**What we plan to deliver...**

**By December 2006 By April 2007**

- We will consult on improving PACE
- We will introduce legislation to allow live television links between police station and court to deal with low-level guilty pleas at point of charge
- We will have begun piloting 'next day justice'

- We will start and support an increasing number of locally-focused process improvement projects, learning from the front line and giving staff new skills
- We will expand the use of Conditional Cautions, including enabling punitive conditions

**By April 2008**

- We will introduce a new, simplified performance framework for crime and policing
- We will develop 'bulk processing' for regulatory offences like TV licences, to free up court time for more serious offences, removing some 500,000 non-serious cases from the courts

**By April 2009**

## Chapter 6: Consultation

6.1 Through our review, we have identified a range of actions that we believe will begin the process of rebalancing the criminal justice system, and bringing it closer to what the law-abiding majority legitimately expect. But this kind of significant change to the system cannot be achieved in one fell swoop, by central mandate. The criminal justice system concerns us all. So, as well as proposing some clear actions, we have also set out a range of important areas in which we want to consult the public and work more closely with practitioners. This Chapter summarises the areas for consultation, and sets out how we will gather views.

We want to consult on a range of issues, including:

- how police forces can best be reformed in order to make sure they can deliver both visible, accountable and responsive local policing, and effective action against serious and organised crime, terrorism and drug dealing; and how high-performing forces can earn greater freedoms and flexibilities;
- increasing the compensation that offenders pay, requiring violent offenders to meet the medical expenses of victims and creating new powers to allow the court to reopen cases beyond current limitation periods allowing victims to sue, for example, if the offender later received a windfall;
- how we can make sentencing clearer;
- ending the convention that judges should automatically halve the minimum term for those serving unlimited sentences; and other options for how they should set the first possible date for parole;
- whether there should be more discretion about keeping some prisoners serving fixed-length sentences in prison after the halfway point of their sentence, where there are clear and significant risks to the public;

- a new power for the courts to impose extended sentences with tough conditions on the most persistent offenders, to prevent them causing more harm in the future;
- measures to make the cost of remand and sentencing decisions more transparent to local courts to focus correctional resources on the highest risk offenders;
- how to involve the private sector in asset seizure and on legislative changes to improve asset recovery;
- how to cut bureaucracy in the police (and we will issue a consultation paper this summer to seek views on improvements to the Police and Criminal Evidence Act);
- what new powers might help us to cut low-level crime and anti-social behaviour even further;
- how to severely restrict ‘warrants with bail’ for defendants on bail who fail to appear in court;
- giving probation staff the power to vary the punishment an offender serves depending on their behaviour, without having to go back to the court; and
- new targets for swifter return of those who breach bail to court.

6.2 The Home Secretary and Ministers will hold a series of consultation events over the next six months to consult on the proposals outlined here. The intention will be to have events which allow meaningful debate and engagement. We will also issue fuller consultation documents on some of these areas, and we welcome written or emailed responses either to those detailed documents, or to this paper, which should be sent to [rebalancingthecjs@cjs.gsi.gov.uk](mailto:rebalancingthecjs@cjs.gsi.gov.uk)



