



Creating a safer
Cambridgeshire

To: Business Coordination Board

From: Chief Constable

Date: 11 February 2021

IMPACT OF THE PANDEMIC ON THE CRIMINAL JUSTICE SYSTEM

1. Purpose

1.1 The purpose of this report is to update the Business Coordination Board (the “Board”) with an overview of the recently published Criminal Justice Joint Inspection “Impact of the pandemic on the Criminal Justice System - A joint view of the Criminal Justice Chief Inspectors on the Criminal Justice System’s response to Covid-19” and how Cambridgeshire Constabulary (the “Constabulary”) and the Acting Police and Crime Commissioner (the “Acting Commissioner”) are responding locally to deliver an efficient and effective Criminal Justice System (CJS) during the national pandemic.

2. Recommendation

2.1 The Board is recommended to note the contents of the report. The report does not contain any formal recommendations or areas for improvement requiring a response from the Constabulary.

3. Background

- 3.1 All four criminal justice inspectorates¹ carried out inspections of their respective agencies' responses to Covid-19. The 31 page report published by the Criminal Justice Joint Inspection provides a cross-system view of how the CJS reacted in the immediate aftermath of the first national lockdown and how the system has managed since.
- 3.2 The report acknowledged that the CJS did not stop or pause because of Covid-19. Crimes continued to be committed, reported and investigated, cases were charged, detainees remained in prison estates. It also acknowledged the determined efforts and commitment of all those who work in the CJS.
- 3.3 The ability to deliver justice during the pandemic has relied on digital working. The pandemic made it necessary for the CJS to innovate quickly. Whilst digital working was already in place, this had to be significantly ramped up and used as 'business as usual' during the pandemic.
- 3.4 The report highlights a number of risks for the CJS going forward. The greatest risk facing the CJS is the significant backlog of cases, particularly within the Crown Court. The report concluded that urgent and significant action was needed to reduce and eliminate what were already chronic backlogs in cases.
- 3.5 The report makes clear that without sustained and significant investment in the court system to eliminate backlogs and delays in cases, the implications for victims and witnesses will prove deleterious.

4. Local CJS Response

- 4.1 The Police Reform and Social Responsibility Act 2011 sets out in law the reciprocal duty on Police and Crime Commissioners (PCCs) and other Criminal Justice agencies to work together to provide an efficient and effective CJS for police force areas. Within Cambridgeshire this works effectively through the Cambridgeshire Criminal Justice Board (CCJB) which has stood up its efforts during the pandemic.
- 4.2 The CCJB Efficiency Group, chaired by Her Majesty's Courts and Tribunals Service (HMCTS), was expanded and met fortnightly in the height of the pandemic and continues to meet monthly. This group has provided a practical problem-solving forum and enabled partners to work together in identifying new ways of working.
- 4.3 In response to the pandemic the CJS effectively went into 'survival' mode which saw agencies take emergency action to keep functioning. The level of planning, varied across the system, as did the challenges faced by each agency. By bringing together CJS agencies more frequently this has enabled respective agencies to work together, recognise the challenges of colleagues and continually reassess the response.
- 4.4 During the first lockdown courts locally remained open to deal with 'urgent' court business. Following the initial lockdown HMCTS published its National Recovery Plan

¹ Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services; Her Majesty's Crown Prosecution Service Inspectorate; Her Majesty's Inspectorate of Prisons; Her Majesty's Inspectorate of Probation.

to help courts return to normal operation and to minimise any delay in delivering justice.

- 4.5 Locally both Magistrates and Crown Courts are fully operational and conducting hearings. In addition, the Special Domestic Abuse Court has also been reinstated. Each court house has been risk assessed and safety measures put in place.
- 4.6 A Nightingale Court has also been opened within Peterborough. Whilst this Court is not hearing criminal cases it has enabled non-crime cases to be transferred to the Nightingale Court for hearings, which has freed some additional capacity within the Magistrates Courts.
- 4.7 There has been a need to reduce footfall within the court building to ensure the safety of court users and to reduce the risk of infection. The use of digital working has been key to ensure that justice has continued. Digital working across the CJS has been essential. This has involved the use of virtual remand hearings, police officers attending court virtually along with prisoner's attending remotely to reduce the risk of infection.
- 4.8 The use of the cloud video platform (CVP) was rolled out nationally and is fully implemented within Cambridgeshire Courts. The use of CVP, along with other forms of digital working, provides an opportunity to reduce footfall within courts and reduce unnecessary travel to attend hearings.
- 4.9 The CCJB Delivery Group, chaired by the Assistant Chief Constable, has also increased its remit and frequency and is also currently meeting monthly. This group has oversight of the CCJB Efficiency Group, CJS recovery and victim attrition.
- 4.10 During the pandemic the amount of cases within the system has grown and with that there has been increase in the amount of time it takes for cases to reach a conclusion. These delays will undoubtable have an effect on victims and witnesses. The Victim and Witness Hub plays a critical role in supporting victims and witnesses through their criminal justice journey.
- 4.11 The work of the Victim and Witness Hub has almost doubled during the pandemic and will prove crucial in supporting victims and witnesses as the pandemic continues and through the CJS recovery. The Acting Commissioner has recently announced £90K extra funding to ensure that victims and witnesses are supported in these challenging times and ensure that the CJS runs as efficiency and effectively as possible.
- 4.12 The CCJB Offender Group, chaired by National Probation Service, has met more frequently in order to understand and respond to a rapidly changing landscape. This group's focus is to address the long-term causes of offending, such as housing, health issues, drug and alcohol misuse and education, employment and training. In addition to the longer-term pathway work highlighted above, areas of focus in terms of the response to Covid-19 have included outbreak management; prison release planning and through the gate support and accommodation planning.
- 4.13 Practical problem solving and system-wide approaches have been supported across a wide range of partners. Additional probation funding is helping to ensure accommodation can be accessed on release where an individual has no other options. Work is ongoing between probation and housing partners to access suitable longer-term accommodation. There are concerns about increases in the numbers of

unplanned, 'immediate' releases from prison at the conclusion of criminal justice processes in court. This can have a significant impact if someone is not able to access the services they may need to keep themselves and the community safe, particularly if the release takes place outside of normal working hours. Prison contingency arrangements are in place and being developed further but this remains an issue which requires further monitoring.

- 4.14 The main CCJB, chaired by the Acting Commissioner, meets quarterly and has oversight of the work of the sub-groups along with setting the strategic priorities.
- 4.15 Partnership working has been key in ensuring an efficient and effective CJS and will continue to be key to the CJS recovering. Partnership working within Cambridgeshire has been exemplary during the pandemic with agencies having shown great commitment and dedication and this remains key to the recovery and rebuilding of the CJS.

5. Recommendation

- 5.1 The Board is recommended to note the contents of the report. The report does not contain any formal recommendations or areas for improvement requiring a response from the Constabulary.

BIBLIOGRAPHY

Source Document	'Impact of the pandemic on the Criminal Justice System - A joint view of the Criminal Justice Chief Inspectors on the Criminal Justice System's response to Covid-19', Criminal Justice Joint Inspection, January 2021 https://www.justiceinspectorates.gov.uk/cjii/wp-content/uploads/sites/2/2021/01/2021-01-13-State-of-nation.pdf
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