



National Audit Office

Report

by the Comptroller
and Auditor General

The criminal justice system: landscape review

Key facts

8m

crimes estimated in the Crime Survey for England and Wales, year ending September 2013

£17.1bn

total funding of the criminal justice system by central government

£24bn

estimate of the social and economic cost of organised crime to the UK annually

37 per cent

of police reports contained an adequate summary of the evidence needed by the prosecutor for presentation in court

2,000

approximate number of police force information systems, connected through local infrastructure, managed locally by around 5,000 staff

24 years

age of the Crest case management system used in Crown Courts, making it difficult to maintain and enhance

**49 per cent and
55 per cent**

proportion of 'ineffective' and 'cracked' trials (which did not take place as scheduled) in Crown Courts and magistrates' courts respectively during Quarter 3 2013

**£17 million to
£19 million**

estimated cost in terms of staff and judiciary time of 'cracked' and 'ineffective' trials in 2012

**More than
80 per cent**

of trial results transferred automatically to the Police National Computer, ensuring that offenders' criminal records are up to date (Ministry of Justice estimate)

Introduction

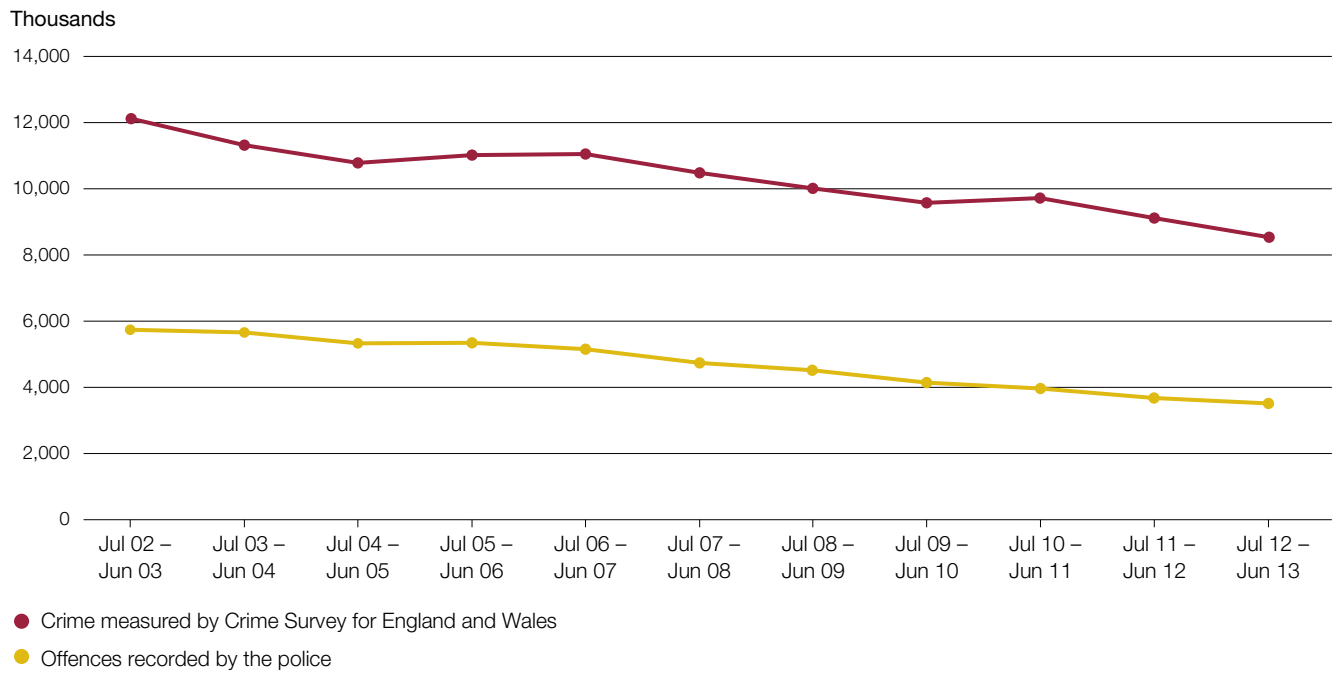
1 The criminal justice system (the System), overseen by the Home Office, the Ministry of Justice (the Ministry) and the Attorney General's Office (collectively the Departments), operates to reduce crime and reoffending; to punish offenders; to protect the public; to provide victims with reparation; to increase public confidence, including among victims and witnesses; and to ensure the System is fair and just. The System encompasses the functions of the police, prosecution, courts, prisons, youth justice services and probation. These and other partners exist as independent agencies to ensure fairness. As a result, to operate effectively, the System relies on the collaboration of all those who work within it, as well as on the cooperation of victims, witnesses, police, prosecutors, defence lawyers and others.

2 The System operates against a background of falling recorded crime (**Figure 1** on pages 6 and 7). The Crime Survey for England and Wales showed an estimated eight million incidents of crime against households and resident adults for the year ending September 2013: a 10 per cent decrease compared with the same period in 2012, and the lowest estimate since the survey began in 1981. Although crime has fallen significantly, the prison population has not. It has stabilised over the last three years, but at some 84,000 prisoners remains almost twice as high as 20 years ago. Researchers recently estimated the social and economic cost to the UK of organised crime alone as at least £24 billion annually.

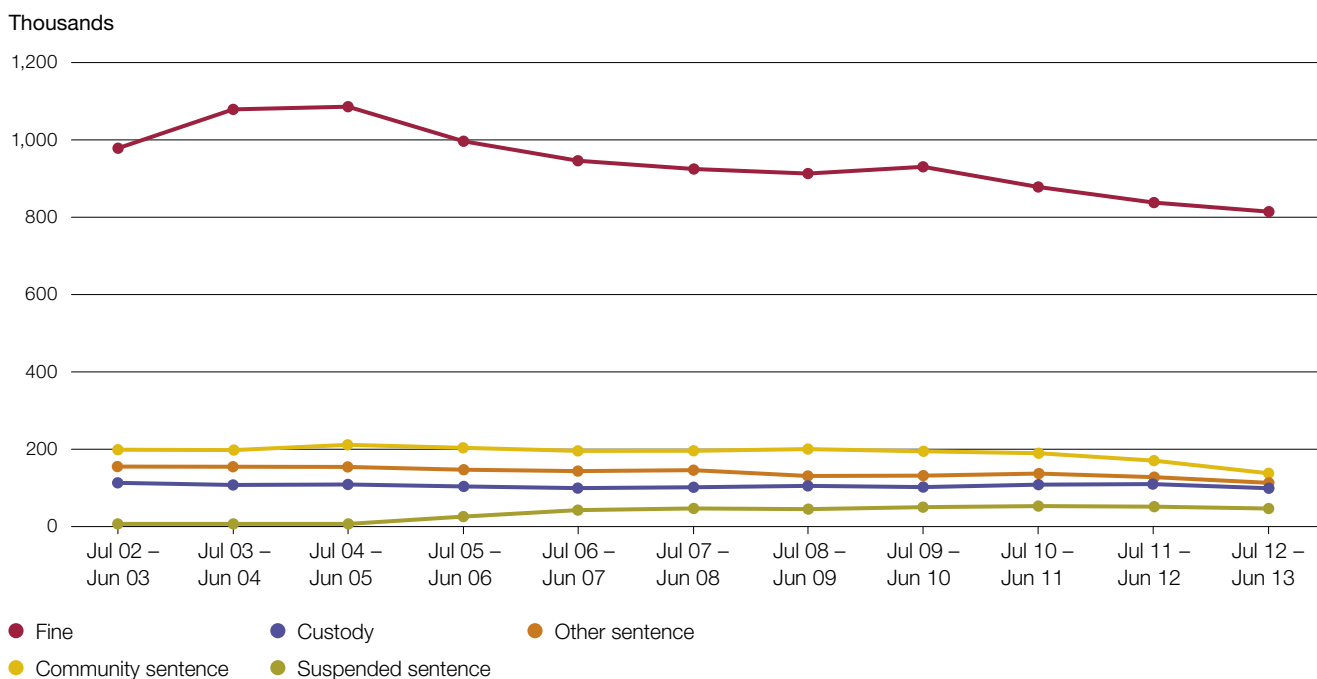
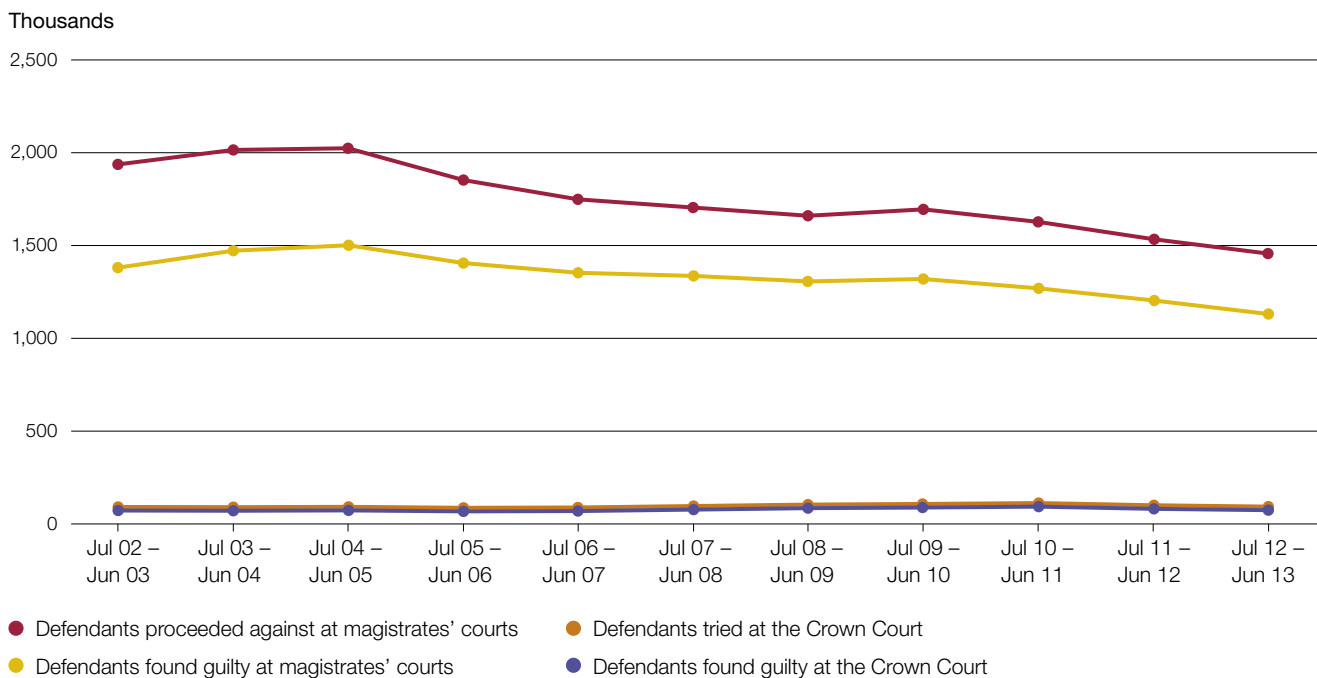
3 Our work over many years has shown how the System is vulnerable to multiple small points of failure that can have significant consequences. These include delays in providing documentation and data, presenting defendants to court and transferring responsibility for individuals between agencies. Ensuring that all those required are available when a case is ready to be tried can be problematic; for example, we recently reported on difficulties for courts caused by a lack of interpreters. There are many opportunities for these minor shortcomings, failings and delays in one part of the System to slow down or cause other parts to work less efficiently, or to stop altogether. Around half of all criminal court trials do not proceed as planned, wasting court time. The Ministry estimates that in 2012 the total cost of trials that did not go ahead was between £17 million and £19 million for the courts service and judiciary alone. The total cost of delays to all parties, including the defence, witnesses, victims and the police, prosecution and prison services, would be much greater.

Figure 1
Overview of key trends in criminal justice 2002 to 2013

The System has reported falling levels of crime. The prison population remains high, although it has stabilised in recent years



Source: Ministry of Justice



4 The Departments recognise this: their 2012 business plans made more reference to the need for joint working than those of other government departments. The System is currently undergoing comprehensive change, designed to improve the aspects the government considers do not work well and to help make significant cost savings. The White Paper *Transforming the CJS*, published in June 2013 by the Ministry, set out a two-year programme of reform. It considered that the System remained cumbersome and slow, and contained too many complex procedures and archaic working practices. Even straightforward cases involved multiple ‘rubbing points’, where data had to be transferred and agencies waited for others to provide information. The use of technology lagged behind other public services. The White Paper also recognised the need for better collaboration and outlined the shared outcomes that all parts of the System should be working to achieve.

5 Major changes to the System are being implemented alongside significant reductions in resources. For example, at the end of March 2013, the number of police officers was some 127,000: 10 per cent lower than the same time three years before. The number of civilian staff in the police force has also decreased by 18 per cent, from around 78,000 to 64,000, and the number of probation staff fell by 12 per cent, from around 19,000 to 16,000, over the same period. These, and reductions such as limiting access to legal aid for some groups, are being implemented while maintaining a commitment to providing access to justice for all.

6 This landscape review takes a strategic view of the whole System. It has been prepared to allow consideration of the main challenges to an efficient System and of whether the current reforms are addressing the issues identified. We have drawn mainly on our value-for-money studies, our audit of financial statements and also documentary evidence in the public domain produced over the last three to four years. We have not conducted a new detailed examination of the System.

7 **Figure 2** presents the main challenges to the System identified in our work, along with a summary of relevant current reforms. Our analysis suggests the reforms are addressing many of the systemic problems, based on an understanding of the causes, although it is too early to comment on whether they will be effective. In particular, efforts are being made to:

- reduce demand in the System by tackling groups with the highest rates of reoffending;
- take a more coordinated approach to managing across the System; and
- improve use of new technology for sharing information between partners.

Figure 2

Major challenges facing the criminal justice system and relevant reforms

Challenge	Reform
Heavy demands on the System due to high volume of reoffenders	<p>The Transforming Rehabilitation programme includes extending statutory rehabilitation to all offenders serving sentences of fewer than 12 months for the first time, opening up the market to more providers to encourage innovative ways of tackling stubbornly high reoffending rates and rewarding providers for success in reducing reoffending.</p> <p>'Through the prison gate' resettlement is designed to provide continuous provision by the same provider. Also, the majority of prisoners on longer sentences will be moved to a resettlement prison three months before release to ensure they are released closer to home.</p> <p>Tackling Youth Justice – government plans to double the average of 12 hours of education provided weekly in young offenders' institutions. A secure training college scheduled to open in 2017 would, if successful, provide a blueprint to replace most existing provision.</p>
Lack of joint working between organisations, and poor coordination between partners	<p>To coordinate joint working, a Minister of State for Policing and Criminal Justice was appointed in 2010.</p> <p>The Criminal Justice Board was established in 2013 to ensure a 'whole system' approach across the System and to overcome operational barriers. The Board oversees the <i>Transforming the CJS</i> action plan.</p> <p>Police and crime commissioners, established in 2012, have a key role to play in implementing change locally and ensuring that criminal justice agencies work together.</p>
Slow, bureaucratic and complicated processes, leading to inefficiencies and poor experiences for victims and witnesses	<p>Reforms are focusing on ending reliance on paper by creating a digital case file and 'digital courtroom', with the aim of a single, common information management system.</p> <p>Reforms are redirecting lower-level offences such as traffic or licensing cases through streamlined procedures or through prosecution by the police.</p>
Inadequate contract management	<p>In December 2013, the Ministry published its <i>Contract Management Review</i>. This revealed long-standing weaknesses and inconsistency in standards of contract management at the Ministry. It recommended development of greater professional capability and the need for a more formal approach to contract management and clear senior-level attention.</p>
Inadequate IT	<p>In 2013, the Ministry announced that it would be investing £160 million for 'digital courtrooms' and improved IT systems across agencies, meaning information could be shared electronically, securely and efficiently.</p> <p>The Ministry's digital strategy encompasses four exemplar digital services and it plans to redesign all current services by 2018.</p>
Inadequate understanding of what works	<p>The government selected the College of Policing to host the 'What Works' Centre for Crime Reduction to provide better evidence on effectiveness to guide public spending decisions.</p>
Reducing the cost of the criminal justice system	<p>Reform of the prison estate, since 2010, will have contributed £71 million of savings by the end of 2013-14 through closing old and inefficient prisons, and investing in modern accommodation. This is planned to reach £211 million by 2015-16.</p> <p>Legal aid reform is intended to deliver £170 million of savings through cutting solicitor and other litigator fees, reducing fees in other areas of criminal justice work and making changes to eligibility.</p>

Source: National Audit Office analysis of Ministry of Justice documents

8 However, much remains to be done to tackle inefficiency and reduce the multiple points of failure within the System, including:

- removing impediments that prevent trials from beginning on the dates scheduled and minimising waste from late cancellations or deferrals;
- replacing the manual transfer of data with well-designed digital transfers between the different agencies;
- developing more effective contractual relationships to ensure high-quality performance by contractors and minimise their role in cancelled trials;
- developing the use of evidence to show what is cost-effective in changing offender behaviour;
- understanding how the costs and benefits of changes fall on different parts of the System over time; and
- developing a strategic approach to improving the collection rate of fines and confiscation orders, both to offset running costs and to demonstrate that crime does not pay.

9 These issues, and the effectiveness of the range of responsible organisations in tackling them, will provide the basis for our future work programme on the System.

10 This report is in three parts: management and governance of the criminal justice system (Part One); joint working between the agencies involved (Part Two); and the handling of information through the System (Part Three).

11 Our overall conclusions are:

- **The System has evolved over time, has no single ‘owner’ and has been subject to regular change and reform.** It incorporates a wide range of bodies with different functions and accountabilities. The System deals with a variety of complex criminal behaviour, the causes and effects of which are often poorly understood. These and other factors make managing it effectively a major challenge for government.
- **The government’s reform programme is ambitious and will take time.** The aggregate and combined effects of multiple, concurrent changes are difficult to model but are likely to be significant. Though organisational changes can be implemented relatively quickly, working through deeper changes to working practices, system developments and cultures will take months and years.

- **Delivery partners need to work well together at national and local level, focusing on how best to achieve the overall objectives of the System, rather than optimising the performance of their own organisations.** The need for good local joint working is even more crucial in the light of changes to local accountability and performance measurement.
- **Interrupted information flows within the System can prevent cases from proceeding efficiently.** If the System is to achieve real efficiencies and planned cost savings, departments, agencies and local criminal justice partners need to implement an agreed and coherent plan to address problems with information flows as a priority.