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## Extraordinary Chief Constables' Council Meeting Minutes – Criminal Justice

17 November 2020, Virtual Meeting

### Attendees

AC Martin Hewitt	NPCC Chair
CC Andy Marsh	Avon and Somerset
CC Garry Forsyth	Bedfordshire
CC Nick Dean	Cambridgeshire
CC Darren Martland	Cheshire
Cmsr Ian Dyson	City of London
CC Richard Lewis	Cleveland
CC Michelle Skeer	Cumbria
ACC Kem Mehmet	Derbyshire
	Constabulary
CC Shaun Sawyer	Devon and Cornwall
CC James Vaughan	Dorset
CC Jo Farrell	Durham

CC Mark Collins	Dyfed-Powys
CC Ben-Julian Harrington	Essex
CC Rod Hansen	Gloucestershire
CC Ian Hopkins	Greater Manchester
CC Pam Kelly	Gwent
CC Olivia Pinkney	Hampshire
CC Charlie Hall	Hertfordshire
CC Lee Freeman	Humberside
CC Alan Pughsley	Kent
ACC Jo Edwards	Lancashire
CC Simon Cole	Leicestershire
CC Bill Skelly	Lincolnshire
CC Andy Cooke	Merseyside
Cmsr Dame Cressida Dick	Metropolitan Police Service
Dep Cmsr Sir Stephen House	Metropolitan Police Service
AC Helen Ball	Metropolitan Police Service
AC Matt Jukes	Metropolitan Police Service
AC Nick Ephgrave	Metropolitan Police Service
AC Neil Basu	Metropolitan Police Service
Dir Robin Wilkinson	Metropolitan Police Service
Cmdr Sue Williams	Metropolitan Police Service
DAC Laurence Taylor	Metropolitan Police Service
CC Andy Adams	Ministry of Defence Police
CC Carl Foulkes	North Wales
CC Simon Bailey	Norfolk Constabulary
CC Nick Adderley	Northamptonshire
CC Craig Guildford	Nottinghamshire
CC Winton Keenan	Northumbria
CC Lisa Winward	North Yorkshire
A/CC Jeremy Vaughan	South Wales
CC Stephen Watson	South Yorkshire
CC Gareth Morgan	Staffordshire
CC Stephen Jupp	Suffolk
CC Gavin Stephens	Surrey
CC Gavin Stephens	Surrey
CC Jo Shiner	Sussex
CC John Campbell	Thames Valley
CC Martin Jelley	Warwickshire
CC Anthony Bangham	West Mercia
CC David Thompson	West Midlands
DCC Russ Foster	West Yorkshire

CC Keir Pritchard	Wiltshire
CC Paul Crowther	British Transport Police
CC Simon Chesterman	Civil Nuclear Constabulary
CC/CEO Mike Cunningham	College of Policing
DG Lynne Owens	National Crime Agency
DDG Steve Rodhouse	National Crime Agency
CC Iain Livingstone	Police Scotland
Brig Vivienne Buck	Royal Military Police
Wg Cmdr Mike Dixon	Royal Airforce Police
Cmdr Dean Oakley	Royal Navy Police
CO Ruari Hardy	Guernsey Police
CO Gary Roberts	Isle of Man Police
CC Chris Eyre	Sovereign bases of Royal Cyprus Police

**In attendance for specific items**

Max Hill QC	Director of Public Prosecutions – CPS
Laura Tams	Head of Legal Services – CPS
Graham Ritchie	Deputy Director of Strategy and Policy – CPS
Sgt Monica Kennedy	CJ Staff Officer for Essex Police
DCC Jon Stratford	Gloucestershire Constabulary
DCC Emma Barnett	Staffordshire Police
DCC Tony Blaker	Kent Police
ACC Tim De Meyer	Thames Valley Police

**In attendance**

AC Robert Beckley	Assistant Commissioner – Op Resolve
Det. Supt. Charmaine Laurencin	NPCC Chief of Staff
T/Ch Insp Wayne Nash	NPCC Staff Officer
Richard Hampson	NPCC Senior Business Officer
Susan Paterson	NPCC Business Manager
Sherry Traquair	NPCC FOI and Decision Maker
Stuart Sterling	Home Office, Government Liaison
Nicola Growcott	NPCC Senior Comms Manager
Robert Hardware	NPCC Public Affairs Officer
Anastasios Vourexakis	NPCC Comms Manager
Simon Pountain	Business Change, National Enabling Programme

**SESSION 1:****ATTENDANCE AND APOLOGIES**

The Chair welcomed those present to this virtual Chiefs' Council meeting. The following tendered their apologies for the meeting.

CC Rachel Swann – Derbyshire Constabulary  
CC Andrew Rhodes – Lancashire Constabulary  
AC Louisa Rolfe – Metropolitan Police Service  
CC Simon Byrne - Police Service for Northern Ireland  
CC John Robins – West Yorkshire Police

**MINUTES AND ACTIONS FROM PREVIOUS MEETING****Chair's Update**

The chair welcomed visitors to Council. The following were congratulated on their recent honours from the Queen's Birthday List:

CC Rod Hansen, Gloucestershire Constabulary received a QPM CC  
Carl Foulkes, North Wales Police received a QPM.

Please find the link to the full list officers and staff who received honours in the list and congratulations to all - <https://news.npcc.police.uk/releases/queens-birthday-honours-listrecognises-police-officers-staff-and-volunteers>

The chair said that criminal justice system is critical and there are enormous amount of work going on including many changes that will be a challenge to policing. There is an appetite for change within policing and policing doesn't have control but its how [check]

The chair handed over to Nick Ephgrave who said he wants to keep chiefs up to date but does not want to slow the process or add to the chiefs additional work load. He explained there is an overarching vision outlined in his presentation and the Criminal Justice (CJ) portfolio is made up of a 6 thematic areas, each has its own mission statements:

- Enforcement
- Disposals
- Victims and witnesses
- Custody
- Courts
- Prosecutions

Each NPCC CJS lead represents the NPCC at various CJ meetings and there is also a stakeholder group that they work with. Nick Ephgrave explained each of these different organisations have their own set of objectives so understanding how this affects policing and how the NPCC compliments is a challenge.

Nick Ephgrave said the CJ portfolio has made good progress and he and the team work hard to negotiate on any changes and explain to colleagues how these affect policing and represent the NPCC. He said they will cover the challenges today and one of these is the issue around the CJS understanding that the policing structure includes all 43 forces but in turn the NPCC understanding the multiplicity of stakeholders. Also agenda control is also problematic because of this.

Nick Ephgrave outlined the key challenges and said that they are trying to find solutions to these and way forwards which will reassure chiefs.

### **Integrated Offender Management (IOM)**

John Stratford covered the background to this portfolio and said that previous changes to the service has been problematic and this has been observed by the HMICFRS inspectorate through the report concluding IOM has 'lost its way'. The Home Office and Ministry of Justice (MoJ) are now looking to jointly produce a future IOM strategy. He explained that by learning from the current IOM arrangements and understanding how future IOM strategy can support their aims field work was undertaken across the six IOM regions. This work found that it was difficult to determine a definition for IOM and there was too wide a variation in its emphasis, purpose and roles between agencies.

John Stratford said that there is a need to refocus at a national level and therefore re-nationalise the process of IOM. However there are challenges to this and therefore the first stage was to refresh the strategy. He said the rationale was to work to a broad definition for IOM to ensure good practice and allow the Police and Probation to work together.

John Stratford explained the priority IOM cohort is neighbourhood crime because this cohort includes the most persistent offenders with the highest level of criminogenic need. This links into neighbourhood crime reducing and rehabilitative targets, MoJ Reducing Reoffending strategy and Electronic Monitoring programme for burglars and robbers on licence. The IOM model is based on using the fixed, flex and free cohort focussed approach.

Chiefs noted this update

### **Victims and Witnesses**

Emma Barnett explained there is a governance group looking at what is being delivered for victims and witnesses and it is important to explain to partners this is a general service to victim and witnesses. She spends time co-ordinating between the different related NPCC portfolios to ensure there is good continuity. The current challenge is the impact on victims and witnesses because of court backlogs due to COVID. They are concerned about workload at the moment going into 2022 and there is a risk of

witness and victim attrition. As a result they are looking to forces for feedback on resource and workload at a local level. Forces have indicated they are averaging 50% more workload and 18 forces are considering bringing in additional resources but this isn't sustainable in the long term.

Emma Barnett said victim and witness attrition has been identified and the Home Office is working with the MOJ on issues such as domestic abuse and sexual violence. The new victims code outlines code of practice for victims of crime and police forces commitments. The new victims code isn't too different to the previous code but it is more streamlined and clearer about expectations, it will address acceptability and be more user friendly.

Emma Barnett said that the Policing Minister wants targets included and the Crime Survey for England and Wales will include questions relating to the code and this will raise awareness of the code. The impact and challenges of the new code will be around compliance and it is recognised that compliance monitoring is challenging for both agencies because they will have to demonstrate effectiveness in a consistent way.

**Action:** A paper should be presented on the implementation of the victims code to the January 21 Chiefs' Council meeting.

## **Overview of the 2017 Bail Legislation Changes – Closed Session**

### **Virtual Remand Hearings (VHR)**

Tony Baker summarised the six key challenges currently sitting with policing nationally. The staffing impact in custody and the additional work load is prohibitive. The way VRH cases are listed by the courts are not prioritised and cell capacity is not adequately arranged. He said the lack of previous investment of custody blocks is restricting the ability to carry out VRH in a safe and effective way and the transfer of risk from court to police is a key issue for the custody portfolio. Finally he said that without significant investment in the custody suites these issues would continue.

Tony Baker confirmed the following recommendations that were agreed at Chiefs Council in October:

- There was Support VRH until December 2020 but individual force may end earlier □ Police witnesses via live link was agreed and this facility of available for all forces to use.
- The live link is also use by HMCTS for civilian witnesses and this was supported also.
- Key is managing the transfer of risk to policing so there is investment identified to support this.
- £11m capital for police infrastructure
- £28m revenue resource requirement
- Technology to automate, remove inefficiencies and provide MI □ Business processes to support video technology use
- Extend court operating hours & prison reception times.

This led to two decision which were all forces to cease VRH by the end of December and engage with partners in order to establish a longer term strategy for the CJS.

Tony Baker said there was a stock take of VRH position of forces. 5 forces did not adopt VRH, 20 forces are ceasing using VRH, 3 forces are using this for Covid only cases, 5 forces are ceasing by the end of December and 2 by the end of March and one forces is still to make a decision. He said the main risks are court cell capacity and public health concerns.

Tony Baker has been working with the Home Office and said there was a decision to carry out a series of Sprint group with stakeholders to see what could be done to mitigate the decision across the system. The key observations

- There has been no solution on funding has been identified and no clear pathway on how this can be resolved.
- There is no clear tangible outcomes or cost benefit analysis; public health has been identified as key issue.
- Policing can assist in reducing demand on VRH through better application of remand powers
- Forces that have returned to 'in person' remands have seen an improvement in custody capacity.
- VRH is takes longer than in-person hearings; an average of 15 hours detention.
- Court cell capacity will increase to 100% once revised risk assessments are completed.

Tony Baker said that HMCTS anticipate 30 trials per day will be displaced nationally. £15m proposal from PECS is not 100% coverage, is a funding envelope, only covers the hearing not the prep work and they do not have the staff. There is no plan to provide the required infrastructure in police custody, Breaches of policy and APP continue to occur 9-months into a recovery phase. He explained that the police position is as follows:

- Encourage forces to use VRH for confirmed COVID cases
- HMCTS to review the national position on warrants backed for bail
- Forces content to continue with VRH are funded to do so in the short term
- Judicial listing prioritise custody cases and commit to clearing police custodies
- Work with forces to improve the use of remand
- HMCTS extend remand court sitting hours in VRH areas
- HMPPS extend reception hours in VRH areas
- Take the lessons learnt and co-produce business case, implementation plan, policy and SOP
- Policing develop a national strategy for video technology
- Believe that should use VRH if there are COVID risk

Tony Baker concluded saying there are lessons to be learned and the police should work with HMCT and other MOJ partners to co-produce a business plan for the future and there should be a national strategy for video technology.

Kennie Bowie from the Home Office was invited by the chair to speak and he said there is the short terms sprint work for the recovery phase and longer term strategy. The home office will take learning from the short term work and apply the learning to the longer term strategy. He said there won't be funding for the short term recovery and the government will want to know what the longer term plans are until there was any new investment

Chiefs noted the update and reinforced their concerns around capacity being a problem and custody is extremely problematic, expensive and custody waiting time is one of many issues that hinders police from concentrating on core business. There is a question around the cost/benefit analysis and until the full costs and timelines can be identified.

### **Case progression**

Jo Farrell introduced this area of work saying it is a new strand, working jointly with the CPS. She said her definition around case progression is around efficiency and effectiveness in which policing works collaboratively with the CPS. Prior to the COVID pandemic this area of work was a priority for the National criminal justice committee.

The governance for this work is under national disclosure improvement plan (NDIP) program and policing has worked with CPS on case progression and looking at areas that hinder this. They are committed to case progression through problem solving the practical issues that are stopping good progression. Areas Jo Farrell highlights were proactive case management and early engagement between the two agencies. She said they have carried out workshops and from this and identified four main areas; file quality, process in relation to timeliness in case reviews, defence engagement and victims and witnesses.

The key areas of work underway from the workshop are:

- Prosecution team performance management review
- Building a performance dashboard for case progression □  
Menu of options to support case progression work locally.

In addition they are also part way through a deep dive across agencies on case quality and this will come to Chiefs Council. This involves 7 forces and 5 CPS area and they are looking to publish findings in 2021.

### **REVIEW OF PAPERS FEEDBACK FROM THE REGIONS (papers for decision)**

The chair guided colleagues through the feedback from the review of papers.

### **S90 mutual aid**

**Decision:**

**(NPOCC Paper)**

**Decision:**

**Criminal Justice – DPP:**

**ANY OTHER BUSINESS AND WRAP OF DECISIONS**

No other business was raised in the meeting. See separate decision and action log for this meeting.

**DATE OF NEXT MEETING**

The next full Chiefs' Council meeting will be held on **20-21 January 2021**.