

UK Justice Policy Review

Volume 8

8 June 2017 to 24 July 2018

by Richard Garside, Roger Grimshaw,
Matt Ford and Helen Mills

THE HADLEY TRUST

**CENTRE FOR CRIME
AND JUSTICE STUDIES**

UK Justice Policy Review

Volume 8

8 June 2017 to 24 July 2018

by Richard Garside, Roger Grimshaw,
Matt Ford and Helen Mills

About the authors

Richard Garside is Director, Roger Grimshaw is Research Director, Matt Ford is Associate, Helen Mills is Senior Associate, all at the Centre for Crime and Justice Studies.

Acknowledgements

Without the generous support of The Hadley Trust this publication would not have been possible. We thank them for their support for this series. Thank you to Tammy McGloughlin and Neala Hickey for their production work and to Steve Swingler our designer.

Registered charity No. 251588

A company limited by guarantee
Registered in England No. 496821

Centre for Crime and Justice Studies
2 Langley Lane
Vauxhall
London
SW8 1GB
info@crimeandjustice.org.uk
www.crimeandjustice.org.uk

©Centre for Crime and Justice Studies
April 2019
ISBN: 978-1-906003-73-9

Contents

Summary	4
Introduction	6
Speeches	8
Legislation	12
Police	14
Data dashboard	20
Courts and access to justice	22
Prisons	26
Probation	32
Coming up: Ends and beginnings?	36
Technical appendix	38

Summary

Introduction

Further signs of a simmering crisis in criminal justice, with major questions for the police, courts, prisons and probation, and uncertainty over international criminal justice cooperation following Brexit.

- Changes at the top: who was in, who was out
- Planning for Brexit
- Criminal justice facing multiple challenges
- Coverage of the *Lammy Review*, *Managing children who offend*, and the *Female Offender Strategy*, among others.



Speeches

While the Home Secretary signalled a shift in tone on policing in England and Wales, in Scotland, ministers set out ambitions for change. Two Justice Secretaries in England and Wales offered similar remedies to the growing prisons crisis.

- Sentencing and prison reform in Scotland
- Prison crisis in England and Wales
- The police warm to the new Home Secretary
- A new plan for Scottish policing
- Summary of the most important speeches



Legislation

In Scotland the government took small steps to take some of the heat out of sentencing, and promote rehabilitation. In England and Wales the government took small steps to heat up sentencing further and avoid difficult reforms.

- Assaults on Emergency Workers Bill
- Age of Criminal Responsibility Bill
- Management of Offenders Bill
- Summary of all the key legislation



Policing

Across the UK there were different answers to questions about police numbers, budgets, workloads, and what the police are there to do.

- How many police is enough?
- Controlling police budgets
- Making sense of police purpose and workloads

- Changes in violence recorded by the police
- Vulnerability and hate crime
- Police governance and accountability
- Deaths in custody
- Police spying



Data dashboard

An at-a-glance overview of the key UK criminal justice data and trends over the past five years.



Courts

The ambitious court transformation programme encountered major difficulties. Meanwhile, questions emerged on the disclosure and use of evidence. Scotland took steps to resolve the long-running problem of legal aid reform.

- From physical courts to virtual hearings
- Speeding up court processes
- Problems with evidence disclosure
- The problem of legal aid reform
- Tougher sentencing

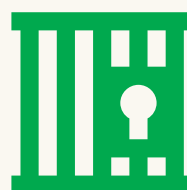


Prisons

The prison crisis in England and Wales deepened, while in Scotland and Northern Ireland the focus was more on routine matters and estate renewal.

- Crisis engulfs the system in England and Wales

- Faltering progress on reducing the Scottish women's prison population
- Youth justice reform in Northern Ireland
- The John Worboys case
- The new urgent notification system in England and Wales



Probation

The contrasting fortunes across England, Wales, Scotland and Northern Ireland meant that there was no clear pattern for probation delivery across the United Kingdom.

- Financial and organisational challenges in Scotland
- Death threats in Northern Ireland
- Ever increasing dysfunction in England and Wales



Coming up

The looming Brexit deadline, the fraying of the party system in parliament, and ongoing political deadlock in Northern Ireland more and more militated against long-term policy agendas.

- Further changes at the top
- A major parliamentary report on the future of policing
- Ongoing problems with legal aid
- Growing uncertainty over Brexit



Introduction

Introduction

This edition of *UK Justice Policy Review* takes the story forward from the June 2017 General Election to the parliamentary recess of summer 2018. Just over a year, in which there were many opportunities for reflection on current criminal justice performance and priorities, but minds began to become preoccupied with the increasingly imminent prospect of the UK leaving the EU in 2019.

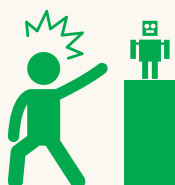
The Election brought about a change in the balance of power in the House of Commons. The government was obliged to find allies to support its parliamentary proposals and an alliance was formed between the Northern Ireland Democratic Unionists and the Conservative party to create a working majority.

Changes at the top

After the Election Amber Rudd continued as Home Secretary. David Lidington became the Secretary of State for Justice and Lord Chancellor, to be replaced by David Gauke in January 2018. In the same month Rory Stewart took over a ministerial portfolio which included prisons and probation. In April, Amber Rudd resigned over the Home Office's treatment of the Windrush generation of migrants and was succeeded by Sajid Javid.

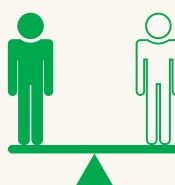
In Scotland, Chief Constable Phil Gormley resigned in February 2018 while facing misconduct allegations, whereas Cabinet Secretary Michael Matheson remained in post until June 2018. In Northern Ireland, no solution was found to the continuing suspension of the Assembly.

Key reports



Managing children who offend
Northern Ireland Audit Office
6 July 2017

Northern Ireland needs a specific strategy to guide youth justice policy and practice and to coordinate youth justice services.



The Lammy Review
David Lammy
8 September 2017

Criminal justice agencies should adopt an 'explain or reform' approach when faced with racial disparities in their caseloads.



A framework to support positive change for those at risk of offending in Wales
Welsh Government
2 March 2018

Greater collaboration and a focus on early intervention will reduce criminal justice demand in Wales.



Young adults in the criminal justice system
House of Commons Justice Committee
20 June 2018

Current approaches to criminalised young adults are too narrow and lacking in imagination and ambition.



Female Offender Strategy
Ministry of Justice
27 June 2018

A greater recourse to community sentences can help to reduce the number of women sent to prison.

Brexit came nearer

The government's paper *Security, law enforcement and criminal justice* was published in September 2017. It argued for a close collaborative relationship between the UK and the EU that went beyond the EU's existing relationships with third party countries.

In June 2018 the Scottish Government published *Scotland's Place In Europe: security, judicial co-operation and law enforcement*. It was critical of the UK Government for failing to consult about the paper published in September and the further outline framework issued in May 2018. It accused the UK Government of ignoring the separate nature of the Scottish jurisdiction. Its vision of a Scotland continuing to cooperate closely with the EU appeared at odds with the UK's direction of travel.

In the long term, it is arguable that the distance between the positions of the EU and the UK on the shape of a future treaty remains significant. In its report *Negotiating Brexit: policing and criminal justice*, the Institute for Government suggested that, while the UK wished to replicate the existing modes of cooperation, the EU appeared reluctant to extend the level of collaboration much beyond what has been agreed with other non-EU states. Arrangements regarding extradition, police cooperation, and data sharing were among the main issues at stake.

The UK government's stance on data protection was a matter of concern to the EU, which was echoed by the Joint Committee on Human Rights in its January 2018 legislative scrutiny report on the EU (Withdrawal) Bill. This is an example of the scrutiny that the EU places on third party states, which has no legal equivalent in relation to EU members. In July 2018, in its report *Brexit: the proposed UK-EU security treaty*, the European Committee of the House of Lords suggested that

responses to extradition requests were also likely to be qualified.

On the UK side, the future authority of the Court of Justice of the European Union continued to be a moot question, as, in July 2018, the European Committee of the House of Lords warned. The general mechanism for dispute settlement in the later draft agreement highlighted political resolution as well as arbitration while retaining a role for the European Court.

The extent to which current arrangements satisfy all parties was questioned, as in the case of Spain's attempt to extradite the Catalan president Carles Puigdemont from Germany. A regional court in Germany decided that he could be extradited only for a charge of misusing public funds, not for 'rebellion', which has no equivalent in German law. Once its withdrawal from the EU has occurred, the UK's scope for influencing the ongoing development of justice cooperation will be minimal, given its absence from decision-making. Everything then hinges on how far the planned agreement will resolve the differences on view now and in the future.

An increasingly fragile system facing uncertainty

As the following sections in this edition reveal, Brexit was not the only looming challenge. The year saw further signs of a simmering crisis in criminal justice, as fundamental police structures and priorities began to be questioned, the prison and probation services received even more 'bad notices', and a new relationship with international criminal justice partners in Europe following Brexit remained to be negotiated. How these uncertainties can be resolved will be a matter for our next *Review*.

Speeches

This section begins with an assessment of the speeches setting out Scotland's active programme of penal reform. The vision presented in Scotland contrasts sharply with the constrained and inert picture in England and Wales. Of all the matters under the England and Wales Justice Secretary's remit, prisons, and specifically safety in prison, dominated official speeches. Finally, Sajid Javid's first speech as Home Secretary signaled a shift in tone from that of his recent predecessors, and police resources continued to feature as points of debate on both sides of the UK border.

Socially inclusive nation

Nicola Sturgeon, First Minister of Scotland, set out the Scottish National Party's plans for government in a speech at Holyrood on 5 September 2017. Extending the presumption against some custodial sentences was a flagship reform of its justice agenda. Current provisions covered a presumption against prison sentences of up to three months in length. Following several years of consultation, it was now proposed to extend this to a presumption against prison sentences of up to 12 months. 'We must now be even bolder in our efforts to keep people out of prison and reduce re-offending further', said Sturgeon. Short prison sentences were 'both a poor use of public resources and a waste of human potential'. Extending the use of electronic monitoring and rolling out a new model of community justice were other key elements set out in the plans (see [Probation](#)).

The following week Michael Matheson, the Scottish Justice Secretary, set out the case for these proposed reforms. Nation building was one. Twenty years of Scottish devolution 'has done great things' said Matheson, 'But one area in

which we have made little progression is that of penal reform'. The long-term trend of increased prison numbers was explicitly cited by Matheson as a problem. But the reforms he said, were not only about a desire for a more 'progressive evidence based criminal justice policy', they were also about 'being the progressive and socially inclusive nation we want to be'. Plans to extend the presumption against custody by the end of 2018 however, came with caveat. 'It is of course a presumption and not a ban. Sentencing discretion remains with the courts'. Matheson seemed to be warning that transformative potential may not bring overnight change.

The ongoing redevelopment of Cornton Vale women's prison in Stirling provided a physical site for this proposed smaller prison imprint. With the 230-place women's prison demolished in July 2017, the planned new prison for 80 women would not only be smaller but, according to Matheson, it would provide 'an entirely new approach' to 'custodial care' based on 'therapeutic community principles' and 'gender-specific and trauma-informed practice'. Matheson confirmed Glasgow and announced Dundee as the locations for two of the five smaller regional 'community custody units' planned for women alongside the new national facility.

Prison crisis

The policy agenda on prisons in England and Wales was notably less ambitious. In a speech on prison policy on 18 December 2017, Justice Secretary David Lidington clarified the reform options as he saw them. If there had been any momentum for legislative change, the fall of the last major piece of legislation attempting reform, the *Prisons and Courts Bill*, at the end of

the previous parliament took the wind out of its sails. 'Change', Lidington said, 'would be taken forward by administrative means where possible'. With the exception of Private Members' Bills, new legislation now seemed off the table to the new Justice Secretary. Throughout the period under review, no major speeches were given in England and Wales on probation (which was under review for much of this period), or courts.

Lidington's speech featured no significant new announcements. Plans to 'recruit 2,500 extra prison officers' and give 'greater autonomy to prison governors', reiterated previous commitments. As did the desire to create 'thousands more modern prison places that are fit for the future' and close 'our ancient Victorian prisons'. However, with no accompanying announcement about which prison would be next to close, this made the last prison closure announcement that of HMP Holloway – by no means an 'ancient Victorian prison' – in 2015. How this target would therefore be met, was unanswered. It was to remain so throughout the period under review. In this constrained environment, safety in prison became the more refined focus of the Justice Secretary's speech. Drugs – specifically Spice – mobiles in prison, drones, and organised crime, were framed as the problems to be addressed. 'We need to get more strategic in our approach to security', said Lidington.

It was possible to detect a sense of resignation about the potential for an agenda beyond this, specifically in relation to addressing high prison numbers. 'I believe too that people don't want to see our prison population forever rising. I certainly want to see numbers come down from their current record levels', said Lidington. This

was followed by a 'but' from the Justice Secretary, 'if we are to successfully rise to this challenge we need to mobilise more of government; we need a concerted effort across the public sector'.

Four months and a reshuffle later, David Gauke delivered his first major speech on prison reform as Justice Secretary on 6 March 2018. He picked up the baton passed on by his predecessor of both safety in prison as the overriding prison crisis, and an operational approach to addressing this. 'We must get the basics rights', Gauke said.

Gauke gave more details about what the strategic approach to security, first described by Lidington, would look like. He proposed a rethink on how to determine which category of prison a person was placed in. 'The fact is', said Gauke, 'there are around 6,500 prisoners who have links to organised crime. At the moment, these offenders are spread across the estate'. Gauke proposed widening the factors considered when categorising prisoners to include links to organised crime and violence.

Prison reform was the subject of second speech by Gauke, on 10 July 2018. Following a series of damning prison inspection reports and with self-harm and violence in prison both continuing to trend upwards, Gauke announced an additional £30 million to 'stabilise the estate', of which £16 million would 'improve the facilities at the 11 prisons with the most pressing problems'. 'I accept', Gauke said, 'that in too many parts of our prison estate today cells are dirty with peeling paint and exposed wiring, shower and toilet facilities are filthy and broken'.

With drugs, drones and violence given prominence, the prison crisis was being painted as one of managing problematic individuals.

Speeches

Gauke saw a clear role for the Incentives and Earned Privileges scheme in this respect. He called for a renewed focus on utilising ‘sanctions and incentives to influence the behaviour we want to see. I saw the power of this model during my time at the Department for Work and Pensions and I am determined to apply those same principles within our prisons system’. Release on Temporary Licence was one example Gauke gave whereby prisoners who ‘cooperate during their sentences’ could be granted leave from prison to go to work.

Warmer reception

Addressing the annual Police Federation conference has been an event approached with some trepidation by government ministers in recent years. Slow claps and open hostility have greeted various politicians who have stood before it. Not so for the new Home Secretary Sajid Javid.

Appointed only three weeks before, following Rudd’s resignation over the Windrush scandal, Javid used his first speech as Home Secretary in May 2018 to mark a clear break with his predecessors on two key issues. The first was on his support for controversial police tactics. On stop and search he was unequivocal. ‘I support the use of stop and search’, said Javid, ‘evidence shows that if you’re black, you’re more likely to be a homicide victim than any other ethnic group. If stop and search can mean saving lives from the communities most affected, then of course it has to be right’. Such comments ended a period of relative political consensus, established under Theresa May during her term as Home

Secretary, which had challenged the police’s use of the tactic, and seen stop and search rates substantially decline since 2010.

The second was on resources. Javid signalled a warmer reception to the police’s ongoing calls for additional resources than that of the two previous incumbents at the Home Office. He made no firm commitments beyond prioritising police funding in the next Spending Review. However, this was a notably different position to that taken by Amber Rudd. A few months prior to Javid’s appointment, Rudd had repeatedly said there was no evidence that police numbers had a direct correlation with crime trends. Rudd had been particularly scathing in a speech to the National Police Chiefs Council and the Association of Police and Crime Commissioners six months before Javid’s speech: ‘When crime statistics go up, I don’t just want to see you reaching for a pen to write a press release asking for more money from the government. I want you to tell your local communities and the victims in your area what your plan is to make them safer’.

Whilst it was still early days for Javid, his speech marked a potential thawing of the frosty relations that had developed between the Home Office and the police. ‘Let’s reset the relationship between the government and the police’, he said. ‘I will give you the tools, the powers and the back-up that you need to get the job done. For those of you who stand on the frontline, be in no doubt, I will be standing with you’.

Changing shape of policing

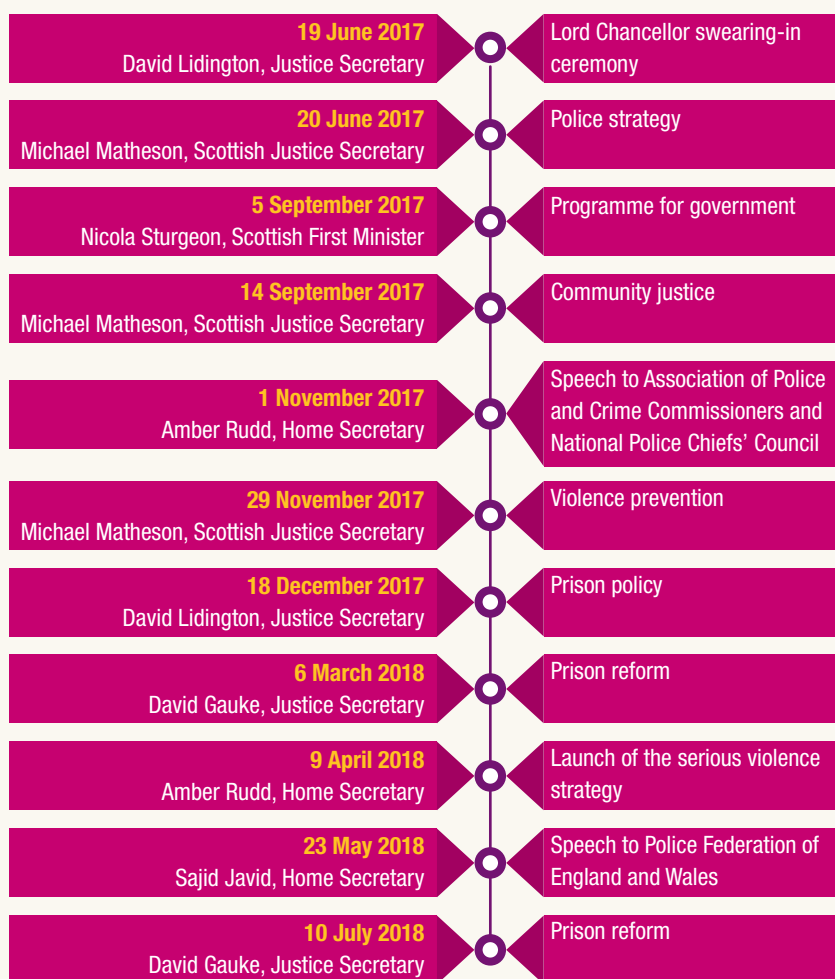
Resources and police officers were unsurprisingly also referenced at the launch of the first ten year strategy for policing in Scotland in June 2017.

Developed jointly by Police Scotland and the Scottish Police Authority, *Policing 2026: Serving a Changing Scotland* contained, Michael Matheson said, the Chief Constable's assessment to 'slow the recruitment of police officers in the longer term' and review the use of support staff to free up officers' time. 'The plans Police Scotland have

set out up to 2019-20 show the number of police officers will remain well above the number we inherited in 2007, something I remain strongly committed to'.

Matheson also repeated the SNP's commitment to protect the police budget in real terms up to 2021. How Police Scotland was to meet its significant resource deficit was, though, another matter. The Scottish Police Authority and Police Scotland, Matheson said, were 'working to [...] deliver' on the pledge.

Key speeches



Legislation

In May 2018 the Justice Secretary, David Gauke, spoke about the high prison population in England and Wales. ‘Twenty five years ago,’ he told *The Times* newspaper, ‘the population was 44,000. Today it’s 84,000. I would like it to fall.’ In this he was echoing his predecessor in the role, David Lidington, who had likewise expressed a desire to see the prison population fall (see [Speeches](#)).

Legislation is a key means through which parliament can influence the size of the prison population. Two Bills – on raising the age of criminal responsibility, and shortening the period of criminal record declaration – were examples of legislation that, if implemented, could make a small contribution to reducing the prison population. They were also Private Members’ Bills, with little hope of gaining the government support needed to be passed into law.

By contrast, three Government Bills – on the misuse of laser pointers; the sale and possession of corrosive products and knives; and the problem of so-called ‘upskirting’ – proposed new offences and prison sentences of up to five years. A range of Private Members’ Bills also proposed new offences and prison sentences for a range of perceived problems, including pet theft, stalking, and injury to police dogs, horses and other animals. The Government also lent it support to a Private Members’ Bill on assaults on emergency workers.

Assaults on Emergency Workers (Offences) Bill

In England and Wales, prior to the Bill becoming law, assaults on on-duty police officers, prison officers and immigration officers were offences carrying a maximum prison sentence of six months. There was no specific offence of assault on other emergency workers, such as paramedics or fire fighters. The Bill proposed to introduce a new offence of assault against an emergency worker, doubling the maximum prison sentence

to 12 months. The Bill also proposed that courts should consider certain assaults against emergency workers an aggravating factor for sentencing.

During the Bill’s Second Reading in October 2017, the Bill’s sponsor Chris Bryant volunteered that the proposed doubling of the maximum prison sentence had come at the behest of the government. ‘My original suggestion’, he told the House of Commons, ‘was that it should be six months on a summary offence and 12 months on an indictable offence, but the Government decided that they would prefer it to be 12 months on either’. During the same debate, the Conservative MP Antoinette Sandbach pointed out that summary offences were generally considered less serious than indictable offences. Rather than propose that the former should be reset to Bryant’s original six month maximum, she proposed that the maximum for indictable offences should be increased to 24 months. Not a single MP spoke against the increase in prison sentence lengths during the debate. The Bill became law in September 2018.

Age of Criminal Responsibility (Scotland) Bill

Attempts to raise the age of criminal responsibility in England and Wales were relegated to Private Members’ Bills with little hope of success. In Scotland, the Government introduced a Bill in March 2018 to raise the age of criminal responsibility from eight to 12. It followed a consultation during which 95 per cent of respondents supported the rise. Speaking of the legislation, Early Years Minister Maree Todd said, ‘We know the actions of children who harm others are often a symptom of trauma in their own lives and that accruing a criminal record actually drives more offending. This legislation will help turn around the lives of troubled, primary school age



children – who are often vulnerable themselves – by addressing their deeds in the context of supporting their needs’. The Bill was still in progress at the end of the period under review.

Management of Offenders (Scotland) Bill

The Scottish Government was also leading the

charge on changes to criminal record declaration periods. While in England and Wales this too was the subject of a Private Members’ Bill, in Scotland it formed a key part of the Management of Offenders Bill. The Bill also included provision to extend GPS tagging and tracking of convicted law breakers in the community, as well as changes to the operation of the Parole Board.

Legislation

Type of legislation	Legislation	Date introduced	Status on 24 July 2018
	UK Parliament		
Private Members’ Government 	<i>Age of Criminal Responsibility Bill</i>	• 26 Jun 17 •	In progress
	<i>Anonymity (Arrested Persons) Bill</i>	• 4 Jul 17 •	In progress
	<i>Assaults on Emergency Workers (Offences) Bill</i>	• 19 Jul 17 •	In progress
	<i>Criminal Fraud (Private Prosecutions) Bill</i>	• 5 Sep 17 •	In progress
	<i>Criminal Records Bill</i>	• 29 Jun 17 •	In progress
	<i>Football Offences (Amendment) Bill</i>	• 25 Jun 18 •	In progress
	<i>Foreign Nationals (Criminal Offender and Prisoner Removal) Bill</i>	• 5 Sep 17 •	In progress
	<i>Genocide Determination Bill</i>	• 13 Jul 17 •	In progress
	<i>Genocide Determination (No. 2) Bill</i>	• 5 Sep 17 •	In progress
	<i>Illegal Immigration (Offences) Bill</i>	• 5 Sep 17 •	In progress
	<i>Judicial Appointments and Retirements (Age Limits) Bill</i>	• 5 Sep 17 •	In progress
	<i>Laser Misuse (Vehicles) Act</i>	• 19 Dec 17 •	Royal Assent (10 May 18)
	<i>Legalisation of Cannabis (Medicinal Purposes) Bill</i>	• 10 Oct 17 •	In progress
	<i>Offensive Weapons Bill</i>	• 20 Jun 18 •	In progress
	<i>Pets (Theft) Bill</i>	• 3 Jul 18 •	In progress
	<i>Policing Resources Bill</i>	• 6 Jul 17 •	In progress
	<i>Prisons (Interference with Wireless Telegraphy) Bill</i>	• 19 Jul 17 •	In progress
	<i>Prisons (Substance Testing) Bill</i>	• 17 Apr 18 •	In progress
	<i>Road Traffic Offenders (Surrender of Driving Licences Etc) Bill</i>	• 11 Jul 17 •	In progress
	<i>Road Traffic Offenders (Surrender of Driving Licences Etc) (No. 2) Bill</i>	• 1 May 18 •	In progress
	<i>Service Animals (Offences) Bill</i>	• 5 Dec 17 •	In progress
	<i>Stalking Protection Bill</i>	• 19 Jul 17 •	In progress
	<i>Victims of Crime (Rights, Entitlements, and Notification of Child Sexual Abuse) Bill</i>	• 6 Jul 17 •	In progress
	<i>Violent Crime (Sentences) Bill</i>	• 7 Jun 18 •	In progress
	<i>Voyeurism (Offences) Bill</i>	• 6 Mar 18 •	Discontinued
	<i>Voyeurism (Offences) (No. 2) Bill</i>	• 21 Jun 18 •	In progress
	<i>Age of Criminal Responsibility (Scotland) Bill</i>	• 13 Mar 18 •	In progress
	<i>Management of Offenders (Scotland) Bill</i>	• 22 Feb 18 •	In progress
	<i>Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill</i>	• 12 Jun 18 •	In progress

Police

How many helmets?

The prospect of the General Election had stimulated a competition among parties to claim virtue for their proposals to build up police numbers. Yet following the Election, it was hard to see much change in the *status quo*. While in England and Wales, the police workforce as a whole rose slightly in the year to 31 March 2018, the number of police officers continued to fall, to 122,204, compared with 141,157 ten years earlier. Indeed the Chief Inspector, Sir Thomas Winsor, referred to further planned reductions, which by 2021 would see police officer numbers fall by 13 per cent since 2011. In contrast Cabinet Secretary Michael Matheson affirmed that officer numbers in Scotland would remain stable.

Controlling spending

Under Home Secretary Amber Rudd's regime, efficiency savings were to be facilitated by access to a 'transformation' fund and by rationalising equipment purchase. Police and Crime Commissioners (PCCs) were allowed to raise precepts, a strategy that placed responsibility on localities rather than on central government. The appointment of Sajid Javid as Home Secretary on 30 April 2018, following Rudd's resignation, brought a new tone of urgency to the question of funding, as he promised to prioritise policing in the *Comprehensive Spending Review* in 2019.

The 2016/17 audit of the Scottish Police Authority, published by Audit Scotland in December 2017, was critical of the financial deficit, amounting to over £16 million and forecast to rise in subsequent years. It identified plans to reach a balanced budget by 2020/2021. Instances of 'poor governance and poor use of public money' were highlighted in the report.

Key reports



Report of the Independent Review of Deaths and Serious Incidents in Police Custody

30 October 2017

There is much more to be done to prevent, properly investigate and learn the lessons from deaths in custody



The patronising disposition of unaccountable power

Right Reverend James Jones
1 November 2017

The Hillsborough families' struggle for justice faced institutions closing ranks, stonewalling, use of public money to defend institutional interests, and intimidation



Strategic Review of Undercover Policing in Scotland

HM Inspectorate of Constabulary in Scotland
7 February 2018

There were 423 Scottish police undercover operations between 2000 and 2016, but no evidence of infiltration of social justice campaigns



Review of the Scottish Police Authority Executive

Scottish Government
2 March 2018

The Scottish Police Authority is in a position to ensure police accountability and effective scrutiny, but it needs to focus on its core tasks.








State of Policing

HM Inspectorate of Constabulary and Fire & Rescue Services
12 June 2018

Most police forces have risen to the challenge of tighter budgets, but better long-term planning is needed.

Violent crime recorded by the police¹

	England and Wales		Scotland		Northern Ireland	
	2012/13 to 2017/18	2016/17 to 2017/18	2012/13 to 2017/18	2016/17 to 2017/18	2012/13 to 2017/18	2016/17 to 2017/18
Homicide 	↑ 32%	↑ 2%	↑ 8% ⁴	↓ 7% ⁴	↑ 35%	↑ 59%
Violence with injury 	↑ 64% ²	↑ 10% ²	↑ 15% ⁵	No change ⁵	↓ 8%	↓ 2%
Sexual offences 	↑ 181% ³	↑ 24% ³	↑ 62%	↑ 13%	↑ 78%	↑ 9%
Robbery 	↑ 18% ²	↑ 30% ²	↓ 15%	↑ 8%	↓ 43%	↓ 12%
Violence without injury 	↑ 152% ²	↑ 24% ²	↓ 4% ⁶	↑ 1% ⁶	↑ 24%	↑ 2%

1) Recorded crime only covers those incidents which come to the attention of the police. As such, for many types of crime they do not provide reliable measures of levels or trends in crime. It also follows that a change in levels of recorded crime do not necessarily reflect changes in the real levels of crime.

2) Increases are in part down to improvements in recording.

3) Increases are likely down to improvements in recording and greater willingness of victims to come forward.

4) Includes causing death by driving.

5) Refers to attempted murder and serious assault in the Scottish recorded crime statistics.

6) Refers to common assault in the Scottish recorded crime statistics.

Police

A sense of unease

While business as usual seemed to prevail, there was a growing and palpable sense of unease in policy circles over the police's strategic direction in coping with rising and different demands. While violence on the streets was perceived to be a rising threat, online fraud, child sexual abuse, and the protection of the vulnerable were coming to be regarded as problems to which the police appeared unable to respond adequately. A Home Affairs Committee Inquiry had begun to focus critically on these questions, though its report did not appear till Autumn 2018.

In his 2017 *State of Policing annual assessment*, Her Majesty's Chief Inspector of Constabulary, Sir Thomas Winsor, returned to a past theme, lamenting a lack of long-term planning in England and Wales. In this respect, at least, the picture in Scotland appeared different, with the approval of a national policing strategy due to extend to 2026 (see Policing 2026). In the same annual assessment, Sir Thomas Winsor gave an impression of some forces in England and Wales struggling to cope:

Almost a quarter of forces are not meeting enough of their demand or are managing it inappropriately. In some cases, forces are putting vulnerable people at serious risk of harm.

In England and Wales, recorded crime figures began to show rises, prompting a renewed focus on serious violence. In April 2018, Amber Rudd launched the Serious Violence Strategy, combining a series of measures: a National Coordinating Centre to combat 'county lines' drug dealing; funding for projects, including the Early Intervention Youth Fund; and a media campaign about the risks of knife carrying. However, enthusiasm for the strategy was muted. The Association of Directors of Children's Services was disappointed that it provided little for local authorities to develop their responses.

By July 2018, Mayor of London Sadiq Khan was

Policing 2026



1 Protection

Based on threat, risk and harm

Detecting crime, protecting vulnerable people, responding to incidents, maintaining order and ensuring national security



2 Prevention

Tackling crime, inequality and enduring problems facing communities

Partnership working to deliver prevention, support vulnerable people, and deliver early interventions



3 Communities

Focus on localism, diversity and the virtual world

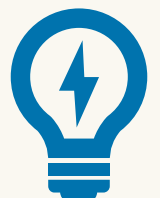
Working with communities of place, identity and virtual connection, through community engagement, participation, and collaboration



4 Knowledge

Informing the development of better services

Using its knowledge to influence, inform and work with partners, government and the public



5 Innovation

Dynamic, adaptable and sustainable

Learn from best practice and design new services in partnership whilst constantly preparing for emerging issues in the future

Source: Policing 2026: Our 10 year strategy for policing in Scotland

facing a call from the cross-party Youth Violence Commission for a change of strategy, emulating the 'public health' approach adopted in Glasgow with apparent success. Tellingly, the Violence Reduction Unit in Scotland had its own ten-year strategy, highlighting another contrast with the planning horizons current in England and Wales.

Vulnerability and hate

In general, Sir Thomas Winsor reported some improvements in the police response to vulnerable people, such as victims of domestic abuse. However, in *Stolen freedom* inspectors in England and Wales ‘found a high level of inconsistency’ in the way various police forces had implemented the *Modern Slavery Act 2015*, with ‘poor outcomes for many victims’. The Chief Inspector also identified a crisis in child and adolescent mental health services which, he stated, was storing up problems for police.

In *PEEL: Police effectiveness 2017*, the Inspectorate also warned that the commitment of police to respond to mental health needs should not lead to them substituting for stretched local services. Evidence from the National Police Chiefs’ Council to the Home Affairs Committee warned of the danger of creating joint working practices with health services when the demands were clearly the proper responsibility of health. Matthew Scott of the Association of Police and Crime Commissioners said:

Mental health represents between 20% and 40% of police time, depending where you are in the country. This limits forces’ capacity to deal with crime and antisocial behaviour.

Various threats online were a topic of gathering concern, as shown by *Hate crime: abuse, hate and extremism online*, the government’s response to a report by the Home Affairs Committee. A new national police-led hub to tackle online hate crime was announced, in order to support victims and increase prosecutions. New regulatory options would be considered by government if social media companies failed to comply with their obligations. In July 2018, Sajid Javid announced plans to train police call handlers enabling them to give a better response to people reporting hate crime.

Cyber-crime was the subject of a report by Criminal Justice Inspection Northern Ireland, which

recommended a comprehensive cyber strategy for the province, a review of measures to address fraud, and improving the police’s capability to access evidence. In Scotland, the government committed itself to challenge hate crime, by initiating action across the public services. It also commissioned an independent review of relevant legislation, including online hate, by Lord Bracadale.

Governance and reorganisation

In the aftermath of the Hillsborough inquests, the South Yorkshire Police and Crime Commissioner (PCC), Dr Alan Billings attempted to dismiss the Chief Constable David Crompton, who had issued a statement deemed to have questioned the inquest findings, only to see the dismissal quashed by the High Court. By upholding the operational independence of Chief Constables, the Court judgement has wider implications for interpreting the powers of the PCC over the Chief Constable that may become significant in the future.

In July 2017, the Inspectorate of Constabulary took over responsibility for inspecting Fire and Rescue Services. In the process, it acquired the formidable title, Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). By March 2018, four PCCs (Essex, West Mercia, Staffordshire and Cambridgeshire) had been approved to take over fire and rescue services, in accordance with the *Policing and Crime Act 2017*. In June 2017, despite opposition, the Scottish Parliament enacted legislation to integrate British Transport Police functions into Police Scotland. However, progress in implementing a merger proved to be slow.

In Scotland, continued scrutiny focused on the Scottish Police Authority (SPA). In June 2017 HM Inspectorate of Constabulary in Scotland (HMICS) delivered a critical report on

Police

leadership in the SPA and sought to increase the transparency and effectiveness of the authority. It had led to the resignation, in June, of the Chair, Andrew Flanagan. He stayed in post until December when the new Chair, Professor Susan Deacon, took over, supported by a new interim SPA Chief Officer Kenneth Hogg. In March 2018, an organisational review of the SPA Executive made 17 recommendations.

In January, Cabinet Secretary Matheson came under pressure over alleged interference with a critical report on the SPA's handling of complaints. In June he was appointed Cabinet Secretary for Transport, Infrastructure and Connectivity and his justice portfolio was taken by Humza Yousaf.

The Police Service of Northern Ireland gained approving judgements from HMICFRS, but its unduly short-term funding arrangements were considered to be a limitation, which raised a question about the role of the still suspended Assembly.

Accountability

The 2016-2017 complaints statistics for police forces in England and Wales showed significant variations among forces in the rate of allegations ranging from 133 to 512 per 1,000 employees. Procedures also varied markedly: in six forces, 60 per cent or more allegations were finalised through a formal investigation, whereas in 11 forces, 60 per cent or more were dealt with through local resolution.

In January 2018, the newly renamed Independent Office for Police Conduct (IOPC) was formally launched with a brief to provide greater independence to the complaint investigation process. A new Director General, Michael Lockwood, would be backed by a new Board. In September 2018 Lockwood went on to declare that:

The handling of complaints varies a great deal and we hope that changes next year promote a culture across policing which is more consistent and transparent.

In one of his last actions as Cabinet Secretary for Justice, Michael Matheson commissioned Dame Elish Angiolini to review Scotland's system for complaints handling, investigations and misconduct.

Deaths

The *Independent Review of Deaths and Serious Incidents in Police Custody*, an earlier report by Dame Elish Angiolini, was published in October 2017. Dame Elish emphasised that in order to reassure families of the bereaved, former police officers should no longer lead investigations. Resources should be available to ensure investigators could arrive at the scene urgently. She warned that officers' restraint of people in mental health crisis carried a systematic risk of death, which policy, practice and training should address. Mental health and alcohol services could provide alternative safe places for detainees. Other changes should be introduced to assist families, including counselling and legal advice.

The government's response to the review took a similar tack. It promised to furnish families with access to legal aid. Progress in improving the use of restraint techniques was described. According to the National Strategy for Police Custody, alternatives to police custody should always be considered. The government wanted to stop police officers being used in place of health professionals when dealing with people in mental health crisis. By 2021, Liaison and Diversion Services to assess mental health needs and make referrals should be universal. Reforms in the *Policing and Crime Act 2017* were set to increase the resources and responsibilities of the independent investigation body, now reconstituted as the

IOPC. However, the government did not accept the review's recommendation of an independent National Coroner Service to address shortcomings in the current structure administered by local authorities. A newly-reformed Ministerial Council on Deaths in Custody was to drive forward other changes.

In July 2018, the IOPC published annual figures for deaths in or following police custody which ominously rose to 23 in 2017/2018 – the highest total for a decade. In cases where force had been used, five of the 11 people who died were black. There was an increase in investigations of deaths following police contact, with a third of cases referred subject to its investigation, thanks, it seemed, to receiving additional resources. Inquest, the organisation advocating on behalf of families, echoed the criticism, by the Angiolini Review, that the system was failing vulnerable people with addictions and mental ill-health who ended up in police custody, instead of accessing the services they needed.

A duty of candour

Legal action slowly emerged against those accused of covering up misconduct connected with the deaths at Hillsborough in 1989. The cases of 23 suspects had been recommended to the Crime Prosecution Service for its consideration, and it announced a small number of prosecutions after receiving material from the IOPC.

A report by the Chair of the Hillsborough Independent Panel and Bishop of Liverpool, James Jones, sought to find long-term remedies to avoid the repetition of families' tragic experiences, calling for a Charter for Families Bereaved through Public Tragedy. Jones supported the principle of legislating for a new 'duty of candour', and endorsed a version specifically for police. He urged too that lessons be drawn from the criminal and disciplinary investigations still in progress.

Spying

In July 2017, Sir John Mitting, a retired judge, was appointed to take over as chair of the Undercover Policing Inquiry. By May 2018, Mitting had issued a strategic review which set out some milestones for the Inquiry. Over 200 core participants, including alleged victims, had been identified. By March 2018, more than £10 million had been spent. But, as release of the actual identities of undercover officers was reviewed with extraordinary scrupulousness, the delays in the hearings were leading to growing distrust. Dismay was compounded by the fact that the Inquiry was due to extend to the close of 2023, a timeline nonetheless described by the chair as 'ambitious'.

In November 2017, Helen Steel, who had been lured into a relationship with an undercover officer, stated to the Inquiry:

There is a real feeling of power imbalance between the two sides: the resources at their disposal, the representation, the time that we get to read these documents, understand them and discuss them with our lawyers and indeed with each other.

In the same month, the police inspectorate in Scotland published its review of undercover policing in Scotland. It concluded that the Special Demonstration Squad had deployed six, among a possible total of 18, undercover officers at the G8 Summit in 2005, but that so-called 'undercover advanced officers' (undertaking complex or long term work) from Police Scotland had not infiltrated any social justice campaigns. It recommended that forces should in future share information about cross-border undercover deployments.

In June 2018, the Chief Inspector Sir Thomas Winsor reported that most forces in England and Wales needed to do more work to put plans in place to look for intelligence on potential abuse of position for a sexual purpose.

Data dashboard

The three data dashboard charts offer an at-a-glance view of the key criminal justice data across the three UK jurisdictions at three points in time: the 2013/14, 2016/17 and 2017/18 financial years. This means key criminal justice changes can be seen over a short and longer time period.

To make it as easy as possible to understand this mass of data, we have used a form of pie chart. These represent the magnitude of different data, relative to each other.

The charts for England and Wales and Scotland contain 57 'slices' of data, and the one for Northern Ireland contains 60 slices. All charts are divided into four domains:

- Spending: how much was spent across the different agencies and fields of operation (e.g. police, legal aid, prosecution).
- Staffing: how many people worked in the different agencies and fields of operation.

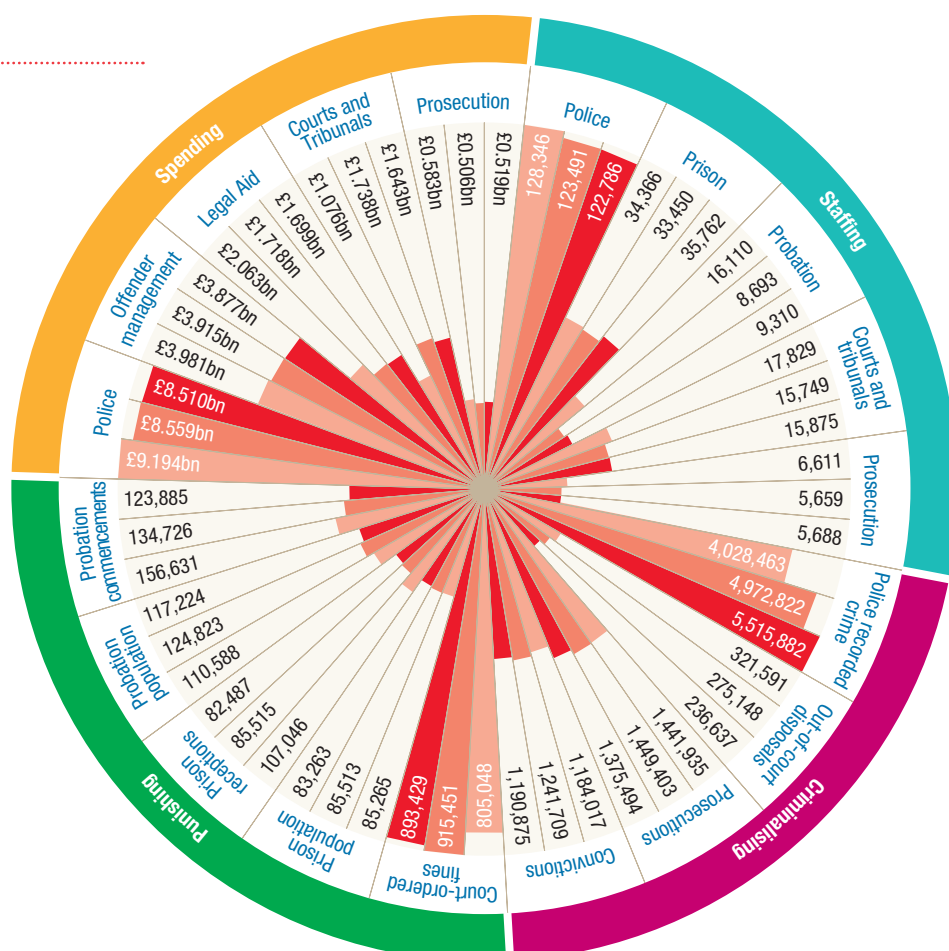
- Criminalising: the criminal justice caseload, from the point of an offence being recorded to the point of conviction.
- Punishing: the main outcomes from convictions: fines, community supervision and imprisonment.

The area of each slice represents the value of the indicator in a given year. Each slice is represented proportional to the other slices in its domain. For instance, the slice representing police staff in Northern Ireland in 2017/18 (6,901) is around ten times the size of the slice for courts and tribunals staff in the same year (680). The slices are not represented proportionally across domains, nor between the different jurisdictions.

For more information on the data dashboard, see the technical appendix on page 38.

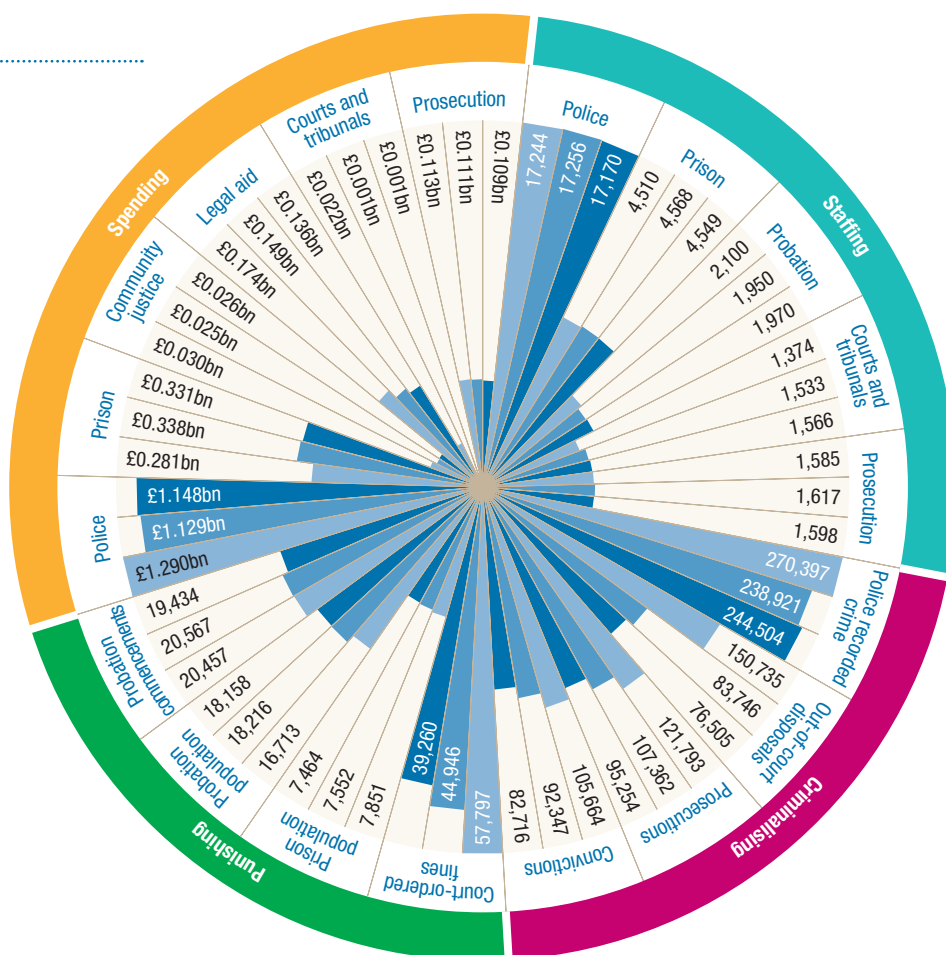
England and Wales

- 2013/14
- 2016/17
- 2017/18



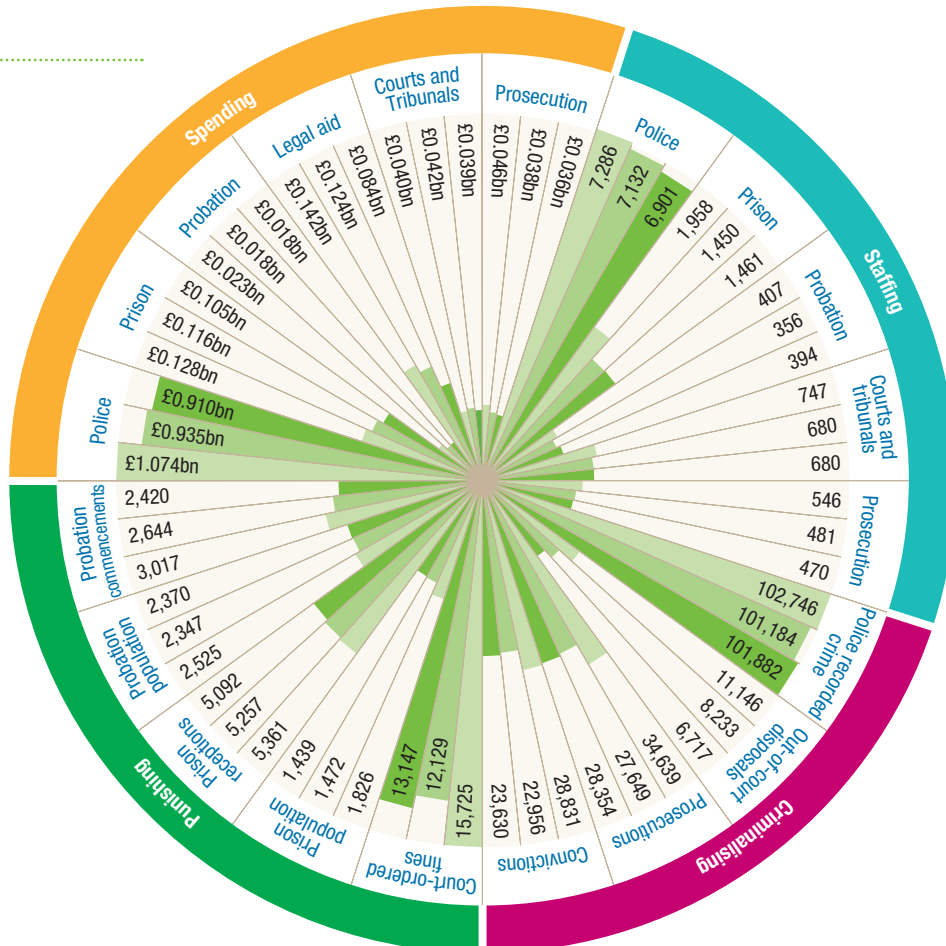
Scotland

- 2013/14
- 2016/17
- 2017/18



Northern Ireland

- 2013/14
- 2016/17
- 2017/18



Courts

Buildings, IT and working practices

In September 2016, HM Courts and Tribunals Service launched *Transforming our justice system*, a £1.2 billion programme to change the way the courts and tribunals system worked. It consisted of three major programmes, heavy on ambition and technological innovation (see Technology on trial). The annual expected savings from 2023-2024 onwards were put at £265m. Staffing was expected to be reduced by 5,000 by March 2023, and the number of cases held in physical courtrooms each year were planned to reduce by 2.4 million.

A National Audit Office report published in May 2018 – *Early progress in transforming courts and tribunals* – found evidence of the delays, cost overruns and rethinks common to many ambitious government programmes. Despite extending the implementation timetable from four to six years, only two-thirds of the planned outcomes had been delivered on time. In a July 2018 report, the House of Commons Public Accounts Committee stated that it had ‘little confidence that... this hugely ambitious programme’ would be successfully delivered.

Around one third of the funding for change programme came from the sale of closed court and tribunal sites, so noted the *Fit for the future* consultation launched by the Ministry of Justice in January 2018. The court and tribunal estate had shrunk from some 605 courts in 2010 to 350 by late 2017 (see UKJPR 7). *Fit for the future* proposed the closure of a further eight court buildings.

Speeding up court processes

In June 2015 the ‘Transforming Summary Justice’ programme was implemented across England

Key reports



Rethinking Legal Aid

Martyn Evans
28 February 2018

Legal aid in Scotland needs a fundamentally new approach, with the interests of the user and financial sustainability at its heart.



Speeding up justice

Northern Ireland Audit Office
27 March 2018

Northern Ireland prosecutions are slower, less efficient and more costly compared with England and Wales.



Transforming courts and tribunals

House of Commons Public Accounts Committee
20 July 2018

The government has embarked on a hugely ambitious court modernisation programme that is unlikely to deliver as planned.



Disclosure of evidence in criminal cases

House of Commons Justice Committee
20 July 2018

Failure to disclose evidence is a widespread, long-term problem that needs to be addressed



Criminal Legal Aid

House of Commons Justice Committee
26 July 2018

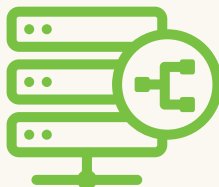
A comprehensive rethink of the legal aid system is urgently needed with the aim of developing a sustainable, user-focused system.

Technology on trial



HM Courts and Tribunals Reform Programme

Moving activity out of the physical court room, such as online services, digital case files, video hearings.



Common Platform Programme

Shared processes and digital case management for courts, prosecution and police.



Transforming Compliance and Enforcement Programme

Upgrading systems used to enforce fines, compensation and other court orders.

(Source: National Audit Office, *Early progress in transforming courts and tribunals*, May 2018)

and Wales, aimed at streamlining magistrates' courts processes (see UKJPR 6). *Business as Usual?*, a report by the Crown Prosecution Service Inspectorate published in June 2017, found that the 'high level of commitment' to implement the programme across the criminal justice agencies was matched with only 'limited improvements in performance'. A March 2018 report from the Northern Ireland Audit Office – *Speeding up justice* – concluded that Northern Ireland court processes were slower and more costly compared with England and Wales. These performance issues, the report claimed, had been known about 'for at least a decade'. Despite 'renewed efforts to tackle avoidable delay and improve performance' of recent years, the 'scale of inefficiency which exists in Northern Ireland' was still striking.

Disclosure of evidence

In 2016 the Chair of the Criminal Cases Review Commission, Richard Foster, stated that the single, most frequent cause of a miscarriage of justice was the failure by the prosecution to

disclose to the defence information that might help the accused. He returned to the theme in the Commission's 2017/18 *Annual Report*. 'We know they did it, how can we prove it', Foster wrote, was a mind-set that was 'still too prevalent in our justice system'.

It was 'common knowledge', a joint report into disclosure by the Crown Prosecution Service (CPS) and Police Inspectorates stated in July 2017, that non-compliance with the disclosure process by both the police and CPS was a long-standing issue. The report, *Making it fair*, referred to 'a continuing decision by the police and CPS to accept the risk associated with poor disclosure practices and procedures' to improve the likelihood of a successful conviction. Indeed, it argued that the police and CPS rarely revealed material in its possession that might 'undermine the prosecution case or assist the defence case'. The police and CPS published A *National Disclosure Improvement Plan* in January 2018.

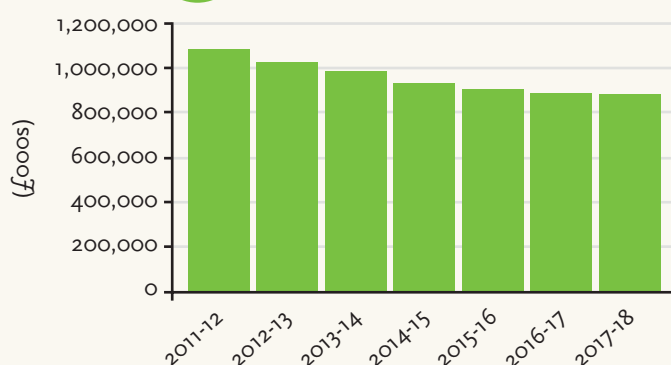
The July 2018 report, *Disclosure of evidence in criminal cases*, by the House of Commons Justice Committee, argued that disclosure problems had

Courts

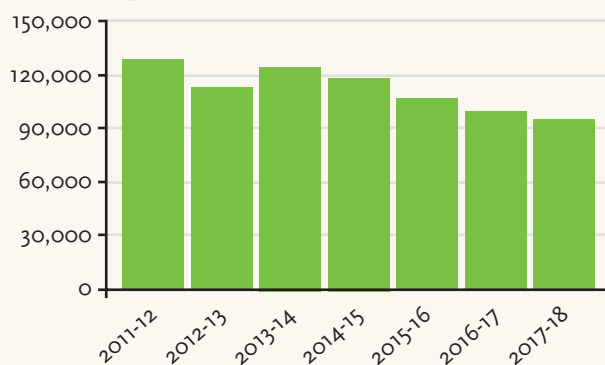
Criminal legal aid



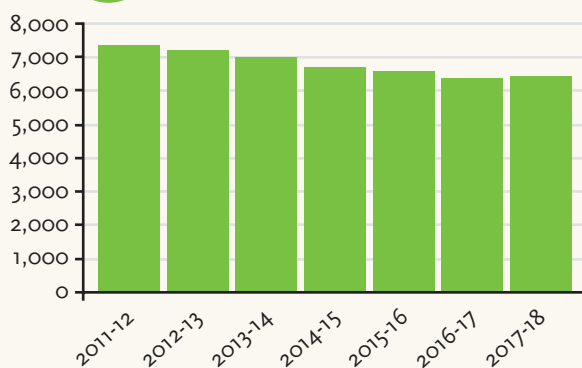
Less money



Fewer legal aid awards



Fewer providers



Source: Legal aid statistics: July to September 2018

‘persisted for far too long’. Indeed, the Attorney General had told the Committee the problems stretched back at least as far as the mid-1990s. Recent problems were, the Committee suggested, a symptom of cuts to budgets and it called on the government to ensure the police and CPS had the resources necessary to get ‘disclosure right, to prevent the costs associated with disclosure failures, and to prevent miscarriages of justice’.

In Scotland, a review of the use of pre-recorded evidence by Professor Vanessa Munro of the University of Warwick, published in March 2018, found ‘no compelling evidence’ that pre-recorded evidence by child and vulnerable adult witnesses could have a negative impact on verdict outcomes. The following a month, a report by Professors James Chalmers and Fiona Leverick of the University of Glasgow assessed ways to improve juror decision-making. They found juror note-taking; pre-instruction prior to evidence being heard; plain language directions; and the use of structured decision aids were the most effective. The report noted that juror note-taking was currently the only tool routinely used in Scottish courts.

Legal aid

The Justice Committee report on disclosure also found evidence that changes to criminal legal aid had hampered the ability of defence lawyers to review unused prosecution material. The broader implications of criminal legal aid changes, covered in earlier UKJPR editions, were the subject of another Justice Committee report also published in July 2018.

Criminal legal aid in England and Wales had been shrinking for some years (see Criminal legal aid). The Committee found ‘compelling evidence’ that the existing legal aid fee structure was undermining the financial sustainability of criminal defence legal work, placing at risk the

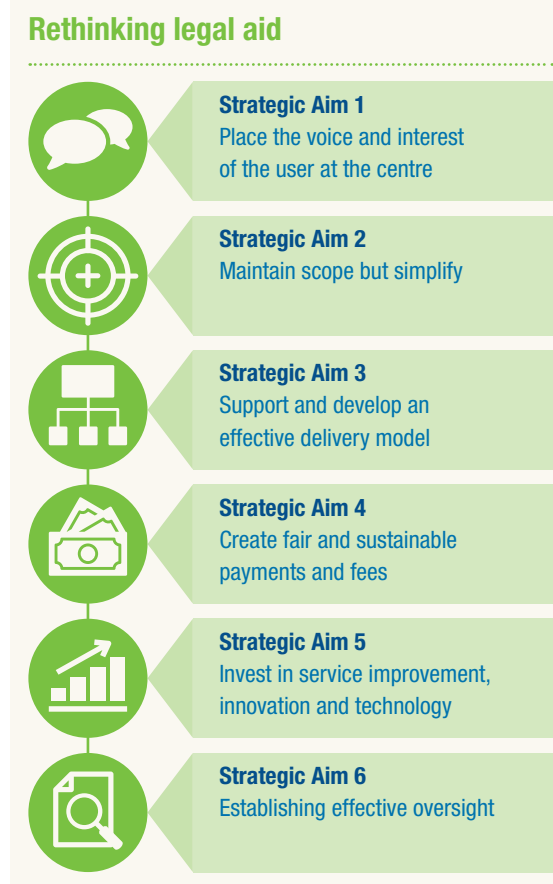
right to legal representation. The Committee proposed that the government should follow the example of Scotland, and launch a wide-ranging independent review of criminal legal aid, 'no later than March 2019', with the purpose of developing a legal aid scheme 'that is sustainable and user-focussed'. In its response to the Committee's report, the Government announced 'a broad review of all criminal legal aid fee schemes', with a final report and recommendations being published 'towards the end of the Summer in 2020'.

The February 2018 report on Scotland's independent review – *Rethinking Legal Aid* – was the culmination of several years of argument and deadlock between Scottish ministers and the legal profession (see previous UKJPR editions). The report set out six strategic aims (see Rethinking Legal Aid). The review called for 'a robust and independent evidence-based process' for reviewing and agreeing legal aid fees, with criminal legal aid fees being a particular priority.

Sentencing severity

In June 2017, the Sentencing Council assessment of the impact of its guidelines on burglary found that there had been a shift towards more severe sentences. An assessment of drug offence guidelines, published in June 2018, concluded that increased sentence severity was 'predominantly small in magnitude'. There had also been a 'sizable [sic] decrease in sentence severity for importation offences, as intended by the Council'. Fraud, Bribery and Money Laundering sentences, the subject of an assessment also published in June 2018, found no evidence that the guidelines had increased in severity, though it noted an increase in severity in relation to some benefit fraud offences, which 'may have been related to the guideline'.

The Sentencing Council is mandated by legislation to 'have regard' for the 'cost of different sentences and their relative effectiveness in



Source: *Rethinking Legal Aid: An Independent Strategic Review*, February 2018

preventing re-offending'. A report by Professor Anthony Bottoms of the University of Cambridge, commissioned by the Council and published in April 2018, argued that the Council had 'to date, given little emphasis to this duty'. It also proposed that the Council should also be more explicit when it sought to stabilise, rather than further increase, existing upward sentencing trends. Against calls that the Council should take a more active role to challenge popular beliefs about the efficacy of more severe sentences, the report asserted, without explaining, that 'it would be politically very difficult for the Council, even if it wishes to do so, to argue for a major step change in the use of prison'.

Prisons

In his *Annual Report*, published in July 2018, the Chief Inspector of Prisons for England and Wales, Peter Clarke, referred to ‘some of the most disturbing prison conditions we have ever seen – conditions which have no place in an advanced nation in the 21st century’. Violence, self-harm and assaults continued to rise, he noted. Drugs, squalor and poor access to education were major problems.

Clarke’s counterpart in Scotland, David Strang, stood down in June 2018, to be replaced by the former prison governor Wendy Sinclair-Gieben. In his outgoing *Annual Report*, published in September 2018, Strang painted a very different picture. Conditions in prisons had ‘improved in recent years’. Most prisoners had told inspectors that they felt safe. Scotland, he wrote, had ‘much to be proud of in how our prisons are run’.

The remit of the Northern Ireland Chief Inspector of Criminal Justice, Brendan McGuigan, includes prisons. In his *Annual Report*, published in July 2018, he reported on ‘significant improvements’ at Magilligan Prison and referred to an ‘increased drive, determination, innovation and creativity to stabilise’ Maghaberry Prison. A few years earlier, the then Chief Inspector of Prisons for England and Wales, Nick Hardwick, had described Maghaberry as the ‘most dangerous’ prison he had ever visited.

Crisis in England and Wales

The prison systems in both Scotland and Northern Ireland were not without their problems during the period under review. But neither were overwhelmed by the deep sense of crisis that engulfed prisons in England and Wales. The crisis was not uniformly spread. Living conditions, for

Key reports



Life in prisons: Living conditions

HM Inspectorate of Prisons

10 October 2017

Far too many prisoners are held in bleak, dilapidated, unhygienic, overcrowded and degrading conditions.



Mental health in prisons

House of Commons Public Accounts Committee

13 December 2017

Government efforts to improve the mental health of those in prison are poorly co-ordinated.



HM Inspectorate of Prisons report on HMP Liverpool

House of Commons Justice Committee
16 February 2018

The problems at Liverpool prison are symptomatic of wider failings across the prison estate which the government should take extremely seriously.



Prisoner voting in Scotland

Scottish Parliament Equalities and Human Rights Committee

14 May 2018

Scotland should lead the way in legislating to remove the ban on prisoner voting.



An Inquiry into the Use of Remand in Scotland

Scottish Parliament Justice Committee
24 June 2018

Too many people are remanded in prison. Effective solutions often lie beyond the criminal justice system, including in housing policy.

instance, varied across the estate. *Life in Prison*, a cross-cutting review published by the prisons inspectorate in October 2017, found examples of clean, well-heated and ventilated cells. It also stated that many prisoners 'have to eat meals sitting on a bed feet away from an open toilet, and also have to defecate feet away from their cellmates, separated by nothing but a curtain. Some cells also have broken windows, poor ventilation and heating, graffiti, damp, exposed wiring and vermin'.

The current crisis was considered of recent origin. A May 2016 report by the House of Commons Justice Committee had referred to 'the ongoing and rapid deterioration in prison safety in England and Wales which began in 2012' (see UKJPR 7). Peter Clarke concurred in his July 2018 *Annual Report*. The large rise in violence in prisons had 'only really taken place in the past five years'. The effect was corrosive and demoralising for all concerned:

In recent years many prisons, short of staff and investment, have struggled to maintain even basic standards of safety and decency. Some prisons, in very difficult circumstances, have made valiant efforts to improve. Others, sadly, have failed to tackle the basic problems of violence, drugs and disgraceful living conditions... I have seen instances where both staff and prisoners alike seem to have become inured to conditions that should not be accepted in 21st century Britain.

In response to the growing crisis, the Ministry of Justice had committed to recruiting an additional 2,500 prison officers by the end of 2018 (see UKJPR 7). This was a small proportion of the staff previously lost. In April 2018, the Ministry claimed that it had met its target and that 'the vast

majority' of the new officers would be 'working on the landings by the summer'.

Whether more staff, as opposed, for example to reducing the prison population, was key to resolving the crisis was in question. The first Urgent Notification under the new protocol agreed with the Ministry of Justice (see Urgent Notification) related to Nottingham Prison. In his letter to the Justice Secretary David Gauke, Peter Clarke noted that the prison was 'not short of staff and has been very successful in recruiting significant numbers of new officers over the last two years'. He did, though, note that 'more than half the staff had less than one year's experience and this clearly showed in their dealings with prisoners'.

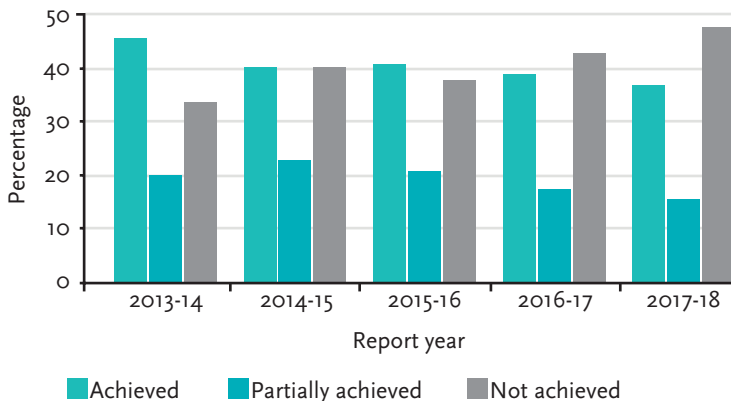
A deeply concerning inspection of Liverpool prison, published in January 2018, became the subject of an inquiry by the House of Commons Justice Committee. At the time of the Inspection, the prison had 549 staff, nearly 100 more than the benchmark figure of 466. During an evidence session on 24 January 2018, the Chief Executive of the Prison and Probation Service, Michael Spurr, acknowledged that Liverpool was not experiencing staff shortages.

Prison officers are not, in any case, responsible for the maintenance of prisons. Since 2015, maintenance and repairs at Liverpool had been the responsibility of the private contractor Amey. The collapse of Carillion, the other main outsourced maintenance company, in January 2018 had shone a light on the cost-cutting associated with prison maintenance (see Facilities management). In its report of its Inquiry, published in February 2018, the Justice Committee noted that 'there was a backlog of 1,000 maintenance jobs at December 2016 which

Prisons

We'll get back to you

Fewer and fewer of the prison inspector's recommendations are being achieved in England and Wales



had grown to 2,000 by September 2017'. Amey and the Prison Service blamed a rise of vandalism in prisons for the backlog; an explanation the Committee did not find entirely convincing.

Cost-cutting in prison maintenance contracts and a system with far too many prisoners, seemed a more plausible explanation for the prisons crisis than staff shortages. 'We are concerned about several issues highlighted by the inspection of HMP Liverpool', the Committee's report stated. 'We take the view that these problems are symptomatic of wider failings across the prison estate which the Government should take extremely seriously'. Also symptomatic was the growing failure of the prison service to implement Inspectorate recommendations (see We'll get back to you).

Facilities management

In June 2015, the prison service facilities management function was outsourced to two companies: Amey and Carillion. The government claimed the contracts would save around £115 million over a five year period to 2020. The savings did not materialise. The National Offender Service *Annual Report*, published in July 2017, stated that the contract was 'underfunded and the declared efficiency savings reduced'. In January 2018, Carillion went into liquidation, facing big losses on contracts, including its prison facilities management work. A National Audit Office report published in June 2018 identified 'inaccurate tender assumptions' as one of two reasons for losses on the prisons contract.

The facilities management contracts for 52 prisons held by Carillion were, in February 2018, transferred to a government-owned company, Gov Facility Services Limited. The Prisons Minister Rory Stewart told the House of Commons Justice Committee in June 2018 that the new company would be spending £15 million a year more on prison maintenance than had been budgeted for under the Carillion contract.

Meanwhile, in Scotland

Compared with the crisis conditions that dominated the scrutiny work of the prisons inspectorate in England and Wales, the Scottish inspectorate was largely concerned with more routine prison-related issues.

The Scottish Parliament and the Scottish prisons inspectorate had both previously expressed concerns about the poor quality of healthcare provision in Scottish prisons (see UKJPR 7). The Inspectorate was 'encouraged' by the establishment of a Health and Justice Collaboration Board to drive improved delivery. It also highlighted a number of ongoing issues, including inadequate staffing in some health centres, breaches of patient confidentiality and inconsistent prescribing practices.

In 2015, the then Scottish Justice Secretary had committed to delivering an 'appreciably smaller

Urgent Notification

Prison inspection reports are typically published several months after the inspection. The Urgent Notification protocol allows for the Chief Inspector of Prisons to notify the Justice Secretary of serious concerns, immediately following a prison inspection. The protocol places an obligation on the Justice Secretary to respond with an

action plan for improvement within 28 days. Both the notification and the Justice Secretary's response are public documents.

The protocol came into force in November 2017. At time of writing, four Urgent Notifications had been issued.

Nottingham Prison 17 January 2018



URGENT NOTIFICATION

- SAFETY**
Poor
- RESPECT**
Not sufficiently good
- PURPOSEFUL ACTIVITY**
Not sufficiently good
- REHABILITATION AND RELEASE PLANNING**
Not sufficiently good

Clipboard:

- 'fundamentally unsafe'
- 'dramatic decline since 2010'
- 'problems... intractable... staff...'
- unable to improve safety'
- 'persistent... violence, disorder and self-harm... indicative of a lack of control'

Birmingham Prison 16 August 2018



URGENT NOTIFICATION

- SAFETY**
Poor
- RESPECT**
Poor
- PURPOSEFUL ACTIVITY**
Poor
- REHABILITATION AND RELEASE PLANNING**
Poor

Clipboard:

- 'a dramatic deterioration. The prison was in an appalling state'
- 'those perpetrating violence could do so with near impunity'
- 'staff and managers... inured to the decay in standards'
- 'bodily fluids left unattended, including blood and vomit'

Exeter Prison 30 May 2018



URGENT NOTIFICATION

- SAFETY**
Poor
- RESPECT**
Not sufficiently good
- PURPOSEFUL ACTIVITY**
Not sufficiently good
- REHABILITATION AND RELEASE PLANNING**
Reasonably good

Clipboard:

- 'safety... significantly worsened'
- 'overall level of safety... unequivocally poor'
- 'a new prisoner located in a filthy cell with a blocked toilet'
- 'many broken windows... leaking lavatories... and poorly screened toilets'

Bedford Prison 12 September 2018



URGENT NOTIFICATION

- SAFETY**
Poor
- RESPECT**
Poor
- PURPOSEFUL ACTIVITY**
Poor
- REHABILITATION AND RELEASE PLANNING**
Not sufficiently good

Clipboard:

- 'continual and unchecked decline in standards... over nine years'
- 'dangerous lack of control in many parts of the prison'
- 'grimy conditions with little time unlocked and hardly anything to do'
- 'shower rooms were dirty and decrepit... the prison was... infested with rats and cockroaches'

Prison Inspection, June 2017 - July 2018

England and Wales

ESTABLISHMENT PUBLISHED

1	Medway STC	Jun 17
2	Pentonville	
3	Brixton	
4	Lincoln	
5	Huntercombe	
6	Birmingham	
7	Feltham	
8	Coldingley	Jul 17
9	Werrington	
10	Bristol	
11	Whitemoor	
12	Preston	
13	Rainsbrook STC	Aug 17
14	Bure	
15	Haverigg	
16	Aylesbury	
17	Sudbury	Sep 17
18	Bullington	
19	Thameside	
20	Grendon	
21	Wetherby and Keppel	
22	Portland	
23	Dovegate	Oct 17
24	Doncaster	
25	Wayland	
26	Erlestoke	Nov 17
27	North Sea Camp	
28	Northumberland	
29	Oakhill STC	

30	Holme House	Dec 17
31	Wormwood Scrubs	
32	Dartmoor	
33	Downview	
34	Swansea	Jan 18
35	Cookham Wood	
36	Liverpool	
37	Peterborough (women)	
38	Lindholme	Feb 18
39	Parc	
40	Usk and Prescoed	
41	La Moye, Jersey	
42	Military Corrective Training Centre	Mar 18
43	Gartree	
44	Rochester	
45	Altcourse	
46	Leeds	
47	Brinsford	
48	Spring Hill	Apr 18
49	Humber	
50	Hindley	May 18
51	Medway STC	
52	Nottingham	
53	Long Lartin	

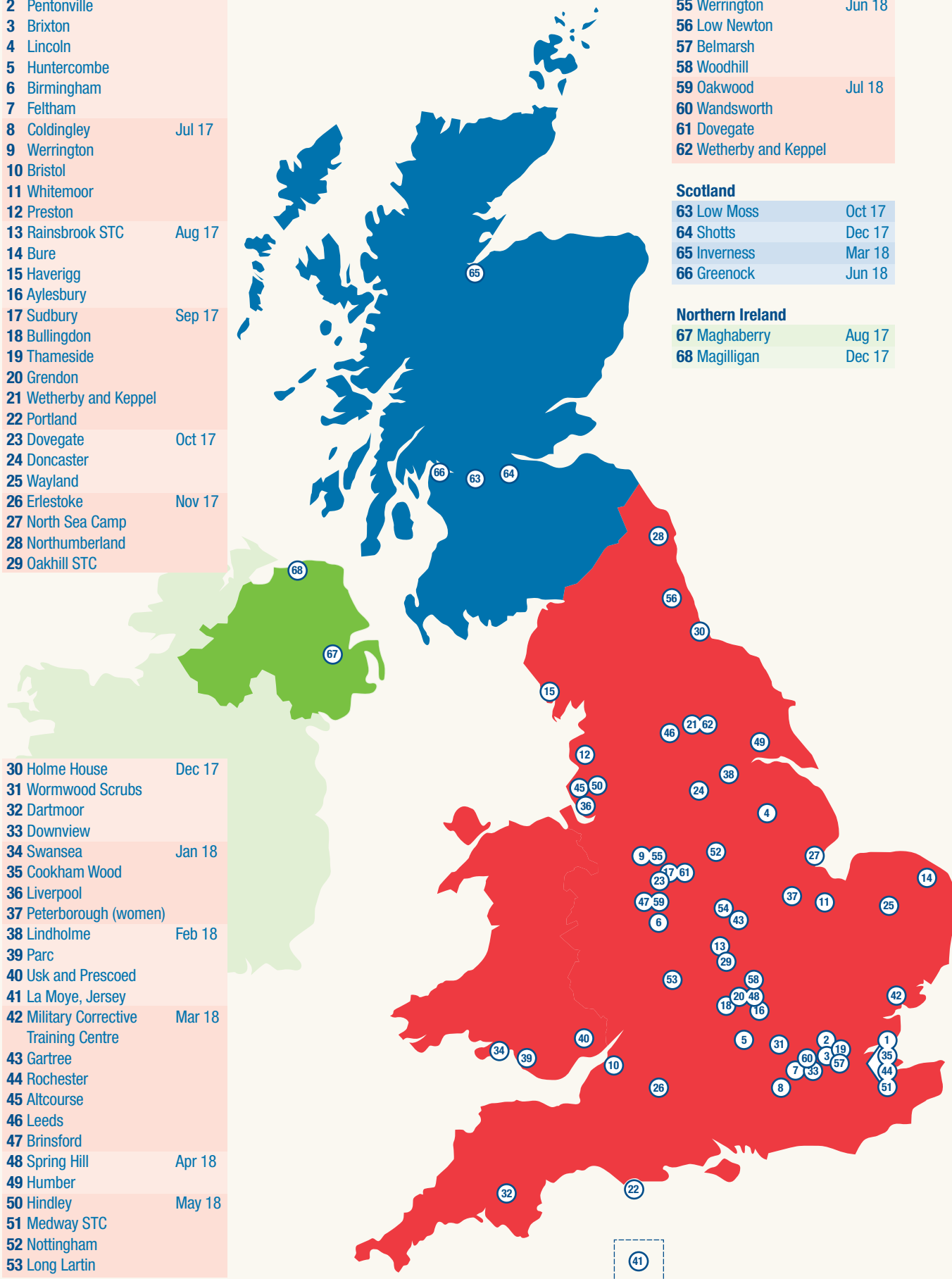
54	Leicester	
55	Werrington	Jun 18
56	Low Newton	
57	Belmarsh	
58	Woodhill	
59	Oakwood	Jul 18
60	Wandsworth	
61	Dovegate	
62	Wetherby and Keppel	

Scotland

63	Low Moss	Oct 17
64	Shotts	Dec 17
65	Inverness	Mar 18
66	Greenock	Jun 18

Northern Ireland

67	Maghaberry	Aug 17
68	Magilligan	Dec 17



prison population', starting with action to reduce the number of women in prison (see UKJPR 6). By April 2017, the women's prison population stood at nearly 380, some 150 more than the planned longer-term capacity of 230 places (see UKJPR 7). 'Much work is still required', the Inspectorate stated in its 2017-2018 *Annual Report*, 'to reduce the numbers in custody'.

Greenock, one of the oldest prisons in Scotland, received a lukewarm inspection. A number of the cells were unacceptably damp, with some being taken out of use. Greenock was also the only prison in Scotland with unscreened in-cell toilets. The Inspectorate also raised concerns about the system for maintaining family contact, as well as the limited out-of-cell activities available. The Inspectorate called for investment to address ongoing deterioration in Greenock and another of the older Scottish prisons: Inverness. But the Inspectorate found nothing in the Scottish system to compare with the some of the desperate problems south of the border.

Northern Ireland

In 2017, Peter Clarke had reported that not a single young offender institution or secure training centre in England and Wales was safe to hold children. And while he judged the situation had improved since then, there were still many causes for concern. By contrast, the Woodlands Juvenile Justice Centre was judged by the Northern Ireland Chief Inspector of Criminal Justice, Brendan McGuigan, as 'the envy of neighbouring jurisdictions'.

The youth custodial population had been falling in Northern Ireland – as it had in England, Wales and Scotland – and at the time of the inspection

John Worboys

John Worboys was given an indeterminate sentence, with a minimum term of eight years, in April 2009, after being convicted of serious sexual offences against 12 women between 2006 and 2008. The Parole Board decision to grant him parole in December was successfully challenged.

The ramifications for the Parole Board were significant. The then Chair of the Parole Board, Nick Hardwick, was forced to resign by the Justice Secretary David Gauke in March 2018. In his resignation letter, Hardwick made it clear that he was resigning under duress. In his resignation letter, Hardwick called for greater transparency in the communication of Parole Board decisions. A Ministry of Justice review of Parole Board decisions, published in April 2018, announced that the rule preventing the Parole Board from disclosing information about its decisions would be rescinded. The review also proposed that it should be easier for Parole Board decisions to be challenged and for victims to participate in its work.

Hardwick also wrote, in his resignation letter, that his forced resignation raised 'very troubling questions about how the Board's independence can be safeguarded'. These concerns came to a head in August 2018, when the High Court agreed with another prisoner seeking parole, that Hardwick's removal from post suggested that the Parole Board lacked independence from political interference.

there were only 15 children in the Centre. A review of secure care and regional specialist children's services, initiated in January 2017, identified a significant amount of overlap between Woodlands and the Lakewood Secure Centre, a social services-run secure accommodation centre less than a mile from Woodlands. The Inspectorate recommended that the Youth Justice Agency and Department of Justice work with other government departments to bring the work of Woodlands and Lakeview into 'closer alignment'.

Probation

Scotland

While not afflicted by the existential crisis characteristic of probation arrangements in England and Wales, criminal justice social work faced a number of distinct challenges during the period under review. A mix of legislative and financial developments had resulted in a complex and demanding operating environment, and this at a time when local authorities, in which criminal justice social work was based, were facing a number of pressing challenges (see Criminal justice social work).

Legislation to extend electronic monitoring in the community (see [Legislation](#)) was expected to increase the number of individuals under criminal justice social work supervision. The *Financial Memorandum* to the legislation, published by the Scottish Government in February 2018, did not anticipate 'a substantial increase' in the numbers under supervision, but it did estimate 'the additional cost of every 100 individuals who would not otherwise have been made subject to a community sentence' at £266,500.

The Scottish Government was also committed to introducing legislation to extend the presumption against prison sentences of up to 12 months. In September 2017, the then Justice Secretary, Michael Matheson, told the Scottish Parliament that 'any extension of the presumption would need to be accompanied by a commitment to developing and resourcing community sentences'. As the number receiving prison sentences reduced, Matheson stated, 'resources... currently tied to our custodial estate' would be freed up and reallocated to criminal justice social work.

Whether significant additional resources could be released from relatively marginal changes in

Key reports



Offender-monitoring Tags

House of Commons Public Accounts Committee

24 January 2018

Satellite-tagging plans were overly ambitious, overly complicated and have been poorly delivered.



Government contracts for Community Rehabilitation Companies

House of Commons Public Accounts Committee

21 March 2018

The contractual arrangements are deeply flawed, with serious questions over whether the companies will deliver.



Probation Supply Chains

HM Inspectorate of Probation

17 April 2018

The third sector is less involved than ever in probation services and this is unlikely to change.



Transforming Rehabilitation

House of Commons Justice Committee

22 June 2018

There is so much wrong with the current arrangements for probation that it is difficult to know where to start.



Criminal Justice Social Work Serious Incident Reviews

Care Inspectorate

30 October 2018

Most serious incident reviews were thorough and demonstrated a high standard of quality assurance practice.

Criminal justice social work

Criminal justice social work, as probation is known in Scotland, sits within local authority social services departments, rather than operating as a discrete criminal justice agency. It accounts for around 15 per cent of total local authority social work staff.

Over the years, various approaches have been taken to give criminal justice social work a distinctive identity and knit together these small, locally-governed services into a nationally coordinated network. These moves, alongside other developments, have resulted in a somewhat overlapping set of accountability structures.

In the early 1990s, criminal justice social work was assigned ring-fenced central funding, to address concerns that it was something of a Cinderella service within the much larger social service departments. Alongside this, national objectives and standards were developed, ostensibly to encourage a consistent approach across the 32 independent local authorities. In a further move, eight regional Community Justice Authorities were established in 2007 to encourage national strategic planning and coordination, including criminal justice social work. These arrangements, seen as having been less than successful,

were changed in 2016. The delivery and local planning functions of the eight regional Criminal Justice Authorities was devolved downwards into the 32 local authority areas. Strategic leadership and oversight was concentrated upwards into a new national body, Community Justice Scotland, which formally began operations in April 2017 (see UKJPR 7).

Alongside these developments, the *Public Bodies (Joint Working) (Scotland) Act 2014* requires local authorities and NHS boards to create 'integration authorities', responsible for the planning of adult social care and some health services. A September 2016 report, *Social work in Scotland* by the Accounts Commission, found that integration authorities were responsible for planning criminal justice social work services in 16 local authority areas. This complex mix of governance arrangements, the Accounts Commission argued, carried the risk that 'a focus on health and adult services could restrict discussion of criminal justice services' within the scrutiny committees.

Overall, local authority social work departments are, the Accounts Commission report argued, 'facing significant challenges because of a combination of financial pressures... demographic change, and the cost of implementing new legislation and policies'.

sentencing policy was a moot point. The increased demands and proposed financial juggling act were unfolding against the background of real terms cuts to criminal justice social work funding. In a February 2018 submission to the Justice Committee, Social Work Scotland expressed concerns about the existing funding formula for criminal justice social work and called for additional resources 'to assist in the delivery of community sentences'.

In May 2018, the Care Inspectorate announced

the establishment of a new criminal justice scrutiny team. The last focused inspection of criminal justice social work had been in 2007, the Inspectorate noted. The new team was to focus on the implementation of the new community justice arrangements and inspection of criminal justice social work. A guidance document on the new inspection framework, published by the Inspectorate in December 2018, also stated that funding and capacity issues would also be assessed.

Probation

Northern Ireland

The Northern Ireland Public Services Alliance, the union representing staff working for the Probation Board for Northern Ireland, called on the Board to take ‘all necessary action’ to protect its staff. The call, in September 2017, followed a warning from the police of a raised level of threat to probation workers from republican paramilitaries. The Sinn Féin representative, Gerry Kelly, condemned the threats, saying that the probation service played ‘an important role... keeping communities safe’. The groups issuing the threats, he said, brought ‘nothing but fear and misery to communities’.

The threat to probation staff, initially rated as ‘high’ had, by the time of Board published its 2017-2018 *Annual Report* in July 2018, reduced to ‘medium’, due to ‘the mitigation actions taken by senior management’. In its report, the Board also highlighted a reduction of three per cent in its baseline budget for the 2017-2018 Financial Year and financial pressures going forward which it judged would lead to a shortfall on its 2018-2019 budget. The Board did, though, receive additional funding for the Enhanced Combination Orders and Problem Solving Justice programmes in 2018-2019.

England and Wales

Under Transforming Rehabilitation, a vibrant mixed economy of public, private and third sector providers would supposedly come together to deliver innovative services and drive efficiencies and cost saving. An April 2018 report by the Probation Inspectorate – *Probation Supply Chains* – found little evidence that this had happened in practice. The National Probation Service – the ‘public’ part of the picture – the report noted, was prohibited ‘from directly commissioning specialist rehabilitation and resettlement services’. The ‘private’ part – the community rehabilitation

companies – were allowed to commission, but not required to do so. In practice, they kept much of the service provision in-house. The National Probation Service was also ‘not buying services from the CRCs to anywhere near the extent expected’. The result, the Chief Inspector, Dame Glenys Stacey noted in her Foreword, was ‘an exasperating situation’, with supply chains ‘thin... and set to get thinner still’.

Reports from the House of Commons Public Accounts and Justice Committees piled on the pressure. The Public Accounts Committee report, *Government contracts for Community Rehabilitation Companies*, published in March 2018, expressed strong doubts about whether the community rehabilitation companies would deliver the innovation promised, or, in some cases, whether they were financially viable at all. The Justice Committee report a couple of months later – called simply *Transforming Rehabilitation* – highlighted a string of issues, including performance of the companies, the public-private split, the lack of third sector involvement, staff morale, and various delivery issues. The Committee was left ‘unconvinced’ that the current model ‘can ever deliver an effective or viable probation service’.

The July 2018 consultation – *Strengthening probation, building confidence* – proposed a two-pronged solution to the systemic problems of the Transforming Rehabilitation model. First, the government proposed to end the existing contracts early: in 2020, rather than 2022, as originally planned. To grease the wheels of the deal with the community rehabilitation companies, £22m per year additional funding would be provided. Second, and looking beyond 2020, the government proposed to consolidate the 21 probation areas with ten, larger, probation regions, largely coterminous with government

office regions (see Shifting the boundaries).

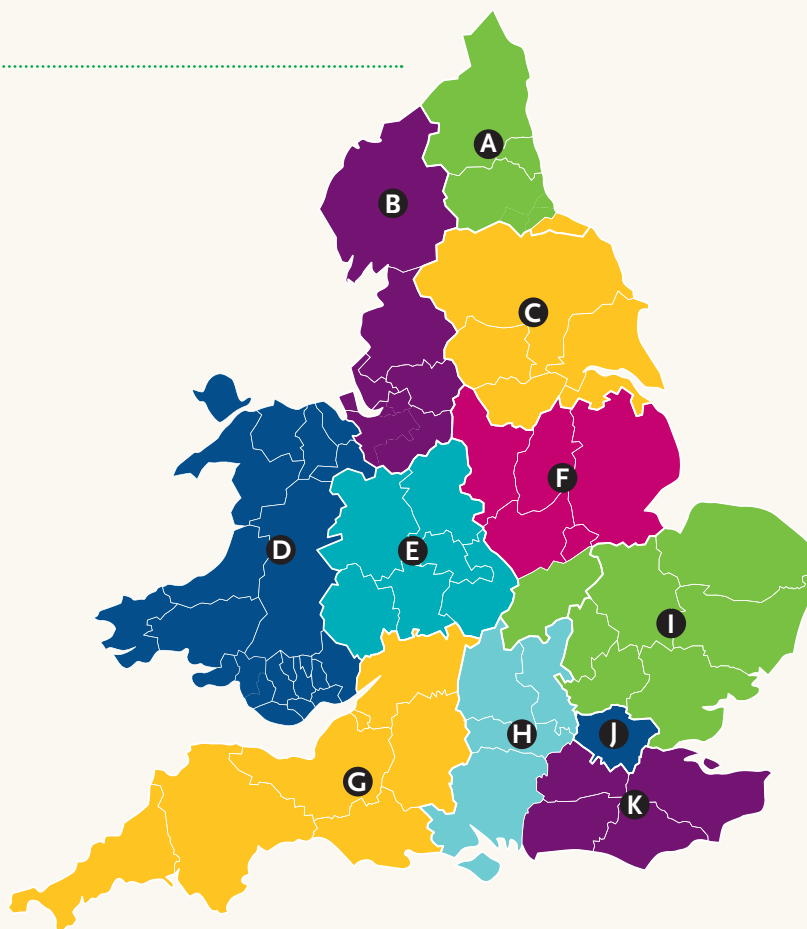
In an acknowledgement of the fragmented responsibilities in the existing arrangements, the government also proposed that a senior civil servant in each probation region in England would be responsible for ensuring 'integrated, locally-tailored services which promote efficiency and effective partnerships'. Given the fragmentation of supply and services in the existing arrangements, the government also floated the idea that the senior civil servants would 'play a key role' facilitating commissioning and ensuring services that 'fit into the local delivery landscape'. In Wales, the government proposed a different model: a

return to an integrated public-sector probation service, with the potential for applying the same model to England, should the arrangements prove successful.

In June 2018, Dame Glenys Stacey, announced that she would not be seeking a renewal of her role when her three-year term expired in March 2019. A couple of months earlier, in April 2018, she had faced strong criticism from the House of Commons Justice Committee for holding down a two-day-a-week job heading up a farm inspections review, in addition to her full-time role as Chief Inspector of Probation.

Shifting the boundaries

Code	Area
A	North East
B	North West
C	Yorkshire and Humberside
D	Wales
E	West Midlands
F	East Midlands
G	South West
H	South Central
I	Eastern England
J	London
K	Kent, Surrey and Sussex



Coming Up: Ends and beginnings?

As the end of 2018 approached, the deal between the Democratic Unionist Party (DUP) and the Conservatives showed every sign of fraying as the complex negotiations about Brexit put into doubt the future of Northern Ireland's relations with the Republic and the rest of the EU. A question-mark then began to hover above the future of a government at risk of losing its voting prop. Would the government in its current guise survive into the coming months of 2019? Or, as the price for its support for a beleaguered Prime Minister, would the DUP come to exert increasing influence at Westminster?

As June 2018 came to a close, Michael Matheson's four-year reign as Justice Secretary for Scotland ended. He was appointed Cabinet Secretary for Transport, Infrastructure and Connectivity and his justice portfolio was transferred to Mr Humza Yousaf.

In August, in response to Police Scotland's concerns, Cabinet Minister Yousaf said that the Scottish Government would 're-examine all options for the devolution of railway policing', putting a hold on its integration plan.

More new arrivals followed in the wake of turbulence at the top of policing in Scotland. A new Chief Constable, Iain Livingstone, and a new Chief Executive for the Scottish Police Authority, Hugh Grover, were appointed in the same month.

Policing - where next?

Early in 2017 the Home Affairs Committee had launched a forward-facing inquiry examining challenges for policing. Following the Election, it collected a large quantity of evidence and in its report *Policing for the Future*, published in October 2018, the Committee issued what amounted to a general policy alarm, arguing for a fundamental

review of the current state of affairs. It declared:

Policing is struggling to cope in the face of changing and rising crimes, as a result of falling staff numbers, outdated technology, capabilities and structures, and fragmented leadership and direction. Without significant reform and investment, communities will be increasingly let down.

It welcomed the Home Secretary Sajid Javid's commitment to prioritise the police in the upcoming Comprehensive Spending Review, but it was critical of a lack of leadership by the Home Office. The arrival of Javid on the policy scene had promised a reset in the relations between police and government and he strove once more to present a supportive face in government, pledging in December 2018 an additional £ 970 million for policing.

The Home Affairs Committee proceedings acted as a conduit for a series of anxieties about the state of policing, but, most importantly, it set its sights on a future that could be confronted only by genuine innovations. The sustainability of police funding was to be the subject of a report published by the National Audit Office in September 2018. With the Home Affairs Committee's call for a fundamental review of policing, an agenda for 'root and branch' reform was beginning to take shape. How large-scale reform might be institutionally led remained an important question. Given the Committee's lack of confidence in the Home Office's leadership capacity, space was opening up for a wider and more independent process inspired by a more long term vision.

A broadening of vision was also recommended in future legislation. In a report entitled *Domestic Abuse* published in October 2018, the Committee recommended that the government pursue an

integrated, gender-sensitive strategy and publish a *Violence Against Women and Girls and Domestic Abuse Bill*.

Getting a grip (or patching up problems?)

Other parts of the criminal justice system seemed to be beset by a nagging crisis that called for yet more ameliorative measures.

After the Criminal Bar Association led strikes against the level of fees paid to barristers, an increase of £23 million in money for criminal legal aid was announced in November 2018. At the same time, Minister of State Rory Stewart announced the launch of the Prison Operator Services framework competition, in order to widen the pool of private providers. However, the public sector would be treated as a benchmark and would operate as a default provider. In December 2018, the *Prisons (Interference with Wireless Telegraphy) Act* was passed authorising public communications providers to disrupt the use of unlawful mobile phones in prisons. A consultation on the shape of the Northern Ireland prison estate was launched in December. After plans for probation service changes had been announced in July, the government's response to the consultation results on the proposals was awaited.

After Brexit?

The draft agreement between the EU and the UK charted one version of the immediate future relationship. Under the proposed terms of transition, all justice and security arrangements were due to continue until the end of 2020. An extension to the transition, requiring a new financial settlement, can be agreed by the deadline

of 1 July 2020. However, the UK would have no role in governance.

In December 2018, in its report *Home Office preparations for the UK exiting the EU*, the Home Affairs Committee expressed concern about a lack of clarity in the proposed plans for the future beyond the transition. It stated:

On security and policing issues, continued cooperation between the UK and the EU via Europol, criminal databases and through extradition arrangements are all crucial. We are very concerned by the lack of clarity offered by the political declaration about each mechanism.

The general idea of European cooperation is founded on a perception of cross-border patterns of offending in which offenders can plot in one country, commit a crime in another and flee to a third, while some offences committed online are borderless. International cooperation among justice agencies makes clearest sense in the context of free movement. If, however, the end of free movement is in sight and cooperation were to be diminished, then another strategic approach to dealing with cross-border offending could begin to gather more momentum: stronger immigration controls. Richard Martin, from the National Police Chiefs' Council, referred to this possibility in evidence to the House of Lords European Committee published in July 2018. As politicians debate the consequences of 'hostile environments' for those without correct papers, there is still a foreseeable risk that crime and immigration could be yoked, to the likely detriment of community relations and equality.

As we go to press, with the date of leaving the EU postponed, fresh uncertainty prevails, while the House of Commons urgently debates alternatives to the proposed agreement negotiated with the EU.

Technical appendix

References

To avoid the unnecessary clutter of a detailed scholarly apparatus, this report contains no references or footnotes. Sufficient detail on the titles and publication dates has been included to enable most readers to track down publications referred to in the text.

Data dashboard

Data

All data used in the charts is collated from official administrative sources. This includes annual reports and accounts and official statistical releases.

Care was taken to produce comparable indicators across jurisdictions that had the same units of analysis and were measured over the same time period. However, directly comparable data was not always available. Some staffing figures are different measures of labour time (full time equivalents or whole time equivalents) and some are actual numbers of people employed (headcounts). Most indicators are measured over financial years, but a few were only available for calendar years. For measures at a single point in time, like prison population or staffing levels, most are at 31 March each year, but some are averages over the financial year.

Some agencies and functions have different names in different jurisdictions even though they refer to roughly the same thing. In England and Wales, the main prosecuting authority is the Crown Prosecution Service. In Scotland, it is the Crown Office and Procurator Fiscal Service. In Northern Ireland, it is the Department of Public

Prosecutions. Prosecution spending and staffing data refer to these agencies in the relevant jurisdiction. Community justice in Scotland is equivalent to probation in the rest of the UK.

All spending data included in the charts refers to central government expenditure on criminal justice. Some figures are total managed expenditure which includes resource, capital and annual managed expenditure. Other figures are comprehensive net expenditure. Expenditure is adjusted to real terms.

Definitions

Prison receptions are the number of people entering prison in a given year. Scotland did not have current data on prison receptions. Probation commencements refer to commencements of a period of court-ordered supervision in the community.

Discrepancies

Some indicators register very large changes that represent institutional reconfigurations rather than real changes in quantity. The political implications of such changes should not be overlooked.

In February 2015, a large proportion of the probation service in England and Wales transferred to private ownership. As a result, the Ministry of Justice is no longer responsible for managing their staffing. Only information on staffing in the National Probation Service is available for the years 2016/17 and 2017/18. The huge reduction in probation staffing does not indicate a huge reduction in the actual number of staff available to perform this function, although there is anecdotal evidence that the private probation companies have laid off staff.

More detailed footnotes to the data and a full list of original sources is available in data files from our website: www.crimeandjustice.org.uk/project/uk-justice-policy-review

UK Justice Policy Review

Publications in the series



You can download all the previous reports from our website:
www.crimeandjustice.org.uk/project/uk-justice-policy-review

The Centre for Crime and Justice Studies is an independent educational charity that advances public understanding of crime, criminal justice and social harm. Through partnership and coalition-building, advocacy and research, we work to inspire social justice solutions to the problems society faces, so that many responses that criminalise and punish are no longer required.

||||| www.crimeandjustice.org.uk |||||||