

Efficiency in the criminal justice system: CBI written evidence

April 2016



1. The CBI welcomes the opportunity to respond to the Public Accounts Committee's inquiry into efficiency in the criminal justice system. The CBI is the UK's leading business organisation, representing 190,000 businesses that together employ around one third of the private sector workforce. Our submission focuses on the extensive opportunities to reduce avoidable costs with better collaboration, more efficient support services, and by enabling warranted officers to focus on fighting crime.
2. Business strongly supports efforts to secure sustainable public finances, which are vital for the UK's social and economic prosperity. While the government made important efficiency savings over the last Parliament, saving more than £14bn by tackling waste and duplication, the next step must be to fundamentally transform service delivery, adopting measures that deliver savings over a sustained period.

Executive summary

- The criminal justice system is facing increased pressures, which it is not equipped to manage because of the effects of significant avoidable costs:
 - Almost half of prisoners reoffend within one year of release;
 - Trials are too often unnecessarily cancelled or postponed at short notice;
 - Warranted police officers are too often deployed in inappropriate administrative roles.
- To address these problems with the necessary urgency, the criminal justice system must focus on:
 - Tailoring rehabilitation services to meet the needs of individual prisoners;
 - Introducing modern case management systems and new technologies;
 - Developing more efficient back office services.
- Commissioners in the criminal justice system must harness the innovation and investment available from business.
 - Contracting with the private sector can increase government's ability to transform services at pace.
 - More strategic communication will allow commissioners to form necessary partnerships with suppliers.
 - Improved management of risk will encourage more transformational behaviour from both government and business.

Summary of recommendations

1. Engage with business to explore opportunities to provide meaningful work and training for prisoners based on local skills and labour shortages.
2. Allow committed and capable prison governors complete autonomy of prison budgets to commission rehabilitation services tailored to the needs of their prisoners.
3. Police forces, the Crown Prosecution Service, and HM Courts & Tribunals Service must collaborate to procure a single case management system capable of handling digital case files throughout the criminal justice system.
4. Introduce mobile fingerprinting technology and tablets to take mobile statements across forces.
5. Restructure roles and upskill policing support staff to ensure the capabilities of staff are tailored to respond to local needs and priorities.
6. Present clear and, where possible, detailed opportunities for the private sector to support the reform plan as early as possible.
7. Engage suppliers in discussions on risk allocation from an early stage, taking on board feedback to reflect the commercial implications of risk.

The criminal justice system is facing increased pressures, which it is not equipped to manage because of the effects of significant avoidable costs

Budgets are decreasing while public expectations on services are increasing

- 3. The criminal justice system faces unprecedented financial pressure as government rightly pursues deficit reduction.** The police service saw real-terms funding reductions of 25% between 2010/11 and 2015/16,¹ and forces are expected to continue to make savings year-on-year.² HM Courts and Tribunal' (HMCTS)'s net expenditure has decreased by 12% since 2011-12,^{3,4} while the number of cases it handles has increased by 24%.^{4,5}
- 4. At the same time, public expectations of the criminal justice system have never been higher.** According to 2014 research, two-thirds of UK citizens want more interaction with the police, and 78% expect to be able to interact with them digitally.⁶

Almost half of prisoners reoffend within one year of release

- 5. 46% of all prisoners, and 60% of those sentenced to less than 12 months, reoffend within one year of release.** This costs the taxpayer between £9.5bn and £13bn every year, and decreases public safety as offenders are released into society without being effectively rehabilitated.⁷
- 6. The key cause of reoffending is a lack of tailored rehabilitation support for prisoners.**⁸ The prevalence of issues which contribute to reoffending – including homelessness, a lack of education and qualifications, mental health needs, and drug and alcohol abuse – varies between different prisons and prisoners, and the blanket approach taken to rehabilitation support does not reflect this. Prison governors are limited in their choices of rehabilitation support by restrictive, and in some instances outdated, service instructions and orders, meaning that services may not suit the needs of their prisoners.

Trials are too often unnecessarily cancelled or postponed at short notice

- 7. Around half of trials in the Crown and Magistrates Courts are cancelled or delayed at short notice, costing an estimated £17-£19m in 2012.**⁹ The most common reasons for this are court administration problems, a guilty plea being entered, one or more parties being unready to begin trial, or the defendant failing to attend.¹⁰
- 8. Delays in case progression throughout the system are the primary cause of trials being cancelled or postponed at short notice.** This, in turn, is caused by poor information sharing between police forces, the Crown Prosecution Service (CPS) and HMCTS. An over-reliance on paper-based processes causes 'rubbing points', where delay is caused by the transfer of data between agencies, with the sequential process delaying each agency from processing the data until the previous agency has done so.¹¹
- 9. Inefficient back office administration also contributes to the delay and cancellation of trials.** Inefficiencies within individual agencies cause poor quality information to be passed through the system, risking error in the progression of cases. In 2015, 38% of cases were not reviewed before reaching court, meaning that incorrect charging decisions (which occurred in 18% of cases) are not always picked up.¹² Particularly in the police service, back office functions are often siloed, causing repetition and duplication. The 25 year-old CREST case management used by the Crown Court lacks a facility for electronically inputting data.¹³

Warranted police officers are too often deployed in inappropriate administrative roles

- 10. Warranted officers are often required to help clear administrative backlogs** caused by inefficient back office processes (see paragraph nine, above). In 2011, for example, there were over 6,500 warranted police officers working in back office roles, although it must be acknowledged that this was predicted to fall throughout the last spending review.¹⁴
- 11. Administration that is necessarily carried out by warranted officers often takes longer than it needs to due to outdated technology and processes.** For example if a police officer has to drive an arrestee to a station to take fingerprints, the officer can be taken off the streets for hours at a time. This

unnecessary time commitment decreases the service's ability to tackle crime and ultimately increases the cost of crime to the taxpayer.

Case study A: Thomson Reuters C-Track Solution Suite

Thomson Reuters C-Track solution suite has been adapted and configured to manage cases in civil, criminal, youth, family, probate, tribunal, and small claims courts, trial and appellate, across fifteen states in the USA and in the High Court in England and Wales. The C-Track solution suite is a comprehensive, configurable, "off the shelf" case management solution with modules to enable electronic filing of court documents, and public access to non-sensitive case information. It is a web-based system based on modern IT standards with open interfaces, and can be deployed either on-premise or in the Cloud and is accessible via any connected device using standard browser software.

The case management system is adaptable to the needs of specific courts or tribunals to capture case and party information, track case events, provide calendaring and scheduling, process tasks and provide management reporting to drive performance improvements. All the relevant documents and/or data are available online, and available to view either by court staff and the judiciary within the case management system, or by external users within the electronic filing or public access solutions. Information security is managed with access-level restrictions that are configurable by the court or tribunal, and encryption of data. The system improves access to and transparency of the justice system, by allowing easier public access to non-sensitive case information.

- *In its first year of implementation into the Montana state Supreme Court, the reduction in delays and inefficiencies meant that C-Track was responsible for an 11% reduction in cases being carried forward to the next year.*
- *The HMCTS CE-File Service (www.ce-file.uk) based on the C-Track system, has been implemented at the Rolls Building over the last 2 years. Practice Direction 510 – The Electronic Working Pilot was approved for CE-File to be operational for the Chancery Division, the Technology and Construction Court, Admiralty and Commercial Court and the Bankruptcy and Companies Court (all in England and Wales) as of 16 November 2015.*
- *Criminal Court implementations in California integrate the C-Track Solution with third party services such as the Sheriff's Office, Department of Motor Vehicles, and the California Bar to pull and push data between the C-Track Solution and those third party services, such as for use cases including, to provide look-ups for gun licensing applications, to update motoring offence records and to validate attorney licensing status.*

To address these problems with the necessary urgency, the criminal justice system must focus on:

Tailoring rehabilitation services to meet the needs of individual prisoners

12. **Rehabilitation services are most effective when tailored to prisoners' individual needs.** The often violent and drug-abusive culture within prisons can be addressed with greater collaboration between local health and social care providers to target priority issues. Education and training must also be improved in order for ex-prisoners to reintegrate into society; by engaging local training providers, Local Enterprise Partnerships, and large businesses in this agenda prisons can provide meaningful training, qualifications, and work to prisoners while adhering to challenging budgetary pressures.

13. Recommendation one: Engage with business to explore opportunities to provide meaningful work and training for prisoners based on local skills and labour shortages.

14. **Allowing governors to take control of their operational budgets can enable tailored support with improved results.** The governor autonomy planned in the new reform prisons is a welcome start, and should be rolled out to all prisons where the governor demonstrates the commitment and capability to manage this, whether through proven experience or a credible spending plan. Not only will this increase

the supplier base available, which can improve outcomes by increasing marketplace competition, but it gives those who best understand prisoners' needs the power to work with private and voluntary organisations to try out new ideas. Prisoners in a category C prison, for example, are more likely to be on short-term sentences, and their priorities are more likely to be focused on accommodation, education, employment, and drug/alcohol abuse than a prisoner in a category A prison.¹⁵ A governor can therefore ensure more effective rehabilitation for these prisoners by focusing resources on specific support services.

15. Recommendation two: Allow committed and capable prison governors complete autonomy of prison budgets to commission rehabilitation services tailored to the needs of their prisoners.

Introducing modern case management systems and new technologies

16. Modern systems are capable of storing documents in a secure and intuitive way, providing the correct access to the relevant people. This reduces the need for printing, scanning, and manual sharing of documents, which in turn reduces administrative and resource costs (see case study A).⁷

17. Up-to-date solutions can also improve communication between agencies' incompatible data systems, which are commonly cited as a reason for the lack of online communication.¹³ This would reduce rubbing points in case progression, as all relevant parties would be able to process documents simultaneously, as well as being notified of a case earlier, which in turn would allow for greater planning and preparation (see case study B). As well as reducing administrative costs caused by delay in case progression, this reduces the number of cancelled trials, as guilty pleas and cases can be considered in advance.¹⁶

18. Recommendation three: Police forces, the Crown Prosecution Service, and HM Courts & Tribunals Service must collaborate to procure a single case management system capable of handling digital case files throughout the criminal justice system.

19. Time spent on administration by officers can be reduced with the introduction of new technology (see case studies C and D). Mobile fingerprinting technology, for example, means that officers do not have to travel to a station to take fingerprints, and are therefore taken off the frontline for less time. Improved communications systems allow officers to communicate more easily with support staff from wherever they are, improving efficiency and efficacy.

Recommendation four: Introduce mobile fingerprinting technology and tablets to take mobile statements across forces.

Case study B: Fujitsu's Northern Ireland Causeway Programme

Fujitsu worked collaboratively with six agencies that constitute the majority of the Northern Ireland criminal justice system, including the Northern Ireland Courts and Tribunals Service (NICTS), the Police, and the Probation Board, to introduce a new, technology-driven solution that delivers outcomes to benefit users of all the agencies.

When the Prosecution Service progresses a case, the Causeway system receives this information and immediately sends all the necessary information to the relevant parties, integrating with their own internal systems and only allowing those with the correct rights to view various aspects of the case. The relevant agencies, which would previously have received information sequentially as the case progressed, now receive it as soon as it is available, and delays to the progression of a case have been reduced significantly.

In the first five years of implementation the agencies saw a return on investment of 77%, with a cumulative saving of £68m.

Developing more efficient back office services

20. Restructured back office services can reduce the amount of time spent on administration. Necessary back office tasks, such as HR and finance, can be made more efficient with new working patterns and adapted roles, virtual and physical mergers between functions, and integration of services such as asset-, estate-, and facilities-management. This reduces the time spent on back office tasks,

lowering costs and inefficiencies throughout the system, and improving the quality of justice, such as by reducing the number of incorrect charging decisions. By restructuring roles, support staff can also be better enabled to handle tasks often completed by officers (see case study D). For example, trained staff can be deployed to transport attendees from a crime scene when appropriate and safe, which removes the need for an officer to be taken off the frontline.

21. **Restructured roles and functions can allow for a more flexible and effective workforce that can adapt more readily to the changing nature of policing**, such as the decreased need for clearly defined individual functions, and the increased expectation to respond at pace to serious incidents.¹⁴ For example by implementing new IT infrastructure the use of regional hubs can be encouraged, enabling officers and staff to be flexible in their work locations and to respond to national or regional incidents effectively.

22. **Recommendation five: Restructure roles and upskill policing support staff to ensure the capabilities of staff are tailored to respond to local needs and priorities.**

Case study C: Motorola's Emergency Services Network (ESN) user services

The roll out of ESN, the UK public safety broadband network, will open the door to the use of a wide range of applications for officers on the front line and those in the command and control centres. These new solutions will in turn help enhance public safety, the safety of officers and improve efficiency.

Motorola Solutions is building on the capabilities of public safety broadband and TETRA networks to put these applications in the hands of Public Safety officers. The devices and applications being introduced will increasingly enable sharing and transmission of voice, video and data.

When an officer is responding to an incident, staff in the control room are able to see exactly where that officer is, regardless of whether they are using a TETRA radio or a smartphone, and can request another nearby officer to investigate. Responding officers can also view the map on their smartphone and see the location of the incident and their colleagues, quickly plotting a route to help. Location and Mapping displays users on screens of any size, control room or smartphone, giving one overview to everyone.

Should the incident escalate officers need to be brought together and an effective response must be quickly planned. With Group Management, ad-hoc groups can be created across smartphones and TETRA radios, and communication is enabled through Push To Talk or text messaging. Videos such as a CCTV clip can be captured and sent with Body Worn Cameras like the Motorola Solutions Si500, or groups can be created composed only of officers with broadband devices. Geo-fenced groups can be created easily by selecting officers on the map, either in control room or on a smartphone in the field.

When an officer arrives at a scene and encounters an issue, such as a street blocked by vehicles, they can text colleagues to advise them to approach the incident from another direction. Intelligent Messaging allows this text to be sent to an individual as well as an existing or newly created talkgroup, no matter what device, TETRA or LTE, they are using. This enables much faster and more effective responses.

When an incident escalates and an officer is required to unclip a pepper spray or taser, sensors on the holsters, together with a heart rate monitor registering increasingly intense activity, alert command immediately of the situation. The time saved, possibly minutes, can be critical in ensuring the safety of the officer. Developments can be monitored as they happen and other officers can be directed to provide assistance if necessary.

Wherever officers go, you can be sure their communications will not be compromised. Using a mobile virtual private network, all data from any device is encrypted and sent through one secure IP tunnel to one secure IP address, ensuring that wherever officers are their communications will not be compromised. Multiple applications are authenticated with a single sign on, saving time and ensuring only the right users gain access. Officers can now avoid the risk of an application dropping as they move between networks.

Commissioners in the criminal justice system must harness the innovation and investment available from business

Contracting with the private sector can increase government's ability to transform services at pace

23. **Budgetary pressures, including a 15% decrease in police spending in the last Parliament,¹⁷ mean that the system cannot absorb the up-front cost of transformation.** Compared with in-house public sector delivery, the private sector benefits from experience learning from international best practice. It also often holds a wider range of relationships, data, and analytics, developed by being continually incentivised to invest in new partnerships and ways of working.

24. **When the public sector takes on a commissioning role and uses the private sector to manage back office processes, it frees up frontline staff to focus on outcomes** (as shown in case study D). Similarly, as shown in case studies A, B, and C, the public sector can focus on outcomes by procuring proven solutions that meet user need, allowing services to be transformed at pace and with confidence, rather than spending time on the design and maintenance of in-house systems. Both of these strategies can make tangible savings and improve the efficiency and outcomes of services.

More strategic communication will allow commissioners to form necessary partnerships with suppliers

25. **Commissioners must establish strategic dialogue with suppliers from an early stage**, and maintain it throughout a contract's life, to help reinforce partnerships based on shared goals and outcomes. Early engagement also allows commissioners to demonstrate a focus on transformation: a more efficient criminal justice system requires commissioners to articulate a clear strategy which demonstrates innovation as a priority, to ensure transformation is front of mind for business and government.

Case study D: G4S's Lincolnshire Police Strategic Partnership

G4S Policing Support Services partnered with Lincolnshire Police in 2012, working collaboratively to change the way it managed operational and organisational support functions.

New technology has been introduced both for warranted officers and back office staff. 99% of detainees are now fingerprinted using live scanning technology, allowing officers to process arrests without the need to transport them to a station.

The introduction of Street to Suite, a service which streamlines the collection of detainees from point of arrest to admittance into custody suites, saved 1,584 hours of police officers' time in 2013 by restructuring roles to keep frontline officers on the street after making an arrest.

The roll-out of Virtual Desktop Infrastructure (VDI), which replaced desktop machines, helped create a virtual hard drive accessible from any station within the Lincolnshire estate, allowing officers and staff more flexibility in their work locations. Not only has this improved the user experience, it has allowed the service to respond more effectively to major events such as the worst coastal flooding in over 50 years in Lincolnshire.

A number of areas of the service have also been restructured, resulting in improved efficiency and results. A joint approach to resolving issues in the Criminal Justice Unit has improved the provision of service to the Crown Prosecution Service: in the first 4 months of 2013 there were no files returned for re-work to the CPS. Staff in the Force Control Room and Crime Management Bureau have been upskilled, and many are now capable of carrying out multiple roles, therefore becoming part of a more agile workforce.

26. **Communicating a clear pipeline of opportunities to the market early on** enables suppliers to plan appropriate business models and demonstrate the innovation available. This is especially critical in a time when technology is making huge strides forward. Businesses report varying experiences of commercial engagement across the criminal justice system, and agencies should work to learn from best practice across the public sector.

27. Recommendation six: Present a clear forward plan as early as possible including, where possible, detailed contract opportunities for the private sector to support transformation.

Improved management of risk will encourage more transformational behaviour from both government and business

28. **Commissioners must be aware of the commercial implications of disproportionate risk management** when contracting. Transformational services, and the contracts that underpin them, inherently carry increased risk. Government's focus on efficiency has left contracting practices better suited to cost-cutting than to transformation, and there is a lack of understanding of the commercial implications of risk mismanagement on business. This is damaging to public sector markets, as it can de-incentivise suppliers of all sizes to bid for services.

29. **Commissioners must be proportionate in their expectations on the private sector to hold various risks in contracts.** The stronger partnerships discussed above (see paragraph 26) enable a more balanced approach to the allocation of risk, based on the principle that risk should be borne by the party best placed to manage it, and avoids the "take it or leave it" approach which sometimes occurs and which is detrimental to the transformation of services.

30. Recommendation seven: Engage suppliers in discussions on risk allocation from an early stage, taking on board feedback to reflect the commercial implications of risk.

¹ *Financial sustainability of police forces in England and Wales*, National Audit Office, 2015

² *Theresa May: There must be no let-up in reform* (speech), Theresa May, 2015

³ *Business Plan 2012-13*, HM Courts & Tribunals Service, 2012

⁴ *Business Plan 2014-15*, HM Courts & Tribunals Service, 2014

⁵ *Annual Report and Accounts 2011-12*, HM Courts & Tribunals Service, 2012

⁶ *How can digital police solutions better serve citizens' expectations?*, Accenture, 2014

⁷ *Prison reform* (speech), David Cameron, 2016

⁸ *2010 to 2015 government policy: reoffending and rehabilitation*, Ministry of Justice, 2015

⁹ *The criminal justice system: landscape review*, National Audit Office, 2014

¹⁰ *Criminal court statistics quarterly, England and Wales: April to June 2015*, Ministry of Justice, 2015

¹¹ *Administration of the Crown Court*, HM Courts Service, 2009

¹² *Efficiency in the criminal justice system*, National Audit Office, 2016

¹³ *Getting Cases Ready for Court*, HM Inspectorate of Constabulary and HM Crown Prosecution Service Inspectorate, 2013

¹⁴ *Policing in austerity: One year on*, HM Inspectorate of Constabulary, 2012

¹⁵ *Managing offenders on short custodial sentences*, National Audit Office, 2010

¹⁶ *Transforming the CJS*, Ministry of Justice, 2013

¹⁷ *Cuts in Council spending since 2010: full breakdown*, Press Association, 2016

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