



Agenda item b2

**Surrey and Sussex Criminal Justice Partnerships Meeting
Minutes – Collaborative Session**

10:35 -12:25hrs, Wednesday 18th December 2019
Surrey Police HQ, Schofield Room, Guildford GU3 1HG

1. **Welcome and Apologies – Katy Bourne**

David Munro	Surrey Police and Crime Commissioner (Chair Person)	DM
Katy Bourne	Sussex PCC (Co- Chair Person)	KB
Frank Ferguson	CCP CPS – South East (Vice-Chair Person)	FF
HH Judge Black	Judiciary	HHJB
HH Judge Gold	Judiciary	HHJG
Jenny Offord	CPS	JO
Gareth Morgan	CPS	GM
Lisa Herrington	Office of the Surrey Police and Crime Commissioner	LH
Mark Streater	Office of the Sussex Police and Crime Commissioner	MSt
Manjinder Purewal	KSS – Community Rehabilitation Company	MP
Rob McCauley	Legal Aid Agency	RM
Alison Barlow	Surrey Police	AB
Clive Davies	Surrey Police	CD
Rob Harris	Surrey Police	RH
John Davies	Surrey Police	JD
Simon Nelson	Sussex Police	SN
Julia Chapman	Sussex Police	JC
Claire Gill	Sussex Police	CG
Karen Traisnel	Surrey Police	KT
Brenda Farrell	Surrey Police	BF
Rebecca Hills	Sussex Partnership NHS Foundation Trust	RH
Dave Manning	HM Courts & Tribunals Service	DMa
Richard Gregg	HM Courts & Tribunal Service	RG
Chris Dangerfield	HM Courts & Tribunal Service	CDan
Michael O'Connor	Surrey YOS	MO
Jo Last	Citizens Advice – Witness Service	JL
David Smith	Frame Solicitors	DS
Bruce Tippen	SSCJP Business Manager	BT
Lindsey Parris	SSCJP	LP

Apologies received from:

<i>Sam Goolding</i>	<i>Surrey Police</i>	<i>SG</i>
<i>Hannah Lane</i>	<i>HMP Lewes</i>	<i>HL</i>
<i>Claire Mullarkey</i>	<i>HM Courts & Tribunals Service</i>	<i>CM</i>
<i>Robin Brennan</i>	<i>HM Prison and Probation Service</i>	<i>RB</i>
<i>Susan Howard</i>	<i>HM Prison and Probation Service</i>	<i>SH</i>
<i>Stephen Fradley</i>	<i>HMP Ford</i>	<i>SF</i>
<i>Emily King</i>	<i>West Sussex County Council (failed dial-in)</i>	<i>EK</i>
<i>Justine Armstrong-Smith</i>	<i>East Sussex County Council</i>	<i>JAS</i>
<i>Jo Player</i>	<i>Brighton and Hove City Council</i>	<i>JP</i>
<i>Kay Birch</i>	<i>Victim Support</i>	<i>KB</i>
<i>Nicola Maxwell</i>	<i>Sussex YOS</i>	<i>NM</i>
<i>Mark Burden</i>	<i>HM Prison and Probation Service</i>	<i>MB</i>
<i>Tania Riedel</i>	<i>Sussex YOS (failed dial-in)</i>	<i>TR</i>
<i>Samantha Allen</i>	<i>Sussex Partnership NHS Foundation Trust</i>	<i>SA</i>
<i>Susanne Jarman</i>	<i>Citizens Advice – Witness Service</i>	<i>SJ</i>
<i>Sally Varah</i>	<i>Deputy Lord Lieutenant – Surrey</i>	<i>SV</i>

<i>Bridget Biddell</i>	<i>High Sheriff, Surrey</i>	<i>BB</i>
<i>Violet Hancock</i>	<i>High Sheriff, East Sussex</i>	<i>VH</i>
<i>Davina Irwin-Clark</i>	<i>High Sheriff, West Sussex</i>	<i>DIC</i>

Absent:

Wendy Penfold	Public Health England	WP
Vicky Robinson	HMP Bronzefield	VR
Ian Whiteside	HMP Bronzefield	IW
Alison Fowler	NHS England	AF

DM welcomed members to the collaborative session and extended a warm welcome to His Honour Judge Gold who was attending on behalf of Resident Judge Laing and His Honour Judge Black, representing HHRJ Fraser.

Declarations of Interest:

None received

2. Minutes and Rolling Action Log from previous meeting 11th September 2019

The minutes of the previous Collaborative meeting were agreed as an accurate record.

The Action Log (separate document) was discussed and updated.

3. Released Under Investigation (RUI)

SN reported Sussex Police carried out a review of RUI investigations including adopting advice from the National Police Chief's Council to implement a supervisory structure for RUI investigations. A new process commenced with immediate effect:

- When a suspect is released under investigation the investigator will agree an Expected Finish Date (EFD) with their supervisor
- Following the in-custody investigation process the investigating officer will liaise with the custody officer and their supervisor to determine the type of release (BAIL or RUI). RUI must be conducted expeditiously to ensure all parties, victims, witnesses and suspects are not subject to long delays.
- The investigators supervisor will endorse the investigation record with an initial EFD. This date will take into consideration the investigation plan including forensic and digital evidence submissions deemed necessary
- Once a suspect has been released investigations will have a documented supervisory review at least every 30 days until the investigation has been completed and a disposal actioned.
- The supervisor will be responsible for reviewing and setting post custody investigation EFD's
- At each review the investigating officer must ensure the victim, suspect and their legal representative where applicable is provided with an update on the progress of the investigation.

SN added current data shows the number of suspects on RUI has reduced from 8,900 to 5,910. Custody Sergeants audit Niche records regularly to identify cases that have concluded but not closed. It is recommended that a review of these figures is carried out each month to establish an appropriate ambient number.

CD reported Surrey Police also have robust arrangements in place to ensure the force is maximising use of bail where appropriate. Following a review of national guidance the force brought in further measures to ensure sufficient grip on RUI cases.

Increased use of RUIs has impacted nationally on investigation times. Surrey recently reported there were over 8000 'live' cases involving a suspect who had been released under investigation. This number was high and a review was carried out to establish why. As a result it was identified that there was an administrative issue where the relevant custody records were not being closed when the investigations had been completed and therefore creating an artificially high number. A process has since been put in place whereby RUI cases are given a review date and placed into an electronic calendar at which point the case is reviewed and the custody record is either closed or extended again as appropriate. As a result of this new process the number of live cases has reduced to 4600.

Following a review of national guidance additional processes include:

- The investigating officer's supervisor will ensure that the investigating officer completes a documented risk management plan and quality assures this before a suspect leaves custody. This ensures that appropriate safeguarding is put in place.
- The supervisor will complete every 28 days a documented review of each crime where the suspect has been released under investigation.
- The supervisor will ensure there is an effective investigation plan in place and will endorse the crime report log with an 'expected finish date' (EFD) to take into account the investigation plan including necessary forensic and digital evidence submissions.
- Prior to any decision to release a suspect under investigation for domestic abuse or high harm offences. A Detective Inspector will be consulted. The rationale for a decision to RUI as opposed to use bail in such cases must be recorded.
- Each RUI'd crime will have a documented review carried out by an officer of Inspecting rank at 5 months and an officer of Superintending rank at 10 months.

Surrey Police also have a number of mechanisms in place to ensure they make good use of bail namely:

- Divisional and Central Public Protection Department monthly performance meetings review use of bail and RUI for their teams.
- Daily Management Meetings include use of bail as a standing agenda item to provide oversight and scrutiny and allow for appropriate intervention for the crimes included in the reporting period of the meeting (usually the previous 24 hours).
- Central Criminal Justice carry out quarterly audits of 25 RUI crimes to review whether bail should have been used and check for appropriate supervisor reviews.

MO suggested that Youth Services were unsighted on any youths who may be RUI and asked what risk assessments and safeguarding plans were in place for this cohort.

CG reported the St Giles Trust were fully aware of youths who may be RUI but noted most youths would be bailed rather than RUI. CD stated that there is a very thorough risk assessment pre-release for young people.

FF acknowledged the good work both forces had carried out regarding RUI and he hoped the new processes will release the blockage of cases coming through the CJS and also ensure summary only offences are not timed out after 6 months.

KB also acknowledged the good work of both forces and asked if High Harm offences were RUI'd CD reported Surrey Police are one of the highest users of Bail for High Harm Offences.

DS reported he was aware of some youths in Surrey are being RUI with no referral.

Action: AB to check the youth referral process (cases RUI) in consultation with Sussex Police colleagues and report back at the next meeting.

DM reported both forces were doing well and thanked colleagues for their hard work.

4. RASSO

GM summarised headline data for Quarter 2:

- Number of live RASSO cases under investigation in Surrey stood at 840 and 1542 in Sussex.
- Nov 18 – Oct 19, 138 new cases submitted from Surrey and 334 new cases from Sussex.
- During the same period 228 cases were finalised from Surrey and 430 from Sussex.
- Charging ratio figure in Surrey was 66.7% and 82.8% in Sussex (national trend position 44.5%).
- Early Guilty Plea Rate in Surrey 62.5% and 50% in Sussex.
- Conviction Rate for Rape in Surrey 55.17% and 78.3% in Sussex

Since 2016 there has been a formal RASSO Improvement Plan (RiP) in operation for Surrey and Sussex. Kent is now part of the formal arrangements.

RiP meetings are attended by:

- Det Supt safeguarding for both counties
- Det Ch Insp – Surrey and Sussex safeguarding
- RLO – Det Insp for the three counties (Kent by link)
- Senior District Crown Prosecutor RASSO SE and District Crown Prosecutor Unit Head RASSO Surrey and Sussex
- SSCJP Partnerships Manager
- Operations Managers HMCTS Guildford and Sussex Crown Courts

There are a number of aspects to the RiP which have directly impacted upon and continue to impact upon file submissions and file quality leading in turn to increases in performance outcomes.

- The RLO – now embedded for a number of years
- Quarterly RiP meetings which provides opportunity to discuss performance or areas of concern across all interested parties and to agree any pilots/ changes of messaging/ working practices. Discussion around listing of cases and feedback of views. Dissemination of agreed actions to teams post meeting. Review of progress at following meetings. All attendees provide data to support understanding of performance which is then shared with SSCJP.

A No Further Action (NFA) case review in Sussex saw 88 cases reviewed from across 3 divisions. A qualitative review around the standard of investigation, level of oversight, consideration of mental health aspects of the cases and determination of appropriateness of decision was split into 25 cases B&H, 26 cases East Sussex and 29 cases West Sussex.

Results showed B&H 22 out of 25 cases deemed appropriate investigation, East 24 out of 26 cases deemed appropriate investigation and West 24 out of 29 cases deemed appropriate investigation.

Feedback and learning provided in appropriate cases to individuals and teams.

Joint CPS and Police NFA Scrutiny panels take place quarterly. Thematic review of four cases in detail to look at quality of decision making, wider offending being properly considered and timeliness of investigative steps.

In Surrey a number of panels have sat looking at non supporting victims, child allegations, DA related cases. The next panel is scheduled for February 2020. Learning shared by DCI through to individuals and anonymised to teams.

Four hour SOIT and SIU triage clinics convened in Surrey and Sussex. Officers bring cases which have particular evidential issues to discuss with RASSO Unit Head or where officer has concerns re: case viability (4 cases per session). Written feedback and case direction support provided to OIC. A number of cases have been finalised NFA following this process (decision lies with police).

There will be an Early Investigative Advice (EIA) pilot for all new rape cases post 1st January 2020. Under this scheme all rape cases will be submitted for EIA within 28 days from initial complaint (long stop 3 months). The MG3 will identify what evidential steps have been completed, what are anticipated and reasonable lines of enquiry undertaken or anticipated. Face to face/ phone and written advice will be provided by allocated lawyer under 28 day protocol and who will remain allocated throughout the case.

Positive outcomes expected will be an improvement in the numbers of file submissions, cases ready for charge at first FCT appointment and consistency of legal advice from early stage with one nominated lawyer.

Local Case Management Panels will be convened with the allocated lawyer and where appropriate the OIC, senior CPS management and RLO to discuss case specific issues pre charge.

In all RASSO cases in Surrey and Sussex all decisions to charge or NFA have to be endorsed/ ratified by the unit head and in appropriate cases following a Case Management Panel.

Non-conviction outcome scrutiny panels will come into effect from 1 January 2020. In all rape cases and appropriate non rape cases counsel will provide an outcome report considering any issues behind the non-conviction or where there have been specific issues which have arisen at trial. For example adverse comment by the judiciary. In appropriate cases a panel will be convened consisting of the OIC, RLO, DCP, Lawyer and possibly the SDCCP/ DCCP. Counsel will be invited to attend where appropriate. Any learning will be disseminated to the Case Work Quality committee and to the team.

HHJG raised his concern over lengthy charging decisions and referred to a case of Rape by a 17 year old on a 15 year old which took over 23 months which is unacceptable for victims and witnesses.

GM reported CPS protocols are now in place for early investigative advice (EIA) to be provided within 28 days and he would be happy to receive any communication from the Judiciary if there were any concerns regarding a case.

HHJB noted the reduction in the number of Crown Court sittings across Surrey and Sussex and also the reduction in the number of RASSO cases coming through the CJS. HHJB was concerned there may be a backlog of RASSO cases sitting with the police and CPS.

FF reported there had been a national drop off of RASSO cases coming through to CPS following depleted resources around policing and complex disclosure issues. A national Disclosure Improvement Plan is in place. Case volumes are going up and the key is early collaboration.

Action: GM to liaise with HHJB regarding the number of RASSO cases coming through the CJS.

JL requested that CA – Witness Service and appropriate non-statutory agencies are advised if there is likely to be an increase in workload going forward.

JC thanked GM and the team for introducing triage clinics and giving confidence to the police. There has been a concerted effort to improve the standard of police investigations and we should begin to see volumes increasing but it will take time.

RH confirmed both Surrey and Sussex Police have a good working relationship with CPS and a lot of work is also being carried out on Res Gestae cases.

DM noted the renewed impetuosity regarding RASSO cases and thanked partners for their ongoing good work.

5. Crown Court Resilience

DM introduced a draft letter intended for the Justice Minister highlighting capacity issues within the CJS.

HHJB asked that within paragraph 2 the wording should be amended to read 300 days and not 300 hours. Also, he could not agree the case references that included inaccurate information.

Action: DM to amend paragraph 2 to read 300 days and not 300 hours and remove case study information.

HHJG reported due to the reduction in court sitting days some Judges are being laid off and defendants are being released through non-compliance with Custody Time Limits. HHJG stated that partners should not underestimate the impact of these changes. The number of cases coming through the CJS needs to increase in order for the number of sitting days to increase.

DMA reported there is no news on next year's sitting days as yet. Allocations are mainly based on receipts and types of trials held and trial lengths.

Decision: Members agreed that DM should write to the Justice Minister outlining these issues subject to the above amendments.

6. Core Performance Group – Priorities

JO reported the CPG has struggled to gather momentum. It is felt the groups remit is too big and consideration should be given to splitting the group into Magistrates and Crown work or perhaps having a separate Surrey and Sussex CPG rather than a joint meeting. A review of the current membership is also required.

CDan reported he was not in favour of the group splitting into a separate Surrey and Sussex Group as the key performance issues affect both counties.

BT reported he was in favour of separate Magistrates and Crown Court sessions.

CD suggested the group should focus on its top three priorities.

Action: JO to prepare a paper with proposals for changes to the CPG for discussion and approval at the SSCJP next meeting.

7. SSCJP Priorities, Funding and Constitution

BT had circulated proposals for SSCJP Priorities for 2020-22 based upon current Delivery Plan progress, feedback from Delivery Groups and horizon scanning. The over-arching common purpose of both partnerships '**to provide an effective and efficient Criminal Justice System for (Surrey) and (Sussex)**' was supported moving forward.

Priorities:

- **Police File Quality**
- **Timely Justice**
- **Improving Caseload through the courts**

Decision: Members agreed to the proposed SSCJP Delivery Plan priorities to ensure that the right cases are going through the courts.

Members also agreed to support developing effective cooperatives through systems leadership, prison release protocols, gender specific pathways, offender housing, diversion, modernisation and improved transitional information sharing between organisations.

Members were not in favour of setting targets or holding a partnership planning event as the priorities appear clear and a set of measures is more desirable than setting targets.

BT highlighted the growing demand on his team for data provision at Board and sub-group levels and invited the Board to consider whether current analytical provision would be sufficient for the partnership 2020-22. KB suggested a separate paper would need submitting.

Action: BT to develop a new Plan in consultation with Delivery Groups and key stakeholders.

Action: BT to evaluate analytical resources and prepare a paper as appropriate.

Funding:

BT provided an update on current and future funding forecast - the SSCJP budget is expected to have an indicative shortfall of £8,000 for 2020-2021. Members considered this situation.

KB asked that letters seeking funding should be sent to partners requesting an 8% increase and responses back by 31st January 2020.

SN requested funding partners should also factor in a 3 year plan for ongoing SSCJP funding.

MP confirmed the CRC would continue to fund the SSCJP for financial year 2020-2021.

Action: BT to send letters to partners seeking an 8% increase in SSCJP funding.

Constitution

BT had consulted with members and had circulated updated versions of the SCJB and SCJP Constitutions. Members considered the changes highlighted in the papers presented to the Boards and agreed all proposed changes to be reflected in updated Constitutions.

Decision: The changes to the SCJB/P constitutions were agreed by members.

Action: BT to refresh the Constitutions accordingly.

8. Partner Updates

DMA reported Common Platform is due in Surrey and Sussex in April 2020 and setup will begin in January 2020.

MP reminded members of the changes with CRC's and Probation due in June 2021. 80% of CRC staff will transfer to Probation and 20% to interventions which will remain in the private sector. Competition should finish around autumn 2020.

MP added the new Regional Director for HMPPS (Probation) is Mary Pilgrim and Kent, Surrey and Sussex will be one of twelve national regions.

KB reported a Video Enabled Justice update will be given at the next meeting.

9. Digital Evidence Management System (DEMS)

KT reported in September 2019 Surrey and Sussex forces in conjunction with Thames Valley Police and Hampshire Constabulary signed a contract with NICE Systems Limited to licence their digital evidence management system (DEMS) NICE Investigate. Nice Investigate will be used by all four forces to automatically look for and transfer evidential content and unused material to CPS for onward sharing to the Courts and Defence. Surrey and Sussex Police are looking to rollout NICE Investigate in a phased approach from February 2020. DEMS is a cloud-based digital evidence store.

BF introduced herself as the Surrey and Sussex project manager and gave a brief presentation on how the system works.

BF reported the next steps are:

- Authorisation is being sought from the Senior Pressing Judge for a mandate to proceed engaging with HMCTS
- Thames Valley Police will be testing the end to end process with the national CPS in order to achieve sign off
- Following CPS sign off Thames Valley Police will seek national HMCTS sign off
- When both national CPS and HMCTS have signed off Surrey and Sussex police will be able to engage with local partners to complete end to end testing.
- Surrey and Sussex Police will wait for the required eight week engagement period that HMCTS have requested to carry out their stakeholder engagement before sending evidential material in this manner.

CDan confirmed HMCTS would not engage until CPS have signed off the project.

KB noted a new Senior Presiding Judge, Lady Justice Thurwall will be in post by the end of December 2019 and requested a copy of the Project Management Plan with roll-out schedules.

Action: KT to send a copy of the DEMS Project Plan to LP for circulation to members for their review.

Members agreed the timescales for implementation seemed a little ambitious.

10. AOB

None

Close – David Munro

DM thanked members for their time and input during the meeting.

Next Meeting:

Wednesday 4th March 2020 – Sackville House, Lewes BN7 2FX