

CRIMINAL JUSTICE BOARD

ACTION PLAN

ON THE CRIMINAL JUSTICE INSPECTION REPORT

**“THE USE OF EARLY GUILTY PLEAS IN THE CRIMINAL JUSTICE
SYSTEM IN NORTHERN IRELAND”**

The Criminal Justice Board has agreed the following Action Plan, in response to the above report. The Plan, which has been endorsed by the Minister of Justice, David Ford MLA, consists of three parts: strategic recommendations; operational recommendations; and areas for improvement. The Minister has asked the Criminal Justice Board to monitor the delivery of actions in this Plan, and to report to him on progress.

The actions in the Plan will be delivered by the Department of Justice and the criminal justice organisations, working in partnership, through the Speeding up Justice Programme.

May 2013

CJINI REPORT: "The Use of Early Guilty Pleas in the Criminal Justice System in Northern Ireland": ACTION PLAN: DRAFT FOR AGREEMENT

STRATEGIC RECOMMENDATIONS

No.	Report reference	Recommendation	Status	Lead	Actions / Milestones & Comments	Target date
1.	Para. 5.6	<p>Inspectors recommend that a structured and co-ordinated plan is overseen and developed by DOJ to deliver:</p> <ul style="list-style-type: none"> • a clear early guilty plea scheme in both Magistrates' and Crown Court tiers; and • supporting infrastructures for the above including; <ul style="list-style-type: none"> ○ reform of committal procedures; ○ statutory reform supporting case management; and ○ data collection and sharing. 	Accepted	DOJ	<p>1.1 Draft early guilty plea ("EGP") scheme to be developed by March 2014.</p> <ul style="list-style-type: none"> ▪ Multi-agency Project Group formally established – Feb. 2013. ▪ Project Plan developed and agreed – Feb. 2013. ▪ Detailed forward work programme to be agreed by Project Group – July 2013. ▪ Draft EGP scheme to be produced by March 2014. <p>1.2 The Criminal Justice Board to oversee delivery of the EGP scheme as part of the Speeding Up Justice Programme.</p> <p>1.3 Measures to reform committal procedures developed for inclusion in the 'Faster, Fairer Justice' Bill.</p> <p>1.4 The 'Faster, Fairer Justice' Bill to make provision for the introduction of case management regulations.</p>	<p>March 2014</p> <p>Ongoing</p> <p>Autumn 2013</p> <p>Autumn 2013</p>

					1.5 As part of its forward work programme, Project Group to consider how existing data collection and sharing mechanisms between criminal justice organisations can be utilised and improved to support the EGP scheme (see project timescale at 1.1. above).	March 2014
2.	Para. 3.39	We repeat the recommendations made in the Criminal Justice Inspection report of December 2011, <i>"The Care and Treatment of Victims and Witnesses in the Criminal Justice System in Northern Ireland"</i> which stated: <i>'Inspectors recommend that case management is placed on a statutory footing with timescales, sanctions and incentives designed to deliver the most efficient and effective case progression'</i> .	Accepted	DOJ	2.1 See action 1.4 above.	Autumn 2013
3.	Para. 3.49	Early action should be taken by DOJ to create a single criminal legal aid fee structure in the Magistrates' Courts. A separate fee structure, but following the principle of a single fee formation for comparable summary offences, is recommended in the youth courts. A single fee in the Crown Court is more challenging, but the principle of the removal of incentives to prolong cases must also be followed there.	Accepted in part	DOJ	3.1 DOJ consulted on proposals (as part of the statutory review of the Magistrates' Court and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009) to amend the legal aid remuneration rules for Magistrates' Courts – Nov 2012. <ul style="list-style-type: none"> ▪ Proposals presented to the Justice Committee - April 2013. ▪ Amending rules to be laid in the Assembly before Summer recess. 	Summer 2013

OPERATIONAL RECOMMENDATIONS						
No.	Report reference	Recommendation	Status	Lead	Actions/ Milestones & Comments	Target date
4.	Para. 1.36	Inspectors recommend that data is collected by NICTS (on the same basis as that in England and Wales) on cracked, effective and ineffective trials and that this is made available publicly on an annual basis (more often for justice agencies by arrangement).	Accepted	NICTS	<p>4.1 NICTS to develop a statistical methodology to closely replicate the collection of cracked and ineffective trials (as in England and Wales) through the secondary analysis of data currently collected on ICOS – by June 2014.</p> <p>It is envisaged that this data will be available for publication in the 2014 edition of Judicial Statistics.</p>	June 2014
5.	Para. 2.31	As a wider part of the work on delay, Inspectors recommend that the DOJ consider how sanctions could be applied to the issue of delay and wasted time in the courts. This could include statutory or other provisions to address wasted costs.	Accepted	DOJ	<p>5.1 DOJ is currently considering how a system of penalties might operate in the context of wider Speeding up Justice reforms, with a view to developing proposals for public consultation.</p> <ul style="list-style-type: none"> Draft proposals to be prepared for internal discussion by September 2013. 	September 2013
6.	Para. 3.7	The PPS should develop management data on the numbers and reasons for withdrawn/ reduced charges in the Magistrates' Courts and advance an action plan to address trends and variances from policy. This should have the ultimate objective of reducing the overall number of charges withdrawn	Accepted in principle	PPS	6.1 PPS accepts this recommendation in principle, although further work will be required to identify a practical methodology to identify any cases where withdrawal is at variance with policy.	

		or reduced.			<ul style="list-style-type: none"> ▪ Issue raised internally by PPS - exploratory scoping meeting with Management Information staff to be held before end May 2013. ▪ Information requirements to be agreed – June 2013. ▪ Agree Delivery Plan – September 2013. ▪ In the interim, PPS to revise the existing staff instruction to prosecutors to reinforce awareness of the current policy. 	<p>May 2013</p> <p>June 2013</p> <p>September 2013</p> <p>August 2013</p>
7.	Para. 3.22	Inspectors recommend that a joint agreed policy for implementation of the streamlined file initiative is established between the PSNI and the PPS without further delay.	Accepted	PPS/ PSNI	<p>7.1 This has been fully implemented and an established agreed process exists.</p> <p>Streamlined files are now in use across the whole of Northern Ireland (although they are currently utilised more in some regions than in others).</p> <p>It is intended to widen usage of streamlined files over the period 2013 – 2014.</p>	Completed
8.	Para. 3.23	Inspectors recommend that the Criminal Justice Delivery Group oversee the development of CJS wide early guilty pleas schemes. This should have 'buy-in' from all sections of the CJS, including defence practitioners.	Accepted	DOJ	<p>8.1 The Criminal Justice Delivery Group to have strategic oversight of the EGP scheme.</p> <p>8.2 In addition, the Criminal Justice Board to have responsibility for overall delivery of</p>	<p>Ongoing</p> <p>Ongoing</p>

					the CJINI report's recommendations.	
					8.3 Engagement with the legal profession in terms of the development of the EGP scheme is underway.	Ongoing
9.	Para. 3.38	The case progression officials ("CPO") mechanisms across the criminal justice system should be utilised where possible to help facilitate and reinforce the effective delivery of early guilty plea schemes. This could be further supported by providing a statutory basis for this work and on a similar basis to that in England and Wales (as provided for in the Criminal Procedure Rules 2010). In order to enable consistency of operational delivery, Inspectors further recommend that the DOJ consider a framework for them, again where possible and appropriate, to support early guilty pleas schemes.	Accepted in principle	DOJ	<p>9.1 This recommendation will be taken forward by the Project Group and forms part of their forward work programme. (See timescales at 1.1 above).</p> <ul style="list-style-type: none"> ▪ Current use of CPOs to be discussed by Project Group by June 2013. ▪ Draft proposals (for internal discussion) to be prepared by September 2013. <p>9.2 Power to make statutory case management regulations to be introduced in the 'Faster, Fairer Justice' Bill.</p>	<p>March 2014</p> <p>June 2013</p> <p>September 2013</p> <p>Autumn 2013</p>
10.	Para. 4.10	As part of the Witness Care Unit project previously recommended by Inspectors, the PPS and the PSNI should ensure that victims are informed of early guilty plea processes (where and when implemented), the outcomes arising and their meaning.	Accepted in principle	PPS/PSNI	<p>10.1 The interdependencies between the EGP scheme and the work of the Victim and Witness Care Unit will be developed by the Project Group. (See timescales at 1.1. above.)</p> <p><u>Comment</u> Further work will be required to examine existing processes and technical arrangements to establish whether</p>	March 2014

					<p>amendments are required to deliver contact within EGP scheme timescales.</p> <p>10.2 Re: Victim and Witness Care Unit</p> <ul style="list-style-type: none"> ▪ Victim and Witness Care Unit pilot commenced – 1 November 2012. ▪ Pilot to be extended to all court districts - by end 2013. ▪ DOJ to consider legislative measures to extend scope of sharing of victim and witness information between criminal justice organisations and voluntary sector partners (to provide accurate and timely information on services) – by Spring 2014. 	
11.	Para. 4.33	<p>Inspectors recommend that in order to address the needs of certainty and transparency in sentencing, the following factors are given due weight by the DOJ in developing early guilty plea schemes. They are:</p> <ul style="list-style-type: none"> • providing statutory sentencing rules which while retaining a strong judicial discretionary element also more firmly prescribe the kinds of sentence reductions which must (subject to exception) be 	Accepted in part	DOJ	<p>11.1 The 'Faster, Fairer Justice' Bill will make provision to require a sentencing court to state the level of credit that would otherwise have applied had a guilty plea been entered.</p> <p>11.2 DOJ does not, however, believe that there is a need, at present, for the introduction of statutory sentencing rules. This part of the CJNI recommendation is</p>	Autumn 2013

		<p>provided for an early guilty plea; and</p> <ul style="list-style-type: none"> a firm (again, if necessary, statutory) requirement for transparency in sentences delivered, including the reductions applied and withheld. 			<p>arguably being met by the production of sentencing guidelines by the Lord Chief Justice's Sentencing Group.</p> <ul style="list-style-type: none"> Project Group to review the need for statutory sentencing rules - by March 2014. 	March 2014
12.	Para. 4.34	A simple leaflet explaining the process and effect of early guilty pleas should be given to all detainees in police custody at the same time as other notices informing them of their rights. The PPS could usefully utilise the same leaflet to issue with court papers served on defendants and thus act as a further reminder to the early guilty plea processes.	Under consideration	DOJ/ PSNI/ PPS	<p>12.1 This will be taken forward by the Project Group and forms part of their forward work programme. (See timescales at 1.1 above.)</p> <p><u>Comment</u> As the CJINI report noted, such a leaflet would need to be carefully considered so as not to be regarded as an inducement to those who are innocent to plead guilty.</p>	March 2014
13.	Para. 4.35	A CJS wide poster should be devised and made available in all police stations and court buildings explaining the process and effect of early guilty pleas.	Accepted	DOJ	13.1 This recommendation will be taken forward by the Project Group and forms part of their forward work programme. (See timescales at 1.1 above.)	March 2014
14.	Para. 4.47	Inspectors recommend that any future early guilty plea scheme is screened by the DOJ for equality impact.	Accepted	DOJ	<p>14.1 Draft scheme to be screened for equality impact.</p> <p>14.2 Finalised EGP scheme to be screened for equality impact before implementation.</p>	<p>March 2014</p> <p>T.B.C.</p>

AREAS FOR IMPROVEMENT						
No.	Report reference	Recommendation	Status	Lead	Actions/ Milestones & Comments	Target date
15.	Para. 3.5	The withdrawal of charges in the Youth Courts is an issue which all relevant CJOs, and in particular the PPS, will wish to keep firmly in their focus in order to achieve efficiencies.	Accepted	PPS	<p>15.1 This recommendation will be taken forward by the Project Group and forms part of their forward work programme. (See timescales at 1.1 above.)</p> <ul style="list-style-type: none"> ▪ Youth Engagement ("YE") Clinic pilot scheme launched by DOJ – October 2012. ▪ YE Pilot to be evaluated – June 2013. ▪ PPS issued a staff instruction to remind prosecutors of the principles around withdrawal of charges in Youth Court cases – April 2013. 	March 2014
16.	Para. 3.12	The evidence of impact on early guilty pleas from early charging advice by prosecutors leads to the conclusion that this must not be left to PSNI 'gatekeepers' alone and Inspectors will want to see continuing and sustained improvement over time in the broad area of partnership between PSNI and PPS.	Accepted	PPS/ PSNI	<p>16.1 This recommendation will be taken forward by the Project Group and forms part of their forward work programme. (See timescales at 1.1 above.)</p> <p><u>Comment</u> Significant work has already been done in relation to this by a joint PPS / PSNI project group.</p>	March 2014

					PSNI is working with PPS to improve the quality of indictable files and initiate a formal system of escalating those cases that would obtain value from early PPS advice.	
17.	Para. 3.25	Inspectors encourage the PPS to consider secure e-mail facilities with legal representatives as an area for improvement. This could act to encourage the early service of evidence and early engagement.	Accepted in principle	PPS	<p>17.1 As it is anticipated that this would be a major project, further scoping work is required to establish timescales.</p> <ul style="list-style-type: none"> Project Group to consider next steps and consider production of scoping/ options paper. Progress review to be carried out by Project Group by October 2013. 	<p>August 2013</p> <p>October 2013</p>
18.	Para. 3.26	Early service of evidence (or summaries), early disclosure and early engagement with the defence need to be central features of encouraging early guilty pleas.	Accepted	DOJ	<p>18.1 This recommendation will be taken forward by the Project Group and forms part of their forward work programme. (See timescales at 1.1 above.)</p> <ul style="list-style-type: none"> Provision of early service of evidence and early engagement with defence agreed as priority areas by Project Group – Feb. 2013. Supporting reforms to enhance the availability of forensic evidence have been introduced or are planned e.g. presumptive field testing kits; use of rapid analysis; staged reporting. 	March 2014

					<ul style="list-style-type: none"> ▪ Engagement with Law Society and defence practitioners is ongoing. 	
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