

CRIMINAL JUSTICE IN THE WEST MIDLANDS A SHARED CRIMINAL JUSTICE NARRATIVE OVERVIEW

This paper seeks to express the shared vision and commitments of the agencies that comprise and support the criminal justice system. The Criminal Justice System (CJS) is a service to local communities that improves their safety and reduces the number of victims through deterring people from crime, catching and convicting them when they do commit crime, and rehabilitating offenders so that they are less likely to re-offend. Along with our colleagues from connected systems we will seek to understand the perceptions of local people about crime and offenders and shape both our direct actions and our communications strategy to address their concerns. The CJS recognises that in some cases the perception of risk and a measure of actual risk may not be consistent and that it is important to address perception through good quality, transparent communication with the local people that the CJS exists to serve.

All agencies agree that the effectiveness of the whole system depends upon the successful operation and integration of each of its parts and will, therefore, act in concert to support the best use of resources for all. Multi-Agency Public Protection Arrangements (MAPPA), Youth Offending Teams (YOTs), co-located Integrated Offender Management teams, and multi-agency gang crime units provide strong and established examples of these methods of working.

Agencies have both separate and shared responsibilities. For example, the Police investigate crime and charge offenders but also have a key role in managing offenders in the community. The Probation and Youth Offending Services not only rehabilitate offenders but also play a key role in enforcing the requirements of court orders and prison licences. The uniting principle of activity is our aim of ensuring that those individuals who pose a risk to other persons or to their property are deterred from crime and, if they choose to commit crime, are punished, constrained and supported to change their behaviour, to ensure that less people are subject to criminal behaviour in the future.

THE NARRATIVE

DATA SHARING

The Criminal Justice System bases activity on collected intelligence and data. Agencies assess the risk that offenders pose in terms of their likelihood of committing offences and the impact that offending will cause to victims and the public should it occur. Agencies are committed to sharing information and data, within the proper constraints of the Data Protection Act, in order to target our resources and reduce crime.

DETERRING PEOPLE FROM COMMITTING CRIME

The most effective way to reduce crime is, self-evidently, to deter people from committing it in the first place. Agencies work together, particularly with younger people, to ensure that criminal careers do not commence. Early

intervention with regard to anti-social and criminal attitudes and associations can be most effective in diverting and deterring young people from crime. Work in relation to gang cultures and networks presents an important example of this work but Youth Offending Teams and others work widely to ensure that as many people as possible are deterred from crime at an early stage.

PUBLIC PROTECTION

Public safety presents the overriding focus of the system and this poses a hierarchy of activity. It is essential that the system identifies those offenders whose behaviour is likely to cause immediate harm to others. It is not acceptable to allow those offenders to remain at large and it may be necessary to act with great speed to ensure public safety. At one level this commitment involves the support of counter-terrorism and other intelligence based policing. It is rarely possible to make the operation of this part of the system fully visible to the public, but all agencies are committed to countering extremism.

Alongside this activity the CJS is committed to the effective operation of the Multi Agency Public Protection Arrangements (MAPPA) which facilitates the coordination of activity with regard to offenders who pose an immediate risk to others. To work effectively MAPPA must have confidence that all hard data and softer information on offenders is appropriately shared and all agencies are committed to providing this information in an accurate and timely way. Where there appears to be a risk of immediate danger the balance of rights between the offender and society shifts and decisions will be taken on the basis that prevention of such danger is imperative. In order to protect the rights of individuals the CJS is committed to sharing information through formal protocols that give visibility to the principles that inform practice.

GANG CRIME

A small proportion of crime is linked to the activity of groups of offenders who class themselves as members of gangs. The dynamics of gang crime increases the risk of physical harm and requires a particular response. The CJS is committed to working together and with others to ensure that the response to gang crime is appropriate and proportionate to the harm that it poses. It is recognised that the prevention agenda is key here as well, and many more young people need to receive advice, guidance and diversion from the attractions of gang activity.

PROLIFIC OFFENDING

It is well known that a comparatively small number of offenders perpetrate a significant proportion of crime. Often rooted in acquisitive crime to support substance misuse, this crime poses less immediate danger to others but a very high impact on victims and on society as a whole. It is an inevitable fact that the CJS needs to prioritise the use of resources, all the more so given the pressures that exist on public spending, and in this context these prolific offenders will be a key priority. The CJS will lead a response to prolific offenders that seeks to galvanise activity across a wide range of agencies. Recognising that prolific offending is usually linked to social issues, including

accommodation, employment, education, addiction and health, the CJS will act through the integrated management of offenders along with social care, health and other agencies. The CJS will seek to balance the need to catch and convict persistent offenders with the longer-term goal of reducing their likelihood of committing offences in the future. The CJS will act in recognition of the fact that convicting a persistent offender without at the same time addressing the social issues that underpin their offending is unlikely to reduce crime in the longer term. The CJS will base this integrated response to persistent crime on the personal responsibility of the offender and will put in place those mechanisms that are most likely to support an offender's motivation to change.

RESTORATIVE JUSTICE

Restorative justice which has been developed and matured in approach in a number of contexts, not least through the YOTs over the last ten years. Restorative justice provides a challenge to the offender but also gives the victim an important opportunity to resolve feelings that crime has engendered. Restorative Justice will be a key developmental priority for the Criminal Justice System in the future.

ANTI-SOCIAL BEHAVIOUR

The CJS recognises that communities are concerned about behaviour that may not involve more serious offences but, collectively, increases a sense of vulnerability within neighbourhoods. The agencies are committed to working with others, and especially with Community Safety Partnerships to reassure communities that such behaviour is being addressed, whether through formal action within the CJS or by other means. YOTs have a key role in their links with Antisocial Behaviour Units with a view to diverting and enforcing measures against those who make others' lives miserable.

THE SENTENCE OF THE COURT

The CJS operates on the basis that there is a fundamental principle of judicial independence. It is never right that a decision made by a court is improperly influenced by an individual or a delivery agency. At the same time good sentencing is based on access to the full range of appropriate information and the CJS is committed to ensuring that such information is made available accurately and in a timely way. Once legal sentence is passed, the CJS holds the responsibility to ensure that the sentence is carried out as intended by the court. Where restriction of liberty is included in the sentence, either by way of a period in custody or through the restrictions of a community sentence, the CJS will implement the restrictions rigorously and fairly. Whilst the offender is subject to restrictions the CJS will ensure that they are treated with dignity and, wherever possible, encouraged to use the period of restriction to address their risk of re-offending. It is recognised that there is an obligation at all times to share Safeguarding and Risk information between agencies particularly in respect of children who are incarcerated. Should offenders fail to abide by the conditions laid down within a sentence, enforcement action will be taken as appropriate to the condition and the legal framework, but where enforcement includes the arrest of the offender the agencies will work together to ensure that this is effected swiftly and effectively.