

## **SPJ speech to the CCIG conference 26<sup>th</sup> February 2026: Guildhall**

### **Introduction**

1. Everything that the Lady Chief Justice has referred to assumes that the multiple actors who make up the criminal justice system are stronger together than individually. This is a key premise behind the reports of Sir Brian Leveson. It reflects the vision of the Deputy Prime Minister as articulated earlier this week, and I know it is a theme that Minister Sackman will refer to today.
2. If the CCIG did not exist it would have to be invented. Today's conference reflects that reality.
3. I would like to identify some issues, principles and themes which, I believe, characterise system-wide reform and I suggest them as issues for debate and discussion today. First, the imperative need for collective action. Secondly, the need to strive for greater connectivity between the operational and the policy. Thirdly, the imperative need to embrace and harness technology. And finally, the need to maintain momentum.

### **The need for a system wide perspective**

4. My first theme concerns the imperative need for collective action.
5. A silo-based approach to operations masks inefficiency and spreads costs. Let me illustrate this by reference to the allegory of the happy judge. When that paragon clicks the judicial finger, police officers, defendants, victims and experts walk into court at a time convenient to the court, and perform their allotted role, and then leave. At the end of the day the judge departs with a contented sigh. Yet, behind the court door, stand or sit police officers, victims, witnesses, experts and others who might have disrupted their lives to be physically present and who might have waited around for hours or even days to enter the arena. The cost of this in human and professional terms may be very great.

The judge may be serene but no one else is. My example could of course be replicated many times across the whole of the system.

6. The benefits of joint action were certainly from my experience, demonstrated during the riots following the Southport stabbings between 29<sup>th</sup> July and 7<sup>th</sup> August 2024. During those few weeks the entire system worked closely together. We had to balance two opposing objectives: bringing the riots to an end but controlling demand into custody because of the dilemma facing the prisons in terms of cell vacancies. Within hours of the riots, arrests were made. Bodycam and CCTV footage was processed and made available to defendants' legal representatives. Charges were laid. Defendants were brought before the magistrates, sometimes over video links from police stations and sometimes in person. There were many remands into custody. Routinely defendants were sent to the Crown Court. Judges found time within already full schedules to list cases for pleas and for sentence. A number of sentencing exercises were televised and were watched across the country. Many defendants received custodial sentences imposed within days of the offending. The rioting ceased. But as each day passed cell capacity dwindled and we headed towards crisis point.
7. On Tuesday 27<sup>th</sup> August 2024 at 9 AM, and there are people in this room who will remember that call, leaders from across the system met on Teams. The previous bank holiday weekend had seen the Notting Hill Carnival and the Leeds and Reading festivals, and many arrests. This was the pinch point. If we survived that day, we knew that prison vacancies would increase over the next week. At one minute past nine we learnt that we were close to capacity. Had we reached capacity, we would have been forced to contemplate the temporary closure of magistrates' courts, in which case the police would have been unable to bring defendants to court within the required time limit and the justice system risked coming to a halt.

8. We had survived, by a filament dangling by a thread from the skin of our teeth. We survived because, *collectively*, over the preceding days, over Teams, decisions were made which balanced the need for swift justice with the regulation of remands into custody.
9. Over the past 18 months we have moved on. The Criminal Courts Improvement Group has built upon the seminal work of my predecessor, Lord Justice Andrew Edis. We have created a governance structure for our joint work. We have brought the magistrates into the fold. We have now initiated six cross-system working groups who have made remarkable progress in a short period of time.
10. Operational efficiency must therefore be viewed by reference to the system as a whole, and not from the perspective of the inhabitants of each silo.

**Greater connectivity between the operational and the policy**

11. My second theme concerns the relationship between the operational and policy.
12. The CCIG – us – works upon the basis of consensus and a shared sense of mission. The Ministry of Justice, the Home Office and the Attorney General’s Office all participate in the CCIG so we have built in connectivity. But I think we need to give thought as to how to strengthen the links between the operational and the policy.
13. We all work under discrete legislative and constitutional principles of impartiality and independence which are key to preservation of the rule of law. I do not believe that stronger links could prejudice those fundamental guarantees.
14. I think we need to think about the following:
  - How to create an effective early warning mechanism to Government of emerging system problems.

- How to disseminate system-wide information, which could facilitate more rounded policy decisions thereby minimising the risk of adverse, unforeseen, consequences.
- How to ensure that there is a more unified system for determining funding questions which would enable decisions about investment to be identified early and addressed in a cross-departmental manner, focusing upon the system not the silo.
- And how generally to increase transparency about our joint work within and across Government which should help eliminate overlaps or duplication of work streams.

### **Technology**

15. Next, technology. It must be embraced and harnessed. We all increasingly using and experimenting with digitisation and AI. But if we are to create a more unified system we must start to connect our work together. The CCIG working group on AI, chaired by Mr Justice Jeremy Johnson, is setting up a sub-group on linking together the CJS using AI. There are many ways in which this might be done. Connecting different systems does not necessarily require the same technology or harmonised data sets, or even the same AI. It might simply require a single agreed way of instructing AI to organise evidence and files. Without prejudging in any way the future work of the new group, which will bring together real expertise from across the justice system, let me describe what one model might look like.

16. It could start by analysing an initial crime report. It could then identify potential criminal offences which might be investigated, together with what would need to be proved to establish each ingredient of the offence, and what defences might be available. It might also assist in identifying further lines of enquiry. It would have access

to the evidence that had been uploaded to a digital system including CCTV, body worn video, mobile phone downloads, and other non-digital evidence such as witness statements. It could then create a narrative or summary of the evidence, for instance by creating a chronology or timeline of relevant events. By summarising individual strands of evidence – whether digital or otherwise – and correlating them with each other to identify links between defendants, witnesses and events in the timeline, it could schedule unused material with concise and accurate summaries. AI might also create a composite digital file organised by reference to the charges with appropriate redactions and with PII dealt with. That file, along with the case summary, could be sent to the defendant as disclosure.

17. There must of course be strong in-built safeguards of verifiability and accountability so that – as the file and case summary passes from police to CPS, and from CPS to defendant and Court – all can be confident in its accuracy and all can check, test and verify.

18. There are, it seems to me, many potential advantages:

- The system could analyse the charges that best fit the evidence.
- It could indicate when the evidence collected was sufficient to prosecute in the light of the statutory definition or whether it contained gaps.
- It could promote and ensure consistency across all agencies.
- It would enable the CPS, defence lawyers and courts to have greater confidence that when they received a file it is complete.
- It would ensure rights of defence because the file and evidence could be verified and searched.

19. Such a system could, it follows, save human resources, reduce the incidence of incomplete and inadequate files, reduce the burden on the CPS, provide an early

exposition of the Crown case and disclosure to defendants thereby encouraging early engagement and, in the court, reduce case management burdens and improve speedy decision making.

20. We must though be very clear that AI is a tool which enhances fair, timely and impartial law enforcement. AI does not decide cases. Nor does it make decisions about arrest or the decision to prosecute. Rather, its role will be to provide human decision makers with the information they need to make those decisions more accurately and efficiently.

### **Maintaining momentum**

21. Finally, last but not least, as Sir Brian observed in both his first and second reports, the system is under immense stress. Backlogs increase. Among victims there is a very high attrition rate because their cases take so long to come to court. Justice delayed is justice denied. We therefore simply do not have the luxury of time. So how do we maintain momentum? Can I end my observations with a few points on this.
22. First, our ethos has to be a relentless pursuit of progress. We must seek as many small improvements as we can. But we must also identify and pursue medium- and long-term change.
23. Secondly, the reform challenge confronting us is enormous and change carries risk. I think we need to have a better understanding of the risk profile of the system as a whole so that, as we trial new ideas and techniques, we can understand the consequences of both success and failure. Risk is variable across the system. We need to identify those points where the risk to justice of a pilot that fails is at its highest and calibrate accordingly. But, equally, armed with a better understanding of how the system operates, we need to be robust in accepting a degree of risk. When something does not work, we should embrace that failure and treat it as a learning experience for the future, not a cause for recrimination. I suspect we need to coin a new phrase. The old model of

a “*pilot*” implies a small-scale experiment followed by delays whilst results are digested, followed by more trialling, often then with national implementation deferred. We need to find a new way of trialling and evaluating which is more accurate.

24. Thirdly, data. My experience is that we have good data but: it is not complete; does not always address the matters we need to focus upon as we drive reform; and there are different metrics in use across the criminal justice system. I think we would all accept the need to be data-driven and evidence based. We need our analysts to combine to exchange materials, ideas, econometric techniques and insights. We need advice on the optimal data metrics to use. Data must enable us, effectively, to test the costs and the benefits of our proposals and recommendations, and help us to determine what works and what does not work.
25. To end – transparency. We must be candid about the problems we face. We are all, to one degree or another, resource constrained. That is the way of the world. By transparent identification of our weaknesses we, as a single system, can begin to address them.

### **Conclusion**

26. To conclude, my aim has been to identify themes and issues of an operational nature which I hope will resonate. Our important discussions today will, I am sure, provide the clarity of vision and impetus we now need to take forward.
27. My comments, I hope, also provide a platform for what is to follow. So much of the impetus for change has arisen from the two reports of Sir Brian Leveson, produced in a fraction over a year. Quite an astonishing achievement. He has brought to this analysis a lifetime of experience at the operational level, in and around the courts.

28. When I was in the High Court, he was my head of Division. I now hold the position, as SPJ, that he once did. It is therefore with a very real personal sense of pleasure that I cede the stage to Sir Brian. Thank you.