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Liaison between the Police and the Magistrates Courts

1. The nature of the relationship between the police and the magistracy has varied considerably over the centuries. Until relatively recently the closeness of the relationship was exemplified by the role of the magistracy in reading the Riot Act and by the nomenclature of the courts where magistrates sat.
2. Probably as a reaction against the nature of this relationship, advice was given that the necessity of maintaining the independence of the judiciary (and the appearance of independence) was such that it resulted in some areas contact between the police and the magistracy being reduced to nothing more than an occasional training event or contact on formal local occasions.
3. The maintenance of the independence of the judiciary is not assisted by a lack of contact. It is necessary, particularly after the constitutional reforms, for the whole of the judiciary (including the magistracy) to engage appropriately. It was therefore thought necessary to issue some general guidance on engagement with the police forces of England and Wales and to encourage greater dialogue, communication and engagement.
4. It is a cardinal principle that members of the judiciary must act in such a way that their impartiality and independence are clear to all. The clearest illustration of the principle is that particular cases are dealt with in the presence of both parties and there are no unilateral communications with one of the parties, save in the well recognised exceptions.
5. However, the proper operation of our system of criminal justice necessitates an appropriate dialogue, communication and engagement. There are three principle areas where this is essential.
6. This guidance primarily covers the Magistrates Courts, but the principles are equally applicable to the Crown Court, where it

should be the case that the Chief Officers of Police meet periodically with the Resident Judge of the Court(s) within their Areas.

(1) Matters relating to the running of the Court

7. *Provision of information to assist the proper running of the court*
 - a. Planning the way in which the court is to be run and listing policy is settled requires knowledge of police activity in the community. The volume of business before the court is affected by, for example, the employment of more police officers, a rise in the detection rate, prevalence of or action against particular types of crime or a greater use of cautions.
 - b. Information about this should be directly communicated by the police and CPS to those responsible for court resources and setting listing policy, including the judiciary (judges and magistrates)
8. *The efficient operation of the pre-trial and the court process*
 - a. Although it is essential that in particular cases, the police, CPS and the court act independently, there is an interdependence in ensuring that systems and procedure works efficiently.
 - b. Although the Criminal Procedure Rules Committee determines the overall procedural framework and rules, practices on the ground may differ from area to area. It is essential that there is a common understanding of the operation of the procedure and processes. For example, no one should waste time on a process or providing information that is unnecessary, but which might be believed to be necessary by one of those involved, but which is in fact not considered necessary by the others.
9. *Dealing with issues and problems*
 - a. There are inevitably always going to be problems which arise out of the day to day business of the courts. The effective, cracked and ineffective trial forms set out the explanation of why a hearing has been ineffective or has cracked or why unnecessary witnesses have been called.
 - b. It is essential to discuss the lessons to be learnt from sources such as this to prevent such problems occurring in the future.

(2) Knowledge of the issues facing local communities

10. Magistrates and judges are members of local communities and so will have a general understanding of many of the issues that a local community considers important.

11. However there may be issues where the full impact is not clear and there may not always be a perception that the judiciary (judges and magistrates) understand local issues.
12. Attendance at Crime and Disorder Reduction Partnerships on the terms of the letter written by the Lord Chief Justice and Lord Chancellor in March 2005 (as annexed) or the establishment of a community reference panel are two of the ways of achieving this.
13. Another means of achieving this is to arrange regular meetings between the bench chairman, Justices Clerk and the Designated District Judge and the Police BCU Commander. Specific issues that might be covered include, in addition to the issues set out elsewhere in this paper,:
 - a. *Levels of crime and disorder*
An analysis of recorded crime, by principle crime type, including comments about prevailing crime trends.
 - b. *Community Issues*
A short commentary about the work of the Community Crime Reduction Safety Partnerships and work being undertaken within individual communities to reduce crime and improve the number of offences brought to justice.
14. No specific cases that have been decided by the courts or which are before the courts or likely to come before the courts should be discussed.
15. The participation of the police and other agencies alongside magistrates making presentations as part of the Magistrates in the Community scheme is another means of improving communications with the community; Magistrates involved may seek advice from the Magistrates' Association as to what is, or is not, appropriate.

(3) Training issues

16. It has always been common practice for practitioners in the criminal justice agencies and members of the judiciary to speak at each other's training events from time to time either for the purpose of explaining general matters or dealing with particular issues, as it is essential that procedures and practices are well understood. The JSB gives guidance on the way in which training for the judiciary is conducted.
17. The police attend court much less now than they did in the past and younger officers do not have the experience of prosecuting cases

that provided them with such an in depth knowledge of court procedure.

18. It is important therefore that there are discussions as to the best way in which the magistracy can help in giving police officers a better knowledge and understanding of court procedure; guidance should be given locally after discussion between the Chairman of the Bench, the Designated District Judge, the Justices Clerk and the Magistrates Liaison Judge. Court visits for probationary and recently qualified officers and talks by legal advisers, magistrates and judges are entirely appropriate. However there is a clear line between training and what might appear to be the coaching of witnesses; the latter is not permissible.
19. The practice in some areas of Magistrates swearing in cadets is to be welcomed.

Conclusion

20. The courts and the prosecuting agencies each have their separate and independent role to play. It is important for the fair and effective administration of justice that each maintains its independence, but that each develops an understanding of the other's goals, processes and procedures. This understanding and respect can be achieved through the encouragement of better communication and liaison.