

Appendix - Criminal Justice Council - Action Plan 2021/22

It is noted that to date neither the Governor, nor the Chief Justice have called upon the Council to give advice on any matters. The action plan for 2021/22 therefore focusses on the review and development of the criminal justice system in the Falkland Islands, having regard to ;

- (i) Meeting the needs of victims and the public; and
- (ii) Developing and making policy recommendations in accordance with the aims set out in section 776 of the 2014 Ordinance.

Area of work	Resources required	Financial Implications	Risk and benefits Analysis	Link with the Council's Aims & Objectives	Comment
Acting via the Sentencing Guidelines Committee, to develop sentencing guidelines for use in the criminal courts of the Falkland Islands.	The Council and Committee will rely on the time and assistance of the Members of the Council, together with support provided by the Courts Service, and others in the Falkland Islands Government, within current budgets.	No direct implications, as matters will be progressed within existing approved budgets – no specific funding will be requested by the Council at this time	There are risks that, in the absence of locally agreed sentencing guidelines, that there could be: <ul style="list-style-type: none"> • an inconsistency in approach to sentencing • reliance on having regard to guidelines issued in England & Wales, which were made without regard to circumstances in 	Sentencing Guidelines are a key part of achieving the aims of the Council under section 776.	The Annual Report for 2021 explains the decisions made by Council via the Committee to put in place an overarching Sentencing Guideline for the Falkland Islands and continue to rely on the England and Wales individual guidelines for offences. Action will be taken in 2021 to complete the introduction of

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			<p>the Falkland Islands</p> <ul style="list-style-type: none"> Lack of proper regard to the relative cost and effectiveness here of particular sentences in preventing re-offending 		<p>the overarching Sentencing Guideline and to provide for an annual review, and monitoring.</p>
<p>Review the Criminal Procedure Rules, picking up any issues identified in preparation of the rules, and any matters arising in practice</p>	<p>The Council will rely on the time and assistance of the Members of the Council, together with support provided by the Courts Service feedback from Legal Practitioners and others</p>	<p>No direct implications, as matters will be progressed within existing approved budgets – no specific funding will be requested by the Council at this time</p>	<p>The main work having been done to put in place the Criminal Procedure Rules, the risks and benefits of further review are likely to be minimal.</p>	<p>The key aim of the Council is to make the criminal justice system more effective and efficient. There is a statutory obligation to develop Criminal Procedure Rules, and it is important that they are kept up to date and appropriate changes made in light of their use in practice.</p>	<p>The drafting of amendments is a rolling programme undertaken by Crown Counsel (Prosecution) There are no amendments awaiting approval by the Chief Justice in January 2021 but it is likely that amendments will be presented for approval during 2021/22</p>

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<p>Develop guidelines for the Advisory Committee on Prerogative of Mercy and the Governor in respect of the exercise of the discretion conferred by section 71 of the Constitution</p>	<p>The Council and Committee will rely on the time and assistance of the Members of the Council, together with support provided by the Courts Service, and others in the Falkland Islands Government, within current budgets.</p>	<p>No direct implications, as matters will be progressed within existing approved budgets – no specific funding will be requested by the Council at this time</p>	<p>Whilst it might seem unlikely that many matters will be brought before the Committee, and that risks regarding the lack of guidance might be considered to be minimal, the impact could be significant, as the Committee will need to determine the matter in isolation, and without the benefit of guidance.</p>	<p>Development of guidelines is a statutory requirement under section 779 of the 2014 Ordinance.</p>	<p>No progress has been made in drafting the Guidelines primarily because of the need to review legislation to ensure new guidelines are not in conflict and can be drafted with other guidelines that may be necessary. The Council will continue to monitor.</p>
<p>Determine what information is required to enable the Council to review performance and consider whether reforms are having the desired effect, and recommend what further changes are necessary. Determine how the</p>	<p>The Council and Committee will rely on the time and assistance of the Members of the Council, together with support provided by the Courts Service, and others in the Falkland Islands Government, within current budgets.</p>	<p>No direct implications, as matters will be progressed within existing approved budgets – no specific funding will be requested by the Council at this time</p>	<p>There is a risk that without reviewing appropriate performance data, that the work of the Council will not focus on matters which could have the biggest impact on the furtherance of the aims of the Council.</p>	<p>The Council's aims include maintaining an overview of the working of the criminal justice system in the Falkland Islands, and it has the power to review performance.</p>	<p>It is suggested that the following information might be requested:</p> <ol style="list-style-type: none"> 1. Any feedback from legal practitioners or other court users in relation to the operation of the Criminal Procedure Rules 2. Such baseline

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<p>information is to be provided in terms of format and frequency.</p>					<p>data (TBC) as might be available in respect of crimes committed in recent years</p> <p>3. Regular Statistical information regarding convictions including: Crime, Sentence Previous convictions.</p> <p>4. It would perhaps be efficient to consider the monitoring required by the Sentencing Guidelines Committee, so that a single set of information is produced.</p>

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<p>Consider how to ensure that the CJC and SGC are resilient and able to achieve statutory objectives, despite changing membership</p>	<p>The Council and Committee will rely on the time and assistance of the Members of the Council, together with support provided by the Courts Service, and others in the Falkland Islands Government, within current budgets.</p>	<p>No direct implications, as matters will be progressed within existing approved budgets – no specific funding will be requested by the Council at this time</p>	<p>The benefit is to have a criminal Justice Council that continues to carry out its statutory obligations. There is no risk</p>	<p>The Criminal Justice council needs to continue to function despite positions on the Council not being filled in order to achieve its aims and objectives.</p>	<p>The aims and objectives of the council should be reviewed to ensure that the CJC continues to be relevant and required. An examination of its purpose will enable a decision as to the need for the Council to be resilient</p>