
Bringing Offenders to Justice

Final Report

December 2002



**METROPOLITAN
POLICE**

Working for a safer London

EXECUTIVE SUMMARY

Introduction

This report is the culmination of the 'Bringing Offenders to Justice' (BOTJ) Best Value Review (the Review), which was commissioned by the Metropolitan Police Authority (MPA) in September 2001.

The aims of the Review were to: -

- identify where improvements can be made in the level of service provided by the Metropolitan Police Service (MPS) to victims and witnesses;
- identify where police performance in respect of offenders can be improved to reduce crime and disorder and improve public/community confidence;
- identify where improvements in police performance can be effected by the activities of partner agencies in the criminal justice system (CJS) and liaise with those agencies accordingly.

In order to achieve these aims, the Review sought to: -

- identify, on the basis of evidence, what processes are currently used in the custody suite and the criminal justice unit (CJU), which support the aim;
- identify the level and scope of services presently provided;
- identify which services need to be reviewed to improve, and why;
- identify best practice and opportunities for continuous improvement that will improve the efficiency and effectiveness of the appropriate services;
- identify the benefits to be realised through changes, supported by evidence;
- make recommendations based upon evidence to change to improve;
- identify and cost the implications of the change required;
- develop joint performance measures and targets using corporate information technology;
- develop service specific and joint performance measures and targets.

Scope of the Review and methodology employed

During the initial stage of the Review a broad assessment of the effectiveness of MPS processes for bringing offenders to justice was made in order to identify those aspects that required a more in-depth examination. Information from a number of sources was used to make this judgement. These included an assessment of completed and ongoing initiatives relating to criminal justice, an assessment using the European Foundation for Quality

Management (EFQM) Excellence Model, consultation with stakeholders representing a variety of organisations involved in the CJS, and input from the Independent Challenge Panel (ICP) set up to support the Review.

As a result of this analysis, it was agreed that the scope of the Review would comprise the following four strands: -

- case file preparation (including committal files);
- victims and witnesses;
- investigative bail – Bailing To Return (BTR);
- warrants.

The Review has utilised the ‘Best Value’ improvement principles of consult, compare, challenge and compete and has used project management techniques to meet the specific requirements of the Local Government Act 1999. An ICP has met regularly throughout the Review and has been extremely valuable in ensuring the rigour of its methodology, challenging existing thinking about how this service is delivered and encouraging innovative solutions to be pursued.

Criminal justice performance is not solely influenced by police activity and the outcome is often either partially or directly attributable to other agencies. For these reasons, and to ensure that the Review was able to assess accurately the impact of these interdependencies, the active participation of the Crown Prosecution Service (CPS) and the Greater London Magistrate’s Courts Authority (GLMCA) was secured both through involvement in working groups and on the Project Board. Extensive consultation has also taken place throughout the Review with a range of internal and external stakeholders. This activity has allowed the Review to develop a full understanding of the problems associated with the current service and enabled the proposed improvements to be ‘tested out’.

The Review has used a range of comparison techniques to help identify where improvements are required and how they could be achieved. It has had to work around the limitations of the existing performance measurement regime, but has identified acknowledged good practice from other forces and examined how this could be introduced into the MPS. Throughout the Review, the potential for exposing aspects of the service to competition has been explored and this is reflected in the recommendations.

The principles of ‘Best Value’ have guided the process of review with a focus on identifying changes that will deliver improvements in the system. Given that 90% of all cases are dealt with in the Magistrate’s Courts, the Review has primarily focused on the procedures that affect their work. Its guiding aims have been to ensure that offenders are brought to justice and an improved service is provided to victims and witnesses.

Vision for the future

The following section provides a generalised description of the current processes for bringing offenders to justice based on the findings of the Review. It also describes the vision for the future that would be achieved if all

the Review's recommendations were implemented. The contribution that individual recommendations make to the vision is indicated. The recommendations are described in more detail on page v.

| Current Situation | Vision for the Future |
|--|---|
| <p>Accused brought into custody and charged. Police officers are undertaking custody and gaoler roles. These are primarily administrative functions.</p> | <p>Accused brought into custody and charged. Custody sergeants responsible for management of custody suite. Enhanced gaoler role undertaken by civilian custody detention officers. (Rec. 1)</p> |
| <p>Investigative bail used in some instances for further investigative work to be undertaken. Little managerial ownership of this process. Some evidence of cases being 'forgotten'.</p> | <p>Bail to return (BTR) process improved by restricting practice to minimum, increasing authority levels, monitoring compliance and placing responsibility with enhanced prisoner processing teams - see below. (Rec. 4)</p> |
| <p>Initial case file prepared by officer in case. Evidence indicates that many files are of poor quality and do not contain all the information required to proceed. Errors are not identified or rectified until later in the process (may then be too late). Variety of case file formats being used across the MPS.</p> | <p>Building on the introduction of prisoner processing teams (PPTs) in boroughs (policing model), enhance PPTs to include responsibility for preparing case files and providing victim and witness care. Leads to higher quality case files (right first time), process maximises intelligence, improves victim and witness care. (Recs. 2 and 3)</p> <p>Standard case file format used across the MPS building on existing good practice. (Rec. 7)</p> |
| <p>CPS lawyer attends police station the day before court appearance and assesses quality of case file. The lawyer may identify that further evidence is required, or charge is inappropriate etc.</p> | <p>Introduce CPS at point of charge to ensure that expert advice is available as early as possible. (Rec. 5)</p> |
| <p>Often there is insufficient time between charge and first court appearance (2 days) to prepare case adequately – leading to CPS rushing to adjourn.</p> | <p>Adopt more flexible approach to setting some court dates to allow appropriate time for case to be prepared. (Rec. 6)</p> |

Current Situation

Cases pass between police CJU and CPS repeatedly, creating delays and risk of errors, confusion over roles and poor service for victims and witnesses.

Warrants issued for non-attendance at court - many currently outstanding.

Performance management regime poor. Police, CPS and courts all use different performance indicators. There are no measures of the overall success of the process; the police, for example, focus on judicial disposals.

CPS lawyers communicate to officers in the case, via CJUs by the use of faxes and memos sent by internal despatch. This is time consuming leading to delays and ultimately case failures.

Vision for the Future

Improvement to initial case file will reduce work required subsequently in the process, freeing up CJU resources that can be used to build in quality at the outset.

Move towards the creation of a single prosecution unit. **(Rec. 8)**

Introduce monitoring systems to ensure that warrants are followed up. Action required to reduce the backlog, by contracting out trace/locate function. **(Rec. 10)**

Improvement to the performance management regime required. Performance indicators used by police based on court outcomes. **(Rec. 11)**

Establish secure e-mail links between the two organisations to ensure an improved service creating an audit trail for communications. **(Rec. 12)**

Achieving the vision through the implementation of these recommendations will be the responsibility of the Criminal Justice Command. **(Rec. 9)**

This vision is founded upon the ethos of 'front ending' the system to ensure the submission of a quality set of case papers, thus enabling our CPS partners to prosecute effectively cases from the outset. This will, in turn, minimise the requests received from defence lawyers by providing them with sufficient information and build on the principle of 'getting it right first time'.

The main beneficiaries of this vision would, ultimately, be the general public who are the major participants in the system as victims or witnesses.

The recommendations made by the Review form a model which, when taken in its entirety, provides a system which is more streamlined and addresses many of the issues that are currently causing much delay and case failure.

Recommendations

The recommendations arising from the Review including their rationale and the benefits that the changes are expected to deliver are described below.

1. The Review identified that the administrative burden placed on custody sergeants reduced their ability to review evidence and establish the most appropriate charge. **It recommends the introduction of custody detention officers, performing an enhanced gaoler role**, to take away the administrative burden from police officers and achieve approximately £3.6m per annum in non-cashable savings.
2. Existing methods of processing prisoners through custody suites do not maximise the intelligence opportunities, support the conduct of a thorough professional investigation or deliver high quality initial case files. This is a complex area and front-line officers have not necessarily received sufficient training to perform this function proficiently. **It is recommended that enhanced prisoner processing teams (PPTs) are introduced on boroughs, consisting of police officers and civil staff with responsibility for the preparation of quality case files and providing victim and witness care.** This investment at the start of the process will increase the quality of case files, reduce wasted effort later in the process through re-work, reduce attrition rates and provide an improved service to victims and witnesses.
3. The Review and other research have highlighted the problems experienced by many victims and witnesses entering the CJS. **The Review recommends improvements to victim and witness support by giving responsibility for victim and witness care to the enhanced PPTs.** This will include providing all victims and witnesses with a named contact point within PPTs and will be undertaken in conjunction with the implementation of the Crime Management Best Value Review (CMBVR). Overall, this will deliver an enhanced service that will reduce attrition rates by improving the attendance rates of victims and witnesses at court.
4. The Review has highlighted insufficient supervisory and performance management associated with investigative bail. **It recommends restrictions on the use of investigative bail and the introduction of monitoring mechanisms.** Supervision of this process will rest with PPTs. This will reduce the number of failed cases caused by weaknesses in the bail procedures.
5. The Review has identified that the legal review of the evidence is conducted only after an expensive process has begun, effort that is wasted if the case is then discontinued. **The Review therefore recommends the introduction of the CPS at the point of charge** to bring in expert advice earlier in order to establish the most appropriate charge at the outset, increase the efficiency of the process and reduce attrition rates.
6. The present system of bailing defendants to fixed dates has been found to be inflexible and mechanical resulting in cases appearing at court where no progress can be made, and only an adjournment granted. **It is recommended that the flexibility for 'Narey' court dates be increased where bail is extended to allow better case preparation.** This will

reduce the number of ineffective hearings and avoidable adjournments, reduce attrition rates and generate increased efficiencies.

7. **The Review recommends the introduction of an MPS corporate initial case file and contents.** A standardised approach will enhance the quality of case files, increasing the overall efficiency of the CJS and reducing the confusion created by the many different approaches that are in operation across the MPS.
8. The current structure with a police CJU acting as an intermediary between the officer in the case, the CPS lawyer and CPS support staff is bureaucratic, inefficient and contributes to delays and ultimately to case failure. **It is recommended that a single prosecutions unit is created that integrates police and CPS units.** Ownership for prosecution clearly rests with the CPS, but with police processes improved through the introduction of PPTs higher quality case files will be delivered. This change will increase the efficiency and effectiveness of case management, delivering a streamlined process that will increase the number of offenders brought to justice.
9. The critical role of CJUs has been neglected, especially as they provide a function that occurs after a Judicial Disposal (JD) has been achieved. **The Review recommends the creation of a central command unit for criminal justice** to optimise policy in relation to operational matters and deliver best practice across the organisation. *(Achieved already)*
10. The Review has identified a large number of warrants outstanding for non-attendance at court. **It therefore recommends the introduction of systems to ensure compliance with the execution and administration of warrants.** This will lead to an increase in the number of offenders apprehended and brought to justice with an improved service to victims and witnesses.
11. The Review identified that police performance measurement systems are not focused on the success of a prosecution but whether a JD has been achieved. **It is recommended that there is a move away from a sole emphasis on JD performance indicators to measures based on court outcomes.** This will help to focus on and measure attrition rates and other benefits arising from these recommendations.
12. Inadequate communication links between the police and the CPS have severely hampered the operation of the CJS. **The Review recommends the introduction of e-mail links between police CJUs and the CPS** to improve the effectiveness of criminal justice processes, reduce case failures and provide an improved service to victims and witnesses. This builds on a pilot initiative and funding for implementing these links has already been earmarked.

Principle benefits of the change

The Review's findings and subsequent recommendations point to three principal areas where the MPS can achieve significant improvements in the CJS: -

- a. **Attrition:** - That is, the number of cases that are not taken to a conclusion because of avoidable failure at court, ineffective use of investigative bail or ineffective pursuit of warrants;
- b. **The efficiency of criminal justice processes from charge to court appearance:** - Apart from avoiding the cost of failure, significant process improvements are available through a range of unilateral and partnership improvements;
- c. **Service to victims and witnesses:** - While improvements in a. and b. will bring more cases to a successful conclusion and enhance victim and witness confidence, the MPS can ensure that its role as gatekeeper to the CJS serves victims and witnesses more effectively.

Taken together the recommendations have the potential to create a 'virtuous circle' whereby improving the services to victims and witnesses encourages them not to withdraw from the CJS and so reduces one of the major causes of attrition (failure to appear at court) - reduced attrition in turn encourages victim and witness participation.

Targets could be set for these benefits, but the current lack of reliable baseline measures prevents these from being constructed at present. Recommendation 11 specifically deals with the issue of developing performance indicators. The improvement plan envisages that these could be in place for April 2003.

Implementation arrangements

The improvement plan arising from this Review describes the key activities that are required to implement the changes, the timescales for implementation and the benefits that each change is expected to deliver. Inevitably, changes of this magnitude will take some time to implement fully although many improvements can be delivered in the short term.

The recommendations, overall, are largely self-funding. The case has been built on the rationale that putting increased resources into PPTs (both police officers and civil staff) will deliver initial case files of an appropriate quality, reducing the work and wasted effort that currently takes place later in the process and so freeing up some of the resources that are currently employed in CJUs. Achieving the vision will incur additional revenue costs of £15.8m, although it is expected to deliver non-cashable savings of £18.3m and cashable savings of £1.2m.

Converting some police posts in custody suites into dedicated civilian custody detention officers will generate savings, although the creation of additional civil staff posts is unlikely to be achievable in the short term due to the need to focus staff resources on increasing police numbers. Implementation arrangements for this Review will need to examine how these changes can be

achieved, perhaps by adopting a phased rollout, commencing with boroughs that are closest to the vision or would be able to achieve the changes within their existing budgets.

Implementation of these recommendations will be the responsibility of the new Criminal Justice Command. Work is currently being undertaken by external consultants to explore in more detail how these recommendations can be delivered as well as addressing other issues identified in the main report.

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1 AIMS OF THE REVIEW

The aims of the Review were to: -

- identify where improvements can be made in the level of service provided by the Metropolitan Police Service (MPS) to victims and witnesses;
- identify where police performance in respect of offenders can be improved to reduce crime and disorder and improve public/community confidence;
- identify where improvements in police performance can be effected by the activities of partner agencies in the criminal justice system and liaise with those agencies accordingly.

In order to achieve these aims, the Review sought to: -

- identify, on the basis of evidence, what processes are currently used in the custody suite and the CJU, which support the vision;
- identify the level and scope of services presently provided;
- Identify which services need to be reviewed to improve, and why;
- identify best practice and opportunities for continuous improvement that will improve the efficiency and effectiveness of the appropriate services;
- identify the benefits to be realised through changes, supported by evidence;
- make recommendations based upon evidence for change to improve;
- identify and cost the implications of the change required;
- develop joint performance measures and targets using corporate information technology;
- develop service specific and joint performance measures and targets.

2 DESCRIPTION OF OVERALL SERVICE UNDER REVIEW

2.1 Background

The last twenty years have seen numerous attempts to improve the CJS. These attempts, although clearly well intentioned, have reinforced the impression of a system under siege as new reviews have introduced yet more changes, sometimes before the previously agreed changes have been fully implemented. A brief history is given in Appendix A, from the introduction of the CPS in 1986 to this Review. It should be stressed that, although the introduction of the CPS and the consequent separation of responsibilities for investigation and prosecution could be described as a starting point for some of the problems suffered today, the CPS was, of course, introduced to *so/ve* earlier problems. If there is one lesson to be learnt from history, it is that today's solution tends to end up as tomorrow's problem.

2.2 What is the scale of the problem ?

- Nationally £80m is wasted in the court system each year through adjournments and cancellations.¹
- However, in London 14% of all cases are terminated each year, whilst a further 20% fail at court for a variety of reasons.² These include witnesses failing to attend (including police), failure of the prosecution, particularly in relation to disclosure and evidential standards. Together, this represents a failure rate of 34% of cases going to court.
- BOTJ conducted analysis of a series of cases that had failed both in the Magistrate's and the Crown Courts. The findings were: -³

| In Magistrate's Courts: - | Of these: - |
|-------------------------------|----------------------------|
| 32% discontinuance rate | 38% evidential reasons |
| 14% discharged committal rate | 16% victim/witness failure |
| 13% no evidence offered | 11% victims withdrew |
| 11% withdrawn | 9% the papers not ready |
| 9% dismissed | 8% incorrect charge |

¹ Audit Commission, BOTJ filing 128

² Home Office Research Paper 185: - BOTJ library 3 refers

³ BOTJ filing 129

| Crown Court failures were attributed to: - | Of these: - |
|---|----------------------------|
| 42% judge directed acquittal | 44% victim/witness failure |
| 28% no evidence offered | 35% lack of evidence |

- the GLMCA identified that each case costs £47.54p⁴ and that an hour of a court's time amounts to £295;
- in the custody suite, a case where a prisoner is present for three and a half hours and takes one PC two hours to prepare, the file costs on average £237;
- a more complicated case involving 24 hours in custody and two detective constables costs on average £1758, (these costs do not include court costs or police time at court).⁵

However, there is very little to gauge the complete picture. Indeed, the Review has been alarmed at the lack of meaningful statistics and performance indicators that have been available.

Joint Performance Management (JPM) between the police and CPS is ineffective. Collective data beyond individual cases has not been available, although it is acknowledged that this has improved under the GLMCA.

Performance in relation to youth offenders is better, but otherwise MPS performance indicators (PIs) are generally unspecific and fail to go beyond the point of charge at which it is widely regarded that the police lose ownership of the case.

Internally, therefore, no data is collected beyond JD and the overall failure rate has gone generally unnoticed by police.⁶

2.3 Structure

There are fifty-six custody suites within the thirty-two London boroughs (plus Heathrow Airport), processing over 273,000 arrests each year; of those arrests approximately 45% (122,916) result in charges.

Each of the 32 boroughs has a CJU to liaise with its CPS counterparts. However, the CPS has already reorganised its structure in anticipation of the Glidewell implementation and there are now sixteen CPS units and eight trial units across London.

⁴ Delivery of summary justice in London, BOTJ filing 8.1

⁵ MPS 'ready reckoner' 2001/2 refers

⁶ Judicial disposals (JDs) are the main means of measurement for MPS criminal justice issues. A 'JD is achieved once a person has been charged, cautioned or summonsed.

There are eleven Crown Courts and twenty-nine Magistrate's Courts including youth courts.

The MPS CJUs have a Budgeted Workforce Target (BWT) of 1542 staff working in CJUs across London at a cost of £35m, although it is acknowledged that virtually every borough is under resourced. Approximately 20% of this workforce are police officers. Vacancies occur on a regular basis with CJU staff seeking alternative posts within the MPS. This causes recruitment problems, as CJUs have to rely on local recruitment campaigns to ensure the BWT is maintained.

The average monthly workload of a CJU is 6 advice files; 74 overnight files; 47 warrants; 19 Crown Court files; 205 traffic files and 103 Magistrate's Court files.⁷

⁷ CJU resources and workload data file #2

3 DESCRIPTION OF THE AREAS SELECTED FOR DETAILED REVIEW WITH RATIONALE

3.1 The Scope

The stated aim of the CJS is to reduce crime and fear of crime, dispensing justice fairly and efficiently and promoting confidence in the rule of the law. The Review recognises that the MPS is an essential party to the successful delivery of this aim.

However, in the recent past there have been a number of changes affecting the criminal justice environment. These changes have been significant in terms of policy and legislation and improvement to the CJS has been a priority for the present Government.

Taking these factors into consideration, an initial investigation was conducted for the Review. This consisted of two detailed consultation workshop exercises involving a cross-section of personnel from a range of organisations. During these exercises, a wide variety of views were obtained from users, customers and other stakeholders in the CJS.

In deciding upon the scope for the Review, an examination of the existing processes involved in dealing with a prisoner from the point of arrest to disposal at court was conducted. The scope included victim and witness care.

From the responses of the focus groups, it became clear that custody suite and CJU activities were crucial to the successful conclusion of an investigation. Accordingly, the facilitators were able to refine the scope of the proposed review and identify two main areas: -

- custody suite processes;
- CJU processes.

3.2 Custody Issues: -

The following issues were identified in relation to custody: -

- victims and witnesses are not a priority for the arresting officers, focus is on the prisoner and securing a JD;
- investigative resources are often insufficient to deal with the competing demands;
- victim/witness accommodation is often inadequate;
- victims and witnesses requiring medical examination are often examined in the Forensic Medical Examiner's (FME) room which is within the custody suite area;
- once the JD has been obtained, there are no further performance indicators for the investigating officer.

3.3 CJU issues: -

CJUs are the most significant civilian resource demand on boroughs: -

- most boroughs struggle with under-staffing;
- accommodation is generally inadequate for modern needs;
- ‘hot-desking’ and sharing of Information Technology (IT) is prevalent;
- lack of training and development of all personnel;
- communication problems prevail between caseworkers and police colleagues;
- absence of specific criteria for the selection of CJU managers;
- high turn-over rate of CJU managers;
- lack of acknowledgement for CJU personnel from Senior Management Team (SMT) members;
- no IT links with the CPS;
- sporadic ‘Narey’ visits from CPS Lawyers;
- case papers being lost/mislaid by the CPS;
- Joint Performance Management (JPM) forms not being received.

Inherent in the approach and important in the Review were issues of training, policy, accommodation, IT and people issues.

Even though the breadth and complexity of the scope was challenging it was felt that improvements in the areas of custody and CJUs would render an enhanced service to victims and witnesses.

It was also recognised that the vast amount of external work, including the Glidewell Report, the Police Reform Bill, the Auld Report, the Policing Bureaucracy Task Force Report and the white paper, ‘Justice for All’, would have an impact on the Review. This required a flexible approach to avoid duplication and to maximise opportunities.

In addition the Review also considered the impact of internal initiatives including: -

- the MPS Criminal Justice Office (CJO) review of joint performance indicators;
- the Directorate of Information (DoI) research into IT links;
- the ‘Safer Streets’ initiative including the ‘Premium Service’;
- the Directorate of Property Services review of Private Finance Initiative (PFI) and the ‘Bridewell’ concept;
- the ‘Operation Justice’ inspection of borough CJUs.

In consideration of the recommendations contained in the reports cited above, the scope was further refined and four areas were identified where realistic benefits could be achieved.

The areas to be studied in detail were therefore agreed as: -

- case file preparation (see Chapter 4);
- victims and witnesses (see Chapter 5);
- investigative bail – Bailing To Return (BTR) (see Chapter 6);
- warrants (see Chapter 7).

It was agreed that the main focus would be on the preparation of case papers and victim and witness care, but the areas of BTRs and outstanding warrants were identified as a major cause of concern to the Service and worthy of attention by the Review.

The evidence gathered in relation to each of these strands is collated in Chapters 4 to 7 and leads to the recommendations described in Chapter 8.

A description of the process used to conduct the Review including how the '4Cs' have been delivered is provided at Appendix B.

4 CASE FILE PREPARATION

4.1 Consultation

Consultation with our partners, completed at the beginning of the Review, revealed that the poor quality of the initial case file is a major impediment to case progression.⁸

Once a prisoner has been charged or summonsed, the case enters the public domain by virtue of a pre-determined court date. Whilst it is acknowledged that all case files should be supervised following completion, the first true 'evidential test' is applied when a CPS lawyer attends the police station the day before the court appearance.⁹ If the quality of the file submitted is sub-standard, they are faced with a 'fait accompli' that is often difficult to reverse and bureaucratic to administer.

CPS reviews of case papers regularly reveal: -

- a paucity of evidence;
- that the charge preferred by the custody sergeant is inappropriate;
- that the details contained in the initial file are insufficient to proceed;
- that the information provided for disclosure to the defence representative is inadequate.

The poor quality of the initial case file inevitably contributes to the first court appearance being a formality at which no progression can be made. This problem is exacerbated by the short bail time between charge and the first appearance in court. The mechanical process, implemented in accordance with the 'Narey' guidelines,¹⁰ involves bailing a person to a pre-set date, normally two days hence, but does not allow any time to improve the quality or content of the initial file.

To paraphrase one Borough Crown Prosecutor (BCP), *'Once completed the file quality never really gets any better'* and the same BCP asked: - *'Why are we always washing our dirty linen in public?'* Not to be outdone, BOTJ has coined the phrase, *'We are rushing to court simply to get an adjournment.'*

The poor quality of the initial file means that the product the police hand to the CPS is inadequate and from the outset, remedial work is needed to enable progression at subsequent court appearances.

Poor case files manifest themselves later in the process as part of the high attrition rate in London. There is direct evidence to show that CPS requests for further evidence are not complied with and following a series of adjournments, cases are

⁸ In one month a borough received 525 case files of which 520 were defective. 'Operation Justice' also discovered that, during one Borough inspection, 80% of initial cases contained defects.

⁹ In accordance with the CPS Code for Crown Prosecutors.

¹⁰ Section 46 Crime and Disorder Act 1998.

discontinued, dismissed and, more seriously, committals are discharged following defence representations that an abuse of the process has occurred.¹¹

Whilst BOTJ questions the mechanical approach adopted by implementing the 'Narey' findings, it acknowledges that in many cases there are real benefits in allowing defendants to be dealt with expeditiously. The Review accepts that correctly identified Early First Hearings (EFHs) are an effective means of case disposal and should continue. It is in the Early Administrative Hearings (EAHs) that flexibility would be beneficial.

4.2 Comparison

4.2.1 The Manual of Guidance (MoG)

BOTJ compared the differing methods of case preparation across London and benchmarked this against the practices of three other forces. Results indicated a lack of corporacy across the MPS, which contributed to a lack of progression at court.

Following the inception of the CPS, a MoG for the Preparation, Processing and Submission of Case Files was introduced in the early 1990s. This manual provides a guide to all criminal justice practitioners regarding the completion of case papers following charge.

From the MoG is born the MG forms, which, in theory, form the basis upon which all case files are compiled in every Police Force in England and Wales.

The MoG explains that there are only two types of prosecution file: -

- expedited;
- full.

It states that police officers must commence the preparation of a prosecution file as soon as a suspect is charged (or an information is laid) and that an expedited file must be prepared for the first hearing in *all* cases.

The content of an expedited file must be sufficient to allow the CPS to review the case and satisfy themselves as to the evidential sufficiency and public interest criteria.

In a survey entitled 'Officers Perspective of the Case Paper Process' carried out by the MPS Consultancy Group (CG) in May 2002, it was revealed that nearly three quarters (72%) of officers do not have access to the MoG. Those that do have access are likely to use it only rarely (69%), while only 31% make reference to it more regularly.

Another CG survey, aimed at CPS Prosecutors, asked: - '*How often do you refer to the joint MPS/CPS Manual of Guidance?*' 80% answered: - '*Not very often*'.

¹¹ In May 2002, 44% of all trials in London Magistrate's Courts were 'cracked' or 'ineffective'. A 'cracked' trial is one which was dealt with by other means i.e. the prosecution accepted a guilty plea to a lesser charge, prosecution offered no evidence or the defendant pleaded guilty. An 'ineffective' trial is one in which it is necessary to adjourn the case i.e. the prosecution witness failed to attend, the prosecution was not ready or disclosure was incomplete.

Consequently, over a period of time, MPS divisions and latterly MPS boroughs, have developed their own versions of front covers for files. There are now 32 different types, one from each borough, and each one different.

These files have normally been created by Quality Assurance (QA) Sergeants in conjunction with CJU managers and represent an amalgam of good ideas that have evolved over the years.

The Review has collected the 'front files' from each borough and recognises that there are some excellent 'good practices' in operation such as the idea of printing a witness's 'dates to avoid' on the front files (devised by Tower Hamlets borough). Unfortunately, these remain unique to each borough and have not been shared across the MPS (recommendation 7 addresses this issue by the introduction of a corporate case file).

4.2.2 Court Hearings

The problem is exacerbated by the confusion relating to different names of the various files used by each borough and the types of initial court hearings.

Magistrate's Courts hold different types of hearings known as 'Early First Hearings (EFH)' and 'Early Administration Hearings (EAH)'. EFH Courts deal with defendants from whom a 'guilty' plea is anticipated, whilst EAH courts deal with anticipated 'not guilty' pleas.

The majority of boroughs in London now complete either an EFH file or an EAH file depending on the anticipated plea at court, (the decision being made by the officer-in-the-case following charge).

This obviously contradicts the recommendations made in the MoG in that the recommendation for one 'expedited' file is not being followed. To complicate matters even further, some boroughs also complete 'custody files', 'youth files', 'adult files', 'Narey files', 'indictable only files' and 'remand files'. Whilst these are all variations on the same theme (they all consist mainly of MG forms), it nevertheless causes confusion and a lack of corporacy across the MPS.

One example of the lack of corporacy and compliance is the completion of the form MG5. This contains a brief summary of the facts and is written by the officer-in-the-case. The MoG specifies the particular cases in which an MG5 should be completed and generally recommends that the completion of this form is unnecessary.

However, in contradiction of the MoG **every** borough in London includes the MG5 form on their case file for each set of papers.

CPS prosecutors were surveyed and when asked: - *'How important is it for the file to contain a case summary (MG5)?'* 91% said it was *'very important'*.

When asked *'What would be your view if boroughs adhered to the policy of not completing case summaries?'* some of the individual replies included: -

- *"It would be a disaster"*
- *"I would be outraged"*
- *"The CJS would not operate without MG5s"*

- *“Bad idea”*
- *“It would be unworkable”*
- *“The system would grind to a halt”*
- *“I would discontinue the case”*

The MoG is a comprehensive document that provides a corporate system for case preparation across the country. Whilst the Review considers that the content of an expedited file, as recommended in the MoG, contributes to the lack of progress at court, it also highlights the issues of supplying ‘guidelines’ that are rarely enforced.

4.2.3 Learning from other Forces

BOTJ visited three forces to compare criminal justice systems; Merseyside (Liverpool), South Yorkshire (Barnsley) and West Midlands (Birmingham).

Some of the significant findings were: -

- South Yorkshire: - The force has 4 CJUs. Barnsley has established the first operational ‘Glidewell’ system and there is a central ‘trials unit’ for the whole force. Barnsley district has about 400 officers and they attend one Magistrate’s Court (opposite the Glidewell unit) and one Crown Court. CPS lawyers reside on the top floor with administrative support being provided by police civilian staff. Although South Yorkshire employ teams of police officers as ‘file-preparers’, one CPS lawyer commented on the insufficient evidence being available on the first court appearance leading to a lack of progression at court;
- Merseyside: - This force had just established a Glidewell unit, although at the time the CPS had not moved in. They employ 83 ‘enquiry officers’; these are non-operational officers who work in CJUs and their role is to upgrade files to ensure they are ‘trial ready’. The role of these officers is seen as paramount to relieving the burden from their ‘front-line’ colleagues. Merseyside had replaced PPTs with Arrest Support Teams (ASTs) as a direct result of their ‘Best Value’ Review (BVR). This change of name was designed to remove the notion of prisoners being merely a ‘process’ without any thought being given to intelligence opportunities. The Merseyside BV R had described PPTs as being ‘sausage machines’. Merseyside had initially interpreted the ‘Narey’ guidelines literally by bailing prisoners to court for the next day. However, statistics proved that they were not being dealt with and the appearance was pointless with adjournments being requested on a regular basis. Following negotiations, prisoners are now bailed for longer. Consequently, more ‘guilty’ pleas are entered on the first occasion and attrition rates have reduced;¹²
- West Midlands: - The CJU manager at Birmingham was a senior member of the civil staff, recently recruited from an external company. They have no plans to form Glidewell units and CPS lawyers do not attend the police

¹² BOTJ Library 157 refers

station to review files. Front-line officers have responsibilities for file-building and the staff were unaware of the existence of the MoG. Cases are bailed to court 3-4 days hence;

- Each force had opted for a readily available IT system rather than waiting for recommended national projects such as the National Strategy for Police Information System (NSPIS). This did not appear to be detrimental in terms of performance or compatibility and often provided benefits such as better tracking of cases and increased communications with officers.

4.2.4 Court visits

The Review embarked on a series of court visits across London to compare systems and effectiveness. This confirmed that relatively straightforward cases that should be dealt with at the Magistrate's Court level were not progressing due to a series of administrative errors.

Avoidable adjournments were being granted which in turn led to cases being lost or, significantly, not progressing to the higher courts. The phrase, '*adjournment culture*', was evident throughout the visits.

BOTJ identified the main reasons for case failure as being: -

- Disclosure;
- Ethics and evidential standards;
- Closed Circuit Television (CCTV);
- Identification;
- DNA/forensics;
- Effective witness management;
- Supervision.¹³

4.3 Challenge

As part of the 'challenge' process BOTJ examined the role of the following areas: -

- MPS CJUs;
- the Glidewell project;
- expectations of 'front-line' officers;
- information technology;
- training;
- custody officers and gaolers.

¹³ BOTJ library 118 refers

4.3.1 MPS CJUs

The Review has challenged the fundamental role of police CJUs and questioned exactly how they assist in the process of 'Bringing Offenders to Justice'. It has also examined the current interface between CJUs and the CPS.

The Review is of the opinion that the current structure, which requires a police CJU acting as an intermediary between the officer-in-the-case, the CPS lawyer and the CPS support staff, is overly bureaucratic and contributes significantly to confusion and delays.

4.3.2 The Glidewell Project

A recent evaluation of the MPS Glidewell site at Holborn has revealed that the difficulties involved in co-locating three units with different processes, management structures and conditions of service have meant that the true concept of integration has not been achieved. The intended benefits of the project will be limited should this approach continue.

BOTJ believes that this failure of integration firmly suggests that the demarcation lines need to be re-evaluated and clear ownership by the CPS of the prosecution re-established by the gradual withdrawal of some police staff, as intended by the legislation in 1985 and re-enforced thirteen years later by the Glidewell report.

The Review acknowledges that this proposal is included in the MPS response to the Home Office white paper 'Justice for All' and is also cognisant of the recently signed protocol to establish a joint high-level steering group between CPS London and the MPS.

The Review is also aware of the findings of the Project Group set up in 1999 to evaluate the Glidewell recommendations and the concerns expressed regarding the CPS undertaking responsibility for the prosecution, together with the potential loss of 'ownership' by the police service.¹⁴

However, during the course of the Review, BOTJ has found no evidence to substantiate these concerns.

In the majority of routine cases, requests for the collection of further evidence are acknowledged without challenge. It is accepted that the CPS are the prosecuting authority and have control of the conduct of the case post charge. However, there is also an official requirement for consultation to take place prior to any decision to discontinue proceedings.

In more serious cases, it is common for the police to seek advice from the CPS at an early stage of the investigation. The transfer of the administration of the prosecution to the CPS will not divorce the police from the investigative function and the same degree of ownership will remain.

Indeed, the introduction of PPTs will enable boroughs to monitor cases more closely and will allow supervisors to robustly challenge decisions made by the CPS.

¹⁴ BOTJ filing 5 refers.

The Review has also identified that the introduction of the Glidewell concept does not address the quality of case files. Holborn continues to receive sub-standard, unsupervised files and, whilst communication between the CPS and the police is more straightforward, the need to continually update files by contacting ‘front-line’ officers remains a problem (see below). BOTJ addresses this issue under recommendation 2 (enhanced PPTs). The implementation of this recommendation would significantly reduce the workload of CJUs, irrespective of where they are located and irrespective of which organisation provides the administrative support.

4.3.3 Expectations of ‘front-line’ officers

The Review considers that the high expectations placed on ‘front-line’ officers to build files so they are ‘trial ready’ are unrealistic.

Memos passed back and forth requesting additional information take an inordinate amount of time to reach their destination and requests for additional work are often incompatible with the officer’s core functions.

It was found that officers were regularly abstracted from normal duties and away for long periods. This frustrated efforts by CJUs to get CPS requests completed within time scales. It was also found that team officers were burdened with additional paperwork, such as completing tape summaries, obtaining additional statements, organising identification parades etc.

There is evidence to show a correlation between the quality and the content of the case file and the progression made at court hearings. Variations to each can lead to confusion, the exclusion of important documents and an increase in the risk of failure.

However, for many officers the completion of the case papers signals the end of their involvement. Subsequent requests for additional evidence, often received some weeks later, are viewed as a distraction and an inconvenience. This is compounded if officers are then actually warned to attend court.¹⁵

The Review believes that this contributes to the approach that having obtained their JD, the rest is another’s responsibility and their job is done.¹⁶

4.3.4 Information Technology

This issue has been, and remains, the subject of much debate at the highest level. However, BOTJ must add its voice to the concerns raised regarding the lack of progress that has been made in this area.

4.3.4.1 MPS IT procedures

Although the MPS is investing in NSPIS case/custody preparation, this is long in coming. Consequently, officers navigating their way through the CJS have to be compliant with a variety of IT systems to ensure that all the details are recorded. These include: -

¹⁵ On one Borough only 58% of officers who had been correctly warned attended trials at Magistrate Court. Over the whole period 96 trials failed to proceed due to the absence of police witnesses (LCJB review).

¹⁶ The phrase has been coined that JD stands not only for judicial disposal but also for **Job Done!**

- the Crime Reporting Information System (CRIS);
- the Computer Aided Despatch (CAD) system;
- stand-alone custody computers;
- the MPS intranet system (for case preparation);
- the criminal intelligence system (CRIMINT);
- stand-alone CJU packages;
- stand-alone warrants computers;
- court computer systems for inner and outer London.

In addition, there are separate 'tracker' systems set up to record details of persistent young offenders (PYOs) and persons arrested under the 'safer streets' initiative.

Anecdotally, it has been estimated that when an officer arrests a suspect he or she has to type that person's name thirty-two times to satisfy all the IT requirements.

4.3.4.2 Joint MPS/CPS IT procedures

The Review challenged the alarming lack of progression, by both the MPS and the CPS, in relation to IT and the frustration and extra cost caused by delays in the introduction of new systems.

Currently, each of the partners' IT systems are run separately. The MPS criminal justice computer applications are part of a secure, corporate platform and therefore there is no complete link or joint corporate IT system. Such a system or link would facilitate better communication. It would allow for the introduction of a compatible e-mail system and a processing system that could track case papers, from start to finish, avoiding duplication.

However, there is little or no evidence of holistic planning when developing corporate IT. Current development and future progress to meet the needs of the process are hampered by IT systems being developed in isolation by each partner.

At the beginning of the Review, a survey was carried out amongst borough CJU managers. They were asked what three items, if introduced immediately, would improve their operational effectiveness. The overwhelming response was for a secure e-mail link with the CPS to avoid the 'memo and fax culture' that currently exists.

This is not a new concept; indeed, operational staff have been requesting this facility for many years. The inability to provide this simple process only serves to alienate the policy makers at the centre from those at the point of delivery.

The situation is now untenable and BOTJ regards the lack of progress as a major factor contributing to the failure of the system, although it recognises the recent pilot of an e-mail link at the Holborn Glidewell site as a positive development (see recommendation 12).

4.3.4.3 Training

The poor quality of the initial case file prompted the Review to challenge the amount of training given to recruits, probationers and officers on boroughs. The lack of emphasis placed on the importance of producing a quality product was apparent and this has prompted a review by the Training Policy Unit.¹⁷

Moreover, the problem of training is compounded by methods used to disseminate major pieces of legislation and service instructions.

The introduction of the Criminal Procedure and Investigation Act 1996 relating to the disclosure of information is a prime example.

This major and complicated piece of legislation was disseminated via a 'Police Notice', but the quality of training given to 'front-line' officers was sporadic and ad hoc.¹⁸ In addition, policy changes emanating from the CJO that are published in Police Notices are subjected to local interpretation by boroughs and therefore lose significance and impact.

BOTJ does, however, accept the argument that corporate training is hindered by the autonomy of boroughs that have introduced their own unique processes for case file preparation. The Review addresses this problem in recommendation 7.

4.3.4.4 Custody Officers and Gaolers

The Review challenged the present role of custody officers and gaolers.

Custody officers, who must hold the minimum rank of sergeant, are unnecessarily burdened with administrative functions. Although there are some legal obligations that must be undertaken, the vast majority of the custody officer's duties are administrative.

Listing prisoners' property alone can be very distracting and sidelines the custody officer from more important issues, such as the care of detainees, reviewing evidence or deciding on the most appropriate form of charge. This potentially exposes the MPS to civil litigation and the obvious financial implications. Using sergeants to perform these roles is not considered an effective use of resources.

It was also found that, in the main, a constable undertakes the role of gaoler. This is seen as an unnecessary burden on police resources and, although an important function, it is one that could be better allocated. This practice incurs a £1.6m cost to the police budget in comparison to employing civilian gaolers.

Many county forces already have Custody Detention Officers (CDO) and one force has been utilising them for nearly seven years. It was found that the idea had already been piloted in the MPS at two sites and, although no official record of evaluation could be found, feedback from officers involved was favourable (see recommendation 1).

¹⁷ A Review of Training and Development re Criminal Justice Issues: - Training Policy Unit, June 2002.

¹⁸ 45% of officers had received no formal training regarding the completion of case papers and 69% stated the training they had received had not equipped them to competently complete a set of case papers.

4.4 Competition

4.4.1 Performance Indicators (PIs)

An examination of performance indicators beyond the point of charge revealed that the MPS, the CPS and the Courts Service each prepare their own annual plan that contains objectives, targets and PIs to measure how successful each organisation is in achieving its mission and vision. There are no joint plans and little evidence of holistic thinking at a local level.

The setting of different objectives and targets by the three partners in the CJS can lead to a conflict of interests. For example, the level of police performance, in terms of detecting crime, is measured by the percentage of JDs. However, one of the main performance measures for the CPS is the percentage of convictions achieved. This different focus can lead to a conflict whereby the two organisations set different standards for sufficiency of evidence in order to achieve their performance targets.

Similarly, a focused initiative on a particular crime by an MPS borough may increase the rate of JDs, but causes extra cases to be passed to the courts. This unexpected increase in cases may cause the court to fail to reach its performance targets.

The 'silo' effect of three organisations working independently and measuring performance in isolation was identified by the MPS Inspectorate report and was a recurring theme throughout the Review.

The MPS reliance on JDs as the means of measuring success was seen as divisive and did not contribute to the concept of 'joined-up justice'.

Borough Operational Command Units (BOCUs) are judged on the number of JDs they achieve. The fact that following charge the case is discontinued, dismissed or discharged and that the defendant never stands trial is of little or no consequence; the JDs has been achieved and is never cancelled because of a failure to see the case through to a satisfactory outcome.

The impact of unsatisfactory case outcomes is an encouragement to re-offending and a further contribution to the disengagement of victims and witnesses.

As a caveat, it should be noted that if the current pilot scheme of introducing the CPS to the point of charge (endorsed by BOTJ recommendation 5) comes to fruition, then there could be a significant reduction in JDs.

However, BOTJ considers that the substantial savings afforded by 'getting it right first time' outweigh the loss of a flawed performance indicator.

BOTJ examined other 'competition' elements of the case file preparation strand.

By assessing the competitive performance of other bodies, including best value authorities and private and voluntary sector providers, it was discovered that the establishment of properly resourced PPTs comprising of police and civilian staff members was the only practical solution to this element.

Whilst it was noted that other services within the custody environment were suitable for competitive tender, the knowledge and expertise required for this strand did not lend itself to any form of alternative service-delivery.

5 VICTIMS AND WITNESSES

5.1 Background

The failure of prosecution witnesses to attend court is the most significant reason for 'cracked' or 'ineffective' trials in both the Magistrate's and the Crown Courts across London.

This is illustrated by the following headline statistics: -

- only 26% of the public feel that the CJS meet the needs of victims;
- over half of prosecution witnesses were not kept informed about the progress of the case and over a third of all witnesses waited over three months after giving a statement before they heard about the case;
- over 40% were not told the verdict, but had to find it out for themselves.

Source: - Criminal Justice: - 'The Way Ahead' 2001

- nearly a fifth of witnesses felt intimidated by the process of giving evidence and a quarter felt intimidated by an individual;
- the most common need of witnesses was for more information to be given before arriving at court, separate waiting areas for defence and prosecution and for more information/help from the police/CPS during the case.

Source: - BOTJ Questionnaire to victims and witnesses.

- 76% of witnesses said their cases had been adjourned before they gave evidence;
- 48% stated that the court date was inconvenient;
- 44% were not given any information about being a witness before attending court;
- 60% stated that the expenses arrangements were unsatisfactory;
- 55% said they would not be happy to be a witness again.

Source: - Home Office Research Study 133: - 2001

At Thames Youth Court in November 2001, 77% of the trials were 'cracked' or 'ineffective'. Of these, 45% were due to the non-appearance of prosecution witnesses.

- it is estimated that each year over £80 million is wasted through adjournments, delayed and cracked trials at Crown Courts;

- of the adjournments in the Magistrate's Court attributable to the prosecution, over one-half are due to the non-attendance of prosecution witnesses.

Source: - Audit Commission 'Route to Justice' 2002

- 30,000 cases were abandoned in 2001 because victims and witnesses refused to give evidence in court or failed to turn up;
- victims and witnesses can feel ill-informed and badly treated;
- people's time is wasted when they are called for hearings that never take place because the case is not ready or because defendants change their plea at the last minute.

Source: - Home Office white paper – 'Justice for all' 2002

Any process, which relies on the active involvement, retention and support of the community to give their time freely and willingly, must have an exceptionally strong commitment to providing appropriate support and guidance. To obtain and retain this engagement, individuals must feel valued.

This concept is recognised by companies in a commercial environment, as their main incentive is revenue generation. The principles of 'Customer Relationship Management' (CRM) identify a simple business rule: To initially obtain and retain the support of a client/customer is resource intensive. However, the effort involved in regaining the support of customers, once they have disengaged, is considerably more than would have been involved in serving the needs of the client/customer from the outset.

The CJS has been slow in recognising its responsibilities to victims and witnesses of crime. Offenders cannot be brought to justice unless victims and witnesses report crimes and are willing, if necessary, to give evidence at court.

Being a victim of crime is a harrowing and often traumatic experience and the way in which they are treated from the initial reporting to detection, prosecution, conviction, sentencing and beyond, has a profound effect on them.

The time taken to process cases frustrates victims; prolongs their anguish; impedes justice; wastes public money; and gives the wrong signals to offenders. Victims and witnesses are inconvenienced if they have to wait for long periods at court; if a case is adjourned at the last minute; or if they attend court and are not required to give evidence.

5.2 Consultation

For these reasons, consultation, following the scoping exercises, concluded that the area of victim and witness care should be at the forefront of the Review.

BOTJ examined the process from the point where a member of the public becomes engaged as a victim or witness to their subsequent attendance at court to give evidence.

The Review identified that the critical period commences from the moment a statement is taken. The care given to a victim or witness from the outset is of paramount importance and contributes significantly to their future involvement.

Consultation with borough CJUs identified the following points: -

- there is no corporate MPS policy for victim or witness care;
- fourteen CJUs use a 'cradle to grave system' where case clerks liaise with witnesses, the witness service, and the CPS;
- eighteen CJUs have a 'witness liaison section' whose primary role is to warn witnesses for court;
- one CJU operates a 'flexible approach' which is dependent on the level of resources;
- some also have 'results clerks' who, where possible, inform victims, and in some cases witnesses, of the outcome of the case;
- those boroughs operating the 'cradle to grave system' were unable to liaise with victims and witnesses consistently due to the 'streamlining' of staff and vast workload;
- it was not always possible to inform victims about case results;
- all boroughs maintained contact with the witness service at court. This has assisted in relieving some of the pressures encountered by staff within the CJUs;
- the 'Glidewell' site at Holborn has designated witness liaison officers. 99% of their role consists only of warning witnesses for court and obtaining dates to avoid from officers.

'Victims of crime have the right to be treated with respect and consideration. For too long the criminal justice system has failed properly to balance the interest of victims with those of the criminal' (Rt. Hon Jack Straw MP, Home Secretary – 27th February 2001).

5.3 Comparison

During the course of the Review, it became increasingly apparent that the topic of victim and witness care had reached the top of the political agenda. New initiatives

were set up, by various agencies, following the start of BOTJ and consequently the Review maintained contact with the many agencies involved.

5.3.1 Initiatives being developed by other agencies

1. The New Victims' Charter

The first Victims' Charter was published in 1990. A substantially revised Charter was issued in 1996. The Government is now looking to improve the Charter to show an increasing commitment to victims and witnesses. It is believed that the new Charter will be published by the end of 2002.

2. The Victim Personal Statement (VPS) Scheme

This is a Home Office-led initiative and is to be incorporated into the New Victims' Charter. The scheme, which was circulated by the MPS CJO, is intended to give victims of crime a more formal opportunity to say how they have been affected by the crime and to express concerns about intimidation, or the alleged offender being granted bail. It also gives victims the right to seek compensation.

Custody Officers should take into consideration the content of the VPS when making decisions relating to bail.

In addition, the Home Office leaflets, which must be handed to each victim, require boroughs to clearly identify with whom, within the borough, victims can make and maintain contact.

BOTJ conducted a survey of 16 boroughs regarding the VPS and discovered that only one had achieved full compliance. This highlights the difficulties of turning policy (via police notices) into action and is of particular significance in this context. If the MPS is not complying with the initiative to engage victims and witnesses at the initial stage, then the whole system will fall into disrepute. This is yet another example that the Review has identified of policy, issued from a central MPS unit, not being enforced locally by boroughs with no corrective action taken to address the problem.

3. Victim Support referrals

This internal instruction, again issued by the MPS CJO, was intended to re-enforce the arrangements for referring victims to the Victim Support (VS) and introduced a revised 'Victim of Crime' leaflet.

4. Best Value Crime Management Review (BVCMR)

The BVCMR recognised the significance of victim/witness care. It also endorsed the BOTJ findings, stating that only 17% of victims were referred to the Victim Support scheme, with wide variations between BOCUs.

The BVCMR recommends that a 'victim-focus desk' is established on each BOCU (recommendation 33); and that: -

- tactical options for victim care are developed;
- an Association of Chief Police Officers (ACPO) representative is designated the process owner for victim services;

- a senior member of BOCU staff is given the responsibility for setting local strategies and tactics for victim care;
- victim care is considered a partnership issue and forms a specific strand in all borough Crime & Disorder strategies.

This recommendation allows for the establishment of a central focal point or help/advice desk for victims of crime. It would operate on a 24-hour basis with appropriate information technology being available to allow operators to navigate the various systems currently in use, thus ensuring that they can offer meaningful advice and provide accurate information without the need to refer enquiries on.

BOTJ has considered the possibility of establishing a victim-desk on each borough as an interim measure, with the central victim-focus desk incorporated in the Central Telephone Investigation Bureau (CTIB) as the goal (see recommendation 3 for details).

5.3.2 Learning from Other Forces

In order to further evaluate performance on a wider scale, comparisons were made with other CJUs that revealed the following: -

Merseyside

- direct communication and liaison is conducted by police;
- the CJU warn witnesses and officers, sending out leaflets to explain procedure at the court;
- CPS at Merseyside communicate directly with victims/witnesses by letter;
- lawyers are not accountable or responsible and only sign the letters prepared by the case clerks;
- individual lawyers will write to victims and witnesses in cases such as rape and other sex offences;
- in 2001, a witness service was placed at the Magistrate's Court;
- Merseyside hold a 'witness conference' every 3 months. Witnesses are invited to attend to give their views to senior members of the courts, CPS and police.

Crawley

The CJU consists of a witness care team who will inform the court of victim and witness details and liaise with the witness service. This: -

- keeps the witness service informed of new court dates;
- ensures victims and witnesses are aware of offences and if the offender is granted bail;
- informs victims and witnesses of results.

Gwent

- both the witness liaison and victim support service in Gwent are in the process of change due to the 'Speaking up for Justice' report;
- there are no specific arrangements as such for witness care;
- the OIC and operational staff have responsibility to warn and advise victims and witnesses of special measures that the court can provide.

Kent Constabulary

- maintain a 'cradle to grave system' where clerks liaise with the CPS;
- witness service is situated at the Magistrate's and the Crown Courts;
- any difficulties are referred back to OIC.

'Without witnesses there can be no justice. Yet, the criminal justice system handles witnesses with such insouciance that many people are deterred from coming forward. Unless we move towards a more transparent courtesy to witnesses, justice will always be enfeebled and may progressively erode to the point of crisis' (Nick Ross, Presenter, BBC's Crimewatch - Foreword to the Institute for Public Policy Research Report, 'Reluctant Witnesses' 31st October 2001).

5.4 Challenge

The Review has challenged the number of agencies who are involved in witness care. It has likened the process of being a victim or a witness in the CJS to that of a relay race. However, this is not a race run on a running track, but rather across a marathon course!!

The baton is handed from agency to agency often without any formal communication process, leaving the victims and witnesses feeling exposed, frustrated and confused.

The MPS starts the process, but all too frequently the baton is dropped immediately. With the exception of 'vulnerable' or 'intimidated' witnesses, police officers do not perceive their role in victim and witness care to extend beyond recording the facts on a statement.

In turn, the CPS see themselves as an independent prosecuting authority and are cautious about becoming involved with witness care, fearing allegations of loss of impartiality or 'coaching'.

Problems of disengagement therefore occur at the earliest stage.

If a victim or witness is required to give evidence at court, then inevitably several months will have elapsed since they made their statement. During that time they will, in all probability, have no contact with the police or the CPS, despite often valiant efforts to locate an individual who might have some knowledge of the status of the case.

It is only when a case comes before a court that the Witness Service becomes involved and it is the only organisation that has direct contact and specific responsibility for victims and witnesses.

The Review has identified that a member of the public who becomes involved in the CJS can expect contact and communication from nine different agencies: -

1. The Police

They should: -

- inform the victim of the date of the trial and the outcome;
- record the VPS if the victim wishes to make one;
- provide victims and witnesses with a point of contact;
- pass information to 'Victim Support' where necessary;
- ensure case files provide details of witness availability to fix convenient trial dates;
- ensure compensation forms are submitted with the files;
- notify victims and witnesses if a defendant who has been in custody is granted bail.

2. The CPS

The CPS does not act directly on behalf of individual victims or represent them in court, but takes into account their interests throughout the criminal justice process. They should: -

- use the information received from the police about victims and witnesses in deciding on the commencement or discontinuance of cases under the Code for Crown Prosecutors;
- consider if it is necessary to require the attendance of a witness;
- set a date for trial as convenient as possible for witnesses;
- ensure that witnesses only attend court when they are required;
- take account of the VPS;
- explain the results of cases whenever possible to victims;
- ensure that the information about compensation claims is available;
- ensure that an explanation is given when charges are dropped or substantially reduced.

3. Victim Support

Victim Support is an independent voluntary organisation and national charity that exists for the purpose of helping people cope with the complex and confusing consequences of crime. They will: -

- provide the information, support and assistance required by the victim;
- contact witnesses before the trial to offer help;
- organise a visit to the court beforehand;
- give information about court procedures;
- give practical help, for example with expense forms;
- accompany victims and witnesses and offer emotional support.

4. Youth Offending Teams (YOTs)

The Crime & Disorder Act 1998 introduced YOTs to address increasing national concern about the level of crime, particularly youth crime. YOTs will: -

- confront young offenders with the consequences of their offending for themselves and their families, their victims and the community, and help them to develop a sense of responsibility;
- encourage reparation to victims by young offenders;
- show young offenders the consequence of their actions;
- allow the offender to undertake some form of practical reparation to benefit the victim;
- help the victim to come to terms with what he or she has suffered.

5. The Greater London Magistrate's Court Authority and the Court Service

- respond to all requests to see the court before giving evidence;
- provide separate waiting accommodation for witnesses;
- list cases to take account of the convenience of witnesses;
- keep witnesses aware of the progress of cases via the ushers;
- achieve the Government target that no witness shall wait longer than one hour before they are called into court to give evidence;
- announce the reasons for all decisions made by the court.

6. Solicitors

All solicitors are subject to the authority of the Law Society who issue rules of practice and conduct by which solicitors must comply. They should: -

- require witnesses to attend court only when it is essential;

- give witnesses as much notice as possible of the date and time they are required to attend court;
- follow the Law Society's Code for Advocacy by not making statements or asking questions, which are merely scandalous, or intended to vilify, insult, or annoy either witness or some other person.

7. National Probation Service

From 1st April 2001, the Probation Service has a statutory responsibility to make contact with the victims of serious crime to provide a conduit for communications between them and the Prison Service over matters relating to an offender's release plan. The Victims' Charter, National Standards and relevant Probation Circulars, all place specific responsibilities upon the Probation Service to either deliver services directly to victims and their families or to take account of their interests in working with offenders.

8. HM Prison Service

The Prison Service will: -

- ensure appropriate consideration is given to victims when prisoners are being considered for home leave, parole etc.;
- ensure effective liaison with other statutory agencies in order that appropriate consideration for victims and witnesses is given.

9. The Health Service

Victims frequently come into contact with the health service as a result of crimes committed upon them. Health professionals will: -

- give victims time, remain non-judgemental and offer reassurance;
- assess and document psychological impact;
- ask if the violence has been reported to police and consider whether the patient should be advised, in their medical interests, to report it;
- safeguard clothing or other evidence required for forensic evidence;
- provide information on Victim Support;
- discuss safety issues with patients.

With all these different agencies involved, it is not surprising that the baton is dropped far too often and the course is rarely completed!

'Confidence in the criminal justice system is unquestionably low. For years the public has seen the entire system as being on the side of offenders, not victims. Victims of crime are still, too often, treated with indifference or with disrespect. I am not having that. These are the very people the criminal justice system should protect and defend, the very people who should be cared for and considered at every stage and by every element of their justice process. That is why I am putting victims at the heart of our reforms. We will produce a Bill of Rights for Victims. We will appoint a Commissioner for Victims. We will ensure that victims have a voice, and have the opportunity to guide and advise us and the criminal justice services and agencies.'
(Home Secretary Rt. Hon David Blunkett MP – 'Putting Victims at the Heart of Criminal Justice Reform')

5.5 Competition

As the Review progressed, it became increasingly aware of the amount of external research being conducted into victim and witness care. Statistics showed that a major factor in case failure is the non-attendance of victims and witnesses. These concerns are being addressed at Government level.¹⁹

The external research has culminated in a white paper that will ultimately legislate to improve the service provided.

White Paper 'Justice for All'

This document focuses on victim and witness care. Whilst still in the consultation phase, some of the proposals intend to: -

- appoint a new independent Commissioner for victims and witnesses;
- adopt some of the ideas of the 'street crime initiative' such as special contact numbers for intimidated witnesses;
- legislate to produce a Victims' Code of Practice setting out what protection, practical support and information every victim of a crime can expect;
- give every service that comes into contact with victims a responsibility under the new Code to provide that protection, support and information;
- introduce a right of complaint to the Parliamentary Ombudsman;
- ensure victims can track the progress of their case on-line by 2005;
- introduce court familiarisation visits and improved court waiting facilities - a new role for the CPS that will see it keeping victims informed about the progress of cases, consulting on a new Victims' Charter, including a Victims' Ombudsman, and giving victims the opportunity to report minor crimes on-line.

¹⁹ BOTJ library refers.

Lord Chancellors Department (LCD) – Case Preparation and Progression Team

Following the publication of the white paper, the LCD has set up a team to look into Case Preparation and Progression with a strand focusing on victims and witnesses. The team are due to report at the end of 2002 and its recommendations will include:

- the appointment of a victim and witness Commissioner;
- the establishment of a Victims Advisory Panel;
- a national strategy for victims and witnesses.

BOTJ concluded that the Review should concentrate on the service provided to victims and witnesses when they first enter the system at the point of making a statement. This will ensure that the MPS meets the needs of victims and witnesses from the outset (see recommendation 3).

6 INVESTIGATIVE BAIL - BAILING TO RETURN (BTR)

Investigative bail is granted to persons who have been arrested, but not charged. Bail is granted, by the custody officer, and the person is given a date to return to the police station, pending further enquiries by the police.

6.1 Consultation

Consultation revealed that this is an area in which there is a void in terms of supervision, policy and procedures that contributes to the failure of bringing offenders to justice. Evidence shows that the BTR system is too often used to avoid overtime, rather than for the effective management of the investigation.

The use of investigative bail is clearly a valuable tool, but evidence has been found of cases becoming 'forgotten'. This exposes other weaknesses and could lead to accusations of malpractice and neglect of duty.

Examination of a sample of custody records from the MPS revealed the following: -

- 29% of cases examined were bailed and never followed up;
- 10% of records had no disposal or explanation of the circumstances;
- victim/witness failure accounted for 17% of discontinuance before charge;
- inconsistencies in the supervision of cases.²⁰

The report concluded that around 4,000 cases per year were lost through persons failing to answer to police bail.²¹

6.2 Comparison

Visits to other forces revealed that: -

- Thames Valley Police only BTR in exceptional circumstances and then only with the authority of a senior officer. Their solution is to release and re-arrest once the enquiries have been completed. This complies with Police and Criminal Evidence Act (PACE), but removes the legal onus on the suspect to answer bail;
- West Midlands and South Yorkshire forces do not have a policy for BTRs and rely on custody officers to make relevant decisions;
- Merseyside also leave decisions to the custody officers, although the head of criminal justice for the force is of the opinion that better use should be made of 'police bail' and that defendants are charged too early, (the absence of a formulated 'interview plan' also being seen as a factor in poor evidential standards).

²⁰ The records examined were for recordable crime offences that had no disposal and had been closed on the custody database.

²¹ BOTJ Library 55 refers.

Comparisons across the MPS revealed: -

- some boroughs addressed the problem by bailing prisoners to return to a satellite station on set dates. This ensures compliance and enables checking mechanisms to be put in place should the prisoner not return;
- there were some areas of 'good practice' but these relied upon dedicated individuals keeping manual diary systems to ensure that officers under their command knew when prisoners were due to return and that follow-up action was taken where necessary;
- at other BOCUs the date for a prisoner to return was normally decided taking the officer's duties into account. If, for whatever reason, the prisoner did not return there was little evidence of 'follow-up' enquiries by either the OIC or the custody officer. This was identified as being a major factor in cases being 'forgotten';
- statistics regarding the number of outstanding cases did not appear in BOCUs' management information.

6.3 Challenge

The use of investigative bail is a legitimate opportunity for the police to pursue enquiries and the Government is looking to enhance the legislation by permitting the imposition of conditions.

The balance of correct use must be addressed and the recommendations of the Review will tackle the issues raised through better case investigation and preparation, enhanced PPTs, dedicated case workers and expert advice at an earlier stage to evaluate the evidential options.

6.4 Competition

The system of granting police bail is an internal procedure that forms part of the investigation strategy. Whilst there is clearly a need to provide this service, it is the case that, legally, only police officers have the power to do so.

7 WARRANTS

7.1 Consultation

Consultation revealed a vast backlog of outstanding warrants across the MPS with no corporate system to deal with the problem.

In May 2000, there were over 43,000 outstanding warrants in the MPS and by June 2002 the amount had increased to 45,706.²²

This represents the number of warrants circulated on the Police National Computer (PNC); however, it is suspected that there is also a large number of warrants that boroughs have elected not to circulate, due to the cost and implications of dealing with offences that are considered to be 'minor'.

The figure increases even further when warrants that have automatically been removed from the PNC are taken into consideration.²³ Taking anecdotal evidence into consideration, the Review believes that there are over 100,000 outstanding warrants in London.

Despite efforts to improve the systems (the introduction of 'Level III' Inspections and corporate guidelines), it is clear that the processes still vary from borough to borough. Consultation revealed: -

- ineffective processes and procedures;
- fragmented audit trails;
- unauthorised removal and loss of docket;
- lack of prioritisation of outstanding warrants;
- no contingency plans to deal with the backlog or volume.

Outstanding warrants represent a significant investment in police time and a missed opportunity to deal with those who may be disproportionately responsible for priority and volume crimes.

This problem has been created by a failure to implement corporate policy and resource demand. It can also be directly linked to the JD culture that exists in the MPS.

Officers do not retain ownership of cases post charge and no performance indicators exist relating to the execution of warrants. Officers therefore do not consider warrants to be their responsibility and unexecuted warrants do not feature as a priority on boroughs. Instead they are seen as an administration function and not part of the intelligence 'loop'.

²² Source: - SO3 department

²³ Warrants are automatically removed from the PNC after three years. BOCUs should review the status of the warrant and if appropriate apply to have the circulation re-instated.

A failure by the MPS to execute outstanding arrest warrants could expose the Service to serious allegations, especially if offenders commit more serious offences during the time they are 'wanted'.

To improve the MPS strategy, the Review looked at the problems associated with the vast number of outstanding warrants and identified benefits for a more efficient and effective process.

Consultation also revealed some weaknesses in relation to resources resulting in the failure to follow up local enquiries forwarded by other boroughs. The system depends largely upon the availability of operational officers and this expectation is not always realistic especially when considering other demands.

This area is a major failure in bringing offenders to justice. Each warrant represents an individual that is being pursued by the CJS and in the majority of cases there is a direct impact on victims and witnesses.

Even when viewed with a degree of optimism, the situation looks bleak and indications are that this trend is likely to continue unless action is taken.

7.2 Comparison

Warrants are a unique feature of the CJS and comparing the problem with outside agencies is difficult. BOTJ discovered a wide scope of practices across other forces with a varying degree of ownership.

- Merseyside Constabulary return warrants to the area where the offence occurred rather than dealing within the local area. This leads to difficulties regarding ownership and warrants are not executed on a pro-active basis;
- in South Yorkshire support staff working in CJUs (ex police officers) are used to locate people who are wanted on warrant. The CJU Inspector reviews cases that are due to be deleted from the PNC (automatically after 3 years);
- in West Midlands Constabulary warrants are not dealt with by CJUs but are retained by the divisions.

It was evident from research that the large number of warrants outstanding in London remain un-executed due to the transient and multi-cultural society of the capital.

The Review compared the different systems used by boroughs. On some BOCUs, the warrants are located in the Borough Intelligence Unit, on others, the CJU retain ownership. The issue of responsibility was also examined and it was found that on some boroughs the crime manager was nominally in charge, whilst on other boroughs the CJU manager was identified as being the person responsible for dealing with the backlog.

However, internal comparison of the work undertaken by the MPS to reduce the time taken to deal with persistent young offenders, especially those who are 'wanted on warrant', stands out as an excellent example of an outcome driven process.²⁴

Whilst it is acknowledged that the current system is resource intensive, the use of central direction with common objectives, targets and performance indicators, has led to a significant and continuous improvement in performance over the past four years.

7.3 Challenge

In 1998, the MPS Inspectorate wrote: - 'Non-appearance warrants are accorded very little priority, at any stage in their 'life' cycle, by many Operational Command Units (OCUs) and, therefore, there is a general perception that they are of little importance and have little status'.²⁵

The Inspectorate published a series of recommendations and a 'good practice guide' to address the problems. The Review has challenged the ability of the MPS to implement the recommendations and draws comparison with similar reports that have not been implemented.

The current situation in which there is no corporate IT system to manage warrants has also been challenged by the Review. Some boroughs have some excellent 'stand-alone' systems staffed by dedicated and committed individuals, but there are now initiatives being developed by the Directorate of Information and it is anticipated that these will address the relevant IT issues.

However, resources must be focused on dealing with the outstanding backlog.

It is clear that the problems occur from procedures adopted at the very outset, following the charging of a suspect.

There is evidence to show that if bail is granted, insufficient and incomplete checks are being carried out to confirm the identity and address of the suspect. Subsequent failure to answer to bail results in a warrant being issued, but by this time there is little hope of ever tracing the suspect.

In addition, evidence is available that indicates that often when a prisoner is taken to court 'in custody' insufficient bail objections are provided by the OIC (on form MG7) to enable the CPS to give reasoned and compelling bail objections to the court. In such cases bail is therefore granted and the suspect subsequently absconds.

The Review addresses these problems by virtue of recommendation 2 (Enhanced Prisoner Processing Teams) and recommendation 7 (a corporate prosecution file); and it also acknowledges the advent of the 'Livescan' (electronic fingerprinting) project to aid the quicker identification of suspects.

²⁴ Police Notice: - October 2001

²⁵ 'The Inspection of non-appearance warrants', MPS Inspectorate December 1998.

7.4 Competition

The Review has explored the option of outsourcing the administrative burden of managing warrants to private security firms. Unfortunately, neither current nor new legislation allows for the execution of an arrest warrant by a person other than a constable.

However, the service of a 'locate and trace' function is a possible alternative. When previous initiatives by the Territorial Support Group (TSG) have been mounted, results have shown that some suspects are dead, in prison or no longer residing in this country. There is also the issue of the willingness of victims and witnesses to give evidence relating to cases that could be almost three years old.

The Review found that the constant updating and research needed to validate the execution of warrants is time consuming and costly and appears to be outside the remit of the current structure. The use of a private security company to address the huge backlog would remove the administrative burden from police officers, would clear the backlog and would reduce the possibility of civil litigation. BOTJ's research has discovered that a private company would be able to: -

- act as a managing agent for warrants (logging and tracking the progress);
- move the suspects from the place of arrest to the required destination;
- establish a detention facility for suspects prior to their court appearance.

The Review also examined the possibility of using the newly appointed Police Community Support Officers (PCSOs) to reduce the backlog of outstanding warrants. However, as this role is mainly an administrative one, it was not seen to be within their current job description.

8 VISION FOR THE FUTURE AND RECOMMENDATIONS

8.1 Introduction

Twelve areas for improvement have been identified from an analysis of the findings. These are: -

1. Introduce Custody Detention Officers (CDOs);
2. Enhance Prisoner Processing Teams (PPTs);
3. Improve victim and witness support;
4. Improve the systems of investigative bail;
5. Introduce the Crown Prosecution Service (CPS) at the point of charge;
6. Increase flexibility for 'Narey' court dates;
7. Introduce an MPS corporate case file and contents;
8. Create a single Prosecutions Unit;
9. Create a Central Command Unit for Criminal Justice;
10. Introduce systems to ensure compliance with the execution and administration of warrants;
11. Move away from the 'judicial disposal' performance indicator to a measurement based on court 'outcomes';
12. Establish e-mail links between police Criminal Justice Units (CJUs) and the CPS

The relationships between these areas for improvement and their impact on the overall vision is discussed in Sections 8.2 and 8.3. The details of each of the areas, the options considered and the recommended approaches are given in Sections 8.4 to 8.15, and a summary of the recommendations is given in Section 8.16.

8.2 Vision for the Future

| Current Situation | Vision for the Future |
|--|---|
| <p>Accused brought into custody and charged. Police officers are undertaking custody and gaoler roles. These are primarily administrative functions.</p> | <p>Accused brought into custody and charged. Custody sergeants responsible for management of custody suite. Enhanced gaoler role undertaken by civilian custody detention officers. (Rec. 1)</p> |

Current Situation

Investigative bail used in some instance for further investigative work to be undertaken. Little managerial ownership of this process. Some evidence of cases being 'forgotten'.

Initial case file prepared by officer in case. Evidence indicates that many files are of poor quality and do not contain all the information required to proceed. Errors are not identified or rectified until later in the process (may then be too late). Variety of case file formats being used across the MPS.

CPS lawyer attends police station the day before court appearance and assesses quality of case file. The lawyer may identify that further evidence is required, or charge is inappropriate etc.

Often there is insufficient time between charge and first court appearance (2 days) to prepare case adequately - leading to CPS rushing to adjourn.

Cases pass between police CJU and CPS repeatedly, creating delays and risk of errors, confusion over roles and poor service for victims and witnesses.

Vision for the Future

Bail to return (BTR) process improved by restricting practice to minimum, increasing authority levels, monitoring compliance and placing responsibility with enhanced prisoner processing teams - see below. **(Rec. 4)**

Building on the introduction of prisoner processing teams (PPTs) in boroughs (policing model), enhance PPTs to include responsibility for preparing case files and providing victim and witness care. Leads to higher quality case files (right first time), process maximises intelligence, improves victim and witness care. **(Recs. 2 and 3)**

Standard case file format used across the MPS building on existing good practice. **(Recs. 7)**

Introduce CPS at point of charge to ensure that expert advice is available as early as possible. **(Rec. 5)**

Adopt more flexible approach to setting some court dates to allow appropriate time for case to be prepared. **(Rec. 6)**

Improvement to initial case file will reduce work required subsequently in the process, freeing up CJU resources that can be used to build in quality at the outset.

Move towards the creation of a single prosecution unit. **(Rec. 8)**

| Current Situation | Vision for the Future |
|---|---|
| Warrants issued for non-attendance at court - many currently outstanding. | Introduce monitoring systems to ensure that warrants are followed up. Action required to reduce the backlog, by contracting out trace/locate function. (Rec. 10) |
| Performance management regime poor. Police, CPS and courts all use different performance indicators. There are no measures of overall success of the process; the police for example focus on Judicial Disposals. | Improvement to the performance management regime required. Performance indicators used by police based on court outcomes. (Rec. 11) |
| CPS lawyers communicate to officers in the case, via CJUs by the use of faxes and memos sent by internal despatch. This is time consuming leading to delays and ultimately case failures. | Establish secure e-mail links between the two organisations to ensure an improved service creating an audit trail for communications. (Rec. 12) |

The implementation of these recommendations will be achieved through the criminal justice command, recommendation 9.

Options for achieving the proposed changes and suggestions/guidelines as to how the organisation can achieve the transition from where it is now to where it wants to be are discussed in Chapter 11.

8.3 Principal Benefits of the Changes

The Review's findings point to three principal areas where the MPS can effect significant improvements in the CJS: -

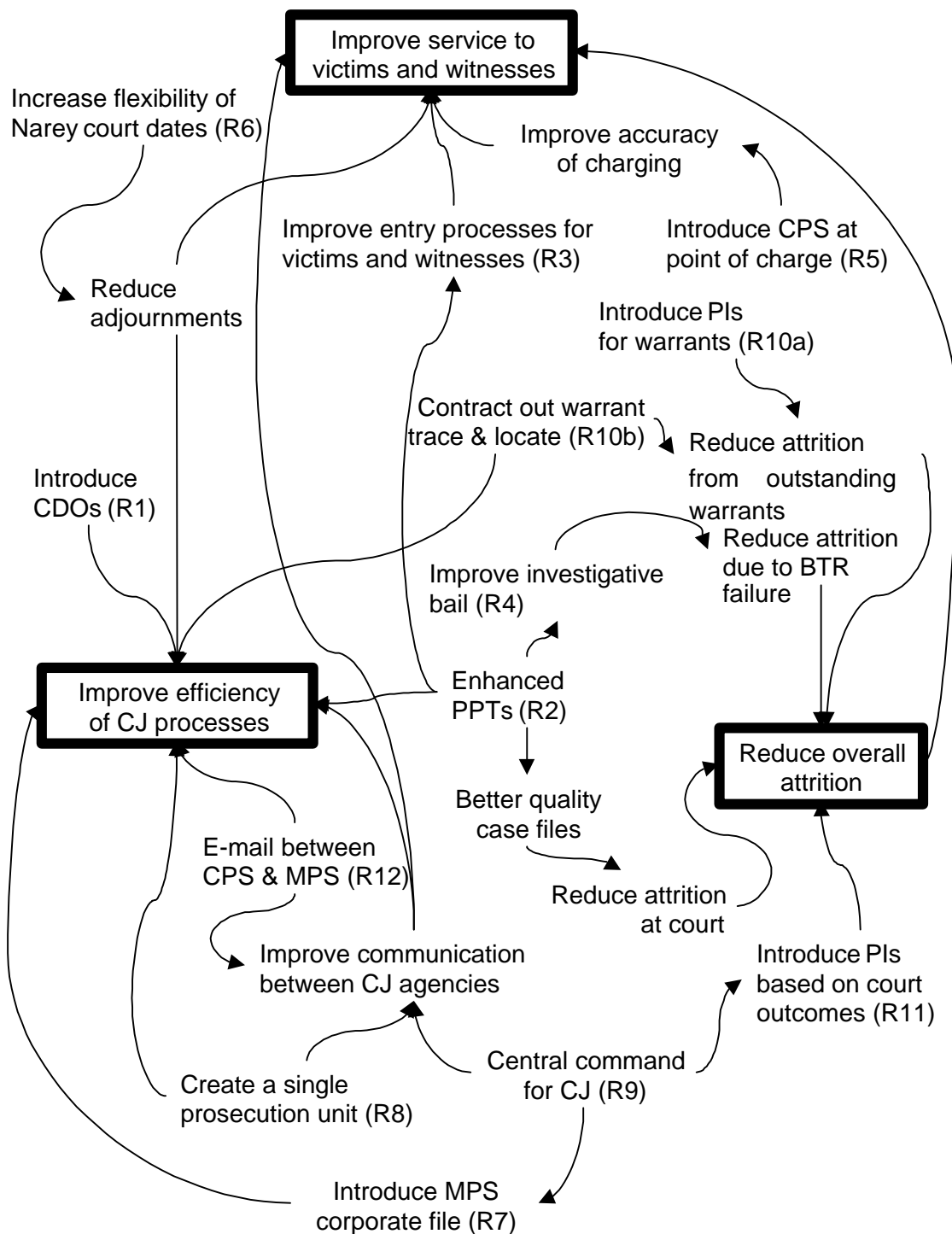
- a. **Attrition:** - That is, the number of cases which are not taken to a conclusion because of avoidable failure at court, ineffective use of investigative bail or ineffective pursuit of warrants;

b. The efficiency of Criminal Justice processes from charge to court appearance: - Apart from avoiding the cost of failure implicit in a, significant process improvements are available through a range of unilateral and partnership improvements;

c. Service to victims and witnesses: - While improvements in a. and b. will bring more cases to a successful conclusion and enhance victim and witness confidence, the MPS can ensure that its role as gatekeeper to the CJS serves victims and witnesses more effectively.

The relationship between BOTJ's recommendations and these three areas is illustrated in the influence diagram below.

8.3.1 How Recommendations (R1-R12) will deliver the BOTJ Vision



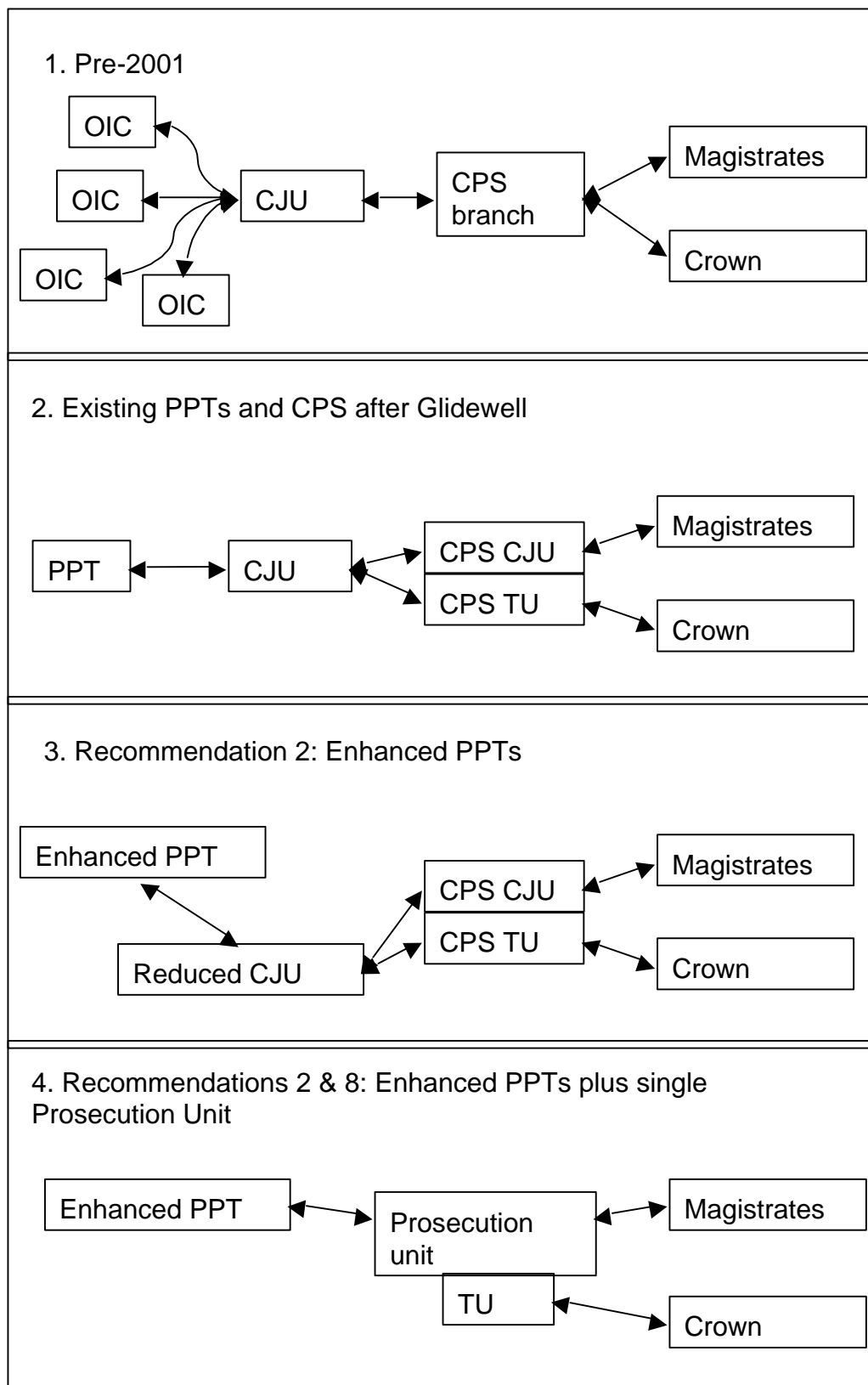
There is an additional 'virtuous circle' not fully included in the diagram that ties together the areas for improvement: - better service to victims and witnesses will encourage them not to withdraw from the CJS and reduce one of the major causes of attrition (failure to appear at court) – reduced attrition will in turn encourage victim and witness participation.

Implementing recommendation 11 will allow this change to be monitored and provide a measure of the overall success of this Review's recommendations. This is also consistent with proposals to change Best Value Performance Indicator (BVPI) 136 (percentage of notifiable offences for which a person has been charged, summonsed or cautioned) by including convictions.

Targets could be set for all these benefits, although current absence of reliable baseline measures prevent these being developed at present.

Two key aspects of the recommendations are the need to '*get it right first time*' by enhancing the role of prisoner processing teams, and the simplification of the chain of communication that currently operates in the CJS. The diagram overleaf shows how this will be achieved.

8.3.2 Achieving the Vision



8.4 Recommendation 1: Introduce Custody Detention Officers to take away administrative burden from police officers and save £3.6m

Rationale

Since the inception of the Police and Criminal Evidence Act, the role of the Custody Sergeant has become mainly administrative. Consultation has shown that this has impinged on their main responsibility of reviewing evidence and deciding upon the most appropriate charge. In too many cases the decision of the custody officer is based on verbal representation made by the officer-in-the-case.

Considering that the majority of custody suites employ more than one sergeant per shift, this proves to be a costly exercise amounting to an annual cost of £29.3m.²⁶

Further consultation has indicated that whilst boroughs do have a facility to employ civilian gaolers, only six have utilised this option. The Review considers that the employment of a constable as gaoler is not an effective use of resources.

Options

1. Rationalise the number of custody suites: - This has been occurring over the last decade and the police estate is unlikely to shrink any further to have a substantial effect on the problem. 'Bridewell' proposals met with public objections, although smaller scale initiatives cannot be discounted. There is a potential for regional rationalisation or a move from the conventional police station, but the recent progression of Private Finance Initiatives (PFI) makes this less likely.
2. Privatisation of the role: - This will require legislative change that is not anticipated in the immediate future. Although PFI will provide some services, there is no exemption to the legal aspect.
3. Remove the administrative burden from the custody officer by the introduction of CDOs: - This would reduce the number of sergeants and constables needed to perform this role and reduce costs.

Option 3 is the preferred option

The Review recommends that, as far as circumstances permit, only one sergeant is appointed as custody sergeant per shift and that the remaining posts are replaced by CDOs. These are enhanced gaolers who, once detention has been authorised by the custody officer, will undertake the booking in, searching and other functions associated with the custody role including taking fingerprints, DNA samples and completing antecedents forms.

Benchmarking exercises with other forces have highlighted good practice that has enhanced the quality of service in custody suites without compromising legal

²⁶ Source: - MPS Finance Directorate

obligations. Other forces have built on the recommendations contained in the white paper 'Justice for All' by using support staff within the custody processes.

Benefits

The introduction of CDOs would: -

- enable custody officers to take a management role in the custody suite without being distracted by unnecessary paperwork;
- provide a better service to stakeholders (solicitors, forensic medical examiners, independent custody visitors);
- enable PPTs to focus on gathering evidence and case file preparation;
- assist in the administration of 'investigative bail' cases (recommendation 4);
- release sergeants and constables to perform their core functions.

Costs

This recommendation would entail the creation of new posts within the MPS and would involve an initial revenue cost of £11.2m including recruitment and training. However, it would involve the transfer of responsibilities to non-police staff and release officers back onto the streets. In addition, it would save the MPS approximately £3.6m per annum.

8.5 Recommendation 2: Enhance Prisoner Processing Teams – focusing on quality, expertise and enhanced support staff roles.

Rationale

The Review has recognised that the traditional methods of processing prisoners through a custody suite is no longer a tenable business model and that there is a need to maximise the efficient use of MPS human resources in the investigative processes.

The volume of prisoners is rising, the legal requirements for processing a prisoner have increased, the knowledge base of officers is decreasing, and the demands on officers are becoming more and more diverse and complicated.

Investigation is a complex field. We need to ensure that we secure the best advantage from the detention period and remove the current culture of viewing persons in detention as ‘just another process’.

Active defence techniques, tactical interventions founded on sensitive intelligence, forensic assessments, informant handling, disclosure and human rights issues, all shape the investigation plan and the Review believes that this is no longer the province of the ‘good all-rounder’.

In addition, the role of intelligence is integral to the investigative process. Every arrest should be assessed and an investigation strategy recorded, based upon what is known about the person and the nature of the offence. It is essential that every suspect be treated as a possible forensic opportunity, that interviews are intelligence-led and that the investigation is considered as a source of intelligence.

The absence of managed and focused strategies has been identified and the lack of direction, expertise and training continues after a suspect is arrested and brought into custody.

Options

1. Implement PPTs in line with the Policing Model. The model allows for excessive local interpretation by boroughs and has not achieved major success under the present initiative.
2. Introduce properly resourced PPTs on all boroughs to relieve the burden on ‘front-line’ officers. Such units would have continuing ownership of cases, including file building responsibilities and victim and witness care (recommendation 3). PPTs would also improve the system of ‘investigative bail’ (recommendation 4).
3. Increase the level of training and understanding of every operational officer and give him/her responsibility for the case from ‘cradle to grave’. This would necessitate changes in our current training programme, including recruitment training, development training and borough training. It would be difficult to achieve given the current pressure and would rely on operational officers

performing a 'file building' role when subsequent action is required. In essence this is the system currently used across the MPS and is seen as a major contributory factor to the current failures.

Option 2 is the preferred option

Benefits

This recommendation is aimed at reducing the administrative burden on operational police officers, releasing them for more proactive duties, whilst optimising detections and improving the service provided to the public, and to victims and witnesses in particular.

The success of this recommendation relies on the acknowledgement that the processes following charge are vitally important and a realisation that the current MPS methods are contributing significantly to the unacceptable rate of case failures.

The team carrying out the work will consist of police officers and members of the civil staff. Together they would perform the roles of specialist interviewers, search teams, statement takers, CCTV liaison clerks and scenes of crime officers, as befits the circumstances of each investigation. The rotation of officers attached to PPTs would address the problem of de-skilling.

Such teams not only enhance operational effectiveness, but also enable suitably skilled and trained individuals to maximise the potential for detections.

The use of dedicated teams to deal with post-arrest investigations is already an established part of the process undertaken by Major Investigation Teams and some Specialist Operations (SO) departments. Their proven success makes the adoption of such an approach to volume crime a natural development.

However, the teams currently established in the MPS deal mainly with the administration of the process rather than maximising the potential for detections and do not fully utilise the intelligence system prior to interview. The main reason for this is lack of resources.

There should be an acceptance that, due to the importance of a thorough and professional investigation that culminates in a quality initial file, post arrest investigation is a specialist role and should be appropriately resourced.

In addition, this recommendation builds on the concept that if cases are to be effective at court, then the MPS must recognise its responsibility to deliver a quality product to the CPS based on the ethos of '*getting it right first time*'.

This in turn will reduce the pressure and workload currently placed on CJU and CPS administration units. If the police hand a quality file to the CPS, then the need for future remedial action will be significantly reduced. Further action will only be

necessary to build a file following a 'not guilty' plea and this will be progressed more efficiently with contact only being necessary with staff on the PPTs.²⁷

It naturally follows that reduced workloads on CJUs and CPS administration units will allow for a reduction in overall staffing levels.

In addition, an added benefit would be the release of the QA sergeant post from CJUs. The charge, as advised by the CPS at the time, would be correct (recommendation 5) and the PPT supervisor will assure the quality of the file by checking it in the custody suite prior to transfer to the CPS.²⁸

There is a clear need to end the 'adjournment culture' that exists in London whereby there is an acceptance that it will take three or four court appearances before the initial work is completed and the case can progress.

The acceptance of this recommendation will, in the long-term, be more cost effective as cases will be resolved more quickly, more guilty pleas will be entered at an earlier stage and this will allow the CPS to concentrate on the 'more serious' cases that are sent to the Crown Court, thus embracing the recommendations in the 'Glidewell Report'. This in turn would provide a better service to victims and witnesses.

Savings that would be achieved by the introduction of PPTs would include the financial saving of reduced overtime. Research has shown that the equivalent of two officers per week are released back onto patrol for every 34 prisoners dealt with.²⁹

Costs

It is envisaged that a PPT would consist of four teams working seven days a week, covering sixteen hours per day, although it is acknowledged that there is not a 'one fits all' model. Each team would typically consist of: -

- 1 police sergeant/ detective sergeant;
- 2 constables/detective constables;
- 3 members of the civilian staff (band 'E').

The transfer of resources from CJUs and custody suites will achieve staffing levels for PPTs as follows: -

- 154 sergeants released from custody suites (recommendation 1);
- 233 constables released from gaoler duties (recommendation 1);
- 32 sergeants released from QA posts in CJUs.

The concept of '*getting it right first time*' will reduce the workload of CJUs and will release the required amount of staff to work on PPTs.

²⁷ On one borough, in a four month period 75% of committal files were late with 44% being of an insufficient standard leading to the committal being discharged (BOTJ library 141 refers).

²⁸ In one month a borough received 525 case files of which 520 were defective. 'Operation Justice' discovered that, during one Borough inspection, 80% of all initial cases contained defects.

²⁹ MPS Consultancy Group - 'Evaluation of Hounslow Borough', February 2001

8.6 Recommendation 3: Improve victim and witness support – focusing on the care and service given to victims and witnesses

Rationale

The concerns surrounding the lack of attention given to victims and witnesses are well documented in this report and the Review has already acknowledged the amount of external research that has commenced since the start of BOTJ.

In particular, the Government white paper 'Justice for All' focuses on the plight of victims and witnesses and it is anticipated that resulting legislation will address many of their needs and expectations.

For this reason, BOTJ has focused on the service the MPS provides to victims and witnesses from the moment they enter the CJS.

The Review has identified that in the MPS, with the exception of 'vulnerable' or 'intimidated' witnesses, there is no defined ownership for victim/witness care. This has led to an inadequate service being provided.

Options

1. Wait for current initiatives, including the possibility of legislation, to report and then to re-consider the role of the MPS. This would keep approaches to a common standard and in line with external expectations.
2. Set up a prioritised victim/witness care section as part of recommendation 2 (enhanced PPTs), in liaison with witness support and witness service.
3. Outsource victim/witness care. This would create more administration in the liaison role with the agencies concerned and may create difficulties in the priority of service delivery. It would be a costly exercise particularly if the Government creates a new, separate agency.
4. Create a victim and witness focus desk within current CJUs at a staffing cost of £3.6m per annum (5 civilian staff members per borough). This would provide an interim measure to complement the implementation of the Crime Management Review recommendation for a central victim desk located within the Telephone Investigation Bureau, and any future recommendations made by external agencies. However, this is also viewed as being an extremely expensive 'interim measure'.

Option 2 is the preferred option

Benefits

- members of PPTs would be able to pick up 'the baton' from the outset. As part of the investigation strategy, they would become the named contact point for all victims and witnesses (thus ensuring compliance with the VPS

scheme) and would remain so until responsibility is passed to the next agency involved (CPS/court service);

- fully resourced PPTs are an essential part of the BOTJ model. Any subsequent transfer of responsibilities for victim/witness care to an outside agency would not negate the need for PPTs;
- victim and witness care within a PPT is consistent with the CMBVR recommendation for victim/witness liaison to be located in Crime Management Units prior to the establishment of a CTIB;
- better Customer Relations Management processes;
- reduction in attrition rate through early engagement and continued contact with victims and witnesses;
- reduction in staff time in failed cases (case preparation and court attendance);
- more offenders are brought to justice.

Costs

The costs for this recommendation are an integral part of recommendation 2.

8.7 Recommendation 4: Improve the systems of investigative bail – reducing inefficiencies to enhance performance

Rationale

This is an area where concern has been raised over the failure to bring offenders to justice. It is clear that the MPS lacks supervisory and performance management in the use of investigative bail and there is evidence of cases being 'forgotten'. This exposes other weaknesses and could lead to accusations of malpractice or neglect of duty. Research has shown that 30% of all cases bailed are never followed up. When prisoners are granted investigative bail the reliance is on the OIC to ensure a satisfactory outcome; however there are few systems to ensure compliance. In addition, the implementation of recommendation 5 (introduction of the CPS at the point of charge) has the potential to increase the number of people released on 'investigative bail'.

Options

1. Restrict the use of investigative bail to the very minimum of cases by issuing new instructions. This is the practice of some county police forces and has proved effective. However, the transient nature of the population in the MPS alters the basis of the problem in London from that of our colleagues.
2. Introduce supervisory and performance management indicators to control and ensure best use. The supervisory function should already exist, but there are reservations as to whether performance indicators would have a sufficient impact.
3. A combination of options 1 and 2. Restrict the use of investigative bail by increasing the level of authority to grant bail, from custody sergeant to inspector. Transfer responsibility for compliance to PPT supervisors. Administrative functions would be enhanced by the introduction of CDOs and performance measures would be introduced holding supervisors accountable for any outstanding cases.

Option 3 is the preferred option

Benefits

- the reduction in failure rate of cases;
- better service to victims and witnesses;
- a reduction in staff costs and time through appropriate use of bail;
- reduction in risk of civil litigation against the MPS;
- increased performance indicators including JDs and court outcomes.

Costs

Change management and performance measures would be achievable within existing budgets. There are no other financial costs anticipated.

8.8 Recommendation 5: Introduce the Crown Prosecution Service at the point of charge – bringing expert advice in earlier to avoid costly mistakes

Rationale

The Review has found that the evaluation of evidence, prior to charge, is conducted at the wrong stage. As a result, cases are being discontinued after an expensive process has already begun. The current discontinuance rate across London is 14% and, when other avoidable categories are added, this figure rises to over 20%. Custody Sergeants are inadequately trained/qualified and are rarely able to review the full details of each case before charge, relying on the OIC for guidance. The current system involves a CPS lawyer reviewing the evidence approximately two days after charge and applying ‘the public interest and evidential tests’ to decide if the original decision made by the Custody Sergeant was correct.³⁰

Options

1. Joint charging standards. This option was introduced several years ago via the ‘case disposal’ manual. However, guidelines have become outdated and lack of compliance is now evident.
2. Introduce the CPS at the point of charge. The CPS should remain independent from the investigation, but placing them nearer to the charging process will address many of the identified weaknesses. It will also follow the recommendations made in the white paper ‘Justice for All’.
3. Grant ‘police bail’ in all but minor cases for CPS advice. Although this is an accepted practice in major investigations, large-scale referrals will quickly overstretch the system.

Option 2 is the preferred option

This concept is presently being piloted in several police areas including Kent, Essex, West Yorkshire, North Wales and Avon and Somerset. The CPS has reported, via the Attorney General’s Office, marked improvements in the quality of case files and the levels of charge. It has also led to a decline in the number of ‘weak’ cases being charged and the number of late discontinuances. Benefits are greater in more serious cases that progress to the Crown Court, where early advice has saved unnecessary operational expense.

³⁰ In accordance with the Code for Crown Prosecutors

Benefits

The main implications of delivering this option would be the lack of resources available to the CPS to ensure full compliance.

The benefit to the MPS would be substantial, with little change or cost. The CPS is piloting this concept and has identified benefits in early intervention to ensure quality evidence. There are cross-organisational benefits with the prosecutor taking an early decision regarding continuance, saving both time and money.

In addition, the presence of the CPS at the point of charge will reduce the need for 'advice files'. The current average submission across the MPS is 2,300 files per year.

The CPS would also benefit from this recommendation. A quality product, achieved from the outset, will ensure more productive court appearances for their lawyers, a reduction in the need to use 'agency' lawyers, less applications being made for adjournments and will enable them to concentrate on compiling cases for their prosecution.

Costs

This recommendation has the potential for substantial savings by achieving a reduction in a detainee's detention time and eliminating unnecessary case file preparation. In addition, the post of the QA sergeant in the CJU would no longer be required. If the initial charge is correct and the quality of the case file is improved, the need for quality assurance two days later would not be necessary (also reflected in recommendations 2 and 8).

8.9 Recommendation 6: Increase flexibility for 'Narey' court dates – extend bail to allow for better case preparation

Rationale

BOTJ has found that the present system of bailing defendants to fixed dates is both inflexible and mechanical. This results in a lack of time to prepare files, ineffective court hearings, disillusioned victims and witnesses and ultimately case failure. However, it has also identified the vast increase in the complexity of investigations where areas such as identification, forensics and disclosure are causing blockages and delays.

The time wasted on ineffective hearings is significant across London and the opportunity to address some of these problems is apparent. The Review also acknowledges reports from courts regarding the difficulties they experience in listing cases and the lack of control over initial demand. Cases should only appear at court when the prosecution is satisfied that some progress will be made. In many cases, we are simply *'rushing to court to get an adjournment'*.

Options

1. Keep the existing system. BOTJ recognises the argument that allowing more time between charge and the first court appearance does not automatically ensure a more thorough investigation. It therefore acknowledges and supports the need for effective front-line supervision to ensure that files are 'court ready' at the first hearing.
2. Extend bail to more realistic dates. From case studies conducted in courts it was noted that adjournments were being granted due to the short time allowed to prepare cases. If the initial date of hearing were more realistic, then this would address the vast majority of problems. However, it is not anticipated that the first court date would be in excess of 7 days from the point of charge.
3. Delay notification of bail dates. This will allow time for all parties to prepare their case, notify the court of the direction in which the case will proceed, i.e. guilty, elect for trial, so that the court can allot and control court time.

Option 2 is the preferred option

This would be the more successful option, as the extension envisaged would not greatly extend the present system. It would deliver benefits across the CJS reducing staff time and costs and limiting the number of failed cases. Merseyside introduced more flexibility into their court dates with immediate reduction in adjournments and more 'guilty pleas' entered on the first appearance. 'Glidewell', a 'Trials Issues Group' report and 'The Way Ahead' report all identify similar problems and make comparable recommendations.

Benefits and costs

The extra time allowed to prepare a quality set of case papers would help to reduce the discontinuance and failure rates at court. From the police perspective, this would impose little cost compared to the benefits.

However, whilst BOTJ questions the mechanical approach adopted by implementing the 'Narey' findings, it acknowledges that in many cases there are real benefits in allowing defendants to be dealt with expeditiously. The Review accepts that correctly identified EFHs are an effective means of case disposal and should continue. It is in the EAHs that flexibility would be beneficial.

This will ensure that serious allegations continue to be 'fast tracked' through the system to the higher courts.³¹

³¹ Section 51 Crime and Disorder Act – the system of 'fast tracking' indictable only offences to the Crown Court.

8.10 Recommendation 7: Introduce an MPS corporate case file and contents – standardise and enhance quality at no extra cost

Rationale

There are two types of files, 'expedited' and 'full'. Boroughs within the MPS have developed their own file 'front covers' for the guidance of officers. These documents, which vary in content, inform the arresting officer which forms are required, depending on the type of plea that is anticipated at court. None of the London boroughs currently comply with the guidelines contained in the 'MoG'.³² There is evidence to show a correlation between the quality and the content of the case file and the progression made at court hearings. Variations to each can lead to confusion, the exclusion of important documents and an increase in the risk of failure.

Options

1. Introduce standardised cover versions for the different case files currently in use across the MPS. This is unlikely to have a major impact although an improvement would be seen.
2. Introduce a single standardised cover version for all files in use. This would simplify the issue and reduce the risk of document exclusion.
3. Introduce a single file for all cases, identifying forms for inclusion, on a corporate basis, with a standard cover. This option would involve the completion of the *same* file for all cases irrespective of the anticipated plea at court. Whilst initially this might be seen as unnecessarily increasing bureaucracy, as well as contradicting the MoG, it remains a fact that even the most basic files require additional forms and their completion from the outset would be more timely and therefore more cost effective. The introduction of a single file would address many of the problems highlighted.

Option 3 is the preferred option

Benefits

Following consultation and benchmarking exercises, many practitioners have aired their preference for such a move in recognition of the problems that this recommendation would address.

It would ensure that every borough in the MPS provides the same (quality) product to the CPS, irrespective of the location. The introduction of a single corporate file,

³² When surveyed, 79% of police officers and 80% of CPS lawyers said they never refer to the MOG, MPS Consultancy Group July 2002

containing sufficient details to enable cases to progress from the first appearance, would reduce the number of unnecessary adjournments, limit the amount of applications by defence lawyers for additional information and would increase the productivity of the courts. These benefits could be measured by any joint performance indicators.

In addition, it would also ensure that police officers become familiar with a corporate system and that MPS training can be standardised, thus eliminating the current problem whereby central training is hindered by local practices.

Costs

The main implications of delivering the option would be the work on the MoG and NSPIS that this recommendation would partially invalidate. However, the recommendation would not have major cost implications and would represent savings in the medium term.

Newly designed file covers could be created centrally and rolled-out to gradually replace existing stocks. Implementation would be achievable within existing budgets.

8.11 Recommendation 8: Create a single Prosecutions Unit – two organisations doing one job make prosecutions less effective

Rationale

The current situation is that there is a Budgeted Workforce Target (BWT) of 1,542 MPS staff working in CJUs across London at a cost of £35m; although it is acknowledged that virtually every borough is under resourced. The CPS has experienced similar staffing problems, especially with their support staff. Consequently we have created a situation whereby case file preparation is managed by two under-staffed and under-resourced administrative units. This was not the original intention of the Prosecution of Offenders Act 1985.

BOTJ has identified that this structure, which requires a police CJU acting as an intermediary between the OIC, the CPS lawyer and the CPS support staff, is overly bureaucratic and contributes significantly to confusion, delays and ultimately case failure.

The Review has examined the concept of introducing the 'Glidewell Project' in London. To date, only one unit has been established and although the two organisations are now co-located at Holborn police station, the true objective of integration has not been achieved. Whilst the overall project continues to push forward, difficulties have yet to be addressed regarding the processes involved, the management structure, recruitment and conditions of service.

BOTJ believes that the failure to achieve integration will be resolved if the demarcation lines are re-drawn to provide clear and unequivocal areas in which each agency operates. The Review considers that the clear ownership for the prosecution should be re-established by the CPS, as intended by legislation. BOTJ sees this as a long-term recommendation with the changes occurring gradually and incrementally.

BOTJ has examined the findings of the Project Group set up in 1999 to evaluate the Glidewell recommendations and the concerns expressed regarding the CPS undertaking responsibility for the prosecution and the loss of 'ownership' for the police service. BOTJ has found no evidence to substantiate these concerns (see pages 13-14).

The Review is aware that this recommendation is supported in the MPS response to the white paper 'Justice for All', but acknowledges that consultation with the CPS revealed that they do not support the recommendation in its current format.

However, in principle, it is commonly agreed that the establishment of a single prosecution unit is both desirable and necessary. It is the process of how this should be achieved that remains the issue.

Options

1. Continue with the current Glidewell implementation programme to establish co-located and ultimately, integrated CJUs.

2. Advance the Glidewell project to beyond co-location and *gradually* transfer resources and prosecution responsibilities to the CPS.
3. Outsource the administration of MPS CJU responsibilities.

Option 2 is the preferred option

Benefits

The Review believes that the net result would be the removal of an unnecessary layer of bureaucracy and communication, with both agencies being clear about their responsibilities, thus making case management more efficient, more effective and more economic.

Creating a single prosecutions unit would eliminate the communication difficulties that presently occur, as messages are passed back and forth between the key players (CPS, the OIC and the CJUs) in the hope of achieving a satisfactory outcome. Ultimately it would provide a more streamlined system ensuring that more offenders are actually brought to justice.

The establishment of PPTs (recommendation 2) would also reduce the workload for the prosecution unit. By ensuring that a quality file is provided, the need for immediate remedial action would be removed, thus reducing the number of administrative staff required to process cases.

Costs and Implications

- The CPS have been involved in BOTJ since the beginning. However, they need to be in full concurrence with this recommendation and agree to inherit all the associated responsibilities, such as staff pay, pensions and conditions.
- It would necessitate the transfer of some posts from the MPS to the CPS (together with the requisite budget) with some staff being allocated to 'front end' PPTs.
- An improvement in the overall police process (as recommended by BOTJ) could have significant implications in relation to the current Glidewell project. A reduction in post-charge workloads may assist in addressing the current accommodation issues and cost implications that remain a potentially fatal barrier to this project.
- Civil staff unions need to be involved. Consultation has already taken place and, whilst they are against the concept of the MPS losing posts, they do acknowledge the gradual withdrawal of police staff from CJUs as being an inherent part of the Glidewell project.
- There are some functions that would require additional consultation and protocols to be drawn up, such as access to the PNC, dealing with Criminal Injuries Compensation Applications (CICA), and access to the Computer

Aided Resource Management System (CARMS) and court computers. However, these, and other issues, were discussed in an MPS Inspection Report.³³ None of the problems are insuperable and are not seen as justifying any reasons to alter our recommendation.

³³ BOTJ filing no.3 refers

8.12 Recommendation 9: Create a MPS 'Department for Criminal Justice' – optimising policy in relation to operational matters and ensuring best practices

Rationale

The low status of CJUs across the MPS, and their standing within a borough's hierarchy, is well documented and rehearsed. Staffing levels and resources have been a major problem for CJUs since their inception and these problems were exacerbated when the MPS introduced Borough Based Policing (BBP) about three years ago. Divisional CJUs merged to become borough CJUs and as civil staff allocations were reduced, CJUs became the obvious targets for cuts.

BOCUs have often underestimated or neglected the role of the CJU as they are a function that occurs after the measurement process of JDs. BOTJ has therefore been exploring the possibility of centralising the command for criminal justice and removing the onus from boroughs.

However, the MPS Management Board has now reviewed and re-aligned responsibilities at the most senior level. To raise the profile and status of criminal justice, the current areas of policy and operations have been merged under the central command of an ACPO officer.

BOTJ also acknowledges that criminal justice issues now form an integral part of the MPS policing plan.

This recommendation is seen as a short-term remedy in comparison to the longer-term objective of recommendation 8 (the creation of a single prosecutions unit). However, the creation of a central command unit will address and endorse the issues raised by the Review in the immediate future.

Benefits

- raises the profile of CJUs in the MPS;
- endorses the status of criminal justice issues as reflected in the policing plan;
- creates corporacy for criminal justice issues across the MPS.

Costs

The internal transfer of existing resources has already met the costs of funding this new unit.

8.13 Recommendation 10: Introduce systems to ensure compliance with the execution and administration of warrants – removing the administrative burden from police

Rationale

In May 2000, there were over 43,000 outstanding warrants for non-attendance at court in the MPS. In October 2000, the figure increased to over 51,000, although by June 2002 the amount had decreased to 45,706.

This figure represents the number of circulated warrants. However, it is suspected that there is also a large number of warrants that boroughs have elected not to circulate, due to the cost and implications of dealing with offences that are considered to be 'minor'.

The problem has been created by a policy failure and resource demand; it can also be directly linked to the JD culture that exists in the MPS. Officers do not retain ownership of cases post charge and do not consider the execution of warrants to be a priority.

Whilst BOTJ acknowledges that BOCUs do not have sufficient resources to focus on every issue, it is apparent that warrants are seen as an administrative function and not part of the intelligence 'loop'. However, outstanding warrants represent a significant investment in police time and a missed opportunity to act against those who may be disproportionately responsible for priority or volume crimes.

Unless warrants are dealt with immediately their administration creates a time consuming and bureaucratic dilemma. Regular checks are necessary to ensure the continued co-operation and support of victims and witnesses, efforts to trace people of a nomadic existence become increasingly difficult and consequently the warrant lies dormant, creating the problem that currently exists.

A failure by the MPS to execute outstanding arrest warrants could expose the Service to serious allegations, especially if offenders commit more serious offences during the time they are 'wanted'.

Options

1. Introduce a policy to ensure that all warrants and wanted files are circulated. Place the onus of execution onto the police in whose area the wanted person resides and introduce performance measures.
2. Use Police Community Support Officers to research and execute outstanding warrants. This would entail an amount of administrative work to identify the location of the person and the willingness of victims and witnesses to proceed. This could contradict the intended role of PCSOs.
3. Introduce an exclusive MPS IT system to address cross-borough enquiries and a performance management system to monitor compliance.
4. Outsource the administration of warrants and location of offenders to an independent company to address the immediate backlog on a short-term

contract. This would remove administrative burdens from the police and reduce costs in staff time. To prevent a return to the current situation introduce performance measures to ensure BOCUs deal with all warrants and place ownership with the Superintendent Operations.

5. Create new civilian posts within the MPS to establish a team on each borough to research and address the backlog of outstanding warrants at a cost of £3.8m.

Option 4 is the preferred option

Benefits

Every warrant should be viewed as an investment in respect of the costs that have been incurred in getting the case to that point. The benefits would be: -

- contractual ownership by a private company will ensure compliance;
- providing victims and witnesses with a better service by ensuring that offenders in the CJS are brought to justice;
- reducing the possibility of civil litigation that could occur should a 'wanted' person re-offend;
- providing a tangible indication to offenders that abuse of the court system will not be tolerated.

Costs

The main implications of delivering the option would be the cost of outsourcing such an initiative. Whilst it is acknowledged that this will be an additional cost for a service that is not being currently provided, the Review considers that the present situation is in need of urgent attention.

Specific costings are not available as the outsourcing would be the subject of an official tendering process.

However, to give an indication of the approximate cost, the Review established the cost of using MPS civilian staff (option 5) and added the accepted private sector 'mark-up' cost of 15%, as advised (see improvement plan for details).

BOTJ is aware of the parallel work being done by the Directorate of Information and the CJO at New Scotland Yard relating to the issue of outstanding warrants.

8.14 Recommendation 11: Move away from the 'judicial disposal' performance indicator to measurement based on court 'outcomes'

Rationale

Throughout the Review it became evident that the focus of the service was not on the success of a prosecution, but whether a charge, caution or summons had been achieved to record a JD. This means that the outcome of the case does not affect the performance measurement of the MPS. This has led to a lack of ownership of cases beyond the point of charge.

Options

1. Improve the present system of Joint Performance Management. This relies heavily on the co-operation of outside agencies. The current measurements relating to 'conviction rates' are focused on CPS performance only.
2. Complement the present MPS system with one that records court outcomes and compares reasons for case failure with those that are successful.
3. Develop a tracker system for each case to monitor performance. A tracker system may work for monitoring a specific element, but application across the whole system may prove excessively work intensive.

Option 2 is the preferred option

Benefits

The Review recommends that the performance measure within the MPS is focused on court outcomes. BOTJ does not advocate measuring 'conviction rates', but rather the satisfactory outcome of court cases. This would legitimately include 'not guilty' verdicts. The data on arrests and "JD"s would still be a means of measuring performance, but the focus beyond will highlight and help to improve weak areas around case paper quality, court attendance and post-charge investigations.

Costs

Court results are readily available and so a standardised system of review, conducted on a borough basis and reported corporately will not present a costly or time-consuming process. This recommendation is achievable within existing budgets.

8.15 Recommendation 12: Establish e-mail links between police CJUs and the CPS

Rationale

The need for quick and efficient communication links between the police and the CPS is essential. There are thirty-three police CJUs situated in police stations across London (including Heathrow airport). The CPS are located in seven separate buildings and there are no electronic communication links between the two.

The current situation is that if additional action is required on a case, the CPS lawyer will make the request to the OIC, via the police CJU, either by facsimile or memorandum (depending on the urgency).

The Review has evidence to show that facsimile messages are regularly mislaid and that memorandum messages can take several days to reach their destination.³⁴ This means that adjournments dates are often missed leading to increased case failure and ultimately a poor service to victims and witnesses.

At the beginning of the Review, a survey was carried out amongst borough CJU managers. The most popular area identified for improving their operational effectiveness was a secure e-mail link with the CPS to avoid the 'memo and fax culture' that currently exists.

This recommendation supports the findings of 'Operation Justice' which identified the lack of an effective communication link as being a major factor in case failure at court.

Benefits

- more effective communications links leading to less adjournments;
- more robust audit trails;
- end of the 'fax' and 'memo' culture;
- fewer case failures and a better service to victims and witnesses.

Costs

The Review is aware of the current initiative at Holborn police station to pilot e-mail links between the CPS and the police. It is also aware of the agreement to extend this concept to other sites across London.

The cost of this project is £170k and has been met from within the Directorate of Information budget.

³⁴ In one case a memorandum written by a CPS lawyer took 5 days to reach the OIC.

8.16 Overview of Recommendations

| Recommendation | Primary Benefits of Change | Costs and Savings (k) | Whose agreement required? | Beneficiaries of Change | Relationship to Other Recommendations | Full Benefits Realised by | Issues to Proceeding |
|--|---|--|---------------------------|---|--|---------------------------|--|
| 1 Introduce Custody Detention Officers | Improved efficiency of criminal justice processes | Costs: - £11,230 Savings: - £14,800 | MPA/MPS | Detainees, Solicitors, FMEs, Custody visitors etc | Contributes to Rec. 4 | November 2004 | Requires increase in civil staff posts to free up police officers from administrative functions |
| 2 Enhancement of PPTs | Improved efficiency of criminal justice processes Reduced overall attrition Improved service to victims and witnesses | Costs: - £100 Savings: - £2,490 | MPA/MPS | Public Victims Witnesses | Contributes to Rec. 3 Required to facilitate Rec. 8 | December 2003 | Requires initial investment, although improvements to initial case files will reduce the resources required n CJUs |
| 3 Improve Victim and Witness Support | Reduced overall attrition Improved service to victims and witnesses | Costs: - Nil Savings: - Nil | MPA/MPS | Victims Witnesses | Dependent on Rec. 2 | December 2003 | |

| Recommendation | Primary Benefits of Change | Costs and Savings (k) | Whose agreement required? | Beneficiaries of Change | Relationship to Other Recommendations | Full Benefits Realised by | Issues to Proceeding |
|--|---|---------------------------------------|---------------------------|-------------------------------|---|---------------------------|----------------------------------|
| 4 Improve systems of Investigative bail | Reduced overall attrition | Costs: - Nil Savings: - Nil | MPA/MPS | Victims Witnesses | Partially delivered through Rec. 2, immediate management action also required | December 2003 | Immediate management action |
| 5 Introduce CPS at point of charge | Improved efficiency of criminal justice processes Reduced overall attrition Improved service to victims and witnesses | Costs: - Nil Savings: - £2,160 | CPS | Public | - | November 2003 | Requires CPS agreement |
| 6 Increase flexibility for Narey Court dates | Improved service to victims and witnesses | Costs: - Nil Savings: - Nil | MPA/MPS CPS GLMCA | All criminal justice partners | - | June 2003 | SLA to be signed by all partners |
| 7 Introduce MPS corporate case file | Improved efficiency of criminal justice processes | Costs: - Nil Savings: - Nil | MPS | CPS | - | June 2003 | Agree design with CPS and courts |

| Recommendation | Primary Benefits of Change | Costs and Savings (k) | Whose agreement required? | Beneficiaries of Change | Relationship to Other Recommendations | Full Benefits Realised by | Issues to Proceeding |
|---|--|---------------------------------------|---------------------------|-------------------------|---------------------------------------|---------------------------|---|
| 8 Create single prosecutions unit | Improved efficiency of criminal justice processes. Reduced overall attrition Improved service to victims and witnesses | Awaits Glidewell | MPA/MPS CPS | Public | Dependent on Rec. 2 | January 2004 | Requires CPS agreement to vision and method of achieving change |
| 9 Create central command unit for Criminal Justice | Implementation of recommendations | Implemented | MPA/MPS | - | - | March 2003 | Command unit established 1/11/2002 |
| 10 Introduce systems to ensure compliance with execution and administration of warrants | Reduced overall attrition Improved service to victims and witnesses | Costs: - £4,500 Savings: - Nil | MPA/MPS | Victims Witnesses | - | January 2005 | Requires investment to clear backlog |
| 11 Move away from judicial disposal PI to measurement based on court outcomes | Reduced overall attrition | Costs: - Nil Savings: - Nil | MPS | - | - | April 2003 | Fit with changes to BVPIs |
| 12 Establish e-mail link between CJUs and CPS | Implemented | | | | | | |

The table below displays the recommendations according to the scale of the benefits they are expected to achieve and the ease with which they could be implemented.

| | | | |
|---------------------------------------|-----------------|---------------------------------------|--------------------------------------|
| Scale of benefits | Relatively high | R2, R3 R7, R8 | R1, R4, R6 R11, R12 |
| | Relatively Low | R10 | R5, R9 |
| | | Relatively hard / slow / expensive | Relatively easy / quick / cheap |
| Ease, rate or cost of delivery | | | |

9 ESTIMATED COSTS AND BENEFITS

This section identifies the likely costs and benefits from the BOTJBVR. The Review has defined the following **estimated** savings and benefits as: -

- *Cashable savings*: - These are direct savings in budget through, for instance, the actual reduction of staff needed to perform a function, or reductions in police overtime;
- *Non-cashable savings*: - These defined in terms of reductions to the amount of time or resource required to complete a function, such that these resources are available to complete other functions (e.g. the release of police officers back to front-line policing). These are often referred to as opportunity cost savings.

The Review has defined additional costs as: -

- *Capital*: - Expenditure on the acquisition, creation or enhancement of fixed assets, with a cost in excess of £5,000 and a life of more than a year;
- *Revenue*: - Expenditure to meet the continuing cost of services including wages and salaries and purchase of materials.

Table 1 summarises by recommendation the additional costs and savings/benefits identified by the Review.

Table 1 – Costs and Benefits of the BOTJBVR

All Figures are £k

| Recommendation | Estimated Savings / Benefits | | Additional Costs | |
|----------------|------------------------------|----------------------|------------------|------------------|
| | Cashable savings | Non-Cashable Savings | Capital | Revenue |
| 1 | 0 | 14,800 | 0 | 11,230 |
| 2 | 1,190 | 1,300 | 0 | 100 |
| 3 | 0 | 0 | 0 | 0 |
| 4 | 0 | 0 | 0 | 0 |
| 5 | 0 | 2,160 | 0 | 0 |
| 6 | 0 | 0 | 0 | 0 |
| 7 | 0 | 0 | 0 | 0 |
| 8 | Awaits Glidewell | Awaits Glidewell | Awaits Glidewell | Awaits Glidewell |
| 9 | 0 | 0 | 0 | 0 |
| 10 | 0 | 0 | 0 | 4,500 |
| 11 | 0 | 0 | 0 | 0 |
| 12 | 0 | 0 | 0 | 0 |
| TOTAL | 1,190 | 18,260 | 0 | 15,830 |

The budget for the Review was set at £359,000. To date the total cost amounts to £313,000 and the overall cost is not expected to exceed budget.

10 IMPROVEMENT PLAN

To print to include the improvement plan double sided: -

- In printer properties make sure it is 'flip on long side' and 'front to back'
- In options ensure that there is no tick in the 'reverse print order' box.

This sheet, numbered 71/72, should then be removed and the Improvement plan inserted.

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11 ARRANGEMENTS FOR IMPLEMENTATION

In designing the recommendations and the improvement plan, the Review has considered implementation issues. The emerging recommendations have been tested and refined through exposure to users and managers who have been consulted during the course of the Review. The Project Board and Review Team have stressed the need for continuity and ownership in designing the process for implementation.

A full implementation plan will be produced following consideration of the recommendations by the MPA. In advance, the Review has determined a management structure and identified necessary staff resources.

The remaining staff engaged in the Review will be involved in aspects of this project, providing a clear line of continuity and ownership for implementing the Review recommendations. That project will provide the structure through which progress will be monitored.

Some additional points include: -

- new criminal justice command to be responsible for implementation;
- development of the implementation plan to be progressed following sign off of the improvement plan;
- recommendations from this Review to be integrated within the programme of criminal justice improvement work to ensure 'joined-up' approach to delivering the improvements and remove duplication/overlap that may currently exist between initiatives;
- implementation to be managed as part of overarching improvement programme for criminal justice;
- regular reporting to MPA committees on the progress of implementation and the benefits that have been delivered;
- as part of the development of the implementation plan, communication plan to be developed to handle media interest and communicate what improvements are to be achieved and how. Communication plan will need to examine communication messages for different stakeholders, e.g. criminal justice partners, staff, public and the media;
- comment on what immediate action is to be taken to deal with urgent problems (e.g. warrants);
- links with other initiatives to show 'joined-up' approach including the new MPS/CPS steering group.

12 GLOSSARY OF TERMS

| | |
|---------|--|
| 4Cs | Consult, Compare Challenge and Compete |
| ACPO | Association of Chief Police Officers |
| ASTs | Arrest Support Teams |
| BBP | Borough Based Policing |
| BCP | Borough Crown Prosecutor |
| BOCU | Borough Operational Command Unit |
| BOTJ | Bringing Offenders to Justice |
| BTR | Bail to Return |
| BVR | Best Value Review |
| BWT | Budgeted Workforce Target |
| CAD | Computer Aided Despatch |
| CARMS | Computer Aided Resource Management System |
| CCTV | Closed Circuit Television |
| CDO | Custody Detention Officers |
| CG | Consultancy Group |
| CICA | Criminal Injuries Compensation Authority |
| CID | Criminal Investigation Department |
| CJO | Criminal Justice Office |
| CJU | Criminal Justice Unit |
| CJS | Criminal Justice System |
| CMBVR | Crime Management Best Value Review |
| CMU | Crime Management Unit |
| CRIMINT | Criminal Intelligence |
| CPS | Crown Prosecution Service |
| CRIS | Crime Reporting Information System |
| CRM | Customer Relationship Management |
| CTIB | Central Telephone Investigation Bureau |
| DoI | Directorate of Information |
| EAH | Early Administrative Hearings |
| EFH | Early First Hearings |
| EFQM | European Foundation for Quality Management |
| EM | Excellence Model |

| | |
|--------|--|
| FME | Forensic Medical Examiner |
| GCJU | Glidewell Criminal Justice Unit |
| GLMCA | Greater London Magistrate's Courts Authority |
| HMCPST | Her Majesty's Crown Prosecution Service Inspectorate |
| HMIC | Her Majesty Inspectorate of Constabulary |
| ICP | Independent Challenge Panel |
| JD | Judicial Disposal |
| JPM | Joint Performance Management |
| IT | Information Technology |
| LCD | Lord Chancellors Department |
| MoG | Manual of Guidance |
| MPA | Metropolitan Police Authority |
| MPS | Metropolitan Police Service |
| NSPIS | National Strategy for Police Information Systems |
| OCU | Operational Command Unit |
| OIC | Officer in the Case |
| PACE | Police and Criminal Evidence Act |
| PFI | Private Finance Initiative |
| PIs | Performance Indicators |
| PIB | Performance Information Bureau |
| PID | Project Initiation Document |
| PNC | Police National Computer |
| PCSO | Police Community Support Officers |
| PPTs | Prisoner Processing Teams |
| PYO | Persistent Young Offenders |
| QA | Quality Assurance |
| SMT | Senior Management Team |
| SO | Specialist Operations |
| TSG | Territorial Support Group |
| TU | Trials Unit |
| VPS | Victim Personal Statement |
| VS | Victim Support |
| YOT | Youth Offending Team |

| REFERENCES | |
|--|---|
| The Crown Prosecution Service (CPS) | Introduced on the 1 st October 1986, the role of the CPS is to take over the conduct of criminal proceedings instituted on behalf of a police force. 'CPS London' serves the area covered by the MPS and the City of London Police; it employs approximately 1,000 staff with a budget of £28.58 million (financial year 2000/1). The CPS structure is split between 'Criminal Justice Units' (Magistrate's Court work) and 'Trials Units' (Crown Court work). It should be noted that CPS CJUs are a separate entity from MPS CJUs. |
| MPS Criminal Justice Units (CJUs) | CJUs were introduced by the MPS in 1986 to support the CPS and the prosecution process. There are 33 CJUs in London staffed mainly by members of the MPS civilian staff. CJUs employ approximately 1,500 staff at a cost of £35 million per year. MPS CJUs form the link between the OIC and the CPS lawyers ensuring files are 'trial ready'. |
| Prisoner Processing Teams (PPTs) | Teams of officers located in custody suites tasked with taking over the investigation, charging and processing of suspects. This relieves 'front-line' officers from these responsibilities enabling them to resume patrol duties and also improves the quality of the investigation and file preparation. Also referred to as Arrest Support Teams (ASTs) and Custody Arrest Support Teams (CASTs). |
| The Greater London Magistrate's Court Authority (GLMCA) | Established on 1 st April 2001, the GLMCA replaced the 22 Magistrate's Courts committees in London to become the largest Magistrate's Court service in England and Wales. It is responsible for the efficient and effective administration of all the Magistrate's Courts in Greater London and has a budget of £75 million. It employs approximately 1,800 staff, supporting some 3,100 Magistrate's sitting in its courthouses. |
| Joint Performance Management (JPM) | The current system used by the CPS and the MPS to measure the quality and timeliness of case files including discontinuance and acquittal rates. Monitoring forms are passed between the two organisations as cases progress, although compliance with the system is poor, leading to flawed statistics. |
| The 'Narey' Report | In 1997 Sir Martin Narey conducted a review of the CJS focusing on the progression of cases at court. The recommended fast-track system was implemented and first court dates are now referred to as 'Narey Courts' acknowledging his contribution. Two types of hearings were created: - |
| Early First Hearing | EFHs refer to anticipated 'guilty' pleas that should be dealt with on the first occasion. |

| | |
|---|---|
| <p>Early Administrative Hearing (EAHs)</p> | <p>These are anticipated ‘not guilty’ pleas where the intention is to discuss the progress of the case, any evidential requests from the defence and any legal arguments. The aim is to identify potential problems and to avoid unnecessary adjournments enabling the case to progress smoothly through the system.</p> |
| <p>The ‘Glidewell’ Report</p> | <p>This refers to the 1998 review of the CPS by Sir Iain Glidewell. He made 75 recommendations some of which included the co-location and subsequent integration of CPS and Police CJUs. Such units are commonly referred to as ‘Glidewells’.</p> |
| <p>‘Bridewells’</p> | <p>The Bridewell review was completed approximately 20 years ago and examined the concept of large custody suites as a replacement for small, localised ones. Hence, large custody-processing units have become known as ‘Bridewells’. Some constabulary forces operate ‘Bridewells’, but there are none currently in London.</p> |
| <p>‘Disclosure’</p> | <p>The Criminal Procedures and Investigation Act 1996 introduced legislation to ensure the disclosure of certain aspects of the prosecution evidence to the defence. This significant piece of legislation has been identified as a major barrier to case progression.</p> |
| <p>‘Committals’</p> | <p>The process of taking a case from the Magistrate’s Court to the Crown Court.</p> |
| <p>The Policing Bureaucracy Task Force</p> | <p>Reporting in October 2002 this team, headed by Sir David O’Dowd, made recommendations aimed at reducing the amount of bureaucracy for police officers. The scope included examining the processes involved in the custody suite and the amount of time ‘front-line’ officers have to spend dealing with prisoners.</p> |
| <p>Operation ‘Safer Streets’</p> | <p>The MPS initiative to reduce the amount of ‘street crime’ in London. Processes include liaising with the CPS and the GLMCA fast-tracking offenders through the system.</p> |
| <p>Borough Operational Command Units (BOCUs)</p> | <p>The method used by the MPS to determine policing boundaries. There are 32 boroughs in London and their boundaries are co-terminus with those of their local authority partners.</p> |

APPENDIX A – BACKGROUND & SUMMARY OF OTHER RELEVANT REVIEWS

1. MPS Criminal Justice Units (CJUs) and the CPS

In the 1980s, the entire CJS was under considerable strain and it has been under almost constant review ever since.

During this period the Commissioner, Sir Kenneth Newman, was concerned at the high acquittal rate of contested cases in the capital's Crown Courts,³⁵ at the same time a report concluded that the preparation of case papers was 'badly lacking in quality control'. This lack of quality control had a knock on effect that reportedly hampered the decision-making process of the MPS Solicitors Department when presenting cases at court.

As part of his overall action plan, Sir Kenneth Newman recommended that improved quality control and administrative procedures be introduced.

Numerous areas for improvement were also identified by successive inspections and these revealed that the core problems are perennial. For example, in 1995, the Prime Minister (The Rt. Hon. John Major, MP) commissioned a scrutiny into the *'Administrative Burdens on the Police in the Context of the Criminal Justice System'*.³⁶ The final report recommended changes to police administrative procedures.

The MPS was still responsible for prosecutions in the early 1980s and therefore any concerns raised over the attrition rates at court and the service provided to victims and witnesses were the direct responsibility of police.

The clamour for change led the MPS to build up its administrative support to case file preparation. The Criminal Investigation Department Support Group became the Crime Support Group, the name change reflecting the fact that both uniform and CID-led prosecutions would benefit.³⁷

2. Roles of Police and CPS

The CPS was introduced into the CJS on 1st October 1986 empowered by the legislation contained in The Prosecution of Offenders Act, 1985. This Act clearly separates the responsibility for investigation and prosecutions. Unfortunately, the processes relating to administering crime (investigations) and justice (prosecutions) were by now interwoven and difficult to separate. What followed was a period of muddled compromise.

The role of the CPS was to take over the conduct of criminal proceedings instituted on behalf of a police force. The point in criminal proceedings when the CPS assumes responsibility is defined, in part, as: -

³⁵ 1982 MPS average 54%

³⁶ Masfield Scrutiny 1995

³⁷ Crime Support Groups were later referred to as criminal justice units.

- when an information is laid before a Justice of the Peace prior to the issue of a summons or a warrant for arrest;
- when a person taken into custody without a warrant is informed of a charge against him/her.

The CPS was formed with the following objectives in mind: -

- to be independent but not isolated from the police;
- to ensure general quality of decision making and that case preparation is of a high quality;
- to take account of local circumstances;
- to protect the public interest;
- to reduce delays in cases coming before the courts;
- to ensure that prosecution work is done effectively, efficiently and economically;
- to seek an overall improvement in the CJS.

In 1986, when the CPS was attempting to establish itself, the Metropolitan Police temporarily absorbed many administrative burdens associated with the prosecution process. This situation arose, in part, from initial staffing problems and the relative inexperience of CPS administrative staff in preparing case papers.³⁸

The reliance on MPS staff to fulfil what are perceived to be prosecution administrative tasks was only meant to be a temporary solution that was to be reviewed in Spring 1989. Research has revealed that no such review ever took place and the relationship has evolved in such a manner that the administrative demarcation between the 'investigation' and 'prosecution' has now become blurred.

The administration of the prosecutions has remained with police despite the prosecution being separated from the investigation. However, the situation that persists today was not the intention of the legislators and policy makers at the time, although it is accepted that the police are under an obligation to present an effective case file for the prosecution.³⁹

3. The role of the police CJUs

CJUs staffed mainly by members of the civil staff receive all case papers following submission by officers.

Case files come in three different formats: -

³⁸ In 1986 CPS in London received 196 lawyers and their case clerks from the MPS Solicitors Department.

³⁹ Extract from Parliamentary debate - House of Lords 29/11/84 - Lord Elwyn: - 'It is proposed that the function of the Chief of Police should end with the decision to prosecute'.

- ‘overnight files’: - these files relate to prisoners who have been charged and are kept in police detention overnight for appearance at court the following day;
- ‘Early First Hearings’: - these files relate to prisoners who are granted ‘police bail’ and have indicated, post charge, that they intend to plead ‘guilty’ at court;
- ‘Early Administrative Hearings’: - these files relate to prisoners who are granted ‘police bail’ and have indicated, post charge, that they intend to plead ‘not guilty’ at court;

The role of the civilian case clerk is to manage the case file during its lifespan and to liaise with the officer-in-the-case and the CPS to ensure that the case is ‘trial ready’.

Thus, the present police CJUs are the current interface between investigation and prosecution and since their introduction have been subject to endless demands in terms of efficiency, effectiveness and economy.

Borough Command Units often underestimate or neglect the role of the CJU, as they are a function that occurs after the measurement process of JDs. Any resulting procedural weakness, resource shortages or communication problems associated with these units will manifest themselves throughout the remainder of the CJS. This, in turn, will impact significantly on victims and witnesses.

In addition, CJUs suffered staff reductions during the amalgamation process to borough-based policing. These additional pressures, created by arbitrary staff reductions, were compounded further by Government policy that places additional burdens on units, i.e. ‘Narey’ Courts, the Persistent Young Offenders regime and the fast tracking of indictable only cases (Section 51 Crime and Disorder Act, 1998). CJUs are now at breaking point and unable to absorb any more additional demand or asset stripping of staff.

However, the Review acknowledges that administrative units are indispensable in the process of placing an offender before a court. The alternative would be a significant increase in the administrative burden on police officers. This would be unacceptable.

If the processes that support the bringing of offenders to justice are failing despite the extraordinary efforts of CJU staff, then there must be a robust challenge to the way that business is allocated, conducted and managed. Any pre-determined areas of exclusion or sensitivity should not restrict this process.

4. Summary of Reports of Other Relevant Reviews

The following reports are of particular significance to this Review: -

4.1 Review of delays into the Criminal Justice System 1997

This Review is commonly referred to as ‘Narey’, named after the author, and case files have become known as ‘Narey files’. The Narey review recognised

that the greatest scope in saving time and cost was achievable by fast tracking 'guilty pleas' through the system. This was achieved by the introduction of an 'expedited file' containing the minimum of paperwork to address the case requirements. Known guilty pleas are now heard in an 'EFH' court with a short period of bail being granted from the time of charge. Other cases are listed in an 'EAH' court to ascertain the plea and likely course of the case.

The Narey review also recommended better working relationships between the police and CPS to include the 'permanent location of prosecutors in police stations, so that CPS staff on the spot would be involved in preparing cases for court.' Although not fully implemented, CPS prosecutors do attend stations, on agreed days, to review cases prior to the first hearing. The Narey system is now well established in the MPS.

BOTJ has addressed the issue of short bail dates under recommendation 6.

4.2 The Glidewell Report 1998

Sir Iain Glidewell was commissioned by the Government in 1997 to review the CPS, with the purpose of assisting the development of a more efficient and effective prosecution authority. Sir Iain made 75 recommendations most of which related to internal working practices and procedures. However, six of these recommendations focused on improving joint working practices between the CPS and the police service including the establishment of a joint CJU.

Sir Iain Glidewell specified two new types of administration unit; a CJU, referred to as a Glidewell Criminal Justice Unit (GCJU), to prepare cases for Magistrate's Courts; and a Trials Unit (TU) that would prepare cases for Crown Courts. The philosophy behind this shared administration is to: -

- improve quality;
- maximise efficiency;
- eliminate duplications within the prosecution process.

Glidewell's preferred model would include the following: -

- a single integrated unit;
- a CPS unit with some police staff;
- amalgamation of many functions of police/CPS;
- CPS to have responsible for process from point of charge/summons;
- the GCJU to have sole conduct of fast-track Narey cases;
- CPS to have overall responsibility for witness warning in Magistrate's Court;
- the unit should be close to or in a police station;
- staff would initially be former members of police administrative support units;
- one or more senior police officer to work within the unit with a CPS lawyer in charge.

Nine key objectives were set out for GCJUs: -

- shorter lines of communication between police and CPS;
- minimised transport of files between police and CPS;
- cost savings by reduction of duplication;
- a single file system;
- improved file quality and timeliness;
- improved witness warning and witness care;
- more effective deployment of staff;
- the empowerment of individuals within organisations to make day-to-day decisions;
- clearly defined single focus location for the courts and other agencies.

The first MPS 'Glidewell Unit' was officially opened in July 2002 at Holborn police station. The unit has co-located the police CJUs from Holborn and Islington boroughs with the CPS and their support staff. The ultimate intention is for effective joint working, although to-date they remain managed, resourced and staffed within their existing line management structures.

Although co-location is unlikely to realise all the benefits of joint working, it will reduce some of the duplication and has the 'convenience' factor of having CPS lawyers permanently co-located at one police station in London.

BOTJ has addressed the issue of a single prosecutions unit under recommendation 8.

4.3 Criminal Courts Review 2001

The Criminal Courts Review by Sir Robin Auld was published in October 2001 and is referred to under the Governments response to the recommendations in the white paper 'Justice for All'. The key recommendations are as follows: -

-

- a strong and independent prosecutor: - The CPS should be given the power to determine the initial charge and sufficient resources to enable it to take full and effective control of cases;
- the CPS should determine the charge in all but minor, routine offences or where, because of the circumstances, there is a need for a holding charge before seeking the advice of the CPS;
- the police should continue its responsibility for retaining, collating and recording any material gathered or inspected in the course of the investigation;

- responsibilities that the police have for identifying and considering all potentially disclosable material should be removed to the prosecutor.

The recommendations clearly have far-reaching implications and cross-benefits for both services. The Review has remained aware of and focused upon the principles of the white paper.

BOTJ has addressed the issue of having the CPS at the point of charge under recommendation 5.

4.4 Her Majesty's Crown Prosecution Service Inspectorate 2001

HMCPSI conducted a review of CPS London in December 2001. They examined cracked and ineffective trials and data supplied by one court. This data showed a combined failure rate of 80% in youth cases and 70% for adult cases. It was reported that 'Whilst not all courts kept separate figures for youth cases, most figures provided showed combined adult and youth cracked and ineffective trial rates of at least 70%'. This has huge implications for resources, victims and witnesses, costs and time wastage. Although the blame cannot be directly apportioned, the report noted that the two main reasons were CPS failure and late changes of plea by the defence. The CPS failure, it could be argued, is also attributable to police through their part in the process of case preparation.

On examination, the cost of failure in relation to cracked and ineffective trials highlights the vast losses incurred through these inefficiencies. By way of example, if one constable spends just one hour at such a trial, the cost is £1.6m per annum. Two officers over half a day (4 hours) would amount to £13.3m.⁴⁰ If the number of cracked and ineffective trials were reduced by 10%, this could have cost benefit savings which could be realised by a reduction in the amount of time officers spend at court, releasing them to more productive duties.

4.5 European Foundation for Quality Management (EFQM) Excellence Model (EM) Assessment of Bringing Offenders to Justice (June – September 2001)

Prior to the commencement of the BOTJ Review, and in order to inform and support the Review, the MPS Inspectorate carried out an assessment across the criminal justice process, involving all three partners (CPS, Court Service and the MPS).

The use of the EM in this way was both innovative and unique as it was the first occasion that it had been used to carry out an assessment of a process, rather than an organisation or a function. Additionally, it was the first time that the model had been applied holistically, to assess a process involving three different organisations.

The Inspectorate found that, although a national, combined, criminal justice plan exists, there was no document for London setting out how the aspirations of the national plan would be achieved in the nation's capital. Similarly, there

⁴⁰ 70% of hearings taken from HMCPSI report December 2001 = 72,568 hearings. PC/DC costs taken from MPS 'ready reckoner'.

were no joint plans for London containing details of strategy, policies, objectives, targets or performance indicators across the process.

The primary assessment of the process revealed little or no evidence of joined-up or holistic planning throughout the whole of the CJS; the only common point at which the criminal justice process was viewed holistically was at Prime Ministerial level.

The Inspectorate concluded that viewing the process holistically, rather than as individual parts, would provide better communication and planning through a shared strategy, common performance indicators and joint targets. This would deliver an improved performance for London.

This piece of work was seen as an important and significant starting point for the Review in its revelation of the lack of holistic planning throughout the system. Findings of the MPS Inspectorate were confirmed throughout the period of BOTJ.

APPENDIX B – DESCRIPTION OF THE PROCESS OF THE REVIEW

1. Consultation

Approach

The Review examined a service and process where the MPS is one of a number of inter-related cogs with partner agencies. Customers and stakeholders are almost equally divided between internal and external to the MPS. Initial consultation was carried out across a broad community of interest of agencies and service users. Consultative activity was subsequently targeted towards key user and stakeholder groups using a number of short and facilitated consultative sessions (focus groups) and bespoke questionnaire surveys; these were supplemented by one-to-one interviews with key individuals.

Objectives of consultation

- to encourage relevant contributions from users, practitioners, line managers and policy makers;
- to identify significant strengths and areas for improvement;
- to identify the most significant barriers to improvement;
- to identify and analyse the opportunities for improvement;
- to define the scope of the Review and relevant boundary issues;
- to obtain the views of stakeholders on emerging improvement options;
- to obtain the views of stakeholders on implementation issues.

Operating Principles

The Review followed a number of principles to ensure that the objectives of consultation were achieved at the lowest cost to the MPS: -

- consultation was targeted in terms of audience and had clear objectives;
- the Review utilised existing forums and processes for consultation before establishing new mechanisms;
- briefing material was supplied in advance of meetings and consultative events to ensure the most effective use of staff time;
- staff involved in consultative events were supplied with feedback and offered the opportunity of further consultation on emerging improvement options;
- consultative processes were undertaken by trained staff and subject to effective evaluation (all focus groups were planned, facilitated and evaluated by MPS Consultancy Group);

- where practical, consultation was achieved through ongoing relationships with stakeholders at all levels.

Consultation Process

A consultation plan was developed at the start of the Review and has been refined in accordance with findings.⁴¹ The consultative activity has covered scoping and planning, service review and improvement planning.

⁴¹ BOTJ filing 114 refers

The chronology of consultative activity has been: -

| | |
|---------|--|
| PHASE 1 | 1. Two initial scoping days with key stakeholders |
| | 2. Over 400 consultative letters sent to a broad community of interest of public, private and voluntary organisations inviting response and also nomination of representatives to attend focus groups. 65 written or e-mail responses were received. (A full consultation matrix of contacts is in BOTJ library) |
| | 3. A documentary review of consultation previously undertaken with regard to the CJS |
| | 4. Consultative presentations to senior MPS, CPS and GLMCA managers and MPS staff associations |
| | 5. A series of five focus groups with MPS CJU and custody staff and CPS case-working staff and representatives of staff associations |
| | 6. A follow-up focus group with senior managers of staff at 5 above. |
| PHASE 2 | 7. A questionnaire survey of victims and witnesses relating to their experience of the CJS at two Magistrate's Courts |
| | 8. Visits to selected MPS CJUs and interviews with key staff |
| | 9. Two focus groups with a range of community representatives identified through stage 2 above including Police & Community Consultative Groups, Independent Custody Visitors, Victim & Witness Support, Crime & Disorder Partnerships, Magistrate's and Police Complaints Authority |
| | 10. A focus group with representatives of minority communities and groups identified by the Independent Challenge Panel |

| | |
|---------|--|
| | 11. A facilitated questionnaire survey of front-line police sergeants and constables (both uniform and detective) on five boroughs concerning their training/understanding/support needs from CJUs and custody |
| PHASE 3 | 12. Emerging findings seminars with MPS and CPS senior management and representatives from focus groups at 5 above (including staff associations) |
| | 13. Interviews with defence solicitors and District Judges |

Throughout the Review close liaison has been maintained with the many other reviews and studies being conducted within the criminal justice arena to share consultative findings.

By feedback to persons and groups consulted, the Review has engaged with stakeholders, users and practitioners to validate findings, revise the scope and test and refine emerging improvement options

Communication

The Review was initially publicised with invitations for staff to respond or attend focus groups through: -

- a Police Notice;
- an article in 'The Job' newspaper;
- an article in the CPS staff newsletter;
- a dedicated BOTJ intranet site page;
- MPS intranet 'home page' news items seeking focus group volunteers.

Interim progress on the Review and the revised scope was publicised through: -

- further articles in 'The Job' newspaper;
- regular updating of the BOTJ intranet site page;
- an article on the MPS internet website Best Value page inviting community representatives to attend focus groups;
- e-mailing updates to attendees of focus groups;
- articles in the Best Value newsletter.

The Review established its own 'botj.bestvalue@met.police.uk' e-mail address to assist and simplify communication with all consultation respondents and allow all Review team members access to feedback being received. Over 200 e-mail communications were sent and received by this method and it is recommended as good practice for future reviews.

Challenges made to the Consultation Process

The Independent Challenge Panel (ICP) voiced early concerns about the wide scope of the Review and consequently the apparent lack of focus of the consultation plan. They advised: -

- defining what the Review is attempting to find out;
- providing a clear breakdown of who is being consulted;
- deciding on a strategy for including hard-to-reach groups, while considering how to approach them;
- dividing the consultation into quantitative and qualitative products;
- judging how the information will be built in to the Review and how to feedback the results to those consulted.

All these points were addressed by the Review as the consultation plan developed. The ICP carefully monitored progress and facilitated arrangements at certain stages, e.g. suggesting minority community groups to attend a focus group and identifying suitable defence solicitors to be interviewed.

Attempts to consult with adult offenders and young offenders through the offices of National Association Criminal Rehabilitation of Offenders, the Youth Justice Board and Youth Offending Teams proved frustratingly unsuccessful.

The results and impact of consultation

Within this section the impact of consultation on the direction of the Review is discussed together with how consultation has influenced the recommendations (indicated by cross-referencing).

Consultation within phase 1 and specifically the internal focus group participants outlined the following areas for priority attention: -

| Priority area identified | Recommendation |
|---|-----------------------|
| The Courts, MPS & CPS see themselves as independent bodies. There is a need to start working in partnership across agencies to improve the overall efficiency and public confidence in the CJS. | 5 8 |
| Corporate direction and leadership are required for CJUs and custody. Currently it appears that critical roles in CJUs and custody suites are not being rewarded. This is demoralising for the many hard-working individuals in these units. | 1 2 5 9 |
| Raise the profiles of CJUs and custody within the MPS. Their functions need to be put on the same footing as intelligence and investigation. To do this effectively requires a corporate way of working and a standardised approach. | 5 7 8 9 |
| Need to have joint performance measures across the three agencies that support rather than obstruct the end-to-end process. MPS performance indicators need to reflect prosecution rather than JDs. PIs need to complement rather than conflict with one another. | 11 |
| Need to have timely presentation of quality case papers to ensure successful prosecutions. There appears to be an immediate training need in undertaking key processes, particularly in CJUs. It was unanimously felt that there is a need to progress PPTs that promote front-end evidence gathering. | 2 4 5 6 7 |
| A decision needs to be taken on how to implement Glidewell and resource it or consider alternative ways of working. If co-location is the preferred way forward, there needs to be a comparison of MPS and CPS terms and conditions and the development of a mutually agreed protocol for joint working. Separate locations were considered a significant barrier to delivering joined-up justice. As an interim measure prior to co-location there is a need to improve communication links between MPS & CPS. | 8 12 |
| Need to respond to/meet the public's expectations about what the CJS can do. This needs to be driven from the top and actively communicated. | 8 9 |

| | |
|--|----------------------------------|
| | |
| Improve the care provided to victims and witnesses. Currently they are suffering from a poor service, which will have the detrimental effect of witnesses being reluctant to come forward in the future. | 3 |
| A programme of job-specific training is essential to run jointly with the CPS. | 7 8 9 |
| Greater attention to and improved performance around supporting activity areas, e.g. warrants and BTR. | 4 10 |

The outcomes from phase 1 of the consultation plan contributed to the refining of the Review to the eventual BOTJ priorities of victim/witness care and quality of initial case files, together with the internal areas for improvement of police BTR procedures and arrest warrants.

Phase 2 of the consultation was targeted around these following issues: -

| | |
|--|---|
| Community focus groups | Victim/witness care |
| Questionnaire survey of victims and witnesses | Victim/witness care |
| Facilitated questionnaire survey of front-line MPS staff | Quality of initial case files BTR procedures Arrest warrants |
| Site visits to CJUs & key staff interviews | Victim/witness care Quality of initial case files BTR procedures Arrest warrants |

The key initiatives for bringing offenders to justice effectively, that were identified by external consultation, were: -

- develop a Witness Charter;
- provide victim and witness support that is tailored to the nature of the crime and the needs of the individuals involved;
- establish a single agency to support victims and witnesses throughout the whole process;
- ensure victims and witnesses are kept fully informed throughout the process;
- provide feedback on the outcome of cases, including old cases;
- ensure that witnesses know the police will be able to support them effectively and countering current negative perceptions;
- ensure witness/victim anonymity is maintained throughout the process, even at the reporting stage;
- introduce legislative changes to ensure witnesses are protected, such as considering interference with witnesses a priority and developing automatic standing injunctions for suspects and witnesses;
- decrease the length of the process, particularly court processes;
- educate the public on citizenship issues and the importance and value of providing evidence;
- review the court treatment of witnesses;
- consider providing support to victims after the trial;
- conduct a risk assessment of witnesses.

These identified improvements regarding victims and witnesses have all influenced **recommendations 3 and 8**.

As well as suggestions regarding the support of victims and witnesses, the community consultation identified a number of other ways in which the overall system of bringing offenders to justice could be improved. The key suggestions made were to: -

- review the entire system involved in bringing offenders to justice;
- encourage a multi-agency approach to addressing the problems that involves the community, police, court, CPS, media and other support agencies. There is a need to move away from the process of bringing offenders to justice being seen as primarily a police problem;
- establish an integrated system that manages cases from initial reporting, through prosecution to sentencing;
- increase visible police presence;
- improve police accessibility by establishing non-emergency numbers and considering third-party reporting and other alternative means of gathering information;
- ensure that 999 calls are reserved for emergencies and result in a fast response time;
- address negative perception of the police and other agencies involved in the processes through proactive use of the media;

- educate the public more thoroughly about the nature of the process and provide helplines to act as sources for information;
- ensure that relationships are built and maintained with the local community;
- reconsider how crimes are screened and prioritised;
- review court processes and procedures;
- address communication difficulties, possibly by using representatives of the local community as interpreters.

Recommendations 2, 3, 6, 8 and 9 reflect most of the concerns raised, although some issues are clearly outside the scope of the Review. The feedback, findings and experiences from Phase 2 reinforced the Review's thinking in relation to the emerging service improvement plans, which were subject to consultation in Phase 3 and culminated in the Review recommendations.

2. Comparison

Desired Position

It is the aim of the Review to be able to demonstrate that the approach to comparison: -

- meets the requirements of the legislation and the statutory guidance;
- demonstrates commitment to the concept of comparison by establishing partnerships with other forces and external organisations, both national and international, to facilitate the sharing of information;
- promotes engagement with others, internally and externally, to acquire and implement best practice and apply competitive approaches when appropriate;
- demonstrates commitment to improving public service through ongoing comparisons at all levels with the identified 'best in class';
- is applied appropriately to every aspect of the service under review;
- methodically analyses performance, processes and strategies to enable it to enhance MPS performance and understand our quality of service delivery;
- contributes to the achievement of continuous improvement through gaining and acting upon new ideas and innovative approaches;
- embraces the technique of benchmarking to facilitate comparison with others in order to set appropriate targets for improvement;
- shows clear objectives in its application and focuses on important issues/key areas.

Approach to Comparison

The Approach and outcome of the BOTJ Comparison element is detailed on the network grid below.

Application of comparison and benchmarking

The application of comparison and benchmarking was sufficiently broad. In using both quantitative and qualitative data, it was apparent that the availability of suitable information was limited. In these cases BOTJ compared processes and strategies to consider suitable performance indicators for future measurements.

Comparison of performance was undertaken through surveys, focus groups and workshops to gauge levels of: -

- customer satisfaction;
- employee satisfaction;
- service performance;
- financial and other critical key business targets.

Comparison and benchmarking were time and resource intensive activities. Success was achieved by focusing on what could be gained through undertaking these processes and balancing the outcomes and benefits with the effort required to deliver them.

The following were compared: -

- performance information/measures (statistical) - comparison of performance measures, for the purpose of determining the quality and effectiveness of our service compared to others;
- cost information - comparison of costs as part of the measure of efficiency;
- processes - comparison of methods and practices for performing business processes, for the purpose of learning from the best, regardless of industry, to improve our own processes;
- strategy - comparison with other organisations looking at longer term, high-level strategic aims, objectives, mission and vision.

Comparison was made between internal units and external organisations.

| | COMPARISON NETWORK APPROACH ELEMENTS | | | | | | | OUTCOME |
|---------------------|--|---|--|--|--|---|--|--|
| APPROACH | Recognise and understand the MPS weaknesses and strengths through analysis of internal data | Comparative information including private and voluntary sectors | Identify why and what others are doing differently and better in order to identify 'best practice' | Act upon what is learnt from comparison with others | Ensure chosen benchmarks are appropriate and challenging | Use outcome of comparison and benchmarking to set targets for improvement | Consider the quality of data used | Recommendations and any remedial action through quick wins |
| CUSTODY | 1. Custody database analysis 2. CRIS database analysis 3. Survey of custody officers and gaolers | Limited data from BTP and C&E. Comparison with TV Police, Sussex, Avon & Somerset and West Midlands | 1. BTR procedures 2. Use of PPTs 3. Use of civilian support staff 4. Use of I.T. | Appropriate recommendations and remedial action through 'quick wins' considered as necessary | As recommended by the European Benchmarking Forum | Best Value Performance Indicators (BVPI) considered and re-aligned as appropriate | All data evaluated and validity considered in light of various collection and quantifiable processes | Recommendations 1, 2, and 5 |
| CASE PAPERS | 1. Case paper monitoring exercise 2. CJU workload analysis 3. Data gathered from court visits | Comparison made with West Midlands, Merseyside and South Yorkshire | 1. Case building process 2. Court agreements 3. File preparation 4. Glidewell sites | Appropriate recommendations and remedial action through 'quick wins' considered as necessary | As recommended by the European Benchmarking Forum | Best Value Performance Indicators (BVPI) considered and re-aligned as appropriate | All data evaluated and validity considered in light of various collection and quantifiable processes | Recommendations 6, 7, 8, 9, 11 and 12 |
| WARRANTS | 1. PNC data analysed 2. Survey of localised practices 3. SO.3 Dept consulted | Comparison made with West Midlands, Merseyside, South Yorkshire and Thames Valley constabularies | 1. Supervisory functions 2. Management systems 3. Execution strategies | Appropriate recommendations and remedial action through 'quick wins' considered as necessary | As recommended by the European Benchmarking Forum | Best Value Performance Indicators (BVPI) considered and re-aligned as appropriate | All data evaluated and validity considered in light of various collection and quantifiable processes | Recommendation 10 |
| BAIL TO RETURN | 1. Custody database analysed across five BOCUs 2. Independent report completed on further two BOCUs | Comparison undertaken in independent report, Thames Valley and Surrey Police | 1. Supervisory functions 2. Management systems 3. Ownership and monitoring of cases | Appropriate recommendations and remedial action through 'quick wins' considered as necessary | As recommended by the European Benchmarking Forum | Best Value Performance Indicators (BVPI) considered and re-aligned as appropriate | All data evaluated and validity considered in light of various collection and quantifiable processes | Recommendations 2 and 4 |
| VICTIMS & WITNESSES | 1. Analysis of CRIS data 2. Analysis of court results 3. Examination of processes | Comparison made with West Midlands, Merseyside, South Yorkshire and HO reports | 1. Victim and witness care 2. Hand over to other agencies 3. Management of processes | Appropriate recommendations and remedial action through 'quick wins' considered as necessary | As recommended by the European Benchmarking Forum | Best Value Performance Indicators (BVPI) considered and re-aligned as appropriate | All data evaluated and validity considered in light of various collection and quantifiable processes | Recommendation 3 |

3. Challenge

The use of a Challenge Checklist approach was adopted from Hampshire County Council and tailored to BOTJ requirements. The challenge format is based on the European Forum for Quality Management (EFQM) Excellence Model with the primary questions being: -

- why is a service being delivered?
- why is it being delivered in a certain way?

The use of the EFQM is viewed as an important factor in the proposed strategy for the following reasons: -

- the categories of the EFQM model are compatible with the delivery of BVRs;
- a holistic EFQM assessment of the criminal justice process was undertaken prior to the commencement of the Review. This gave a broad and shallow picture of the areas for improvement;
- the Review can capitalise on the EFQM assessment and examine in more detail those issues that come to the forefront;
- the acceptance by the CPS of the EFQM as good business practice;
- the EFQM can form the basis for establishing a legacy of continuous improvement at the conclusion of the Review;
- this approach should maximise the opportunity to identify areas for immediate improvement as the Review progresses.

Risk

The process of challenge will undoubtedly identify significant areas for improvement. In some instances a problem will be reasonably straightforward and a prompt recommendation may bring immediate benefits.

The key to the Review was to identify 20% of problems that will bring about 80% of the benefits when rectified. In determining these areas, the process of challenge involved a detailed understanding of the current processes and associated policies.

An identified risk was that the team would be seen as an asset to be utilised directly, providing management information in a troubleshooting role thus detracting from the role of the Review.

Approach to Challenge

A series of questions will be asked in relation to each service under review to include: -

- what service is provided, to whom?
- what need does it address?

- at what level should it be provided?
- does it support the MPA's priorities and objectives?
- does the service need to be provided?
- what would be the impact of the service not being provided?
- does the service require police powers for its delivery?
- can the service be provided in a different way?

For the first two questions the Review identified the same groups for the activities undertaken. The groups included: -

- investigating officers;
- arresting officers;
- police staff;
- FMEs;
- interpreters;
- defence solicitors;
- appropriate adults;
- social services;
- outside agencies, such as immigration service;
- independent custody visitors;
- CPS;
- Securicor prisoner transportation.

The remaining questions and the challenge options were compiled through the BOTJ challenge matrix.

The process of Challenge was questioned at different levels within the structure of the Review: -

- the Review team, as part of the review process;
- the project board were expected to consider and support/revise the analysis by the Review team;
- MPA members, whose independence from the day-to-day workings of the process under review places them in a good position to question why and how things are done. In addition, the background and experience of members in other fields may be particularly useful in determining how alternative service providers could be used;

- independent challenge, a level of scrutiny over and above that of the Review Team, project board and MPA Member, using the appropriate series of questions. (See below for the application of independent challenge);
- potential partners, dialogue with potential partners, stakeholders, etc. as part of the consultation process.

BOTJ CHALLENGE MATRIX

| CUSTODY SUITE | APPROACH | | | | | OPTIONS | | | | | |
|----------------------------|--------------------------|------------------------------------|--|--------------------------------------|-------------------------------|----------------------------------|--------------------------------------|--|---------------------------------------|--|---|
| | Is the service required? | Service provided at correct level? | Support MPA Priorities and Objectives? | Police powers required for delivery? | Alternative service delivery? | Restructure of in-house service? | Re-negotiation of existing contract? | Market testing all or part of the service? | Transfer to another service provider? | Joint commission or delivery of the service? | Creation of public/private partnership? |
| Service Provided | | | | | | | | | | | |
| Custody Officer | Y | Y | Y | PART | Y | Y | N | Y | Y | Y | Y |
| Gaoler | Y | Y | Y | N | Y | Y | N | Y | Y | Y | Y |
| Property | Y | Y | Y | N | N | N | N | N | Y | Y | Y |
| FME | Y | Y | Y | N | N | N | N | Y | Y | Y | Y |
| Fingerprints | Y | Y | Y | N | Y | Y | N | Y | Y | Y | Y |
| Custody Imaging | Y | Y | Y | N | Y | Y | N | Y | Y | Y | Y |
| DNA samples | Y | Y | Y | N | N | N | N | Y | Y | Y | Y |
| Non-Intimate samples | Y | Y | Y | Y | N | N | N | Y | Y | Y | Y |
| Intimate samples | Y | Y | Y | Y | N | N | N | Y | Y | Y | Y |
| EBM | Y | Y | Y | Y | Y | Y | N | Y | Y | Y | Y |
| Cells | Y | Y | Y | N | N | N | N | Y | Y | Y | Y |
| Stores | Y | Y | Y | N | N | N | N | N | Y | Y | Y |
| Showers/washing facilities | Y | Y | Y | N | N | N | N | N | Y | Y | Y |
| Food | Y | Y | Y | N | N | N | N | N | Y | Y | Y |

| | | | | | | | | | | | |
|------------------------|---|---|---|---|---|---|---|---|---|---|---|
| Interview rooms | Y | Y | Y | N | N | N | N | N | Y | Y | Y |
| Consultation rooms | Y | Y | Y | N | N | N | N | N | Y | Y | Y |
| Searching facilities | Y | Y | Y | N | N | N | N | N | Y | Y | Y |
| BTR | Y | Y | Y | N | N | Y | N | Y | Y | Y | Y |
| Charging | Y | Y | Y | Y | N | N | N | Y | N | N | Y |
| Transportation | Y | Y | Y | N | N | N | N | N | N | N | Y |
| Case paper preparation | Y | Y | Y | N | Y | Y | N | Y | N | Y | Y |

| CRIMINAL JUSTICE UNIT | APPROACH | | | | | OPTIONS | | | | | |
|--------------------------|--------------------------|------------------------------------|--|--------------------------------------|-------------------------------|----------------------------------|--------------------------------------|--|---------------------------------------|--|---|
| | Is the service required? | Service provided at correct level? | Support MPA Priorities and Objectives? | Police powers required for delivery? | Alternative service delivery? | Restructure of in-house service? | Re-negotiation of existing contract? | Market testing all or part of the service? | Transfer to another service provider? | Joint commission or delivery of the service? | Creation of public/private partnership? |
| Service Provided | | | | | | | | | | | |
| Case file receipt | Y | Y | Y | N | N | N | N | N | Y | Y | N |
| Case file despatch | Y | Y | Y | N | N | N | N | N | Y | Y | N |
| Case file preparation | Y | Y | Y | N | Y | Y | N | Y | Y | Y | N |
| Photocopying | Y | Y | Y | N | N | N | N | N | Y | Y | N |
| Witness warning | Y | Y | Y | N | N | Y | N | N | Y | Y | N |
| Evidential review | Y | Y | Y | N | Y | Y | N | Y | Y | Y | N |
| CPS liaison | Y | Y | Y | N | N | Y | N | Y | N | Y | N |
| Case results | Y | Y | Y | N | N | N | N | N | Y | Y | N |
| OIC liaison | Y | Y | Y | N | Y | Y | N | Y | Y | Y | N |
| Court liaison | Y | Y | Y | N | N | N | N | N | Y | Y | N |
| DVLC liaison | Y | Y | Y | N | N | N | N | N | Y | Y | N |
| Statement requests | Y | Y | Y | N | N | Y | N | Y | Y | Y | N |
| Expert witness liaison | Y | Y | Y | N | N | Y | N | Y | Y | Y | N |
| Summons preparation | Y | Y | Y | N | N | N | N | N | Y | Y | N |
| Case paper storage | Y | Y | Y | N | N | N | N | N | Y | Y | N |
| Tape summary preparation | Y | Y | Y | N | N | N | N | N | Y | Y | N |

| | | | | | | | | | | | |
|---------------------------------|---|---|---|---|---|---|---|---|---|---|---|
| Tape storage | Y | Y | Y | N | N | N | N | N | Y | Y | N |
| CCTV/Video storage | Y | Y | Y | N | N | N | N | N | Y | Y | N |
| Preparation of committal papers | Y | Y | Y | N | N | N | N | N | Y | Y | N |
| Typing services | Y | Y | Y | N | N | N | N | N | N | Y | N |
| Defence solicitors requests | Y | Y | Y | N | N | N | N | N | Y | Y | N |
| Court computer updating | Y | Y | Y | N | N | N | N | N | Y | Y | N |
| Administration of warrants | Y | Y | Y | N | Y | Y | N | N | Y | Y | Y |
| Narey Review arrangements | Y | Y | Y | N | N | N | N | N | N | Y | N |
| Traffic/accident reports | Y | Y | Y | N | N | N | N | N | Y | Y | N |

Application of Independent Challenge

This was regarded by BOTJ as one of the most important aspects of the Review and the Independent Challenge Panel (ICP) was formed in the early stages. The Panel members were: -

- Christopher Duffield (Chair), Chief Executive, Bexley Council;
- Professor Mike Hough, South Bank University;
- Clifford Stewart, Commission for Racial Equality;
- Anne Coughlan, Victim Support;
- Rachel Hubbard, Defence solicitor Burton Copeland;
- Brian Chandler, Consultant with KPMG (retired).

The ICP met on a monthly basis and the Review is able to demonstrate that the approach accords with the agreed principles (FPBV Committee September 2000), in that it is: -

- able to demonstrate that the most appropriate way of selecting independent reviewer(s) has been used;
- transparent to internal and external audiences in the way that it works;
- appropriate to the service under review;
- complementary to the consultation process that will be used;
- of sufficient depth and breadth to show commitment to the concept of challenge as the key to continuous improvement;
- cognisant of the need for due regard to diversity and equality;
- effective in its use of members of existing representative groups if appropriate;
- effective in its use of internal expertise in the service under review;
- auditable.

The approach of the ICP accords with the agreed principles (FPBV Committee, September 2000) and focus: -

- confirming the breadth and depth of the Review;
- ensuring the Review is customer orientated;
- identifying the various customer groups/organisations to be consulted with;
- advising on consultation methods with a particular focus on 'hard to reach' groups;

- advising on compliance issues;
- providing advice, guidance and direction on diversity issues;
- ensuring that the Review produces products that complement the MPS Mission, Vision and Values;
- ensuring that the Review is conducted within the best value criteria of effectiveness, efficiency, economy, environment, equality and ethics;
- identification of sound business cases for changes to existing processes or suggested alternative service providers;
- validation of the need to retain service provision within the MPS or to seek alternative service providers.

4. Competition

The main requirement of the competition element of the Review, closely linked to the consultation, challenge and comparison elements of the legislation, is that the future provision of services within the MPS realises the benefits of variety in their delivery by a diverse range of service providers. The Review will show that the preferred method of service delivery has been, or will be, arrived at through a competitive process.

The Review assessed the competitiveness of different functions by reference to the performance of other bodies, including other best value authorities and private and voluntary sector providers. This is also an integral part of the comparison element.

Although the competition element is driven by challenge and comparison, consultation on the recommendations, particularly with trade unions and staff associations whose members may be affected by any suggested changes, has been undertaken.

Strategic aim

The competition element aims to demonstrate that the Review has: -

- fully met the requirements of the legislation and the statutory guidance;
- demonstrated, by means of challenge, the commitment to the concept of competition by considering the underlying rationale for the services under review, as well as how and by whom a service should be provided;
- demonstrated, by means of comparison, that it has assessed the full range of alternative approaches to service provision;
- taken due regard, by means of consultation, of the needs and requirements of its stakeholders;
- applied the element to every aspect of the service under review to ensure that the function is being carried out competitively;
- encouraged innovation and creativity in its application;
- recognised that, in accordance with Her Majesty's Government's intention, the future provision of services within the MPA lies in diversity of provision by a variety of providers;
- been rigorous in exploring the full range of existing / potential service providers and methods of provision.

The Review examined each service to ensure that it was competitive, i.e. that our stakeholders can be satisfied that services currently provided by the MPA/MPS "in-house", are at least as satisfactory as those delivered by the best alternative supplier or some other method of delivery. This required application of challenge, comparison, consultation and consideration as to what constitutes "satisfactory".

Identifying the need for competition

The requirement to open up a service currently provided by the MPS/MPA to competition is fundamental to the eventual success of the Review and is one of the prime drivers of the best value programme.

The following are core questions that were considered when deciding whether the service should be opened up to competition: -

- do the results of the service review indicate that a different provider may deliver a better service to the public?

The criteria on which this decision should be based included: -

- price;
- quality levels;
- plans for service improvement;
- compliance with corporate goals and objectives;
- skills;
- impact on staff;
- innovation;
- use of technology;
- impact on assets and infrastructure;
- shared risk and reward;
- evidence of sustained and improved service delivery;
- are the skills or expertise to deliver this service satisfactorily available in-house?
- does the specialist nature of the work require an appropriately skilled or qualified person to undertake it?
- is the service we currently provide failing or uncompetitive?
- is it economic for the MPA/MPS to provide the service in-house?
- can the alternative market for the service in question demonstrate that it is sufficiently well developed and able to deliver the required standard of service over a period of time?
- will the cost of the procurement exercise be met through the savings that a new arrangement will deliver?
- is there any potential to develop new markets to deliver the service?

Some of the major options for alternative methods of service delivery are: -

- the cessation of the service, in whole or in part;
- transfer of the service to another provider (outsourcing);
- the joint commissioning or delivery of the service (e.g. with another force);

- the external provision of the service by a private company;
- the creation of partnerships, with other public bodies, or private companies;
- market testing of all or part of the service;
- greater use of not-for-profit organisations or voluntary groups;
- restructuring of the in-house service;
- the re-negotiation of an existing contract.

5. Cost and timing of the Review

The Review commenced in September 2001 and was due to be completed in September 2002.

However, the sudden and unplanned retirement of the team leader in May 2002, together with the unexpected transfer of another member of staff in June 2002, reduced the team strength from six to four. This problem was compounded when a third member also retired from the service (although this departure was planned). The Review was extended to January 2003.

The initial estimated cost of the Review was £358,995 (see Project initiation Document). This figure included an estimate for external consultancy costs and was based upon the experience of the CMBVR.

To date, the Review's budget cost is £313, 458. This does not take account of any civilian staff pay awards that have occurred during the Review. It has not been possible to estimate the opportunity costs incurred through the consultation process.

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Inspector Dave Hess;
Executive Officer Zenobia Cowan-Davies;
Sergeant Roger Swift;
Mr David Page, MPS Independent Consultancy Group;
Ms Avril Simmonds, Crown Prosecution Service;
Mr Robert Simpson, Crown Prosecution Service.

Support Team:

Executive Officer Maria Canello;
Administrative Officer Chris Risley;
Administrative Officer Lynn Chamberlain.

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