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## THE CRIMINAL JUSTICE INSPECTORATES' REPORT OF THE JOINT REPORT ON DEVON & CORNWALL CRIMINAL JUSTICE AREA

### EXECUTIVE SUMMARY

#### Introduction

1. This is the report of the Criminal Justice Chief Inspectors on the joint inspection of the Devon & Cornwall criminal justice area. The inspection was carried out by HM Inspectorate of Constabulary (HMIC), HM Crown Prosecution Service Inspectorate (HM CPSI), HM Inspectorate of Courts Administration (HMICA), HM Inspectorate of Probation (HMI Probation) and HM Inspectorate of Prisons (HMI Prisons). The Quality and Standards Department of Victim Support also assisted the joint Inspectorate team.

#### Background to the inspection

2. The Government has established 42 criminal justice areas, each with a Local Criminal Justice Board (LCJB). The Devon & Cornwall Criminal Justice Board (DCCJB) formally assumed its responsibilities on 1 April 2003. Local Criminal Justice Boards operate on a non-statutory basis and represent a new way of doing business within the criminal justice system, through better co-ordinated and more cohesive working arrangements.
3. All LCJBs are charged with establishing and delivering, at local level, targets to support the achievement of national objectives for the criminal justice system that are designed to improve the overall efficiency and effectiveness of the criminal justice system. The national targets, which are drawn from the Ministerial Public Service Agreements (PSAs), include:
  - Increasing the level of public confidence in the criminal justice system to 40% by March 2007
  - Improving the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25 million by March 2008
  - A reduction in proportion of ineffective trials by 27% by March 2007 with the proportion of ineffective trials to be no more than 18% in magistrates' courts and 17% in the Crown Court
  - All community breach penalties should take an average of no more than 35 working days from breach to resolution, and that 50% of all breach proceedings be resolved within 25 days of the relevant failure to comply.
4. The Office of Criminal Justice Reform has detailed targets for each criminal justice area to assist them to contribute to the overall national targets. DCCJB were set specific local targets which included:

- Increasing the level of public confidence in the criminal justice system to 48% by March 2008
  - Improving the delivery of justice by increasing the number of crimes for which an offender is brought to justice by 29,227 in 2006-07
  - Reducing ineffective trial rates in the magistrates' courts to 18% and in the Crown Court to 12%.<sup>1</sup>
5. The framework used for this inspection focused on the “front-end” of the criminal justice process, from arrest to passing of sentence, with particular reference to three national criminal justice objectives, namely increasing public confidence in the criminal justice system, bringing offenders to justice and reducing ineffective trials. The inspection also assess the enforcement of community penalties.
  6. Where relevant to the outcomes inspected within the framework, we also addressed issues of corporate governance arrangements and the strategies and policies of the DCCJB, together with the effectiveness of inter agency cooperation on those matters which affected overall performance from the point of charge through to passing of sentence.
  7. Inspectors looked at how effectively the criminal justice agencies and partners such as Victim Support and the Witness Service were working together in Devon & Cornwall to deliver the outcomes necessary to achieve the targets set by the DCCJB. They also considered the joint response of criminal justice agencies and partners to crime from the point at which a crime is reported to the point of sentence. This included an examination not just of the work of the DCCJB, but also the interaction between criminal justice agencies and partners outside the DCCJB framework.

### **Key findings of the inspection**

8. The geographical size of the Devon and Cornwall criminal justice area raises logistical issues for the local criminal justice agencies and the Criminal Justice Board that are not faced by most. The distances between major business centres impacts on resource time and can create difficulties for the administration of justice, for example the time taken for victims, witnesses and defendants to get to court. These issues of rurality mean that the Devon and Cornwall Criminal Justice Board has to work harder than many Boards to remain visible as a leader in driving forward criminal justice improvements.
9. All the criminal justice agencies contribute to achieving the Board's objectives and there was a commitment to securing improvement across all aspects of performance. There is an inclusive approach to the Board's work and good examples of forward thinking, for example the inclusion of the Chair of one of the NHS strategic partnerships as a standing member and the involvement of Victim Support in the Victim and Witnesses sub-group.
10. The Board's three year Delivery Plan provides the focus for its work and drives activity. A number of key initiatives are being supported and driven by the Board, for example the Courts and Community Justice Project. These are being considered nationally as good practice and Devon and Cornwall have been commended on working to deliver joined up and improved services.
11. The structure of the Board's sub-groups which support the delivery of its objectives needs to be clarified. The piloting of a Plymouth Local Delivery Group cuts across the remit of the other sub groups and has resulted in confusion about

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<sup>1</sup> National and local targets are detailed in the Criminal Justice System Business Plan 2006-2007 produced by the Office for Criminal Justice Reform (OCJR) [www.cjsonline.gov.uk](http://www.cjsonline.gov.uk)

where responsibility for delivery rests at operational level. There was also some misunderstanding, despite clear terms of reference, about the general remit and accountability of the sub-groups.

- 12 At a strategic level some of the lack of clarity and uncertainty derives from the non-statutory basis of the local criminal justice boards, with the resultant lack of statutory authority. Whilst at a national level the Board is seen as a key driver of criminal justice reform, as a corporate entity Chief Officers can only seek to influence change and cannot hold others to account. Because of this anomalous position it was not always possible to see how strategic intent had been turned into effective change at an operational level. The impact of the absence of a clear statutory authority to hold to account was most obvious when considering how the police Basic Command Units adopted Board priorities.
- 13 In addition to the inclusive approach adopted by the Board through its sub-group structure it has worked hard to forge effective links with major stakeholders, for example Against Domestic Violence and Abuse in Devon (ADVA), Race Equality representatives and the Intercom Trust (which supports gay, lesbian, bi-sexual and trans-gendered members of the community). This highlights how the Board is willing to engage and develop its processes to reflect the need of its customers. There are also effective links with the many Crime and Disorder Reduction Partnerships (CDRPs) in Devon, Cornwall and the Isles of Scilly.
- 14 The criminal justice agencies are working well together to achieve their key performance targets. The target for increasing the number of offences brought to justice was met in 2005-06 and the target for 2006-07 is also likely to be met. The effective trial rate target in the Crown Court was just missed in 2005-06, but performance was much better than found nationally. There were, however, aspects of trial preparation which needed to be improved to increase the effectiveness of pre-trial reviews. Consideration also needed to be given to targeting pre-trial reviews in those cases where they add value. There was good joint performance analysis of cracked and ineffective trials in the magistrates' courts and Crown Court.
- 15 The benefits of the statutory charging scheme were starting to be achieved, although the percentage of cases discontinued in the magistrates' courts after a pre-charge decision needed to be reduced. There was also a need to increase the number of cases where face-to-face advice is sought by the police.
- 16 Overall the needs of victims and witnesses were being met, although the quality and timeliness of information passing between the police and the CPS about the needs of vulnerable and intimidated adult victims and witnesses needed to be improved. At some court centres the facilities for victims and witnesses required improvement.
- 17 There were good working arrangements between the relevant agencies to ensure that the targets for the enforcement of community penalties were met. The Area's performance was significantly better than that found nationally. Performance could be improved further if more priority was given to executing warrants when offenders failed to answer bail.
- 18 We comment in further detail on the specific aspects of performance in the following sections.

### **Public confidence and community engagement**

- 19 There are good examples of engagement with the wider community as well as minority groups. The Board recognise that there is a need to marshall its activity

around community engagement. A key member of the support team is the communications officer who is beginning to ensure that there is pro-activity in communications. The Board needs to ensure that any LCJB activity is complemented by action and messages emanating from the single agencies.

- 20 The Board has pro-actively worked to improve its public consultation and public confidence measures, although performance remains behind target.

### **Bringing offenders to justice**

- 21 Devon and Cornwall has been successful in meeting and exceeding the 2005-06 offences brought to justice target as well as the required sanction detection rate, although it is failing to meet the locally set 'stretch target' it has set for sanction detections. It is on course to meet the 2006-07 targets for both offences brought to justice and sanction detection.
- 22 Some key aspects of the pre-charge decision scheme needed to be improved to increase its effectiveness. In particular there was a need to increase the amount of face-to-face advice provided and strengthen case ownership. Inspectors found that CPS advice was often given using paper files and police officers were not present to clarify issues or discuss matters with lawyers. Whilst there was a commitment to the scheme at a senior level, this needed to be pushed down to an operational level through increasing the level of face-to-face advice sought by the police. Assurance has to be sought that following CPS advice the police are carrying out the actions necessary to make a charge viable or are notifying the CPS that they have concluded that it is not possible and do not seek to pursue a prosecution. There needs to be greater liaison between the bail management teams, police case reviewers and duty lawyers. We found cases in which there was delay in police investigation, and in which this was compounded by the police proceeding by way of summons rather than charge.
- 23 There are good examples of working with stakeholders to develop systems and processes for specialist and sensitive cases. The management of such cases is generally well managed. Awareness at a force operational level needs to be increased and asset recovery performance needs to be improved.

### **Reducing ineffective trials**

- 24 Area performance is significantly better than both the national average and target for ineffective trials in the Crown Court. In the magistrates' court the area met its target in the final quarter of 2005/06 and has continued this positive trend in the first quarter of 2006/07. Effective trial rates (a better indicator of performance) have remained better than national average and have recently (2006-07) improved in both jurisdictions to meet national target.
- 25 There are effective processes in place to support improvement activity around the handling of cracked and ineffective trials; cross criminal justice agency meetings are used to consider reasons, identify trends and implement improvement.
- 26 There was evidence of inefficient pre-trial preparation. The police, CPS and courts all have a part in this. Police file preparation could be improved; CPS summary trial preparation could be substantially better; and the courts practice of listing pre-trial reviews in practically all not guilty plea cases is impacting on resources. Although the stated policy was to hold PTRs only in charged cases, our observations included a number of cases where PTRs even though they fell outside that policy.

- 27 Case progression has been hindered by the loss of two of the three case progression officer posts in Exeter CPS who were not maintained when additional funding from the Office of Criminal Justice Reform was ended. Losing these posts has increased delay as effective links between the CPS and Courts Service have been stretched. The Courts Service has worked hard to ensure that there are effective processes in place to aid case progression and trial readiness checks are used as a means to improve compliance with court directions and ensure effective hearings.

### **The treatment of victims and witnesses**

- 28 The quality of the treatment of victims and witnesses is crucial to the effectiveness of the criminal justice system. Victims and witnesses in Devon and Cornwall felt generally that those in the criminal justice agencies had treated them well. There has been an on going commitment to Witness Care Units and this has been demonstrated by a recent increase in police funded resources. Witness Care Unit processes are developing and relationships with the Witness Service<sup>2</sup> are strong. A better understanding of the CPS systems and needs would be of benefit.
- 29 The inclusion of Victim Support representation at the DCCJB sub group level demonstrates a willingness to learn from the user perspective, although concerns were expressed about the ability of the sub group to influence the overall Board strategy.
- 30 Concerns were expressed about the limitation of the court estate to meet the needs of victims and witnesses. Some specific issues were raised about quality and availability of the accommodation for victims and witnesses across the court estate and the impact this had on safety and security.

### **The treatment of defendants**

- 31 The treatment and rights of defendants are generally respected within Devon and Cornwall. We identified a number of concerns about court cell accommodation at Exeter Crown Court and disembarkation of prisoners at Plymouth Magistrates' Court. We found good psychiatric services provided in Plymouth and Cornwall although there is a need for these to be more consistently available across the Area.
- 32 In court defendants are treated with courtesy and respect, although local practices around hand cuffing of defendants and accommodation security raises specific issues.

### **The enforcement of community sentences**

- 33 The agencies are working well to achieve the nationally set targets for the enforcement of community sentences. The national targets are that all community penalty breach proceedings should take no more than an average of 35 working days from breach to resolution, and that 50% of all breach proceedings be resolved within 25 days of the relevant failure to comply with the order.
- 34 For the period April to July 2006 breach proceedings in Devon and Cornwall took an average of 34 working days to be resolved and 61% of cases were resolved in 25 working days. Performance for the year 2005-2006 had been consistently better than the targets set. Nationally, the Area's performance is in the top quartile.

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<sup>2</sup> Witness Service is part of the volunteer organisation Victim Support, and offers support to victims and witnesses.

35 There was, however, a lack of clarity in the Youth Offending Teams about when an offender's absence from a required activity under an order should be marked as unacceptable. There was also a need to improve the prioritisation and execution of warrants when offenders failed to answer bail

### **Key Performance Results**

36 Devon and Cornwall are meeting all key PSA targets except the public confidence measure. All supporting targets, for example PYO performance and sanction detections, are being met. A copy of key performance results are at Annex B.

37 The Area has a target to bring 29,227 offences to justice by March 2007, performance up to September 2006 records that 31,922 offences have been brought to justice. This is 9.2% above current target.

38 The ineffective trial rate in the Crown Court has shown improved performance since 2004-05 and was very good in 2005-06. The ineffective trial rate in the Crown Court for 2005-06 was 6.5% against a target of 16.5%. In the magistrates' court in 2005-06 the area performance of 20.3% was worse than target of 19.5%, although for the first half of the 2006-07 year performance is better than target at 15% against the target of 18%.

39 The effective Crown Court trial rate target was narrowly missed in 2005-06. The rate was 59.5% against a target of 60.5%. This was however better than the national average (47.7%). In the magistrates' courts the Devon and Cornwall effective trial rate was good at 52.4% against the national average of 42.4% and a target of 55%.

40 For the period April-June 2006 the average processing period for PYOs from arrest to sentence for all cases was 69 days compared with 71 days nationally. This was within the Government target of 71 days, although performance had slipped from 51 days for the period November 2005 – January 2006. This was as a result of a loss of focus as performance had been good for such a long period. The area recognises this and has taken action to address it.

41 In 2005-06 Devon and Cornwall failed to meet its target to increase public confidence measure of bringing offenders to justice. Area performance was 44% against a target of 48% and national performance of 44.4%.

42 We found the following **strengths**:

1. The inclusion of the Chief Executive of the Devon Partnership NHS Trust at Board level and the development of a structured approach to influencing the health agenda.(3.4)
2. The three year planning cycle and the stakeholder and partnership consultation undertaken to develop the Strategic Plan. (3.11)
3. The work of the communications officer to raise the profile of the Board and present consistent messages. (4.7)
4. The stakeholder involvement on the domestic violence sub-group which plays an active part in setting the Board's priorities. (5.33)
5. The ongoing commitment to Witness Care Units within Devon and Cornwall and the good working relationships between WCUs and Witness Service which are used to improve process. (6.23)

6. The dedicated senior management resource within the Probation Service to monitor and drive performance. (8.32)
7. The probation legal proceedings team managed the prosecution of breaches very effectively. Staff actively analysed problems as they arose and found solutions. (8.34)

43 We found the following **aspects for improvement**:

1. Devon and Cornwall Criminal Justice Board should increase Board communication activity focusing on reaching the majority with positive messages of performance and achievement. (4.7)
2. Devon and Cornwall police should actively monitor the numbers of 'voluntary attenders' at all police stations to ensure that this is the most appropriate method of investigation and that effective systems are put into place to ensure that proper systems are not being bypassed. (5.12)
3. Devon and Cornwall Criminal Justice Board should satisfy itself that custody cases are being managed through the charging process within the timescale as set out in DPP guidance, thus ensuring that defendants in custody are dealt with expeditiously. (5.13)
4. Devon and Cornwall Criminal Justice Board ensure that guidance and training is provided to front line operational police officers about the necessity and importance of identifying vulnerable and intimidated adult witnesses. (5.25)
5. Devon and Cornwall Criminal Justice Board needs to ensure that awareness at operational levels is improved to identify cases suitable for asset recovery.(5.51)
6. Devon and Cornwall Criminal Justice Board takes action to ensure that effective joint training between WCU staff and CPS staff is undertaken to improve the awareness of CPS processes and the level and type of information required for victims and witnesses.(6.24)
7. Devon and Cornwall Criminal Justice Board works with HMCS to improve the accommodation offered to victims and witnesses at courthouses. (6.31)
8. Devon and Cornwall Criminal Justice Board works with the judiciary to consider whether an increase in usage of video link facilities could reduce the transportation of prisoners, particular, for female and youth prisoners. (7.8)
9. Devon and Cornwall Criminal Justice Board should raise the issue of accommodation problems identified within the Court estate with the relevant agencies to ensure that there are appropriate security measures in place, disabled access is reviewed and health and safety issues addressed. (7.11)
10. Devon and Cornwall Criminal Justice Board should ensure that communication between the YOTs regarding the priorities of the LCJB is strengthened and clarified. (8.7)

44 We made the following **recommendations**:

1. Devon and Cornwall Criminal Justice Board:
  - evaluates the pilot of the Plymouth Local Delivery Board and a decision is taken about its future;

- revises its sub group structures to ensure that there is clarity between groups; ensuring that over-laps are reduced; and there is focus on performance improvement. (3.9)
2. Devon and Cornwall Criminal Justice Board should ensure that there is a more cohesive delivery of its strategic aims as specified in the Delivery Plan. The Board's aims should be reflected as appropriate in individual CJS agency plans and ensure that there is accountability at a local level for delivery, particularly at police Basic Command Unit level. (3.16)
  3. That the new Chief Constable (when appointed) attends the Board and ensures that there is accountability for delivery within the operational element of the forces remit. (3.17)
  4. Devon and Cornwall Criminal Justice Board ensures that:
    - the operation of the statutory pre-charge scheme is improved to increase the proportion of cases where advice is delivered on a face-to-face basis;
    - systems are put into place to revise and improve case ownership at the front line within the police and CPS; and
    - there is a shared ownership of the scheme and the development of a corporate approach is embedded within the Area. (5.21)
  5. Devon and Cornwall CJB develop a cross-cutting timeliness target for all cases in the magistrates' court. The target should monitor offence to conclusion to support effective trial performance. (6.5)