

THE CRIMINAL JUSTICE INSPECTORATES' REPORT OF THE JOINT INSPECTION OF THE MERSEYSIDE CRIMINAL JUSTICE AREA

EXECUTIVE SUMMARY

Introduction

1. This is the report of the Criminal Justice Chief Inspectors on the joint inspection of the Merseyside criminal justice area. The inspection was carried out by HM Inspectorate of Constabulary (HMIC), HM Crown Prosecution Service Inspectorate (HMCPSP), 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
3. Justice Board (LCJB). The Merseyside Criminal Justice Board (MCJB) 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.
4. 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:
 - improving the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.2 million¹ by 2005-06; and
 - a reduction in the proportion of ineffective trials.
5. For 2005-2006 the Government has set the following national targets:

¹ As part of the spending review 2004 settlement in July 2004, this target was reset for 2005-2006 from 1.2 million offences brought to justice to 1.15 million. The adjustment removed a number of minor motoring offences which had been counted previously. At the same time a higher target of 1.25 million offences brought to justice was set for 2007-2008

- to reduce the rate of ineffective trials by 27% by March 2006 with the proportion of ineffective trials to be no more than 23% in the Magistrates' Courts and 17% in the Crown Court; and
 - increasing the level of public confidence in the Criminal Justice System to 40% by March 2006.
6. 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.
 7. Where relevant to the outcomes inspected within the framework, we also addressed issues of corporate governance arrangements and the strategies and policies of the MCJB, 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.
 8. Inspectors looked at how effectively the criminal justice agencies and partners such as Victim Support and the Witness Service were working together in Merseyside to deliver the outcomes necessary to achieve the targets set by the MCJB. 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 MCJB, but also the interaction between criminal justice agencies and partners outside the MCJB framework.

Key findings of the inspection

Overview

9. The Merseyside Criminal Justice Board has probably travelled further than many Areas in driving up performance, albeit from a historically low level. Inspectors found there was a real commitment at Chief Officer level to taking forward the work of the Board. This commitment was underpinned by good inter-agency work on a range of measures, for example reducing the level of ineffective trials, reducing the time taken to deal with persistent young offenders, co-ordinating work on anti-social behaviour and updating the police national computer.
10. The structure of the Board needed to be clarified in some respects. In particular the role of the Board Support Team, the alignment of some of the sub-groups to the Board Support Team and to the business plan and the remit of the Consultative Committee. There is also some lack of clarity as regards, relationships between the newly formed Business Management Group, the proposed full time Business Manager post and the Support Team

11. As part of the MCJBs restructuring of performance management arrangements, Local Criminal Justice Delivery Boards (LCJDBs) had been recently set up, and were accountable for a number of aspects of performance at a local level. Some aspects of this performance management structure needed to be clarified: in particular what data is to be collected to inform the LCJDBs, who is going to collect it and how it is going to be collected. CPS Crown Court casework is being devolved to a local level and as a result the role of the Crown Court LCJDB needs to be reviewed.

Key Performance Results

12. There had been a real improvement in performance against the PSA targets, which had been achieved by a strong focus on the front-end of the criminal justice process in 2004/05.
13. The MCJB had a target to achieve a 13% improvement in bringing offenders to justice during 2004/05 on the baseline set during 2001/02. By the end of November 2004, the area was showing an impressive 18% improvement, making them one of the better performing Areas.
14. The ineffective trial rate in both magistrates' courts and the Crown Court showed a steady reduction towards the targets set for March 2006, which reflected the priority given to this aspect of performance during 2004-2005.
15. In the Crown Court the target of having an ineffective trial rate of 18% or less was met in every month in 2004-2005, with the exception of December. In some months the rate was in single figures. For the rolling quarter ending February 2005, the rate was 14.7%.
16. In the magistrates' courts the rate dropped from 35.8% in April 2004 to 24.1% in February 2005, against a target of 24%. Locally produced performance data indicates that the target was met in May 2005.
17. Both jurisdictions operate an effective Certificate of Readiness process, and each agency has dedicated case progression officers. In the Crown Court there is a robust analysis of ineffective trials, which enables the agencies to identify at an early stage where improvements need to be made.
18. Recent persistent young offender performance is very promising, and if maintained should enable the area to meet the target for 2005. Since August 2004, the area has performed better than the national target of 71 days, and for the rolling quarter ending February 2005 was taking 69 days from arrest to sentence.

19. In the year to September 2004, 40.3% of the people of Merseyside had confidence in the criminal justice system. The local target for March 2006 is to increase public confidence to 44.1%. If current performance is maintained it is likely that the area will meet the target.

Public confidence and community engagement

20. There are positive single agency community engagement activities, but these could be better co-ordinated. As a priority the Board should publish its strategy on promoting equality and diversity through the criminal justice system.
21. Overall, there was a need for greater community engagement, which was being developed by the Confidence Group, and also a more inclusive approach to some of the smaller players in the criminal justice system, for example those with a focus on race issues and around the care and rehabilitation of offenders.
22. Public confidence in the criminal justice system is increased when there is an understanding that those who breach court orders or community penalties are dealt with effectively. Overall the performance of the Merseyside criminal justice agencies, in this aspect, is variable.
23. The number of warrants issued by the court is declining, which is indicative of more defendants answering their bail. The number of outstanding warrants is dropping but the timeliness of warrant execution could be improved. In 2004-2005 7,634 warrants were issued for defendants who failed to answer their bail and 7,022 were executed. The total number of outstanding warrants for defendants who failed to attend stood at 2,893 at the end of the year, compared with 4,312 at the start. The average time to execute warrants being 140 days for the year to February 2005.
24. There was a need to improve significantly the rate of execution of warrants issued for breach of community penalties, and initiatives to address this and other enforcement related aspects of performance, were being developed.

The treatment of victims and witnesses

25. The quality of the treatment of victims and witnesses is crucial to the effectiveness of the criminal justice system. Without them offenders will not be brought to justice, which will impact negatively on public confidence. In Merseyside inspectors found a genuine commitment across the agencies at all levels to enhance the treatment of victims and witnesses. This was reflected in the facilities provided at court and the level of care shown by individuals.
26. As part of the Government's No Witness, No Justice initiative the police and the CPS had set up a pilot witness care unit in Crosby. The unit is

providing a good level of information to witnesses from the time of the first appearance of the defendant in court to the final disposal of the case. This includes informing the victim of the result in cases where the defendant pleads guilty. The ability of the unit to obtain and provide timely information is enhanced by its close proximity to the CPS administrative section, which allows them to have easy access to the CPS file.

27. It had, however, been decided for a number of reasons not to replicate this structure but to have a centralised witness care unit, based in Liverpool, for the whole of Merseyside. The perceived advantage of this approach is that it gives the organisations economies of scale and will ensure a consistent approach to witness care.
28. The creation of this centralised witness care unit for Merseyside represented a high risk strategy at this juncture, with a number of issues to be resolved before it went live in October 2005. There was a lack of clarity about exactly what information could be produced from the police and CPS case management systems and whether it replicated that which the pilot unit, with its close proximity to the prosecution file, was able to obtain
29. The effectiveness of the application of the special measures provisions is mixed. There were a number of cases where there had been significant attention to the needs of the victim, for example by arranging for them to give evidence via a television link with a Care Home. Additionally, the agencies were able to make use of specialist advice on witness profiling. However, in some there was also a lack of consistency and understanding of the provisions.

The treatment of defendants

30. The rights of defendants are respected in Merseyside. There is a good level of support for those with psychiatric problems. Prison Escort staff treated prisoners with dignity, and the cell accommodation within the courts is adequate. There is a need for a court cell capacity assessment to be undertaken and some aspects relating to the medical treatment of defendants in custody should be addressed.
31. Generally the arrival of prisoners at court is timely and does not delay proceedings. There are concerns that the magistrates at Liverpool can be kept waiting while the police bring over defendants from police custody in the afternoon, for example those arrested on warrant.
32. In court defendants are treated courteously and respectfully, with time taken to ensure that unrepresented defendants are able to provide all the relevant information. Generally, good explanations are given about why cases are being adjourned.

Bringing offenders to justice

33. There were some issues about the operation of CPS Direct, which we considered could be resolved by discussion with the relevant CPS Direct liaison manager. Police officers also felt that in some instances CPS Direct lawyers were reluctant to give advice and preferred the case to be put before a CPS Merseyside prosecutor.
34. There were issues about the operation of CPS Direct, which appear to be of national relevance. A particular problem was the way the CPS Direct call-centre, which provides out of hours pre-charge advice, operated. Police officers could not get the same lawyer again if they came off the telephone for any reason, for example to get further information. This could lead to the phone line being open for a significant amount of time, precluding the CPS Direct lawyer from taking any other advice calls. Police officers felt that in some instances CPS Direct lawyers were reluctant to give advice and preferred the case to be put before a CPS Merseyside prosecutor.
35. There were good examples of joint working in a number of aspects of performance, including progressing persistent young offenders and training on obtaining evidence in anti-social behaviour cases.
36. Overall, serious and sensitive casework is handled well although there are concerns about some aspects of the handling of domestic violence cases, in particular proceedings for breach of bail conditions. There was a need to increase local awareness of asset recovery performance, which at force level was very good.
37. We found the following **good practice**:
 1. The holding of regular weekly meetings between the Witness Service/CPS/HM Court Service staff/Police to review contested cases and in particular those with special measures (paragraph 6.20)
38. We found the following **strengths**:
 1. Highly effective performance in bringing offenders to justice and reducing the ineffective trial rate (paragraph 3.2).
 2. The commitment of chief officers at Board level to taking forward inter-agency work, which has helped improve operational inter-agency effectiveness (paragraph 4.3).
 3. Positive engagement with defence representatives at Board level, which has benefits at an operational level (paragraph 4.8).

4. The good level of commitment to the Community Justice Centre Project and the Board's approach to transferable benefits which will strengthen community engagement (paragraph 5.3).
5. Good court facilities for all victims and witnesses including those who are vulnerable, and a commitment to meeting the needs of the less physically able (paragraph 6.13).
6. High level of CPS witness care in the magistrates' courts which helps increase victim and witness satisfaction (paragraph 6.17).
7. The procedures for special measures cases in the Crown Court, which enhance victim care by reducing waiting time (paragraph 6.25).
8. A high level of care and attention shown by custody staff to prisoners in police and court cells (paragraph 7.1).
9. The effective management of cases where the defendant was released on police bail pending a CPS charging decision, which alerted managers to overdue files and assisted in identifying quickly defendants who had failed to answer their bail (paragraph 8.15).
10. Effective joint work on ASBOs, ensuring that applications are made in appropriate cases (paragraph 8.39).
11. The detailed analysis of ineffective Crown Court trials, which enables remedial action to be identified and undertaken quickly (paragraph 9.4).

38. We found the following **aspects for improvement**:

1. To ensure the accountability for Crown Court casework, the MCJB should review the structure of the Crown Court LCJDB and make any change necessary (paragraph 4.38)
2. To increase public awareness of the work of the MCJB, it should publish its aims for 2005/06 together with its vision for criminal justice in Merseyside (paragraph 4.44)
3. To improve the effectiveness of the delivery of the Business Plan, the MCJB should clarify the linkage of its sub-groups to the plan and ensure that each sub-group delivers that part of the plan for which they are responsible (paragraph 4.47)
4. To maximise resources and avoid a duplication of effort the MCJB should identify those confidence activities they wish to undertake and allocate them to one or more of the criminal justice agencies (paragraph 5.2)

5. To increase public confidence in the criminal justice system, the MCJB should improve the monitoring of case outcomes by ethnicity, publish the results of that monitoring and carry out any necessary action within its remit to improve fairness (paragraph 5.15)
6. The MCJB should review the process for referrals to Victim Support, and implement any changes necessary to improve the level of referrals, ensuring that all appropriate victims are offered their services (paragraph 6.6)
7. The MCJB should review the relationship of specialist police units to the WCU and implement processes which ensure there is no reduction in the level of witness care (paragraph 6.10)
8. The MCJB should review the quality of the provision of information to victims from offence to charge, in particular that provided to domestic violence victims, implementing any necessary changes to ensure that they are kept informed of the progress of the case (paragraph 6.11)
9. The prosecution team should improve the timeliness of the notification to the Witness Service of when trials are adjourned at the magistrates courts shortly before the date set down, so that Witness Service resources are not wasted by volunteers attending court unnecessarily (paragraph 6.19)
10. Improve the awareness of police officers and prosecutors (including CPS agents) of the application of special measures provisions, especially in cases of domestic violence, to ensure that they are applied for appropriately, and that the victim is not given an unrealistic expectation that they will be granted (paragraph 6.26)
11. To improve the dignity of defendants, but without compromising the safety of escort staff, a risk assessment should be undertaken to determine when a prisoner should be double handcuffed, and the result of the assessment should be implemented (paragraph 7.9)
12. The clarification of responsibilities between HM Court Service and contractor staff for the maintenance and deep cleaning of the cell complex, to include a means by which prisoners are held accountable for any damage they commit (paragraph 7.10)
13. The provision of information in cell complexes, particular relating to safety procedures should be improved (paragraph 7.10)
14. Court cells should be certified by HM Court Service and the Prisoner Escort Contracting Service for the maximum number of defendants who can be held (paragraph 7.11)

15. The quality and timeliness of police files should be improved further, in particular those for adult offenders (paragraph 8.14)
 16. To improve local case ownership and accountability, statutory charging case outcome data should be provided to charging centre level (paragraph 8.16)
 17. The MCJB should review the structure of the asset recovery mechanisms to improve local ownership/accountability by providing performance information at BCU level (paragraph 8.36)
 18. Produce performance information about the outcomes of ASBO applications and breach proceedings to improve further this aspect of performance by identifying quickly any issues of concern which will allow for prompt remedial action to be taken (paragraph 8.39)
 19. To enable the MCJB and LCJDBs to assess fully the effectiveness of case preparation, and implement any necessary improvements, an analysis of the late vacated trial rate in the magistrates courts should be carried out (paragraph 9.14)
39. We made the following **recommendations**:
1. To improve community representation, the MCJB defines the terms of reference and composition of the Consultative Committee, and expresses its relationship with the high level objectives of the business plan (paragraph 4.16).
 2. To ensure effective delivery of the 2005/06 business plan, the MCJB defines the remit of the Board Support Team, and its relationship to the newly established Business Management Group and sub-groups of the Board (paragraph 4.23)
 3. To ensure effective performance by the LCJDBs in contributing to achieving the PSA targets for Merseyside, the MCJB issues guidance on what aspects of performance are to be included in the Quantum process, and implements appropriate performance management systems for those aspects to ensure reliable and consistent performance data, ensuring that prompt remedial action is taken when slippage in performance is identified (paragraph 4.36)
 4. To increase public confidence, the MCJB publishes and implements its strategy to promote equality and diversity through the criminal justice system (paragraph 5.12)
 5. To ensure that timely and accurate communication with victims and witnesses can be provided, the MCJB should

- review the effectiveness of the IT provision to the proposed centralised Witness Care Unit, and make any changes necessary to maintain the level of service provided at the pilot unit; and
 - undertake a full equality impact assessment of the processes, taking any action necessary to ensure those processes are compliant (paragraph 6.9)
6. To enhance the treatment of victims and witnesses, the agencies produce agreed risk based guidelines on the transfer of cases between magistrates' courts in Liverpool and provide clearer instructions to victims and witnesses on which court building they should attend (paragraph 6.16).
7. To maintain the operational effectiveness of police officers and to assist the quality of pre-charge advice, the MCJB should review the process for the first-time submission of cases, and implement changes to reduce waiting times (paragraph 8.18).
40. The full text of the report may be obtained from the Business Support Group of HMCPSI (telephone 020 7210 1197), and is also available at:

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