



HM CPSI
HM Crown Prosecution Service Inspectorate

HMICA
HM Inspectorate of Court Administration



HM
IP

Her Majesty's
Inspectorate
of Probation

THE JOINT INSPECTION OF THE MERSEYSIDE CRIMINAL JUSTICE AREA

August 2005

CONTENTS

PAGE

PREFACE

1. INTRODUCTION	1
Merseyside	1
Merseyside Criminal Justice Board	1
Scope of inspection	2
Methodology	2
Structure of the report	3
2. EXECUTIVE SUMMARY	4
Overview	4
Key performance results	4
Public confidence and community engagement	5
The treatment of victims and witnesses	5
The treatment of defendants	6
Bringing offenders to justice	7
Good practice	7
Strengths	7
Aspects for improvement	8
Recommendations	10
3. KEY PERFORMANCE RESULTS	12
Narrowing the justice gap	12
Reducing ineffective trials	13
Timeliness of handling persistent young offenders (PYOs)	13
The timeliness of case progression	14
Improving public confidence	14
4. THE GOVERNANCE AND STRUCTURE OF THE MERSEYSIDE CRIMINAL JUSTICE BOARD	15
Overview	15
Governance	15
Structure	17
The Board Support Team	18
Local Criminal Justice Delivery Boards	19
Performance management	20
Policy and strategy	22
<i>The Business Plan 2005/06</i>	22
<i>Prolific and Priority Offenders Strategy</i>	24
5. IMPROVING PUBLIC CONFIDENCE AND COMMUNITY ENGAGEMENT	25
Equality and diversity	26
Enforcement of court orders and community penalties	27

6.	THE TREATMENT OF VICTIMS AND WITNESSES	29
	Overview	29
	The witness care unit	29
	Victims and witnesses at court	31
	Special measures	34
	Direct communication with victims	35
	Victim personal statements	35
7.	THE TREATMENT OF DEFENDANTS	36
	Overview	36
	Defendants in police custody	36
	Defendants at court	37
	Pre-sentence reports	39
8.	BRINGING OFFENDERS TO JUSTICE	40
	Overview	40
	The statutory charging initiative	40
	Training for the scheme	41
	Management of the scheme	42
	The quality of decision-making	44
	Serious and sensitive casework	44
	<i>Domestic violence</i>	45
	<i>Racially aggravated offences</i>	45
	<i>Asset recovery</i>	46
	<i>Anti-social behaviour orders</i>	46
	<i>Persistent young offenders</i>	47
9.	REDUCING THE LEVEL OF INEFFECTIVE TRIALS	48
	Overview	48
	Crown Court performance	48
	Magistrates' Court performance	49
	Effective Trial Management Programme	50

ANNEX 1 List of those who Assisted our Inspection

Preface

The Chief Inspectors of the criminal justice inspectorates are pleased to publish their joint report on the Merseyside criminal justice area. This inspection builds on the previous joint inspection work undertaken in Surrey and North Yorkshire in 2004-05. It is the first joint inspection of six that are planned for 2005-06. This represents a significant increase in joint area inspection activity and shows the commitment of the criminal justice inspectorates to working more closely to help delivery of improved case management and public confidence in the criminal justice system.

The criminal justice inspectorates have for some time been placing greater emphasis on the effectiveness of relationships between organisations which they are responsible for inspecting and, in particular how successful those agencies have been in improving performance through co-operation within a framework which recognises the inter-dependencies of a criminal justice system, whilst respecting the separate and independent role of the agencies themselves.

Local Criminal Justice Boards operate on a non-statutory basis and formally came into existence on 1 April 2003. They represent a new way of doing business within the criminal justice system, through better co-ordinated and more cohesive working arrangements. This national infrastructure also offers a more substantial focus point for integrated inspection. We, as leaders of the criminal justice inspectorates, are determined to continue to build on this through the planned programme for this year.

Strategic planning and managing delivery on a cross-agency basis at a local level is a developing concept. The scope of the work of the Local Criminal Justice Boards is kept under constant review by the National Criminal Justice Board, and the Office of Criminal Justice Reform regularly issues guidance and practitioner toolkits, both on new initiatives and best practice, toward improving performance against existing measures. Although the potential benefits of integrated inspection based on criminal justice areas are substantial the inspection processes will likewise need careful and ongoing development. Each joint inspection we undertake during this business year will be subject to a rigorous evaluation to ensure that there is continuous improvement in our processes.

The framework used for this inspection was developed with a view to it being used across all the joint inspections planned for this business year. Its focus is on the "front-end" of the criminal justice process, from arrest to passing of sentence, with particular reference to three objectives, namely increasing public confidence in the criminal justice system, bringing offenders to justice and reducing ineffective trials. Where relevant to the outcomes inspected within the framework, we address issues of corporate governance arrangements and the strategies and policies of the Merseyside Criminal Justice Board, 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. The framework drew on the substantial guidance and other information as to standards available either from the National Criminal Justice Board, or the Office of Criminal Justice Reform or the individual agencies themselves.

This inspection was carried out in accordance with the principles of inspection set out by the Office of Public Service Reform and examined issues so far as practical from a user perspective – particularly of that of victims and witnesses. The inspection team worked closely with the Quality and Standards Department of Victim Support and their assessments have been incorporated into the overall report.

Our intention is that this report will not only inform the people of Merseyside about how effectively the local CJS works by highlighting the strengths of inter agency working and identifying where further improvement can be made, but also that it will inform the policies, strategies and delivery of the wider criminal justice community.

Finally, the Chief Inspectors take this opportunity to thank the Chief Officers and staff of the criminal justice agencies in Merseyside for the considerable assistance rendered to them during the course of this inspection. We also thank those from the wider Merseyside community who come into contact with the criminal justice system for giving up their time to inform us of their experiences.

INTRODUCTION

Merseyside

- 1.1 The metropolitan county of Merseyside has a population of approximately 1.3 million. The working population is 66% with an unemployment rate of 3.8%, which is significantly higher than both the North West Region and the United Kingdom overall rate. Much of the area is made up of urban centres with the largest being Liverpool, Birkenhead, Knowsley and St Helens.
- 1.2 There are six police basic command units (BCUs) and five magistrates' courts petty session areas. The five petty sessions areas based on magistrates' courts sittings are at Liverpool; North Sefton (Southport), South Sefton (Bootle); the Wirral (Birkenhead); and St Helens/Knowsley. The other agencies, apart from the police who have two BCUs for Liverpool, fit within this structure. The Crown Court sits at Liverpool.
- 1.3 The county has a number of minority ethnic communities including those from Chinese, Asian, Black and the travelling community backgrounds. Generally the minority ethnic population density is very low at 2.9%¹, but is higher in Liverpool (5.7%). The largest minority ethnic population is Chinese.

Merseyside Criminal Justice Board

- 1.4 The Government has established 42 criminal justice areas. Each has a Local Criminal Justice Board (LCJB) The Merseyside CJB (MCJB) formally assumed its responsibilities on 1 April 2003. 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 million² by 2005/06; and
 - a reduction in the proportion of ineffective trials.

¹ 2001 census.

² 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.

- 1.5 For 2005/2006 the Government has set the following national targets:
- 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.

Scope of inspection

- 1.6 The inspection was a joint inspection by HM Inspectorate of Constabulary (HMIC), HM Crown Prosecution Service Inspectorate (HMCPSP), HM Inspectorate of Court Administration (HMICA), HM Inspectorate of Probation, and HM Inspectorate of Prisons. The Quality and Standards Department of Victim Support also assisted the joint inspectorate team.
- 1.7 The joint inspection 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. We considered the governance and strategy of the MCJB, and 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.

Methodology

- 1.8 Our methodology included an examination of management information, plans and documentation from the MCJB. We visited the area for two weeks in May 2005 and held interviews with criminal justice agency staff at all levels, criminal law practitioners and representative of local community based organisations. Focus groups of victims and witnesses, police officers, agency case progression officers and magistrates were also held. The inspection team carried out observations on the quality of service delivery by the criminal justice agencies and partners at both the magistrates' courts and the Crown Court. This included an assessment of courthouse facilities for court users including those in custody.
- 1.9 We examined a selection of CPS files in which there had been an unsuccessful outcome, and looked in particular at the level of witness care and the timeliness of the exchange of information between the prosecution team and other agencies.
- 1.10 The Chief Inspectors are grateful to all those who gave their time to the inspection, whether in preparation of documentation or by making themselves available for interview. A list of individuals, outside the criminal justice agencies, from whom we received comment, is set out at Annex 1.

Structure of the report

- 1.11 An executive summary of the main findings of the joint inspection will be found at the outset of the report. Next we set out the Area's Key Performance Results with particular emphasis on the quantifiable progress in meeting the government's targets for the criminal justice system. The main body of the report sets out the detailed findings of the inspection in relation to the topics inspected. These findings are based on an inspection framework which focuses on three aspects of performance for which there are Government targets, namely increasing public confidence in the criminal justice system, increasing and the number of offences brought to justice and reducing the rate of ineffective trials. To assist the reader we have drawn together the common strands from those three aspects of performance into separate chapters.
- 1.12 We identify strengths and aspects for improvement, draw attention to good practice and make recommendations. The recommendations identify the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider merit the highest priority by the MCJB and criminal justice partners.

2. EXECUTIVE SUMMARY

Overview

- 2.1 The Merseyside Criminal Justice Board has probably travelled further than many Areas in driving up performance, albeit from a historically low level. 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.
- 2.2 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 business plan and the remit of the Consultative Committee.
- 2.3 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

- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 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%.
- 2.8 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.

- 2.9 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.
- 2.10 Recent PYO 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.
- 2.11 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

- 2.12 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.
- 2.13 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.
- 2.14 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.
- 2.15 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 2004-05 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. There was a need to improve significantly the rate of execution of warrants issued for breach of community penalties, and initiatives to address this were being developed.

The treatment of victims and witnesses

- 2.16 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.

- 2.17 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.
- 2.18 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.
- 2.19 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 goes 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.
- 2.20 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 cases, there was also a lack of consistency and understanding of the provisions.

The treatment of defendants

- 2.21 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.
- 2.22 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.
- 2.23 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

- 2.24 Merseyside had successfully introduced statutory charging, which contributes significantly to bringing the right offenders to justice on the right charges. The scheme is generally well managed and the quality of decision-making by in-house prosecutors is respected, with very few appeals against the decision of the charging lawyer. Some aspects of the police/CPS interface could be improved to reduce the time police officers spend waiting for advice. There is a need at a local level to improve the provision of performance data relating to case outcomes, asset recovery and anti-social behaviour proceedings.
- 2.25 There were some issues about the operation of CPS Direct, which provides out of hours pre-charge advice. A particular concern was expressed that the officers may not be able to get the same lawyer again if they came off the telephone for any reason, for example to get further information, although this could be avoided in many cases by the officer being fully prepared before making contact with CPS Direct. 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.
- 2.26 There are 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.
- 2.27 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.
- 2.28 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).
- 2.29 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 4.9).

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 quickly identifying defendants who had failed to answer their bail (paragraph 8.13).
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).

2.30 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 4.45).
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 casework 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 Witness Care Unit (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, particularly 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).

2.31 We made the following **recommendations** that:

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 4.37).
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).

3. KEY PERFORMANCE RESULTS

- 3.1 The MCJB agreed key performance targets with the National Criminal Justice Board (NCJB) for 2004/05. They are based on two of the Public Sector Agreement objectives that have been set for the criminal justice agencies at a national level³ and are set out below.

Narrowing the justice gap

- 3.2 The objective of increasing the number of offences brought to justice is also known as narrowing the justice gap. The MCJB had a target to achieve a 13% improvement during 2004/05 on a baseline figure of 28,462 set during 2001/02. For the year ending December 2004, 33,830 offences were brought to justice representing an 18.9% improvement on the baseline figure. This makes them one of the better performing Areas. There was a significant increase in the number of offences dealt with by way of fixed penalty notice or formal warning.

Strengths

Highly effective performance in bringing offenders to justice and reducing the ineffective trial rate.

- 3.3 However at the time of our inspection the sanction detection⁴ rate was dropping, which could impact adversely on narrowing the justice gap. Coupled with a slight increase in the number of unsuccessful case outcomes, this means that the MCJB must not lose its focus on this aspect of performance. The Board's Business Plan for 2005/06 identifies a number of actions designed to improve the sanction detection rate.

³ PSA 1: To improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.15 million by 2005-06; with an improvement in all CJS Areas... and a reduction on the proportion of ineffective trials.
PSA 2: To improve the level of public confidence in the Criminal Justice System, including increasing that of ethnic minority communities, and increasing year on year the satisfaction of victims and witnesses, whilst respecting the rights of defendants.

⁴ A sanction detection is any offence in respect of which an offender is charged (regardless of the outcome), cautioned or receives a formal warning or fixed penalty notice. It also includes those offences that an offender asks to have taken into consideration.

Reducing ineffective trials

- 3.4 The objective is to reduce the proportion of cases that are listed for trial but are ineffective on the day of trial and are adjourned to another hearing date.

MAGISTRATES' COURTS PERFORMANCE AND TARGETS			
	Sept 2002	2004/05	2005/06
Baseline	36.2%	-	-
Target	-	28%	24%
Out turn	-	27%	21% (April 05)
CROWN COURT PERFORMANCE AND TARGETS			
	Aug 2002	2004/5	
Baseline	25.3%	-	
Target	-	18%	

- 3.5 The ineffective trial rate in both magistrates' courts and the Crown Court shows a steady reduction towards the targets set for March 2006, which reflects the priority given to this aspect of performance during 2004/05.

Timeliness of handling persistent young offenders (PYOs)

- 3.6 In 1999 a national target of 71 days was set from the arrest to disposal of cases with PYOs. The out-turns have been as follows:

	Merseyside (days)	National (days)
1999	116	108
2000	111	93
2001	91	76
2002	65	68
2003	81	66
2004	82	69

- 3.7 The area has performed worse than both the target and national averages, except in 2002. However, recent 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, and for the rolling quarter ending February 2005 was taking 69 days from arrest to sentence.

The timeliness of case progression

- 3.8 In the magistrates' courts there has been an increase in the rate of timely initial guilty pleas. The rolling annual rate for timely initial guilty pleas the quarter ending June 2004 was 77.9% in target compared with 80.9% for the quarter ending March 2005. Overall, there was a 10.6% increase in the number of CPS cases finalised in the year, although the percentage of cases received fell by 10.1%. However, timeliness slipped in trial listing from 61.4% in target to 54.3%.
- 3.9 In the Crown Court, although caseload was dropping, the proportion of cases listed for trial within the target time was also falling. In 2004/2005 the percentage of cases committed and sent to the Crown Court that were listed for trial within the target time fell from 87.7% to 79.2% and 83.8 to 77.2% respectively. In the same period CPS caseload fell by 11.7%, with the proportion of cases finalised falling by 9.5%.

Improving public confidence

- 3.10 The Area baseline for public confidence in the effectiveness of the local justice system in bringing offenders to justice (based on results from the British Crime Survey) was 37.1% in 2002/03. This was slightly worse than the national average of 39%. In the year to September 2004, the area had increased public confidence to 40.3%. The 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. Some simple initiatives to raise the profile of the work being undertaken, such as publishing the high level objectives for this business year, together with the Board's vision for criminal justice in Merseyside will assist in this regard.

4. THE GOVERNANCE AND STRUCTURE OF THE MERSEYSIDE CRIMINAL JUSTICE BOARD

Overview

- 4.1 There is a real commitment at chief officer level to take forward the work of the Board, and to engage constructively with defence representatives, underpinned by good inter-agency work on a range of measures. Some aspects of the sub-structure of the Board need to be reviewed to ensure that there is clarity of roles and responsibilities, particularly in relation to the business plan.
- 4.2 Some aspects of performance management need to be clarified. There are positive single agency community engagement activities, but these could be better co-ordinated. As a priority the Board should publish and implement its strategy on promoting equality and diversity through the criminal justice system.

Governance

- 4.3 At the time of our inspection the Board was coming out of a period of significant change of personnel at a senior level, with a comparatively new Chief Constable and Chief Crown Prosecutor, together with the new post of Area Director for Her Majesty's Courts Service which was created following the merger of the Courts Service and the Magistrates' Courts Service in April 2005 of the Court Service. It is a credit to the Board that during this period of change the chief officers had maintained their commitment to taking forward the Board's work.

Strengths

The commitment of chief officers at Board level to taking forward inter-agency work which has helped improve operational inter-agency effectiveness.

- 4.4 The Board revised the structure of its sub-groups in late 2004, and was in the process of revising its structure further to enhance local performance delivery and accountability by creating a number of local criminal justice delivery boards (LCJDBs). In parallel with this was the national restructuring to unify courts administration under the nationally managed HM Courts Service. At the same time CPS Merseyside underwent significant reorganisation in the light of the development of statutory charging, moving away from co-location with the police.

- 4.5 The MCJB has a large membership which includes the representatives of all the principal local criminal justice agencies, namely:
- Chief Constable: Chair MCJB;
 - Assistant Chief Constable (Operations);
 - Chief Crown Prosecutor (CCP);
 - Area Director for Her Majesty’s Court Service (HMCS) in Merseyside;
 - Probation Area Chief Officer; and
 - Governor of Liverpool Prison.
- 4.6 Additionally, the following are standing members of the Board:
- Youth Offending Team (YOT) Manager for St Helens;
 - Chief Executive of Knowsley Borough Council;
 - Legal Services Commission Representative; and
 - Members of the Board Support Team (the composition of which is set out in paragraph 4.17).
- 4.7 All the members of the Board Support Team are either police officers or hold posts that are funded nationally by the Home Office, but are staffed through the police, for example the Area Performance Officer and the Marketing and Communications Officer. All the agencies provide supplemental funding, to top up that provided nationally.
- 4.8 The Legal Services Commission representative provides a constructive link to the local defence firms and had helped to engage the defence with MCJB initiatives, including the new performance management regime. Generally there was a commitment to engage with local defence representatives and keep them informed of local initiatives and the impact these might have on established procedures.

<p>Strengths</p> <p>Positive engagement with defence representatives at Board level, which has benefits at an operational level.</p>

- 4.9 The Recorder of Liverpool arranged a number of well attended meetings for the criminal justice agencies and the legal profession generally to explain changes within the Crown Court procedures as a result of the introduction of the Effective Trial Management Programme. This beneficial support for the MCJB helped achieve a fuller understanding, and a high level of commitment by practitioners.
- 4.10 There is less certainty about how the YOT manager and the Chief Executive of Knowsley engage with their counterparts in the other Merseyside Boroughs, although the YOT manager had developed a consultative mechanism with the other YOTs. The Merseyside YOTs and Borough Councils are autonomous and one cannot bind another. The MCJB had already identified this as a difficulty, particularly in relation to developing an overall strategy for dealing with persistent and priority offenders, where primary responsibility for identifying offenders rests with the local Crime and Disorder Reduction Partnerships (CDRPs).

Structure

- 4.11 Beneath Board level there are a number of sub-groups, some of whom had linkages with other non-MCJB groups. The MCJB sub-groups are:
- The Confidence Group;
 - The Victims and Witness Consultative Group;
 - The Community Justice Centre Group;
 - The MCJB Consultative Committee; and
 - Five Local Criminal Justice Delivery Boards.
- 4.12 The Confidence Group, which is chaired by the Probation Area Chief Officer who is the Board's champion on confidence issues, was in the process of setting up strategic delivery groups to cover the four confidence priorities for the 2005/06 business year, namely Race and Diversity, Staff Engagement; Community Engagement and Victim and Witness Care. The business plan is unclear on the relationship between the Victim and Witness Care strategic delivery group and the Victims and Witness Consultative Group chaired by the CCP. It was explained to inspectors that the split of responsibility is between implementation of victim and witness plans and communication more widely with external groups". There would be benefit in articulating this more clearly.
- 4.13 The Senior Reporting Officer for the Community Justice Centre Group is the Area Director of Her Majesty's Courts Service. The Board has adopted the project, which is centred on a part of North Liverpool, but is not responsible for its funding. Whilst it is very unlikely that the Centre would be replicated across Merseyside, The Board is actively considering the transferable benefits of the project, particularly the approach to community engagement of holding public meetings to let local residents express their views on what they want from the criminal justice system.
- 4.14 The MCJB consultative committee is significantly different from the other groups in that the Recorder of Liverpool, who is not a member of the Board, chaired the committee. This enables the MCJB to get valuable input from the senior judiciary on local and national initiatives. The Area Director of the Courts Service sits on the committee, along with representatives of the local Bar, Law Society, Victim Support, Prisoner Escort Contracting Service, Rape Crisis, Road Peace, Support After Murder and Manslaughter and Head Injury Support Services.
- 4.15 There is a lack of clarity about its remit, with variable expectations of the group. Some see it as a mechanism for feeding up operational issues while others view it as operating at a more strategic level. The community aspect of its composition is focused on single-issue groups, with an absence of wider community representation. The lack of clarity about the remit of the group is reinforced by the fact that it was not referred to in the business plan, although there is some understanding that the committee will link with the Confidence Group.

- 4.16 We recognise the importance of consulting widely, and for that consultation to be meaningful and to add value to, and support, the objectives of the Board. We also recognise the importance of the Board maintaining a constructive level of consultation with the senior judiciary in the Area. However, there is a need to review the operation of the committee to ensure that it adds the maximum value to the work of the Board. Work is planned for later in the year to address these issues.

WE RECOMMEND

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.

The Board Support Team

- 4.17 The Board Support Team comprises the Area Performance Manager, the Race and Community Engagement Officer, the Marketing and Communications Officer and an Administration Officer. Overseeing this team, on a part-time basis, is a Business Manager, currently a senior police officer. This represents a considerable resource commitment on the part of the Merseyside police, and reflects the shared commitment of all the agencies, to contributing to achieving the objectives of the MCJB. This commitment and the siting of all the members of the group within the police estate has led to a perception, almost certainly wrongly, amongst some groups that the Board itself is very much driven by the police. More effective communication of the various and diverse strands of work undertaken by the Board will help to dispel this perception.
- 4.18 Since our inspection we understand that the MCJB proposes to make the Business Manager post full-time, with a view to a secondment from any of the agencies.
- 4.19 There is a lack of clarity about where the Team sits in the overall structure and what aspects of performance, if any, it is responsible for managing, reinforced by the absence of any reference to its delivery role in the business plan. There is a need, particularly in relation to the Local Criminal Justice Delivery Boards (LCJDBs) to determine what role the Team has in assisting them to improve performance. In addition there is a potential conflict of interest if the head of the Group chairs the Crown Court LCJDB.
- 4.20 The proposals for the LCJDB performance management arrangements do not set out a role for the Team, although some interviewees considered that there was a linkage between the two. They also saw a linkage between the Team and the MCJB sub-groups.

- 4.21 The Area Performance Officer, Race and Community Engagement Officer and Communications and Marketing Officer have a significant amount of experience, which would be of considerable assistance to the LCJDBs. This was particularly relevant at the time of our inspection, when the Board was devolving performance management responsibility and accountability to local commands.
- 4.22 There was also some uncertainty over which members of the Team were standing members of the Board, and the MCJB will wish to review how the Team should be represented. Whilst it is for the Board to determine the remit of the Team, if they decide to enhance its role in local performance management they will wish to consider whether representatives of the other agencies should be included.
- 4.23 At the time of our inspection the MCJB was in the process of setting up a Business Management Group comprising representatives (just below Chief Officer level) of all the criminal justice agencies. Its primary role will be to ensure that there is strategic co-ordination and delivery of the activities identified within the MCJB Business Plan, taking forward the work on behalf of, and reporting to, the appropriate Senior Responsible Officer. This Group will also address new issues that require co-ordinated effort across the agencies, as and when they arise. However, it will have no direct role in performance management. There was a lack of clarity about the relationship between the Business Manager, the Business Management Group and the Board Support Team. We accept that the job description for the full time Business Manager post was still being worked up, but the Board will want to ensure that responsibility for the various aspects of performance is defined clearly.

WE RECOMMEND

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.

Local Criminal Justice Delivery Boards

- 4.24 Prior to the creation of the LCJDBs the Board had a Performance Management Group, which included the senior managers in the criminal justice agencies. That Group was disbanded with the creation of the five LCJDBs, one of which covers Crown Court casework. The Boards, which were set up in early 2005, are chaired by the local BCU police commanders, with the exception of the Crown Court Board, which is chaired by the head of the MCJBs Business Management Group. The Liverpool South BCU commander chairs the Liverpool LCJDB, with representation from Liverpool North. In view of the important role of the LCJDBs, the MCJB will want to satisfy itself that Liverpool North is represented at a sufficient level of authority to allow decisions to be made.

- 4.25 There could be a potential conflict of interest in the Chief Superintendent for Corporate Criminal Justice chairing the Crown Court Board if the Board Support Team develops a supportive role in respect of the LCJDBs or plays a management role in the Quantum performance management process.
- 4.26 The decision to make the local police commanders the chairs of the LCJDBs had been carefully considered and was welcomed by the other agencies. There is a generally held view that these arrangements will ensure that criminal justice issues receive appropriate prominence with the police at a local level.
- 4.27 All the criminal justice agencies are represented at a senior level, making the LCJDBs a significant resource commitment. It is envisaged that the LCJDBs will help, in part, to increase public confidence by building links with their respective CDRPs and their joint action groups. There was a need to clarify how the CDRPs are represented on the local Boards. On the one hand there was a view that this was achieved through the BCU commander, who also sat on/chaired the CDRPs. The other view was that there should be separate representation. Copies of minutes indicate that some BCUs appear to have opted for separate representation.
- 4.28 There has been an innovative approach to engaging with defence representatives through the LCJDBs. The Criminal Defence Service (CDS) has, through the regional duty solicitor forum, encouraged a 'pair' of defence solicitors to join each LCJDB. The pairing means that solicitors from different firms can attend alternately and the CDS meets their costs. The effectiveness of this approach is being monitored and there are plans to evaluate it after 12 months.
- 4.29 There are no generic terms of reference for the LCJDBs and we have some concerns that they could find themselves responsible, in an unstructured way, for an ever-increasing range of performance management issues. This, in our opinion, reinforces the need, made in our earlier recommendation to clarify the role of the Business Management Group in relation to the local Boards.

Performance management

- 4.30 In common with other Areas, the MCJB has a Performance Officer who produces a monthly report to the Board on the Area's top-level performance. These reports are detailed and use what is known as a traffic light system to indicate whether the Board is meeting its targets. With the introduction of the LCJDBs, similar styled reports are now produced showing local area performance, although these contain substantially more performance measures than the top-level report.
- 4.31 The accuracy of these reports is dependent on the quality of the performance data collated at a local level. At the time of our inspection a number of the measures set out in the local reports did not contain any data, and it was therefore not possible to assess performance. In part this was due to a lack of clarity between the LCJDBs and the centre about how the data was to be collated and submitted. We also found that in some aspects of performance, each agency was collecting its own data, which conflicted with the other agencies' findings. Not only was this a duplication of effort but also reinforced concerns about overall accuracy.

- 4.32 It is understandable that the LCJDBs will take some time to develop their performance management processes. It is however essential that the agencies agree quickly what is to be measured, how it is to be measured, who is responsible for measuring and how the data is to be evaluated. This should be consistent across the Area to ensure that accurate comparisons of performance can be made upon information that is trusted by all parties. There is an added urgency to achieving this in the light of the revised performance management regime being introduced by the MCJB.
- 4.33 All the agencies represented on the MCJB have signed up to a performance management regime based on a process known as CompStat, but known locally as Quantum. The process examines every stage of the criminal justice process from pre-arrest through to post-sentence activities focussing on preventing re-offending. There has already been some positive work done in one local board on the analysis of the reasons for ineffective trials. It is proposed that the core members of each LCJDB meet on a regular basis with the Chief Officers to discuss their performance and the measures they are taking to address those aspects where improvement is needed. We are pleased to learn that following feedback to the MCJB, this is already being addressed
- 4.34 We found that there was considerable disquiet amongst staff within some agencies, and a lack of knowledge about how this process would work. Much of this disquiet was grounded in the perceptions of Merseyside police officers who had previously been involved in a similar internal process. There was a concern that the process would be adversarial and that perceived performance failures would reflect badly on individuals.
- 4.35 In the light of this it is disappointing that the MCJB did not agree a corporate communication strategy to ensure that a consistent message was given about the benefits of the scheme. It was left to Chief Officers to explain, as they felt appropriate, how it would work. This resulted in mixed messages to staff; with a result that some felt that there was only a conditional acceptance of the new process. Since our inspection the first meeting has been held between the LCJDBs and the Board, and we understand that this was constructive and has helped to allay the concerns felt at a local level.
- 4.36 Whilst YOTs and the Probation Service had committed to being part of the performance management process their roles within the LCJDBs were still being developed, and work was ongoing on identifying the performance measures for which they would be accountable. The role of these agencies in particular may vary with changes in central Government emphasis as regards the criminal justice system; it is at present concentrated on management of cases through the judicial process, although work is in hand in Merseyside in mapping out the “backend” processes relating for example to enforcement issues, prolific offender work and the reduction of re-offending.

WE RECOMMEND

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.

- 4.37 Additionally, we identified concerns about how the process will work in respect of Crown Court cases. When the local boards were set up the CPS had a centralised Crown Court unit, with one Unit Head accountable for the handling of all Crown Court casework. However, the proposed restructuring of the CPS will devolve the handling of Crown Court casework back to geographical units. The impact of this is that Crown Court casework will be spread across Merseyside, with a number of CPS Unit Heads being accountable.
- 4.38 If the Crown Court LCJDB is dissolved this could lead to a significant increase in the resource commitment of Crown Court staff who would have to attend four LCJDB meetings a month. On the other hand there are difficulties in looking at Crown Court casework on a centralised basis, when its handling has been decentralised.

Aspects for improvement

To ensure the accountability for Crown Court casework, the MCJB should review the structure of the Crown Court LCJDB and make any change necessary ensuring that prompt remedial action is taken when slippage in performance is identified.

Policy and strategy

The Business Plan 2005/06

- 4.39 The MCJB's plan for 2004/05 focused on narrowing the justice gap, reducing the ineffective trial rate and PYO performance. There was recognition by all the agencies that this was the correct approach as there were significant concerns about the area's performance against national targets. It was also felt that the MCJB would be in a stronger position to reach out to the community if it could be shown to be performing well.

- 4.40 The agencies responded positively and achieved significant improvement in most aspects of performance, and in some, for example the timeliness of updating the police national computer the area went from one of the worst to one of the best performing areas.
- 4.41 The determination at Board level to improve performance permeated down through the agencies and was identified as one of the key drivers for improved inter-agency working.
- 4.42 In the light of the Board's success in driving up performance within the court process, this year's plan is more outward looking with a focus on equality and diversity issues, together with wider community engagement.
- 4.43 The plan is aligned to the main PSA objectives to reduce crime, to increase the number of offences brought to justice and to increase public confidence. Within each objective there are a number of priority aspects of performance identified together with the necessary steps to achieve them. At the time of our inspection, although the plan had been signed off, some responsibilities for delivery had yet to be allocated. The plan is based on the priorities identified by the criminal justice agencies themselves. Although the draft plan was circulated to the LCJDBs there was no consultation with the wider Merseyside community about what they considered were priorities.
- 4.44 The plan is written for experienced practitioners, and requires a significant knowledge of the criminal justice process to understand what the Board seeks to achieve. It is not a document that could be usefully distributed to a wider audience. As part of its confidence building programme, the Board should publish a high level document setting out, in plain language, to the communities of Merseyside what its vision is for this and future years.

Aspects for improvement

To increase public awareness of the MCJB, it should publish its aims for 2005/06 together with its vision for criminal justice in Merseyside.

- 4.45 Overall the plan is very challenging, and will require the MCJB to maintain the same level of commitment as shown in the previous year if it is to be achieved.
- 4.46 Some aspects of the plan were linked clearly to the relevant MCJB group, in particular those parts which dealt with increasing public confidence. Other aspects either had not been allocated a responsible officer/group or named an individual but not the group to which they were aligned.
- 4.47 In ensuring delivery of the plan, it is important that the role of each sub-group is clear, together with those aspects of the plan for which they are responsible.

Aspects for improvement

To improve the effectiveness of the delivery of the Business Plan, the MCJB should state how each sub-group is to contribute to the achievement of the plan and ensure that each sub-group delivers that part of the plan for which they are responsible.

Prolific and Priority Offenders Strategy

- 4.48 The MCJB was in the process of developing its strategy for dealing with prolific and priority offenders (PPOs), which should contribute to increasing the number of offences brought to justice. There was a recognition that this needed to be taken forward quickly. A key issue for the Board was the division of responsibility between the criminal justice agencies and the CDRPs, which made it difficult to formulate a common policy.
- 4.49 Responsibility for identifying PPOs rests not with the police but with the CDRPs, of which there are five in Merseyside. The CDRPs are autonomous and might not use the same definitions to identify PPOs. Understandably the Board did not want to enter into five sets of discussions, or formulate a strategy that was inconsistent across the Area. This was particularly important for the LCJDBs, which had performance targets that related to PPOs.
- 4.50 The Board is planning to take this forward through the Government Office of the North West multi-agency group, on which each CDRP was represented, with a view to agreeing a common approach.
- 4.51 The difficulties faced by the MCJB in taking forward its PPO strategy will arise in most of the larger criminal justice Areas, who have to deal with a number of CDRPs.

5. IMPROVING PUBLIC CONFIDENCE AND COMMUNITY ENGAGEMENT

- 5.1 As we have discussed, the Board's first priority was to drive up those aspects of performance that were subject to national targets. Improving public confidence is now a high priority, with a recognition that the strategy will have to encompass staff in all the agencies, the voluntary sector and the local community. Initially a separate Confidence Delivery Plan was produced but this has now been incorporated in the overall Business Plan.
- 5.2 Generally, there is a need to increase the local visibility of the leaders of the criminal justice agencies, particularly on an inter-agency level. The Board was looking to increase its profile within the local media. There were a lot of local community engagement events being undertaken, but these tended to be on a single agency basis, and the lack of co-ordination was leading to some duplication of effort, for example the Board and one of the agencies independently organised mock trials for school pupils.

Aspects for improvement

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.

- 5.3 The consultation programme for the Community Justice Centre has shown that the local community can be engaged in a very public way through open meetings. The Chair of the MCJB Confidence Group is looking to replicate this approach to community engagement as part of the Board's drive to improve public confidence. Whilst this will be a challenging exercise, having regard to the comparative lack of community based engagement to date, we consider that it has the potential to contribute significantly to improving public confidence in the criminal justice system.

Strengths

The good level of commitment to CJ Centre Project and the Board's approach to transferable benefits which will strengthen community engagement.

- 5.4 There is a need to improve effective cross agency working on common public confidence areas. There is recognition within the business plan of this need and a key goal is to raise the level of multi-agency community engagement events. This work is to be underpinned by a Community Engagement Strategy. To assist in this goal the Board will want to utilise fully the communications and marketing officer in this aspect of their work.

Equality and diversity

- 5.5 Historically inter-agency activity on equality and diversity issues has been very inward looking, focusing on the need to raise black and minority ethnic representation in the criminal justice workforce. The focus of this activity was the Race Issues Advisory Group, which was set up by the Area Criminal Justice Strategy Committee (which was superseded by the MCJB).
- 5.6 As with community engagement we found that each agency was following its own equality and diversity agenda, with a consequent duplication of resources and effort.
- 5.7 A multi-agency funded Race and Community Engagement post was created in September 2003 and a Group formed in December 2003. That Group has now been replaced by the Race and Diversity Strategic Delivery Group, which is a sub-group of the Confidence Group.
- 5.8 The Race and Diversity Strategic Delivery Group is tasked in the business plan with achieving three goals, namely to produce and implement a Race Equality Action Plan and then a Race Equality Strategy, developing better monitoring of diversity issues within the CJS and advocating for and monitoring a culture of acceptance in Merseyside CJS with respect to minority communities.
- 5.9 This is a challenging set of goals, particularly as there has been little contact to date with the black and minority ethnic communities, most of whom are in Liverpool. Some previous links, for example with the National Association for the Care and Rehabilitation of Offenders could be strengthened. The Race and Community Engagement Officer is starting to develop links with the Lesbian, Gay, Bisexual and Transsexual Communities, and although there has been some single agency contact this has not been seen as particularly productive.
- 5.10 The Board does not have a Race Equality Scheme, although there is a perception amongst some agency staff that it does. There is no statutory requirement for the Board to have such a scheme, particularly as each of the agencies represented on the Board has its own.
- 5.11 The MCJB needs to set out clearly how it intends to promote equality and diversity and its strategy for delivery. At the time of our inspection, the Board did not have a Race Equality Strategy, in part because it was awaiting feedback from a Race Equality Self Assessment Pilot Study, which it and two other areas had piloted on behalf of the Home Office. This feedback was to inform the Board's strategy and action plan.
- 5.12 Whilst the findings from this study will be useful, they will not address the wider equality and diversity issues within the community which impact on the users of the criminal justice system, for example sexual orientation, disability and age. Having regard to the Board's priorities for this business year, an Equality and Diversity Strategy, aligned to the Business Plan should be drawn up as a priority.

WE RECOMMEND

To increase public confidence, the MCJB publishes and implements its strategy to promote equality and diversity through the criminal justice system.

- 5.13 In common with other Areas that have been subject to joint inspection, the monitoring of outcomes by ethnicity is patchy across the criminal justice system. Whilst the police keep data on persons charged and the detection rate by ethnicity of the victim, and the prisons keep data on the ethnicity of the prison population, there was little done in the middle part of the process to monitor outcomes by ethnicity.
- 5.14 The Race and Community Engagement Officer is exploring the possibility of obtaining ethnicity data on the outcome of cases submitted to the CPS under the provision of the statutory charging scheme. This would help significantly to fill in the picture on the outcome of cases by ethnicity, but would still leave a gap in respect of the outcomes of cases that proceed to prosecution. The development of the CPS case management system to monitor outcomes by ethnicity will assist in this respect.
- 5.15 Part of the process of increasing public confidence is the ability to show that all sections of the community who touch the criminal justice system receive fair treatment. It is therefore important to fill the information gaps that exist, as far as existing information systems allow, to enable the Board to show this to be the case.

Aspects for improvement

To increase public confidence in the criminal justice system, the MCJB should improve the monitoring of casework by ethnicity, and publish the results of that monitoring and carry out any necessary action within its remit to improve fairness.

Enforcement of court orders and community penalties

- 5.16 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.
- 5.17 The MCJB has set up a multi-agency Enforcement and Breach Group, which has, to reduce delay, implemented changes to the way breach cases are handled. The Group has also agreed a protocol on the handling of outstanding warrants, and procedures for dealing with those warrants which have been outstanding for a substantial period of time.

- 5.18 The number of warrants issued by the court is declining, which is indicative of more defendants answering their bail. 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. A number of police operations have been carried out, in conjunction with the other agencies, with the aim of reducing the number of people wanted on warrant for failing to answer their bail and for failing to pay their fines.
- 5.19 The timeliness of warrant execution could, however, be improved, with the average time to execute warrants being 140 days for the year to February 2005. The Board's draft Priority and Prolific Offender Protocol has provision for expedited warrant execution for offenders who fall within these categories.
- 5.20 Proceedings against offenders who breach community penalties are started quickly, with 85% initiated within 10 days of the breach. In 2004/2005 1,420 warrants without bail were issued for the arrest of defendants who had breached their community penalty. However only 262 no-bail warrants were either executed or withdrawn. The Board has identified this as an aspect of performance where there is significant need for improvement and is planning to develop an inter-agency protocol to address these concerns. It has been successful in securing some national funding to assist the management of this aspect of performance.
- 5.21 The area met its local target for the collection in value of fines imposed for 2004/05, achieving a 65% collection rate against a target of 63%. However, nationally the target is 78%, making it one of the poorer performing areas. The total amount of outstanding fines stood at over £22,600,000 at the end of April 2005.

6. THE TREATMENT OF VICTIMS AND WITNESSES

Overview

- 6.1 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 we 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.
- 6.2 We had concerns about some aspects of the proposed police/CPS centralised witness care unit, which was due to start operation in October 2005 and the provision of information to victims in the early stages of the prosecution process.

The witness care unit

- 6.3 As part of the Government's No Witness, No Justice initiative the police and the CPS set up a pilot witness care unit in Crosby, covering the magistrates' courts in North and South Sefton. CPS and police personnel staff this unit. 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.
- 6.4 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. The pilot was providing a good level of service.
- 6.5 It has, however, been decided for a number of reasons not to replicate this structure across the Area, 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. An added factor was the availability of suitable accommodation.
- 6.6 The agencies have been in consultation with Victim Support with a view to funding an officer from that organisation within the central unit. The evidence received during our inspection was that the development of this initiative had stalled, but we have since been informed that an appointment has been made. This should help drive up the number of referrals to Victim Support which had dropped by about 50% in 2004/05. It should also bring about a change of emphasis whereby victims will need to positively opt out of rather than into the scheme.

Aspects for improvement

The MCJB should review the process for referrals to Victim Support, and implement any changes necessary to improve the level of referral, ensuring that all appropriate victims are offered their services.

- 6.7 A fundamental difference between the pilot and the centralised unit is that the latter will not have direct access to CPS prosecution files. The unit will have to rely on the CPS and police case management systems to provide the necessary information about, for example the progress of cases and changes in witness requirements. Whilst the drive nationally is to increase the electronic exchange of information between the agencies, we consider that this approach to the operation of the unit represents a high-risk strategy at this juncture.
- 6.8 At the time of our inspection there was a lack of clarity about exactly what information could be produced from the case management systems and whether it replicated that which the pilot unit was able to obtain. Concerns were expressed about whether the new unit would be able to maintain the timeliness of the provision of information to victims and witnesses. A further complicating factor was the timetable for the area roll out of the new police case management system (known as NICHE), which would not be fully in place before the unit went operational.
- 6.9 There was a need to undertake a full equality impact assessment of the unit's processes to ensure they provide an appropriate level of service to all parts of the community, for example those who do not have English as their first language, and those with visual and hearing impairment.

WE RECOMMEND

To ensure that timely and accurate information to and from 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.**

- 6.10 Some of the operational police units, for example those dealing with offences of domestic violence and other very serious cases, have their own procedures for providing information to and caring for victims. There was a concern that the new centralised unit would not have the same degree of expertise to continue the level of service, and there is also the possibility of duplication of effort. There is a need to evaluate how the services currently provided by those units will dovetail with the new witness care unit, in particular to ensure that no victims fall through the gap. The WCU will not assume responsibility for those cases currently handled by the Force Major Incident Team whose own role in respect of victims and witnesses will remain unchanged.

Aspects for improvement

The MCJB should review the relationship of specialist police units to the WCU and implement processes which ensure that there is no reduction in the level of witness care.

- 6.11 Whilst the witness care unit will provide extensive information to victims and witnesses, this will only be from the time a defendant is charged. The provision of information up to this point will remain with the investigating officer. The level of information to victims at this stage could be improved, in particular to those who had suffered domestic violence.

Aspects for improvement

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.

Victims and witnesses at court

- 6.12 The level of witness care at court is good, with appropriate facilities for victims and witnesses waiting to give evidence. Witness waiting areas were generally of a suitable size with a good range of facilities and printed information. In June 2004 witnesses had to wait just under an hour and a quarter on average to give evidence in the magistrates' courts. This aspect of performance has shown little movement over the previous two years, but is still better than most other Areas.

- 6.13 At Liverpool Magistrates' Court, the Witness Service monitor when witnesses leave the building to ensure that all will be accounted for in the event of an evacuation. Where the structure of court buildings allows, there is separate access and a commitment to providing facilities for the less able. There are additional measures in place at the Crown Court to prevent witness intimidation.

Strengths

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.

- 6.14 The lay out of some of the court rooms at Liverpool Magistrates' Court (Dale Street) makes it difficult to hear the proceedings and some of the public seating areas in court are inappropriately sited, for example the defendant has to walk alongside the chairs where the public sit to reach the witness box. We accept that there are constraints on the changes that can be made to the existing building and that there have been efforts to minimise the audibility problems, but the position does remain unsatisfactory
- 6.15 Correspondence from the police to victims and witnesses does not indicate that, where available, there is a separate entrance for them. In Liverpool there is also a lack of guidance in the letters about whether witnesses should go to the court building at Dale Street or Victoria Street. We were given examples of where this had led witnesses initially to go to the wrong venue.
- 6.16 Sometimes cases are moved on the day of trial from Dale Street to Victoria Street. This requires the witnesses to walk from one venue to the other, although a representative of the Witness Service accompanies them. Whilst an assessment is made of which cases it is appropriate to move, there were no written guidelines. We consider that guidelines are important so that the parties to the proceedings can inform the court of the relevant factors that they may wish to take into account when deciding which cases to transfer. This view is reinforced by the present high level of trials that are covered by agents for the CPS, who may not be as alert as in-house prosecutors to the needs of victims and witnesses in specific cases.

WE RECOMMEND

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.

- 6.17 The level of care provided by CPS prosecutors at the magistrates' court is good, and victims are consulted when the defendant offers alternative pleas. There is sensitive treatment of victims and witnesses by prosecutors when they are giving evidence.

Strengths

High level of CPS witness care in the magistrates' courts which helps increase victim and witness satisfaction.

- 6.18 There is a good working relationship between the Witness Service and the other agencies, which helps enhance the level of care. Overall, the provision of information to the Witness Service about witnesses is good, particularly in the most serious cases at the Crown Court. There is good liaison when court familiarisation visits are required.
- 6.19 There is a need to improve the provision of information to the Witness Service when contested cases are adjourned at short notice before the trial date. This would enable the Witness Service to reallocate resources, which are, as a result of the trial being adjourned, no longer necessary.

Aspects for improvement

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.

- 6.20 The CPS, Police, Court Service case progression officers, and the Witness Service meet weekly at each court centre to discuss the contested cases listed for the next week, and in particular any with special measures. This enables the Witness Service to target its resources and ensure that all the agencies are aware of any potential difficulties. We consider this to be a good practice, which could be adopted more widely across the criminal justice system.

Good Practice

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.

- 6.21 There is an awareness of the needs of defence witnesses and separate waiting facilities are available for them at some courthouses.

Special measures

- 6.22 For most victims and witnesses, giving evidence at court can be an unsettling procedure, but this is particularly so for vulnerable victims and witnesses. To ensure that they can give their evidence effectively, and to reduce their fear of the proceedings, special measures are available. These can include giving evidence through a television link either at court or another location, or the use of screens. In some cases special measures will always be applied.
- 6.23 In Merseyside 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 cases there was also a lack of consistency and understanding of the provisions.
- 6.24 In the Crown Court, cases where special measures are to be used are listed to start at 2.15pm, but witnesses are not warned to attend until the following morning. This ensures that any legal argument can take place without keeping vulnerable victims and witnesses waiting unnecessarily. We observed an example of this in court, but it appeared that, in spite of extensive publicity directed through appropriate channels at all practitioners about the new arrangements (including a practice direction) not all the parties to the proceedings were aware of this procedure and they questioned why the victim had been warned to attend on the following day.
- 6.25 The Crown Court has also installed better audio-visual equipment, in the form of plasma television screens to enhance the quality of the presentation of evidence to juries.

Strengths

The procedures for special measures cases in the Crown Court which enhance victim care by reducing waiting time.

- 6.26 There is a need to clarify when special measures should be applied for, particularly in cases of domestic violence. This type of offence does not automatically attract the protection of special measures, and there is a belief that in some cases they are not being applied for appropriately and in others that the victim is given an unreasonable expectation that they will be available.

Aspects for improvement

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.

6.27 Other issues identified were:

- incomplete information provided by the police to the CPS on special measures requirements;
- late provision of information to prosecutors by the police; and
- lack of consultation by the CPS and the police with victims about whether they wanted special measures/ or what type they preferred.

Direct communication with victims

6.28 In cases where there is an identifiable victim, if the proceedings are dropped or there is a substantial reduction to the charge, the CPS must write promptly and clearly to the victim to explain their decision. Whilst this is not an inter-agency activity, it does impact on the treatment of victims and witnesses in the criminal justice system. HMCPSI, in a recent follow up inspection of CPS Merseyside commented favourably on this aspect of performance.

6.29 The Merseyside Probation Area (MPA) operates the national Victim Information Service for the victims of serious sexual or violent offences, where the offender receives one year or more in prison. The MPA made contact within 10 weeks in 96% of cases, against a national target of 85%.

Victim personal statements

6.30 Victim personal statements are used to provide further information on the impact of a crime on the victim. The court can use them when considering the appropriate sentence. These statements are also considered by the MPA when compiling Pre-Sentence Reports and in any subsequent supervision of offenders either in custody or the community. Statements are not taken in all relevant cases, but where this did take place, the court usually made reference to their content. In particular, the use of such statements in hate crime cases could be improved, by increasing the number of cases in which they are taken.

7. THE TREATMENT OF DEFENDANTS

Overview

- 7.1 The rights of defendants are respected in Merseyside. There is a good level of support for those with psychiatric problems. Prison Escort staff treat 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.

Strengths

A high level of care and attention shown by custody staff to prisoners in police and court cells.

Defendants in police custody

- 7.2 Arrangements for dealing with defendants in police custody are appropriate. However, there can be lengthy delays in interviewing young defendants when there is a need to call out a member of the Emergency Duty Team to act as an appropriate adult.
- 7.3 At the time of our inspection, the introduction of the NICHE custody case management system was resulting in defendants on occasion being taken to a custody centre some distance from where they were arrested. This was occurring when defendants were arrested in a part of Merseyside that had implemented NICHE, but the nearest custody centre was full. In these circumstances the defendant had to be taken to another custody centre that operated NICHE, which might be some distance away. This should cease to be a difficulty once NICHE is rolled out fully across the Area.
- 7.4 There is a high level of care provided for defendants who have psychiatric problems, at one BCU the Community Psychiatric Nurse routinely calls into the custody centre. However people with mental illness can wait some time in police cells before a space is found for them at an NHS establishment. Similarly, persons arrested on suspicion of breaching immigration laws can spend a number of days in police custody because of a lack of capacity in the immigration removal estate.
- 7.5 Not only is it inappropriate for these detainees to be held in police cells, it also puts an additional strain on the custody staff and prevents the limited number of custody cells being used for other detained persons. Separate work undertaken by HM Inspectorate of Prisons indicates that this is a growing national problem. This situation has not been of the police's making but in view of the significant impact it can have on police resources, local Area commanders will want to monitor the extent of the problem to determine whether it should be raised formally with the Immigration and Nationality Directorate.

Defendants at court

- 7.6 Generally the arrival of prisoners is timely and does not delay court proceedings. There are concerns that the magistrates courts at Liverpool can be kept waiting while the police bring over defendants from police custody in the afternoon, for example those arrested on warrant.
- 7.7 There are video links at a number of the courthouses, which enable the cases of defendants in custody to be heard without them having to leave prison. There are a number of advantages to using this system, for example it avoids disruption to the defendant and reduces the resource requirements of the escort contractors. These facilities are not being utilised fully, and there is a perception that defence representatives are reluctant to travel to another court centre if there is not a video link at the remand court. This issue had been raised with the MCJB Consultative Committee, and the Board will want to ascertain the extent of under usage before determining how improvements can be made.
- 7.8 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.
- 7.9 There are formal systems in place to manage the security and safety of defendants in custody. All prisoners, including youths are double handcuffed. That is their wrists are cuffed together and they are also cuffed to a member of the custody staff. This level of security is only required when there is no vehicle lock, the absence of which requires prisoners to disembark in open areas. It should not apply within secure vehicle locks, which were available in all but one of the Merseyside courts. Double handcuffing in other situations should always be determined by a risk assessment.

Aspects for improvement

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.

- 7.10 Cell areas are generally clean, though there did not seem to be any maintenance or cleaning schedules that would provide regular repair or deep cleaning, although we were informed after our inspection that deep cleans took place annually, and more frequently if necessary. The apparent absence of cleaning schedules and the lack of a clear protocol for holding prisoners responsible for any damage they caused to cells has resulted in a general slippage in standards of cleanliness and decor. One custody suite was

particularly dirty, with extensive graffiti. The problem of prisoners causing damage to cells would be considerably helped by providing reading material to alleviate boredom. There is also a need to improve the provision of formal information about prisoner's rights, evacuation procedures and induction procedures if they are remanded into prison custody.

Aspects for improvement

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.

The provision of information in cell complexes, particular relating to safety procedures should be improved.

- 7.11 Occupancy rates of cells are not formally pre-determined and escort staff are not aware of the maximum amount of prisoners that can be held in each cell. In practice, custody senior officers are using what they described as common sense to determine how many can be housed. There should be a formal assessment of capacity levels and appropriate contingent plans when these levels are reached. This is not an issue unique to Merseyside and we have drawn attention to this matter in the joint inspection reports on Surrey (March 2005) and North Yorkshire (June 2005).

Aspects for improvement

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.

- 7.12 There is, as with defendants in police custody, a good level of care for those with mental health problems and established links with the Prison Service to ensure continuity of care. Defendants produced from police custody have all their property, including any medication, removed and placed in sealed bags. A note accompanies any prisoner who has been given medication in police custody describing what has been prescribed, but no medication is provided for the day in court. At the moment the escort staff have to telephone NHS Direct in respect of defendants who arrive from police custody and require medication, or those generally who become ill while in court cells. This can be a lengthy process and can also require the escort staff to provide evidence of the medication or symptoms of the defendant without the necessary experience.

We have raised this issue with the Board who are considering whether the police Forensic Medical Examiners may be able to assist. The Board will also want to agree where the cost will lie in cases where the defendant is examined in the court cells.

Pre-sentence reports

- 7.13 There have been some delays in the Crown Court in the provision of pre-sentence reports on defendants by the Probation Service. However, additional resources have been allocated, which has resulted in an improvement in performance.
- 7.14 The reports are well regarded by sentencers, as is the efficiency of the preparation of stand-down reports in the magistrates' courts. Stand-down reports are compiled by the Probation Service on the day, and allow the court to sentence without having to adjourn the case. If prepared effectively, as in Merseyside, they can reduce the significantly the overall time taken to process cases.

8. BRINGING OFFENDERS TO JUSTICE

Overview

- 8.1 Merseyside has successfully introduced statutory charging, which contributes significantly to bringing the right offenders to justice on the right charges. The scheme was generally well managed and the quality of decision-making by in-house prosecutors was respected. Some aspects of the police/CPS interface could be improved. There is a need at a local level to improve the provision of performance data relating to case outcomes, asset recovery and anti-social behaviour proceedings.
- 8.2 There are 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.
- 8.3 Performance in bringing offences to justice has improved significantly on the baseline figure of 28,462 set in March 2002. In the year ending December 2004, 33,830 offences were brought to justice. However against a background of an increase in recorded crime, the number of sanction detections was falling which could impact adversely on the number of offences brought to justice. Overall, the percentage of offences brought to justice compared with the recorded crime rate fell from 19.2% for the year to September 2003, to 18.6% for the year to September 2004.

The statutory charging initiative

- 8.4 The statutory charging initiative involves CPS lawyers, based at police charging centres, giving face to face advice to police officers in all but the most minor of cases on the appropriate charge and the evidence needed to support that charge.
- 8.5 The prosecution team, comprising the police and the CPS worked well together to introduce the initiative. It was well managed with the advice provided being respected by the police, but there were some concerns about the operation of CPS Direct, which provides out of hours advice.
- 8.6 The positive impact of the scheme was reflected in the decrease in unsuccessful outcomes in the magistrates' courts and the Crown Court, although there was significant variation between the two. Unsuccessful outcomes are measured by the CPS and comprise those cases that are prosecuted but do not result in a conviction either by the defendant pleading guilty or being convicted after trial.

8.7 The following table illustrates Merseyside's performance:

UNSUCCESSFUL OUTCOMES		
Venue	2003/04	2004/05
Merseyside Magistrates' Courts	20.6%	19.8%
National Magistrates' Courts Average	21.1%	19.2%
Liverpool Crown Court	32.4%	27.4%
National Crown Court Average	25.4%	24.2%
Merseyside Magistrates' Courts and Crown Court combined	21.6%	20.4%
National Magistrates' Courts and Crown Court combined	21.4%	19.6%

8.8 Whilst performance is slightly worse than the national average, it is improving, particularly in the Crown Court, where almost all cases are subject to statutory charging.

Training for the scheme

8.9 Prior to the introduction of the scheme there was joint training between the police and the CPS. The training package was well received, although some felt more time could have been made available to detail the impact on police processes.

8.10 There have been a number of changes to the operational aspects of the scheme since its introduction. There was a perception by custody sergeants that these could have been better communicated, with many coming in the form of e-mails. Police and CPS managers will wish to consider whether these amendments can be consolidated to provide a central reference document.

8.11 There was recognition by the police that the introduction of statutory charging would have a significant impact on how crimes were investigated and that there was a skills gap. In particular, there was a need to increase the skill levels of operational officers in evidence gathering and case preparation. This was being addressed through the police training programme and is reflected in an improvement in file quality.

Management of the scheme

- 8.12 Almost all aspects of the scheme are well managed. The police have developed robust mechanisms to monitor those cases where the defendant is released on police bail to await the charging decision of the prosecutor. These mechanisms enabled the police to monitor the timeliness of file submissions by police officers, and it is seen as a useful performance management tool to identify those who regularly submitted their files late.
- 8.13 The scheme also assists in monitoring those defendants who fail to answer bail, and enables them quickly to be circulated as wanted. Additionally, there are appropriate systems to ensure that authorisation is received from the CPS before a defendant is told that no further action will be taken.
- 8.14 Performance data indicates that file timeliness targets are usually being met and that the quality of police files is improving, although performance could be improved. In the period from July-September 2003 only 16.3% of adult defendant files were on time and fully satisfactory, rising to 31.5% at the end of the scheme. The position in relation to youth defendant files was better, rising from 31% to 46.6%.
- 8.15 Overall, performance was better if files that were “sufficient to proceed” are included, with 71.7% of files for adult offenders being timely and at least sufficient to proceed for the quarter October to December 2004, against a target of 66%.

Aspects for improvement

The quality and timeliness of police files should be improved further, in particular those for adult offenders.

- 8.16 Our observations at court indicated that delays are occurring because the file is either not available or incomplete. Case progression officers, whose role we discuss in the next chapter, only operate after a not guilty plea has been entered. Consequently, we found that there is not the same pressure to progress cases before this stage.

Strengths

The 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.

- 8.17 Whilst top-level performance data is available, showing the rate of successful outcomes for cases subject to charging advice, this is not provided at a lower level. The CPS management information system can provide this data based on charging centres. We consider that this should be done, to support the move to increased local accountability through the Quantum process, and to ensure that staff get feedback on how they are performing.

Aspects for improvement

To improve local case ownership and accountability, statutory charging case outcome data should be provided to charging centre level.

- 8.18 The procedure for first time submission of files by the police to the CPS is unsatisfactory, and involves officers queuing to see the duty lawyer, which can involve them waiting a number of hours. There is also a frustration at the end of the day, when there is not enough time to see officers who have been waiting. In these cases the officer has to telephone CPS Direct, the out-of-hours service.
- 8.19 Furthermore, as well as not being an effective use of police resources, the process puts a strain on the charging lawyers, who were put under pressure to rush decisions in the knowledge that there is a queue of officers. At the time of our inspection, this aspect of performance had been identified as unsatisfactory and the police and CPS were exploring ways to alleviate the situation. In view of the universal concerns expressed, we consider that this should be addressed quickly.

WE RECOMMEND

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.

- 8.20 In addition to the delay in police officers queuing to see in-house lawyers, issues were raised over how officers dealt with CPS Direct. In particular a concern was expressed that the officer may not be able to get the same lawyer again if they come off the telephone for any reason, for example to get further information. This can be avoided in many cases by the officer being fully prepared before making contact with CPS Direct.
- 8.21 Since our inspection we have brought these issues to the notice of CPS Direct, and the police and CPS Merseyside may wish to discuss them further with their CPS Direct liaison manager. This should assist in clarifying how

CPS Direct operates, and how operational officers can obtain the maximum benefit from the service.

- 8.22 This is not an issue solely for Merseyside, but will affect all Areas that operate fully statutory charging. We have raised the Merseyside concerns with the national implementation team, who accept that this needs to be addressed.

The quality of decision-making

- 8.23 The police value the advice they received and we were told that there were very few appeals against the decision of the charging lawyer. All the prosecution team members were aware of the appeal process, and on the rare occasion when it was invoked, issues were dealt with appropriately.
- 8.24 The perception of those who supervised the statutory charging scheme was that most appeals came from decisions made by CPS Direct lawyers. They were also seen as more reluctant to advise on whether or not a defendant should be charged, and would request that the officer waited to see a lawyer the next day. In some cases, for example where the only evidence was from a video recording which the lawyer could not see, postponing the decision may be appropriate.
- 8.25 This is not an issue that can be resolved by the Merseyside criminal justice agencies. However we flag it up in this report so that those responsible for the management of CPS Direct can consider whether this needs further consideration.
- 8.26 At a local level the Merseyside agencies may wish to undertake a monitoring exercise to help gauge better the extent of cases that fall within this category.
- 8.27 The Merseyside approach to statutory charging has built on the existing good relationship between the police and the CPS, particularly in the investigation of serious crime and major police operations. In those cases the CPS would be involved from an early stage to give advice about what evidence was needed.
- 8.28 The CPS has also recently provided out of hours cover at a charging centre when the police anticipated that there might be major disorder around a football match. Whilst there were very few arrests, this is a good example of the strength of the working relationship.

Serious and sensitive casework

- 8.29 Overall, serious and sensitive casework is handled well although there are concerns about some aspects of the handling of domestic violence cases and a need to increase local awareness of asset recovery performance. Cases are usually identified and flagged correctly and in the Crown Court suitably experienced counsel represents the prosecution. There is good joint work around anti-social behaviour orders (ASBOs).

Domestic violence

- 8.30 The MCJB has a good working relationship with local domestic violence forums, which feel that their views are listened to and acted upon where possible. Police domestic violence officers and a member of the CPS had won a national award for their work in this field. The police have undertaken awareness training with some magistrates, which was beneficial, and CPS staff and police domestic violence officers had joint training.
- 8.31 There are concerns about some aspects of performance, in particular the high rate of cases where the defendant is alleged to have breached the conditions of their bail but the court does not find the breach proved, and the lack of preparation by some CPS agents. Domestic Violence officers considered that the absence of the officer at the breach proceedings can have an impact on the case outcome. This is an aspect of performance that the LCJDBs may want to address.
- 8.32 CPS prosecutors strike an appropriate balance when there are significant public interest factors in favour of proceeding even though the complainant has indicated a wish not to give evidence, although CPS Direct lawyers were seen as less likely to advise proceedings in these cases. The CPS Policy on Domestic Violence states clearly that proceedings will sometimes be taken even if a victim does not want this to happen. In those cases, prosecutors will make the fullest enquiries through the police to ensure that all available information is considered. The safety of the victim and any children should be at the forefront of the prosecutor's mind.
- 8.33 There is a special domestic violence court on the Wirral, one of the aims of which is to expedite the trial date in contested cases. Efforts are being made to reduce the waiting time between charge and trial to 28 days or less, to reduce the possibility of the victim indicating that they do not want to give evidence. Additionally, the MPA works with perpetrators of domestic violence, with its nationally accredited programme attracting the highest rating from the National Accreditation Panel.

Racially aggravated offences

- 8.34 There is good inter-agency work in Liverpool through the Liverpool Action Group on Racial Attacks and Harassment. This group considers cases that are proceeding through the courts to ensure that the appropriate evidence, including the impact of the offence on the victim is made available to the prosecution. The MPA also runs a successful programme with racially motivated offenders.
- 8.35 Liaison between specialist police officers and CPS race hate crime lawyers is also good, with regular meetings to iron out any difficulties.

Asset recovery

- 8.36 Seizing the assets of criminals is a central plank of the Government's drive to reduce crime. In 2004/2005 over 80 substantive confiscation orders were made at the Crown Court, totalling over £2,150,000, making the Area one of the best performing in the country. As part of a Home Office incentive scheme, the Merseyside police will receive over £440,000 of the monies confiscated by the court.
- 8.37 A central police financial investigation unit handles all aspects of the asset recovery procedures. At BCU level there is very little knowledge about which cases have been successful and the level of assets confiscated, although this information is held centrally. Increasing the level of knowledge would enable local police commanders to be more proactive in publicising success stories, and would also enable the LCJDBs to assess how well they were performing.

Aspects for improvement

The MCJB should review the structure of the asset recovery mechanisms to improve local ownership/accountability by providing performance information at BCU level.

Anti-social behaviour orders

- 8.38 The police, the CPS ASBO champion and the local authority anti-social behaviour units work well together to reduce anti-social behaviour. An example of this was a training event to enhance the evidence gathering skills of police officers in cases where a civil ASBO was being obtained. The systems for applying for an ASBO upon conviction (a CRASBO) as part of the sentence are robust and the applications are targeted appropriately.
- 8.39 The local media strategy for publicising success in this area of work is developing and showing positive results.
- 8.40 We found that there was an absence of both raw and performance data at any level on the number of CRASBOs applied for, the number granted and the outcome of breach cases generally. This information can be obtained from the CPS case management system, and would help to improve awareness of performance and identify any trends or aspects of concern. It could also, if handled appropriately, help to maintain the positive media interest.

Strengths

Effective joint work on ASBOs, ensuring that applications are made in appropriate cases.

Aspects for improvement

Produce performance information about the outcomes of ASBO applications and breach proceedings to enhance further this aspect of performance by identifying quickly any issues of concern which will allow for prompt remedial action to be taken.

Persistent young offenders

- 8.41 The MCJBs business plan identifies a need to manage the delivery of strategies to deal effectively with PYOs through the LCJDBs and also to address rehabilitation and resettlement for those sentenced to a period of imprisonment.
- 8.42 We have already commented on the improvement in PYO performance, which demonstrates the capacity of the agencies to work together effectively, although at a local level there are significant variations in performance between BCUs, ranging from 69 days in North Liverpool to 28 days in St Helens.
- 8.43 The overall improvement in performance has taken place in parallel with a substantial drop in recorded PYOs, from 269 in April 2004 to 135 in February 2005, although the trend is now upwards. It is unclear what factors have influenced the halving in the number of PYOs in less than twelve months. Systems for the identification of PYOs appear sound, and even if not flagged locally these cases would be captured at a national level. It was suggested that the statutory charging scheme is helping to weed out the weak PYO cases before charge, although this is unlikely to account for all the cases.
- 8.44 At a local level there are youth case progression groups although YOT representation is not consistent. We have commented in previous joint inspection reports on the value that YOTs can bring to these groups, particularly in the sharing of information of young people and their lifestyles. The LCJDBs will want to satisfy themselves that these groups maximise the information available to assist in the progression of youth cases, and PYOs in particular.

9. REDUCING THE LEVEL OF INEFFECTIVE TRIALS

Overview

9.1 The Area has made significant progress in reducing the level of ineffective trials in both the magistrates' courts and the Crown Court. Both jurisdictions operate a Certificate of Readiness process, and each agency has case progression officers. In the Crown Court there is a robust analysis of ineffective trials. In the magistrates' courts, CPS agents could be more robust in progressing cases.

Crown Court performance

9.2 In the Crown Court the target of having an ineffective trial rate of 18% or less was met in every month in 2004-05, 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%.

9.3 The top three principal reasons for ineffective trials were, in descending order:

- the absence of the defendant;
- the absence of a prosecution witness; and
- the prosecution was not trial ready.

9.4 There is an effective system to analyse those cases that are ineffective due to a reason that can be attributed to the prosecution team. A monthly review of these cases, facilitated by the Recorder of Liverpool is held between the CCP, the Area Director of the Court Service and the Chief Superintendent for Corporate Criminal Justice. This enables the senior representatives of the relevant agencies to identify any performance trends, and take the necessary remedial action. It is planned to replicate this review process in the magistrates' courts and at BCU level through the LCJDBs.

Strengths

The detailed analysis of ineffective Crown Court trials which enables remedial action to be identified and undertaken quickly.

9.5 The Crown Court operates a certificate of readiness system, where each party to the proceedings has to certify that they are ready to proceed to trial. This system is robustly managed, with a full explanation required if the party cannot certify by the due date. This has led to a continuing reduction in those cases where there is non-certification.

9.6 This process clearly helped focus the minds of defence practitioners on outstanding issues. The prosecution team found that it was only in a small proportion of cases that the requirement to file the Certificate resulted in them realising that necessary actions were still outstanding.

Magistrates' Court performance

9.7 Performance in the magistrates' courts in reducing the rate of ineffective trials is good, although historically the rate has been much higher than that in the Crown Court. 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.

9.8 The three principal reasons for ineffective trials were, in descending order:

- prosecution witness absent;
- defendant absent; and
- police witness absent.

9.9 Although the rate is dropping, it was of some concern that the failure of a police officer to attend the trial is the third highest cause of ineffective trials (whilst accepting that this involved only a small number of trials). Action has been taken to address this issue, but this is clearly an aspect of performance that should be looked at by the LCJDBs when reviewing the relevant cases.

9.10 Whilst the ineffective trial rate is falling, the cracked trial rate is rising. A cracked trial occurs when the case is dropped on the day set down for trial or the defendant enters an acceptable guilty plea. Overall, the rate has risen from 39.4% in April 2004 to 42.4% in December 2004. The principal reason for this appears to be an increase in the proportion of defendants who plead guilty to the original charge on the day of trial. This could be a positive indication of the improvement in trial readiness by the prosecution team.

9.11 In court the agencies are alert to the need to ensure that the reason for a trial being ineffective or cracking is recorded correctly, so as to ensure the accuracy of the performance data. In addition, full explanations are given to the magistrates about why this information needs to be recorded.

9.12 Agents prosecute the majority of trials in the magistrates' courts in Merseyside. Our observations indicated that they are less robust than in-house prosecutors in progressing cases. The Chief Crown Prosecutor is planning, as part of the CPS Merseyside restructuring, to reduce the dependency on agents and increase the level of contested cases conducted by in-house prosecutors.

9.13 We have some concerns that late applications to vacate trials are impacting on the efficient use of court resources. Whilst a successful application means that the witnesses do not have to attend court unnecessarily, there may be the same impact on the effective use of court resources as if the case was adjourned on the day. Unlike the Crown Court, where defendants might not be bailed to a fixed date, it is difficult for the magistrates' courts to use the space

created by a late vacated trial by slotting in another contested case at short notice. It is paradoxical that steps taken to improve the treatment of witnesses, namely a change in policy limiting the listing of trials to two per session (previously three) may have increased the impact of late applications to vacate.

- 9.14 In practical terms there may be little difference between a trial vacated the day before and one adjourned on the day, except that the latter counts toward the ineffective trial rate but the former does not. Therefore, to give the agencies a complete picture of performance we consider that the late vacated trial rate should be monitored and performance evaluated.

Aspects for improvement

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.

Effective Trial Management Programme

- 9.15 The Area Director of HM Court Service is the MCJB senior reporting officer for the Effective Trial Management Programme (ETMP). This programme is designed to increase the quality of preparation in contested cases. The introduction of the programme was communicated effectively to the agencies and the defence representatives for whom a specific presentation was arranged.
- 9.16 A key feature of the programme is the role of case progression officers (CPOs). The police, the Court Service and the CPS each had CPOs. The police and CPS CPOs were co-located in Liverpool, elsewhere there were ETMP processes to ensure that appropriate communication took place. The Crown Court progression officers had done some job shadowing to increase their knowledge of the procedures of the other agencies.
- 9.17 The CPOs have done much too help improve the timeliness of police file submission and reduce the ineffective trial rate, although some felt that they were not told enough about how they were performing. They meet monthly to discuss performance, particularly in relation to ineffective trials.
- 9.18 We also found examples where each agency is measuring the same aspect of performance, but using different criteria. This is a duplication of effort, and also leads to a general distrust of the performance information, because the agencies cannot agree on the correct level of performance. This reinforces our earlier comments about the need for there to be clarity about performance measurement and management.

9.19 Whilst the Liverpool police and CPS CPOs were co-located at the time of our inspection, this will cease as part of the CPS restructuring. There were concerns over how this move would impact on the efficiency of the current system, which has also entailed a move back to a dual file system. The risks involved in this structural change had been recognised and it is anticipated that Liverpool will follow the ETMP processes adopted by those parts of the area which are not co-located.

LIST OF THOSE WHO ASSISTED OUR INSPECTION

Crown Court

His Honour Judge Globe QC, The Recorder of Liverpool

Magistrates' Courts

Mr M Abelson, District Judge (Magistrates' Court)

Mr R Clancy, District Judge (Magistrates' Court)

Mr M Amos JP

Mr I Chapman JP

Mr S Fletcher JP

Mr M McManus JP

Mr H Winnik JP

Crime and Disorder Reduction Partnerships

Mr J Sayers

Criminal Defence Service

Mr J Binks

Prison Escort Contracting Service

Mr R Thompson

Mr G Mearman

Victim Support

Mr A Shone, Chair of Merseyside Victim Support

Witness Service

Mrs P Green

Mr P Lorenz

Ms F Lea

Mrs E Morley

Mrs L Roberts

Mr R Rogers

Mr S Sugden

Ms A Wignall

Community Groups

Mrs L Walker	The Zero Centre
Ms E Benson	Domestic Violence Implementation Team
Mr T Hughes	Headway Liverpool and District
Mrs M McCourt	Support after Murder and Manslaughter
Mrs A Pointing	NACRO
Dr M Homfray	Gay and Lesbian Police Liaison Working Group

Additionally we thank the victims, witnesses and prisoners who assisted this inspection.

