



*HMcp*si**
H M Crown Prosecution Service Inspectorate

THE JOINT INSPECTION OF THE SURREY CRIMINAL JUSTICE AREA

March 2005



Her Majesty's
Inspectorate
of Probation

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PREFACE

The Chief Inspectors of the Criminal Justice Inspectorates are pleased to publish their joint report on the Surrey criminal justice area. This inspection was a further modest but significant step towards the establishment of a full programme of inspections of the 42 criminal justice areas and their associated Local Criminal Justice Boards. One further such inspection (North Yorkshire) has taken place since this one, with publication to follow shortly. A further six joint CJS area inspections are planned for 2005–06.

Criminal Justice Inspectorates have for some time been placing greater emphasis on the effectiveness of relationships between the 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 the criminal justice system, whilst respecting the separate and independent roles 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 build on this. We see strong potential for the Criminal Justice Inspectorates to work in partnership with Local Criminal Justice Boards and the Office for Criminal Justice Reform in developing inspection arrangements, which will help the Boards improve their performance and spread good practice.

Strategic planning and managing delivery on a cross-agency basis at local level is a relatively new concept. The scope of the work of 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, both on new initiatives and best practice, towards improving performance against the 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.

The development of an inspection framework spanning the many stages from the commencement to the conclusion of the criminal justice process has been a major challenge, especially in view of the extent to which the system has itself continued to evolve. The framework used for this inspection built on that used in Gloucestershire (the first joint Inspectorate area inspection), but with a narrower focus. A joint evaluation of that earlier inspection suggested that the overall process should be broken down into modules so that inspections could be tailored to local circumstances, although it seems right at this stage that an examination of the governance of the Local Criminal Justice Board should always be included. The framework used for this inspection included the corporate governance arrangements and the strategies and policies of the Surrey Criminal Justice Board, together with the effectiveness of inter-agency co-operation on those matters which affected overall performance, from the point of charge through to sentencing. The framework drew on the substantial guidance and other information on standards available from the National Criminal Justice Board, Office of Criminal Justice Reform, or the individual agencies themselves.

There were some concerns, perhaps inevitable, based on the newness of ‘whole system’ inspection, that the framework should have had more specific standards and be common to all criminal justice areas. The Criminal Justice Chief Inspectors’ Group is indeed seeking to move towards a position of a single overarching framework, but the nature of this work means that individual inspections will inevitably be on a ‘menu’ basis i.e. focusing on those aspects of performance identified through a risk assessment as being most likely to benefit from inspection.

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 Surrey 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 Surrey for the considerable assistance rendered to them during the course of this inspection.

1 INTRODUCTION

Surrey

- 1.1 The county has a population of approximately 1.1 million; the working population is 570,000 people (54%) and there is negligible unemployment at 0.9%. The principal urban areas are Guildford, Woking, Staines, Leatherhead, Reigate and Dorking. Over 70% of the county is located within the green belt and there is a significant and diverse set of rural communities in villages and hamlets.
- 1.2 Police Basic Command Units (BCUs) and magistrates' courts' Petty Sessional Areas are co-terminous, except for a part of the Staines BCU which sends cases to Redhill Magistrates' Court. There are four Petty Sessional Areas based on magistrates' courts sitting at Guildford, Dorking/Redhill, Staines and Woking. The Crown Court sits at Guildford. The other criminal justice agencies fit within this structure, although the CPS has one Criminal Justice Unit (CJU) which serves both the Guildford and Woking BCUs and magistrates' courts.
- 1.3 The county has a number of minority ethnic communities including those from Chinese, Asian, Black and travelling community backgrounds. Generally, the minority ethnic population density is low at 5.1% (2001 census), but in Woking it comprises 7.4% overall and in some wards constitutes 31%.

Surrey Criminal Justice Board

- 1.4 The Government has established 42 criminal justice areas and each has a Local Criminal Justice Board (LCJB). The Surrey Criminal Justice Board (SCJB) 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. Designed to improve the overall efficiency and effectiveness of the system, these national objectives - which are drawn from the Ministerial Public Service Agreements (PSAs) - involve:
 - * improving the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.2 million by 2005-06; with an improvement in all CJS areas.....and a reduction on the proportion of ineffective trials; and
 - * improving the level of public confidence in the criminal justice system, including increasing that of minority ethnic communities, and increasing year-on-year the satisfaction of victims and witnesses, whilst respecting the rights of defendants.

Scope of inspection

- 1.5 The inspection was a joint one by HM Crown Prosecution Service Inspectorate (HMCPSI), HM Inspectorate of Constabulary (HMIC), HM Magistrates' Courts Inspectorate (HMMCSI), HM Inspectorate of Prisons (HMI Prisons) and HM Inspectorate of Probation (HMI Probation). The joint Inspectorate team were also assisted by the Quality and Standards Department of Victim Support.

- 1.6 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 Surrey to deliver the outcomes necessary to achieve the targets set by the SCJB. We considered the governance and strategy of the SCJB, and the joint response of criminal justice agencies and their partners to crime, from the time at which a crime is reported to the point of sentence. This included an examination not just of the work of the SCJB, but also the interaction between criminal justice agencies and partners outside the SCJB framework.
- 1.7 We set out our Terms of Reference at Annex 1.
- 1.8 At the time of the inspection there was no statutory inspection regime in respect of any aspect of the work of the Crown Court. In order to evaluate the criminal process through the courts, the Chief Inspectors secured the agreement of the Court Service and the Senior Presiding Judge, for the inclusion - on a non-statutory basis - of the non-judicial functions of the Court Service in relation to the Crown Court sitting at Guildford.
- 1.9 HMCPSI carried out a core inspection of CPS Surrey, in accordance with its statutory remit, at the same time as the joint inspection. This core inspection is the subject of a separate report, although the pivotal role of the CPS within the overall criminal justice process means that there is overlap between the issues considered in this joint inspection report and those in the core report.

Methodology

- 1.10 Our methodology included an examination of management information, plans and documentation from the SCJB and the participating agencies. Interviews were held with criminal justice agency staff at all levels, criminal law practitioners and representatives of local community-based organisations. Focus groups of victims and witnesses, police 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, which included an assessment of courthouse facilities.
- 1.11 We drew on the examination of a file sample from CPS Surrey, provided as part of the core CPS inspection, and a sample of files provided by Surrey Probation Service. The results of the CPS file examination can be found in the core CPS Surrey report, and the results of the Probation file sample can be found at Annex 2 of this report.
- 1.12 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 comments is set out at Annex 3.

Structure of report

- 1.13 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.
- 1.14 We identify strengths and aspects for improvement in the report and make recommendations where we consider the SCJB and criminal justice partners should focus attention.

2 EXECUTIVE SUMMARY

Overview

- 2.1 The Surrey Criminal Justice Board (SCJB) has been in place since April 2003 and provides the fulcrum for inter-agency work within Surrey. It has worked hard to develop detailed strategies and Action Plans around the two Public Service Agreements (PSAs) directed towards the criminal justice agencies: narrowing the justice gap (including the reduction of the proportion of trials that are ineffective) and increasing public confidence in the criminal justice system. These are embodied in the Delivery Plan and the Confidence Plan respectively.
- 2.2 It is performing well against most of the key national targets agreed with the National Criminal Justice Board.
- 2.3 In 2003-04 it increased offences brought to justice by 24% above baseline against a target of 5% - the nationally second highest percentage gain over the baseline as at the 12 months to April 2004. Although interim targets for the proportion of trials that are ineffective in the magistrates' courts (21% of all trials listed) and the Crown Court (20% of all trials listed) have not yet been met, the area performance in the magistrates' courts is better than the national average, and steady progress is being made towards the targets set for 2005-06. Public confidence in the effectiveness of the local criminal justice system (CJS) stands at 45% compared to a national average of 41%, and progress is being made towards the target of 50% by 2005-06.
- 2.4 The timeliness with which persistent young offenders (PYOs) had been dealt with deteriorated in 2003, with an outturn for that year of 81 days, worse than the national target of 71 days. The SCJB has re-focused on this target and performance has been improving in 2004.

Delivery Plan

- 2.5 The Delivery Plan has a clear focus on the national targets. Local performance issues such as warrant execution are also addressed, but there is scope for a stronger focus on timeliness in the court process (other than just PYOs), and on reducing cracked trials in the magistrates' courts, to be supported by local targets.
- 2.6 The SCJB has set up a working group structure around the Delivery Plan (the Performance Sub Group) and the Confidence Plan (Confidence Sub Group). The Performance Sub Group is supported by Local Performance Sub Groups based on the four Petty Sessional Areas and police Basic Command Units. Many of the actions within the Delivery Plan relate to existing core business for the criminal justice partners. Progress is being made to develop these Groups into effective performance management teams.

Public Confidence Plan

- 2.7 The work necessary to deliver actions against the Confidence Plan is not as well developed. The SCJB has drawn up six Action Plans (five of which are based on national guidelines), which is a demanding programme of work for a small area such as Surrey. Although much work is being done in relation to victim and witness care through the No Witness No Justice project, only limited progress has been achieved with staff engagement, community engagement and communications.
- 2.8 The development of a Communications Strategy has been delayed because the SCJB had no Communications Officer until shortly before the inspection. The Strategy is an important element of the community engagement, staff engagement and improving public confidence work streams, as well as being essential to the development of a separate identity for the SCJB.
- 2.9 The SCJB has included community groups such as the Woking Community Relations Forum and Surrey Woman's Aid within the working groups for the Confidence programme, but has still to develop links with the wider community, for example through the Surrey Compact or an independent advisory group. It also needs to decide how best to build on the existing links established by the police with the Crime and Disorder Partnerships in Surrey.
- 2.10 The area has an effective partnership with the National Association for the Care and Re-settlement of Offenders (NACRO). Representatives of NACRO attend a number of working groups, and the area is taking part in a Case Tracking and Monitoring project, led by NACRO, to examine the handling of cases with minority ethnic defendants through the criminal justice system.

Victim and witness care

- 2.11 Victim and witness care is an important contributor to public confidence. Although the treatment of victims and witnesses as a whole is consistent with standards elsewhere, there are aspects of performance which can be improved. The No Witness No Justice project aims to improve the care of victims and witnesses during the court process, but more work needs to be done on improving the liaison with victims and witnesses, and the provision of services for victims during the investigation of a crime. Further work also needs to be done in the identification of witnesses who are suitable for Special Measures at court; the taking and use of Victim Personal Statements; and the communication of charge reductions or case discontinuances to victims.

Arrest to first appearance at court

- 2.12 The police and CPS have worked well together to implement a shadow pre-charge advice scheme in Surrey that provides weekday cover for all four charging centres. This has led to a significant rise in the proportion of magistrates' courts' hearings covered by agents, although the risks attached to this appear to be properly managed. The Project Board had recognised that it needs to develop clear success criteria for the scheme, along with a set of performance measures that will enable effective evaluation. The police and CPS are also in the process of rolling-out the co-location of CPS units with the police administrators who service them. Both the co-locations that had taken place prior to the inspection – the Staines Criminal Justice Unit and the Trials Unit at Guildford – were successful.

- 2.13 The provision of mental health services for prisoners prior to charge, and at court, are variable, and need to be reviewed to ensure that mentally disordered prisoners are not charged when more appropriate options are available and - if charged - are dealt with appropriately whilst in the custody of the court.

First appearance to point of sentence

- 2.14 A timely and good quality police file is the foundation for a well-conducted case that can be dealt with expeditiously. However, the current joint performance management (JPM) arrangements for police file quality and timeliness do not provide for a satisfactory joint mechanism to raise the quality and timeliness of police files. We consider that an analysis of reasons for discontinued cases should also form part of the JPM mechanism. There may be advantages in combining this with JPM of cracked and ineffective trials in the magistrates' courts, and using the Local Performance Groups as the forum for examining the related issues of police file quality and timeliness, discontinuances and cracked trials.
- 2.15 The interaction of the systems and processes used by the criminal justice agencies in preparation for summary trial is being reviewed by the SCJB within the context of the Criminal Case Management programme. A well designed pre-trial review (PTR) form and Case Progression Officers in the magistrates' courts are already in place (the CPS does not have dedicated Case Progression Officers). Ineffective trials comprised 25.1% of all trials in 2003-04 (against a national average of 28.9%) and cracked trials 30.7% (national average 37.6%). There is joint performance management of ineffective trials and persistent young offender cases in the Local Performance Groups. We consider this should be extended to include cracked trials and the timeliness of all trials, particularly at Guildford Magistrates' Court where there are significant delays. A key reason for ineffective trials is the failure of prosecution witnesses to attend. The No Witness No Justice project aims to improve contact with witnesses and reduce the number of occasions when they fail to attend court. There is also scope for the CPS to improve the timeliness, and quality, of its summary trial preparation.
- 2.16 In Guildford Crown Court in 2003-04, 22% of trials were ineffective (national average 20.7%) and 29.2% cracked (national average 38.3%). The preparation for trial by the prosecution is generally sound and timely, but the timelines with which trials are dealt with is poor. This is attributable to a lack of courtrooms since the extension in 2000 of the catchment area for Guildford Crown Court, which now includes cases committed for trial by Staines Magistrates' Court. Plans are well advanced to convert a courtroom at Guildford Magistrates' Court to allow for use by the Crown Court as well.
- 2.17 The Surrey Magistrates' Courts' Committee Business Plan has a clear emphasis on the quality of service delivery and facilities, with accompanying Action Plans. By contrast, the Crown Court Improvement Plan does not have the same level of detail or action planning. Court facilities at both the magistrates' and the Crown Court are generally satisfactory, and sometimes good. There is an appropriate focus on customer satisfaction, and treatment of court users - as observed by inspectors - was fully satisfactory. The Crown Court needs to provide a wider range of leaflets in languages other than English.

- 2.18 The use of Specific Sentence Reports (SSRs) is a way of avoiding unnecessary delay between conviction and sentence. However, the take up in the magistrates' courts has been very low – 5% of all Probation reports in 2003 – but is now increasing. By contrast, the Youth Offending Team (YOT) was able to provide SSRs more frequently – 34% of YOT reports in 2003 were SSRs. Both Probation Service and YOT Pre-Sentence Reports were generally available by the date for sentence, but the quality of Reports prepared by the Probation Service needs to be improved.
- 2.19 The police are tackling the number of unexecuted warrants effectively.
- 2.20 Operational arrangements for the delivery of prisoners to court by the prison escort contractor are effective, and in the three months prior to the inspection, 97.6% of prisoners arrived at court before 9.30am. The treatment of prisoners by escort contractors was good, but there is a need to certify the maximum number of prisoners that can be held in the cells at each court centre to ensure that court cells do not become overcrowded. There is scope to make greater use of the prison–court video links where currently installed in the magistrates' courts.
- 2.21 We found the following **Good practice**:
1. The objective at Staines Basic Command Unit of contacting each victim of a crime every seven days until the crime is finalised or a person is charged (paragraph 6.5).
 2. The development and use by police of a system of electronic referrals to Victim Support (paragraph 6.7).
- 2.22 We found the following **Strengths**:
1. Highly effective performance in bringing offenders to justice (paragraph 3.4).
 2. The creation of a structure of Local Performance Groups to report to the Performance Sub Group (paragraph 4.15).
 3. The linking of CPS lawyers and police administrators at Staines CJU, so that cases are jointly owned from start to finish by the same lawyer and police administrator (paragraph 8.19).
 4. The high quality of overall service provided to court users in the magistrates' courts (paragraph 8.51).
 5. Good standard of treatment of prisoners by the prisoner escort contractor (paragraph 8.72).
- 2.23 We found the following **Aspects for improvement**:
1. Consultation with Victim Support, the Witness Service and other victim support groups in the development of the full range of SCJB strategies and policies (paragraph 4.27).

2. The lack of progress in engaging staff in the development of the Confidence programme (paragraph 5.17).
3. Identification by police of vulnerable and intimidated witnesses suitable for Special Measures at court (paragraph 6.14).
4. Taking and updating of Victim Personal Statements and use of Victim Personal Statements in the magistrates' courts (paragraph 6.25).
5. The quality of Pre-Sentence Reports prepared by Surrey Probation Service (paragraph 8.58).
6. Court cells should be certificated by the Court Service for the maximum number of defendants who can be held (paragraph 8.69).

2.24 We made the following **Recommendations**:

1. The Performance Sub Group, with a view to promulgating best practice throughout each LPG, reviews:
 - * the Terms of Reference for the LPGs; and
 - * the performance and composition of each LPG (paragraph 4.17).
2. The SCJB and its members ensure that Protocols are communicated to all operational staff affected, and that effective monitoring and evaluation measures are put in place (paragraph 4.35).
3. The SCJB reviews the targets and actions within the Delivery Plan to ensure:
 - * all actions and priorities have clear and measurable targets;
 - * timeliness of trials in the magistrates' courts and Crown Court is addressed; and
 - * a reduction in the number of cracked trials in both the magistrates' courts and the Crown Court (paragraph 5.9).
4. The SCJB reviews its strategy for engaging with the wider community and engages more fully, taking advantage where possible of existing networks such as the Surrey Compact (paragraph 5.22).
5. The SCJB completes the Communications and Marketing Strategy and makes it the head document covering all communication work; and

The SCJB produces a document that encapsulates its vision for itself in key messages that are easily understood by the general public and gives the Board a distinct identity (paragraph 5.27).

6. The SCJB and the Secure E-mail Working Group:
 - * Review the business information priorities for secure e-mail;
 - * Take steps to encourage fuller use of secure e-mail within criminal justice agencies;
 - * Seek to engage the wider criminal justice community in the use of secure e-mail; and
 - * Review the progress of local implementation towards achievement of the CJS Exchange scheme against the target date of March 2006 (paragraph 5.41).
7. The SCJB review liaison arrangements between the police and Victim Support and clarifies the types of referrals and standards of service by the police and Victim Support respectively (paragraph 6.10).
8. The CPS and the police, in conjunction with criminal justice partners:
 - * Develop success criteria for the pre-charge advice scheme; and
 - * Develop a comprehensive data collection package to evaluate the success of the scheme (paragraph 7.9).
9. The police and the CPS review the operation of police file quality and timeliness joint performance management and develop an effective joint mechanism for raising quality and timeliness (paragraph 8.7).
10. Local Performance Groups systematically analyse cracked trials attributable to the prosecution in order to identify trends and develop appropriate strategies to reduce the number of cracked trials (paragraph 8.26).
11. The SCJB reviews provisions for the diversion of mentally disordered offenders from police and court custody suites and considers a formal diversion scheme (paragraph 8.75).

3 KEY PERFORMANCE RESULTS

- 3.1 The Surrey Criminal Justice Board agreed key performance targets with the National Criminal Justice Board (NCJB) for the periods 2003-04 and then 2004-05. They are based on two of the Public Sector Agreement (PSA) targets that have been set for the criminal justice agencies at a national level. These are: to improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.2 million by 2005-06, with an improvement in all CJS Areas...and a reduction on the proportion of ineffective trials; and to improve the level of public confidence in the criminal justice system, including increasing that of minority ethnic communities, and increasing year-on-year the satisfaction of victims and witnesses, whilst respecting the rights of defendants.

Narrowing the justice gap

- 3.2 The target of increasing the number of offences brought to justice is also known as “narrowing the justice gap”. The SCJB had a target to achieve a 5% improvement during 2003-04, against the baseline set during 2001-02. In practical terms, Surrey had to bring 12,645 offences to justice before the end of March 2004; an increase of 602 over the baseline figure. The SCJB exceeded this target very significantly by bringing 15,028 offences to justice – an increase of 24.8%.
- 3.3 The SCJB’s success in achieving the target in 2003-04 is due in large measure to the steps taken by the police to increase the number of cautions and offences taken into consideration (TICs).
- 3.4 At the end of 2003 the police reviewed their handling of offences where the offender had been identified, but which - for a variety of reasons - had not been subject to charge or summons. This led to a very substantial increase in the number of cautions recorded in the first quarter of 2004: the quarterly average in 2003 was 1,346, compared to 2,886 cautions recorded from January - March 2004. It also underpinned the implementation of the TIC Protocol that had been agreed with SCJB partners, and led to a significant increase in TICs over the same period. At the same time, the police also reviewed its procedures for the use of DNA and fingerprints to identify offenders, and this assisted in raising the number of cautions and TICs, as well as resulting in criminal prosecutions.

Strengths

Highly effective performance in bringing offenders to justice.

- 3.5 The challenge for the SCJB will be to maintain the momentum created by the increase in offences brought to justice over the first quarter of 2004. For 2004-05 the target has been set at 12% above the original baseline. The data is presented on a rolling 12-month period, and in the 12 months up to May 2004, performance stands at 30% above baseline. However it still remains too early, given the time lag in data production, to be clear about how the shadow pre-charge advice scheme will affect the numbers of charges and subsequent convictions. It also remains to be seen whether the numbers of cautions and TICs can be maintained.

Reducing ineffective trials

- 3.6 The target 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			
	2003-04	2004-05	2005-06
Target	21%	21%	18%
Outturn	25.1%	22.6% (1 st quarter)	-
CROWN COURT			
	2003-04	2004-05	2005-06
Target	20%	20%	17%
Outturn	22%	20.8% (April – July 2004)	-

- 3.7 The ineffective trial rates in both magistrates' courts and the Crown Court are reducing towards the target set for March 2006, although the interim targets have not yet been achieved.

Timeliness of handling persistent young offenders

- 3.8 In 1999 a national target of 71 days was set from the arrest to disposal of cases involving persistent young offenders (PYOs). The outturns have been as follows:

	Surrey (days)	National (days)
1999	123	108
2000	126	93
2001	80	76
2002	64	68
2003	81	66

- 3.9 Except in 2002, the area has performed consistently worse than both the target and national averages. There was a further deterioration in performance in the first quarter of 2004 to 98 days, although there have been reductions in average times of completed cases in the successive rolling three-month averages since then, with the three-month average for the period ending August 2004 at 69 days.

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 44% in 2002-03, which was significantly better than the national average of 39%. A small drop to 43% was recorded in 2003-04, but a recent survey has shown an increase to 45% (against national average of 41%). The SCJB has set itself a target of 50% by 2005-06.

4 GOVERNANCE

Composition of Surrey Criminal Justice Board

- 4.1 The SCJB comprises representatives of all the principal local criminal justice agencies as follows:
- * CPS's Chief Crown Prosecutor: Chair of SCJB;
 - * Police Chief Constable and Assistant Chief Constable;
 - * Area Manager designate for the Court Service in Surrey (who was also a member of the Board as the Crown Court Group Manager);
 - * Head of Legal Services, Magistrates' Courts;
 - * Chief Probation Officer;
 - * Governor of Highdown Prison; and
 - * Youth Offending Team Manager.
- 4.2 SCJB meetings are scheduled for six-weekly intervals. There was a gap between November 2003 and February 2004, but meetings have taken place consistently since then. Board members attend regularly, although the police and magistrates' courts have dual representation and sometimes only one member attends.
- 4.3 Although all criminal justice agencies have a clear commitment to making a success of the SCJB, some agencies have taken a greater burden of the work than others, which has been recognised by the Board. The CCP is particularly energetic in chairing the SCJB and attending a number of the Sub Groups.

Vision and strategy

- 4.4 The SCJB has worked hard to develop detailed and coherent strategies and Action Plans around the two PSA objectives of narrowing the justice gap and increasing public confidence. The Delivery and Confidence Plans include a range of targets in support of the overarching ones set by the PSAs. All the criminal justice agencies have signed up to those Plans and their own Business Plans are broadly consistent with them.
- 4.5 However, there are tensions within the SCJB over the impact of some of the current targets: for example, whether the unsuccessful case target (those which do not result in a guilty plea or conviction after trial) is fully consistent with the target of increasing the number of offences brought to justice. Incompatible business objectives between the police and Youth Offending Teams in relation to Anti-Social Behaviour Orders (ASBOs) became evident during 2003, and needed to be resolved at SCJB level with a Protocol. There are different views within the Board about how links should be developed with the wider community – one example is the relationship between the Board and the Crime and Disorder Partnerships (CDRPs). Indeed the SCJB has still to develop a Communications Strategy.
- 4.6 Differences of view and approach between the criminal justice agencies are not surprising given the short period of time the SCJB has been in existence and the breadth and difficulty of the issues it is seeking to address. The SCJB has demonstrated its willingness to address “rubbing points” between agencies. The existence of some tensions should not overshadow the good work done so far in developing a coherent set of priorities for Surrey.

- 4.7 The SCJB has not, as yet, produced an Annual Report or a succinct statement of its vision for Surrey. We deal with this in more detail at paragraphs 5.26-27, but the SCJB has the opportunity of using an Annual Report or a Vision Statement to articulate a clear vision of its role in Surrey.

SCJB Secretariat

- 4.8 The SCJB is served by a Secretariat comprising the following post holders:

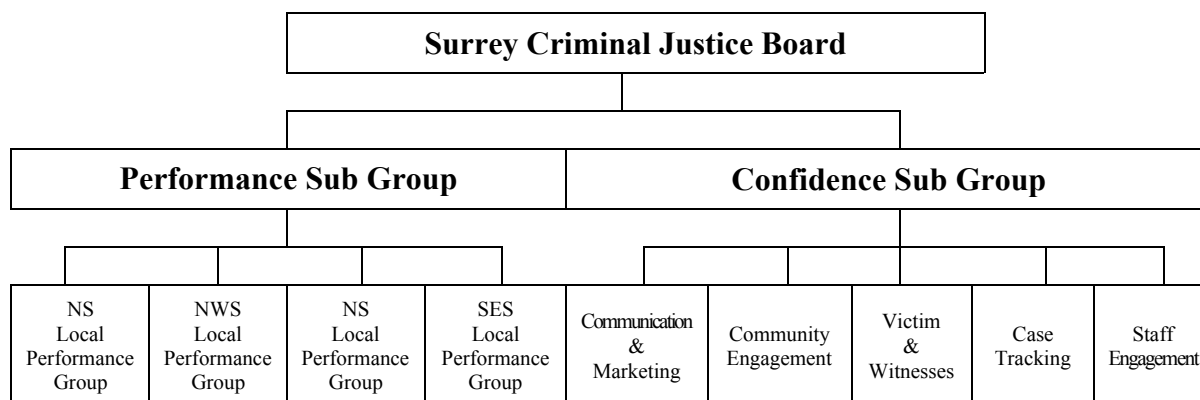
Post	Full time/part time
Head of Secretariat	1.0
Area Performance Officer	0.8
Communications Officer	0.5
Support Officer	0.6
TOTAL	2.9

- 4.9 The Secretariat has been under-resourced for much of the life of the SCJB; the Head of the Secretariat was only assigned full-time in December 2003, and the Support Officer and the Communications Officer were only appointed in August 2004, shortly before the inspection. There had been no funding for the Communications Officer in the first year of the SCJB, even though communications has a critical role within the SCJB Confidence programme.
- 4.10 The under-resourcing of the Secretariat has placed an undue burden on the CPS as the agency providing the lead to the SCJB. Despite the recent recruitments, it is unclear whether the Secretariat will be robust enough to provide the SCJB with the necessary support. In particular, the Communications Officer - who is only part-time - is unlikely to be able to deliver against all the actions in the Confidence Plan within the time scales envisaged.
- 4.11 The Regional Performance Adviser who was originally assigned to SCJB has now, in common with other performance advisers, been withdrawn to a national advisory group. However, he has been able to maintain links with the Area Performance Officer, which we think this is a useful contact to maintain.

Working group structure

- 4.12 There is an integrated working group structure around delivery, led by the Performance Sub Group, and confidence, led by the Confidence Sub Group. The structure mirrors the two key PSAs based on narrowing the justice gap and raising public confidence. Both the Performance and Confidence Sub Groups report to the SCJB, and in turn have working or sub groups reporting to them.

4.13 The working group structure is set out below:



Performance Sub Group

4.14 The Assistant Chief Constable currently Chairs the Performance Sub Group, which meets monthly. It drafted the Delivery Plan and regularly reviews progress against the Action Plans within it. The Group has a clear focus on ensuring progress against the targets.

4.15 The Local Performance Groups (LPGs) report to the Performance Sub Group and are a key element of the drive to raise overall performance. The LPGs have been established for 12 months and are based on the four police Basic Command Units and magistrates’ courts’ Petty Sessional Areas. Representatives of the police, CPS, YOTs, Probation Service and the magistrates’ courts attend, and in the case of one LPG, defence solicitors and magistrates as well. All LPGs now have a standard agenda dealing with persistent young offenders, ineffective trials in the magistrates’ courts, and warrants. Some LPGs also additionally look at cracked trials and cases where trials have not been fixed for three months, although this does not appear to be done systematically. We discuss later at paragraphs 5.6-5.9 the importance of addressing both cracked trials and the timeliness of case disposal, even though they do not form part of the targets set nationally for Local Criminal Justice Boards.

Strengths

The creation of a structure of Local Performance Groups to report to the Performance Sub Group.

4.16 The LPGs are still developing as joint performance management groups. It is the practice at Staines LPG for each agency to notify the others of any issues it wants to raise in advance of the meeting, using a very useful Case Review form it has developed. However, this does not happen at every LPG and there is still a tendency to focus on individual cases, rather than analysis to draw out underlying reasons for performance, in order to deliver sustained improvement. The Performance Sub Group has recognised this and the Area Performance Officer (APO) now attends all LPGs to advise on how to make best use of the data available. However, it would also be beneficial for members of the LPGs to receive appropriate training on effective performance management, if only to avoid an over dependence on the APO.

- 4.17 We also found that individual LPGs were not fully aware of their performance relative to other LPGs, and their contribution to overall performance. Regular dissemination and comparison of performance data between the LPGs would facilitate a more systematic trend analysis and the identification of those local strategies that are effective. Further, there are inconsistencies in the way LPGs report to the Performance Sub Group – some make a full note of issues for feedback, while others leave it to the APO to relay issues to the Group.

WE RECOMMEND

The Performance Sub Group, with a view to promulgating best practice throughout each LPG, reviews:

- * **the Terms of Reference for the LPGs; and**
- * **the performance and composition of each LPG.**

- 4.18 There is a dedicated working group attended by the CPS, police and the Crown Court that meets quarterly and examines the reasons for cracked and ineffective trials. Information is shared between the agencies before the meeting and the participants see it as an effective forum, although it is not able to influence the primary cause of ineffective trials - insufficient court time.
- 4.19 It is important that the work of the LPGs is supported by an effective performance management regime within the agencies who attend. Surrey police have a robust and challenging internal performance regime, where Divisional Commanders and Departmental Heads are held to account against performance targets. The magistrates' courts have also developed a performance management structure based on the four Petty Sessional Areas. However, the CPS does not have a comparable performance management framework based on the accountability of the CPS Unit Heads. This is a gap which we consider needs to be addressed (see paragraphs 7.2-7.6 of HMCPSI's core report on CPS Surrey).

Public Confidence Sub Group

- 4.20 The Confidence Sub Group, and most of the supporting working groups, have only met infrequently during 2004. Some key areas of work such as tracking minority ethnic defendants and development of the No Witness No Justice project have progressed, but little progress had been made on staff engagement, community engagement and communications.
- 4.21 There have been real capacity issues within the SCJB, and the Secretariat in particular (see paragraphs 4.9-10 above), which have made it very difficult to progress with the wide-ranging programme contained in the Confidence Plan. The Confidence Sub Group had completed a review of the Confidence Plan at the time of the inspection and a second version has been issued. The SCJB will need to ensure that the revised programme (which remains wide-ranging) is matched by a sufficient commitment of resources by the Group members, as well as the Secretariat if delivery is to improve.

Consultative Group

- 4.22 The Board has the benefit of a Consultative Group. It represents the interests of bodies that are closely aligned to the criminal justice system, such as the magistracy, Community Safety Officers, defence solicitors, and representatives of community groups - including Woking Community Relations Forum and the Safer Guildford Hate Crimes Group - who take part in working groups within the SCJB Public Confidence programme. The consultative group also includes indirect representation of citizen interests through local Members of Parliament. However, there is no direct representation on the Consultative Group from wider community groups such as those who belong to the Surrey Compact (see paragraph 5.21).
- 4.23 The Group is available to advise on SCJB policies and initiatives on an ad hoc basis. However, we found little evidence of this in practice, except in relation to the judiciary, who are consulted by both the magistrates' courts and Crown Court representatives on the SCJB.
- 4.24 The SCJB has held two Annual Conferences; the first in March 2003 to launch the Board, and a second in February 2004. Both were focussed on informing attendees about SCJB plans and priorities, rather than consultation on development of SCJB policies. A further Conference is planned for 2005, and the SCJB anticipates that it will then be in a better position to open a dialogue with the members of the Consultative Group who attend.
- 4.25 The development of the Community Engagement programme will provide the opportunity for effective consultation with the wider community. The programme is still at an early stage and is discussed further at paragraph 5.18. As part of the development of the programme, the SCJB needs to review its consultation strategy to ensure community engagement is fully integrated into the consultation arrangements.

Defence practitioners

- 4.26 Defence solicitors and members of the Bar have a key role as practitioners in relation to the efficiency and effectiveness of the court process, and the development of public confidence in the criminal justice system as a whole. Representatives from defence solicitors and the Bar are included as part of the SCJB Consultative Group. They also attend court user groups, which are seen as generally useful, although the Crown Court User Group does not meet as frequently as the magistrates' courts' groups. However, we think there is scope to engage more closely with the defence, either within the SCJB meetings structure, or through more systematic consultation than that provided at present by the Consultative Group.

Victim and witness issues

- 4.27 The organisational structure that the SCJB has developed appears to lead to victim and witness issues only being addressed within the Victim and Witness Satisfaction Working Group, and not being considered in relation to other initiatives. For example, the Anti-Social Behaviour Orders Working Group did not receive any input from Victim Support. The examination of ineffective trials by the Performance Sub Group is not directly informed by the Witness Service, even though a significant proportion of trials either crack or are ineffective because of witness difficulties. We refer to the development of the Domestic Violence Policy without consultation with victim groups at paragraph 5.20. The SCJB will want to ensure that there is a holistic approach to the whole of its work programme and development of policies.

Aspects for improvement

Consultation with Victim Support, the Witness Service and other victim support groups in the development of the full range of SCJB strategies and policies.

Devolution of funding for the Surrey Witness Service

- 4.28 Surrey was one of four areas that volunteered to be part of a pilot in which Home Office funding for the Witness Service was managed by the Local Criminal Justice Board, instead of being channelled through the Victim Support National Association. In the event, the Home Office provided funds directly to the Surrey Witness Service because the Surrey Criminal Justice Board was not a statutory body and was unable to administer the funds.
- 4.29 The rationale behind devolution was to improve services for witnesses by creating greater local accountability, and integrating the Witness Service provision within the local criminal justice priorities, as identified through the Criminal Justice Board. The devolution project has succeeded in leading to greater consultation between the Witness Service and SCJB over witness care priorities, whilst retaining the Witness Service as a separate entity.
- 4.30 One initiative discussed was for the Witness Service to have access to the police witness database. Work is in hand in relation to this and, if successful, would be of considerable benefit to the Witness Service in terms of streamlining their administration, and allowing them more time to work with individual witnesses. It would also improve the receipt of early notice of witnesses.
- 4.31 However, it is unclear whether other initiatives discussed will be developed. In the view of at least some of those involved, the development of the No Witness No Justice project was much more significant in terms of bringing greater co-operation between the Witness Service and the other agencies.
- 4.32 The pilot is being evaluated independently by King's College, London and this inspection does not attempt to provide an in-depth view of its operation. However, it was apparent that the fact that funds did not transfer, meant that the shaping of governance arrangements was still at a preliminary stage. This will need to take place if funding does actually become administered by one of the agencies on behalf of the Criminal Justice Board.

Protocols

- 4.33 The SCJB has been active in developing protocols. A good example relates to the use of Anti-Social Behaviour Orders (ASBOs), where the Protocol was developed after tensions between the police and Youth Offending Teams over the use of ASBOs were brought to the SCJB. ASBOs are seen by some as an expedient and effective method of addressing offending behaviour, but by others as a last resort to be applied only when other diversionary mechanisms have been tried and have been seen to fail. The

Protocol has ensured that the differing priorities of agencies such as the police and the YOTs can be addressed. Examples of other Protocols introduced in 2004 through the SCJB are those covering Persistent Young Offenders, Offences Taken Into Consideration, and Targeted Offenders.

- 4.34 The Protocols developed by the SCJB, and between partner agencies, are generally based on a sound understanding of the operational issues that need to be taken into account. However, we found that not all operational staff affected by the Protocols were fully aware of them and, as a consequence, had not implemented necessary process changes. This is a reflection of the effectiveness of communication within the respective agencies, but is something the SCJB needs to take account of before “signing off” any future Protocol.
- 4.35 We also found that Protocols were not always monitored or evaluated in a systematic way. This applies particularly to the shadow charging scheme between the police and CPS, but also applies to others. The Protocol between the CPS and Probation Service for the provision of prosecution information was not being monitored, even though there appeared to be difficulties in obtaining timely information from the CPS. Although there is an agreement between the police and CPS that the Targeted Offenders Protocol would be monitored through the use of J-Track (a cross-agency electronic database), the data is not being systematically collected.

WE RECOMMEND

The SCJB and its members ensure that Protocols are communicated to all operational staff affected, and that effective monitoring and evaluation measures are put in place.

5 POLICIES AND STRATEGIES

- 5.1 In this section we consider the policies and strategies developed by the SCJB, and the planning in support of them. The Action Plan framework is a complex one, with no less than eight separate Plans. They follow from a requirement at national level that LCJBs should have detailed local plans covering the range of narrowing the justice gap and public confidence issues.
- 5.2 We have already considered the Local Performance Group structure that supports the Performance Sub Group at paragraph 4.17. In this section we consider the organisational structure supporting delivery of the Public Confidence Action Plans.

Local Delivery Plan

- 5.3 The Delivery Plan is divided into two sections: one based on narrowing the justice gap, and the other on the timeliness of handling persistent young offender (PYO) cases. The steps to increase public confidence are set out in a separate Confidence Plan. The Delivery and Confidence Plans are consistent and fit together, although some links could be made clearer – for example the impact of the No Witness No Justice (NWNJ) project on reducing ineffective trials and attrition.
- 5.4 Each section of the Delivery Plan is supported by priorities and an Action Plan in which lead responsibilities and action dates are clearly set out. The Plan adopts the key national Public Service Agreement targets of increasing offences brought to justice, reducing ineffective trials in the magistrates' courts and the Crown Court, and achieving the timeliness target for PYOs of 71 days.
- 5.5 Some priorities are supported by local targets such as reducing the number of unsuccessful outcomes, improving police file quality and timeliness, and reducing the number of outstanding warrants. However, other priorities are not supported by clear targets – examples include the Domestic Violence Policy (although the CPS's 2004-05 Business Plan contains a specific domestic violence target), the Targeted Offenders Policy and the objective of increasing TQ1 returns from the CPS to the police.
- 5.6 There is also scope to tailor the Delivery Plan more towards local issues, in particular the delays by criminal justice agencies in the preparation of cases for trial in the magistrates' and Crown Court, and cracked trials.
- 5.7 Unnecessary delay is clearly undesirable within the criminal justice system and is likely to have a significant and adverse impact on victim and witness satisfaction. Timeliness of all cases, including PYOs, formed a target for the SCJB in 2003-04. However, the National Criminal Justice Board indicated that there was no longer a national expectation that the LCJBs continue the timeliness targets in 2004-05 - except for the PYO one - and so the SCJB decided not to continue with those targets¹. We think the SCJB should consider the resumption of a shared target for timeliness of trials in both the magistrates' courts and the Crown Court in order to assist in driving the necessary improvements.

¹ The Crown Court has retained timeliness targets for types of hearing and the magistrates' courts have timeliness targets based on case category rather than type of hearing.

- 5.8 Cracked trial rates in Surrey are better than the national average in both the magistrates' courts (30.7% against a national average of 37.6% in 2003-04) and the Crown Court (29.2% compared to 38.3%). However, cracked trials still have a significant impact on the efficient use of court resources and court listing, as well as victim and witness satisfaction. Inspectors recognise that a high proportion of cracked trials result from late plea changes by the defendant, but this is not the exclusive reason. There remain a significant proportion of cracked trials where responsibility lies with the prosecution – for example late discontinuance and the acceptance of lesser pleas.
- 5.9 Some work is done by the LPGs in relation to cracked trials, and there is a quarterly meeting between the Court Service, police and the CPS to examine cracked (and ineffective) trials in the Crown Court. We consider that this work needs to be supported by targets to reduce cracked trials, as it is in relation to ineffective trials.

WE RECOMMEND

**The SCJB reviews the targets and actions
within the Delivery Plan to ensure:**

- * **all actions and priorities have clear and measurable targets;**
- * **timeliness of trials in the magistrates' courts
and Crown Court is addressed; and**
- * **a reduction in the number of cracked trials
in both the magistrates' courts and the Crown Court.**

Public Confidence Plan

- 5.10 The area's Public Confidence Plan is based on the Criminal Justice Group framework document issued in July 2003 and covers the following six work streams:
1. Victim and witness satisfaction;
 2. Staff engagement;
 3. Community engagement;
 4. Communication and marketing;
 5. Public confidence in bringing offences to justice; and
 6. Case tracking and monitoring.
- 5.11 The Case Tracking and Monitoring project is being undertaken with NACRO. The other five work streams reflect the national framework document. Each work stream has an Action Plan with clearly delineated actions and target dates, and the SCJB set up working groups to carry forward each Plan.

Work stream 1: Victim and witness satisfaction

- 5.12 The working group on victim and witness care includes representatives from Victim Support, the Witness Service, NSPCC, Surrey Women's Aid, and the Safer Guildford Hate Crimes Group, as well as the police, CPS and the courts. The inclusion of groups from the wider community is commendable, although several of the group's representatives were unclear about how its work fitted within the overall SCJB work programme.
- 5.13 The No Witness No Justice project is now the main focus of the Victim and Witness Satisfaction Group. Implementation of the No Witness No Justice Project Plan envisages the creation of a single Witness Care Unit in a Combined Trials Unit by March 2005. Although there has been slippage within the Action Plan – indeed the target date for delivery of the Unit was December 2004 - there is evidence that actions within the Plan are being carried forward. A consultation exercise was being planned at the time of the inspection.
- 5.14 The Plan extends beyond the creation of the Witness Care Unit to service witnesses' information needs and includes a number of measures to improve the experience of victims whose cases come to trial, as well as other witnesses. A number of actions relate to Special Measures, including training and consideration of an audit. The Project Plan has also recognised the need to liaise with community groups such as Surrey Woman's Aid and the NSPCC to identify ways in which services can be tailored to vulnerable victims and witnesses, such as the victims of domestic violence. The Project Plan is under-pinned by a detailed Action Plan; however, a number of the minimum requirements set out in the Project Plan - particularly in relation to information to witnesses - are still to be covered by specific actions within the Action Plan.
- 5.15 The work on No Witness No Justice is an appropriate priority for the Group, but it is important that they do not lose sight of wider victim and witness issues, particularly relating to the services offered to victims who do not become witnesses. We discuss this further at paragraphs 6.4-5.

Work stream 2: Staff engagement

- 5.16 Although a working group was set up - and met in the early part of 2004 - there has been little progress on this element of the Confidence programme. Inspectors found little understanding of the role and work of the SCJB at an operational level within the criminal justice agencies.
- 5.17 The Action Plan was revised in September 2004. The priority of engaging staff in improving the experience of users of the criminal justice system in Surrey is an appropriate one, but it remains unclear whether the working group will be able to deliver progress against that priority.

Aspects for improvement

The lack of progress in engaging staff
in the development of the Confidence programme.

Work stream 3: Community engagement

- 5.18 The Community Engagement Action Plan was originally drafted in October 2003 and covered the period 1 December 2003 - 31 March 2005. It recognised the importance of building an effective network with the wider community groups, both for consultation on Criminal Justice Board policies and strategies, and for raising confidence about the criminal justice system within those communities.
- 5.19 A Community Engagement Working Group was set up. It includes representatives of NACRO, the Working Community Relations Forum and Community Safety Officers, but has not met regularly. Most of the key actions, such as the mapping of community groups - including minority ethnic groups - and conducting a survey to establish local issues and priorities, had not been carried forward at the time of the inspection. Although the Action Plan identifies Crime and Disorder Partnerships and Community Incident Action Groups as a potential partners, no work has been done to establish effective links with them. The Working Group has yet to decide whether to create a separate independent Advisory Group for “hard to reach” minority groups.
- 5.20 The importance of ensuring that priorities of the SCJB have support within the wider community is illustrated by the SCJB’s Policy on Domestic Violence, which is based on the CPS’s national policy of dealing with domestic violence in a pro-active way. The reduction of domestic violence cases dropped by the prosecution because the victim wishes to withdraw is one of the priorities within the Delivery Plan. However, there was no dialogue with those community groups dealing with domestic violence, or with the Domestic Violence Co-ordinator for the Crime and Disorder Partnerships, about how to develop the Policy in a way that would minimise the pressure and distress to the victims, and the opportunity of trying to ensure that these key community groups supported the Policy from its inception was lost. The Policy has become a controversial one that does not have the full support of those dealing directly with the victims, because they do not think that the interests of the victim are put first above every thing else.
- 5.21 Following a Central Government initiative in 1999, Local Authorities have been obliged to set up a “Compact” to facilitate better working between statutory organisations and voluntary and community groups. The objective is to ensure policies developed by statutory bodies take into account the experience and views of the wider community. The Surrey Compact, facilitated by Surrey County Council, was formally launched in July 2004, and to date 270 community groups have joined. However, there is no involvement from local CJS agencies, apart from the Surrey Probation Service. We think that the Compact has the potential for becoming an important SCJB partner, for example by facilitating the formation of a CJS community forum or conference, drawing from those community groups with an interest in criminal justice. This should assist the SCJB to clarify its understanding of local issues when developing policies. It should also assist in identifying the range of leaflets and other material that may be required for delivery of its Communications Strategy.

- 5.22 Minority ethnic and other “hard to reach” groups are not part of the Surrey Compact as yet. The SCJB will need to ensure that these elements of the community are engaged as well, for example through an independent Advisory Group.

WE RECOMMEND

The SCJB reviews its strategy for engaging with the wider community and engages more fully, taking advantage where possible of existing networks such as the Surrey Compact.

Work stream 4: Communications and marketing

- 5.23 The Communications Strategy for the SCJB is still embryonic as there have been no dedicated resources to develop it. Although scheduled for January 2004, it had still not been developed at the time of the inspection. That was expected to change with the recruitment of a Communications Officer, however, the post is only part-time and so effort must be focussed on strategic matters.
- 5.24 The development of an effective Communications Strategy is a very important element of the Confidence Plan overall. The Community Engagement, Staff Engagement and Improving Public Confidence Action Plans all include actions that create a communication requirement, as well as the Communications and Marketing Action Plan itself. The direction and appropriateness of actions in those Plans should be drawn from the overarching Communications Strategy. Once that has been developed, the current Action Plans should be reviewed to ensure there is a proper alignment with the Strategy. Some less urgent actions may need to be dropped, for example organising inter-agency staff shadowing/job swaps.
- 5.25 Some work had been done prior to the appointment of the Communications Officer. Media channels identified by the police were adopted and several Press Releases had been issued, for example in relation to offenders brought to justice. These have been successful in securing local radio interviews for the SCJB Chair. A leaflet has been produced entitled *A Guide to the Surrey Criminal Justice Board*, but in the absence of established key messages and target audiences, the document is in a generic form which limits its use as a public communications tool. We have already mentioned the two Annual Conferences sponsored by the SCJB at paragraph 4.24.
- 5.26 Amongst CJS agency staff below senior management, the understanding of what the SCJB does is very low; most staff interviewed had heard of the SCJB, but were unclear of its aims and objectives. There is much work to be done in raising the profile of the SCJB within the criminal justice agencies, as well as the wider criminal justice partnerships.
- 5.27 In the community generally there is very limited recognition of the SCJB and what it aims to do. However, where there have been focussed SCJB communication activities these have been successful, as exemplified by recent radio interviews with the SCJB Chair. Several staff commented on the positive impact of the SCJB information stand at the recent Community Safety Unit conference. It is important that the Criminal Justice Board does not simply use the existing well-established police communications channels for communicating with the wider public, because to do so could make it harder to establish an SCJB identity separate from that of Surrey police.

WE RECOMMEND

The SCJB completes the Communications and Marketing Strategy and makes it the head document covering all communication work; and

The SCJB produces a document that encapsulates its vision for itself in key messages that are easily understood by the general public and gives the Board a distinct identity.

Work stream 5: Public confidence in bringing offences to justice

- 5.28 Most of the actions within the Action Plan for this work stream overlap with those within other work streams, and there is no dedicated working group for this topic. Monitoring and delivery arrangements are directed through the Confidence Sub Group, and depend upon that Group meeting regularly.

Work stream 6: Case tracking and monitoring project

- 5.29 Surrey was one of four criminal justice areas which piloted a NACRO-led project from January 2001 - January 2002 to track the handling of cases with minority ethnic defendants through the criminal justice system. The resulting report, *Monitoring confidence: An examination of critical points in the criminal justice process impacting on decision making*, was published in 2003. The report identified a number of issues meriting further long-term research - the sample in this first phase was found to be too low for any definitive conclusions, or to identify any aspects of CJS performance in Surrey that may be discriminatory.
- 5.30 Data collection for the second phase was due to commence in December 2003, but was delayed. It has now commenced, and the target for analysis of the data has slipped from March 2004 to May 2005.

Equality and diversity

- 5.31 The diversity work by the SCJB has largely focussed on the minority ethnic community. The Criminal Justice Board has very good relations with NACRO - the police are undertaking research on stop and search and ethnicity and NACRO has been invited to join the monitoring group. We have already referred to the case tracking project with NACRO at paragraph 5.29, and they are also represented on the Confidence Sub Group and the Community Engagement Working Group.
- 5.32 There is no Race Equality Council within Surrey, and the SCJB has been able to identify only one minority ethnic group for consultation – the Woking Community Relations Forum - who have been included on two of the Confidence working groups. A mapping exercise to identify umbrella organisations and support groups for the minority ethnic community is being carried out by NACRO on behalf of the SCJB, with a target date for completion of April 2005. We have already referred earlier to the possibility of creating an independent Advisory Group.

Training

- 5.33 Surrey police takes responsibility for its own training programmes from January 2005. This presents a real opportunity for the development of joint training initiatives between the partner agencies - both those represented within the SCJB and the wider criminal justice community. We have identified training issues in this report around disclosure (paragraph 8.4) and the identification and handling of vulnerable witnesses (paragraph 6.14). Partner criminal justice agencies are not part of the police training strategy group at present, but we think it would be beneficial if other agencies, for example the CPS, were consulted at this level.

IT Strategy

- 5.34 The CJS agencies have a goal of being able to exchange electronic case information by March 2006. This is being carried forward through two key initiatives: secure e-mail and CJS Exchange.

Implementation of secure e-mail

- 5.35 The SCJB set up a Secure E-mail Working Group about a year ago. All the criminal justice agencies are members, and a Criminal Justice IT (CJIT) staff member provides support and guidance.
- 5.36 A Protocol has been developed which contains responsibilities, business rules to be implemented in processes, service levels, data protection and classification, and notes on security breaches. At the time of the inspection the SCJB was discussing it with a view to finalisation.
- 5.37 The Working Group has evaluated around 150 different business information flows, and 30 have now been implemented involving the CPS, police, magistrates' courts, Probation Service, and Prison Service. Information flows with the Youth Offending Teams and the Witness Service are in the process of being implemented. However, we were not fully satisfied that high impact and high usage information flows were being prioritised.
- 5.38 Further, the full benefit of secure e-mail can only be realised if criminal justice partners such as solicitors and counsel can be engaged in the initiative. Early efforts to engage with local defence solicitors and counsel were unproductive, but the importance of including such groups within the secure e-mail network is such that we think further efforts should be made in that regard.
- 5.39 In most agencies staff felt that secure e-mail did not offer advantages over well-established practices and they preferred to use a combination of telephone and fax, particularly in urgent matters when these methods guaranteed making the necessary contacts and confirming the exchange of communications. An issue of trust amongst some agencies compounds this. The Protocol referred to above includes the working hours that secure e-mail is to be serviced and places an obligation on units to regularly check their in-boxes. Several people interviewed commented that they regularly checked their own boxes but were doubtful if other agencies had the same commitment. CPS users also encountered a difficulty with receiving read receipts when communicating with other agencies. This appears to be a problem relating to the management software within some of the criminal justice agencies and is something that the Secure E-mail Working Group needs to investigate further at a national level in order to understand the issues and try and maintain confidence in the e-mail system.

CJS Exchange

- 5.40 CJS Exchange builds on secure e-mail by linking electronic case management systems together, enabling authorised users to search for information across systems and to view and use documents. Users will also be able to tag information items - such as individual documents - and to be automatically informed if the information is modified or if there is a change in status.
- 5.41 CPS Surrey piloted the development of Compass CMS (the CPS's national electronic case management system which is compatible with CJS Exchange) in 2002 and staff are continuing to evolve its use. The other main CJS agencies will be implementing electronic case management systems in the future. In some Business Plans there is acknowledgment of the need to address change management issues and training staff in new methods of working, but there was little indication of how staff would be involved in change programmes.

WE RECOMMEND

The SCJB and the Secure E-mail Working Group:

- * Review the business information priorities for secure e-mail;**
- * Take steps to encourage fuller use of secure e-mail within criminal justice agencies;**
- * Seek to engage the wider criminal justice community in the use of secure e-mail; and**
- * Review the progress of local implementation towards achievement of the CJS Exchange scheme against the target date of March 2006.**

6 VICTIM AND WITNESS CARE

Strategic overview

- 6.1 The experience and perception of victims and witnesses of the criminal justice system, from the point of the offence onwards, is very important in shaping public confidence in the system. The SCJB has recognised this and sought to engage victim and witness groups in the Victim and Witness Satisfaction Working Group and the No Witness No Justice project. The SCJB also agreed to pilot the devolution of funding to the Surrey Witness Service.
- 6.2 We have already commented on the promising work being done by the Victim and Witness Satisfaction Working Group in relation to the No Witness No Justice project. However, the project is primarily centred on the court process. The Domestic Violence, Crime and Victims Act 2004 has now received royal assent and it would be opportune for the SCJB to start work on considering how it could improve the service to victims during the investigative stage of a crime, whether or not criminal proceedings result.

Victims and witnesses pre-charge

Police response when crime reported

- 6.3 Inspectors found mixed views about the levels of victim satisfaction with the police response at the time the offence was reported. Some victims seen by the inspection team were very dissatisfied with the nature of the police response, and indeed, the apparent lack of experience of the officers who dealt with them. However, representatives of Victim Support and the Witness Service were more positive about the experiences of the victims and witnesses they had dealt with. There was more general concern about the failure of the police to keep victims informed about the progress of the investigation.

Liaison with victims and witnesses

- 6.4 Victims and witnesses have information needs in the early stages of an investigation, before a charge has been laid or a plea entered. Whilst acknowledging the need to keep victims of crime updated as to the progress of a case, police officers recognised that maintaining regular contact with victims and witnesses was often not as frequent as it should be. This was mainly attributed to the burden of other work and the impracticality of maintaining contact with all relevant parties when the officer was dealing with several ongoing investigations at the same time. Furthermore, the distinct structure for operational policing on Basic Command Units (BCUs) in Surrey, whereby resources are focused towards response, community policing or investigation, means it is not uncommon for several officers to be involved at various stages of the same investigation and prosecution of a case.² It is not surprising, therefore, that some concerns were expressed by victims and witnesses that they were unsure who the actual officer in their case was and to whom they should approach for information. It is important that the officer in the case is clearly identified to victims and witnesses.

² Targeted Patrol Team (TPT) officers are often involved at the time of arrest and in the taking of statements, prisoner handling teams may conduct interviews and Divisional Crime Investigation Team (DCIT) officers may conduct subsequent enquiries.

- 6.5 North Surrey Basic Command Unit (based at Staines Police Station) has sought to address victims' needs by including an objective in the Divisional Policing Plan to focus specifically on keeping victims informed. Officers in the case are required to contact all victims of ongoing crime investigations at least once every seven days until the crime is finalised or a person is charged. Once an offender has been charged, the co-located Criminal Justice Unit is responsible for updating the identified victim with the result of all first hearings. However, although police managers were satisfied that the scheme was working, rank and file officers were less clear about the operation of the scheme, and there was a perception amongst some Victim Support staff that victims felt no better served in North Surrey Division than elsewhere in the area. Nonetheless, we think the focus towards victim care in the North Surrey BCU is a positive development and Surrey police should consider extending the initiative throughout the force.

Good practice

The objective at Staines Basic Command Unit of contacting each victim of a crime every seven days until the crime is finalised or a person is charged.

- 6.6 Although the primary focus on improving information up to the point of charge is directed towards victims, we consider it important that witnesses are not overlooked. They have similar information needs to victims, and their support for the criminal justice process is important as well.

Referrals to Victim Support

- 6.7 Surrey is one of a small number of areas where referrals from the police to Victim Support at the time the offence is reported are transmitted electronically. This is a significant achievement, and refinements continue to be made to the system. However, we found concerns about the numbers and appropriateness of referrals by the police and, on occasions, the responsiveness of Victim Support to them.

Good practice

The development and use by police of a system of electronic referrals to Victim Support.

- 6.8 Although data from Victim Support records a 50% increase in police referrals over the previous year, the proportion of cases of violence referred was less than the national average. Victim Support described the police approach to domestic violence cases as 'discriminatory', in that for three out of the four police divisions, they did not appear to be the agency of choice for referrals when dealing with domestic violence. The perception at some Victim Support units was that police only referred to them low level cases, such as non-violent arguments between mother and son, or cases which they found to be intractable or a nuisance. There was also a strong perception within Victim Support teams that the police, particularly in more serious or sensitive cases, still did not trust them, although this perception was not borne out in interviews with the police. Indeed, a number of police officers interviewed were very complimentary about the service provided by Victim Support.

- 6.9 Some police officers reported that in a number of cases, referrals were made to Victim Support, but later victims contacted them complaining that no-one from Victim Support had been in touch with them. Other police officers acknowledged that victims were not given a consistently good service by the police across the area - in their view due mainly to patchy knowledge of Victim Support - and inconsistent application of procedures and guidelines. Members of Victim Support stated that they had received some self-referrals, who had asked to be referred by police, but of whom Victim Support were unaware. It is not clear how widespread this problem is.
- 6.10 The perceptions of shortcomings within the police and Victim Support need to be addressed. At present, liaison between the two organisations is variable. A number of Victim Support offices are based in police stations, which facilitates communication, but in other Victim Support units the liaison is described as unsatisfactory. The problem of establishing effective lines of communication is hampered by the lack of co-terminosity between Victim Support and police unit boundaries. Nonetheless, the relationship between the organisations is one that needs to be made as effective as possible, so that victims receive the best possible service.

WE RECOMMEND

The SCJB review liaison arrangements between the police and Victim Support and clarifies the types of referrals and standards of service by the police and Victim Support respectively.

Victims and witnesses and the court process

Liaison with victims and witnesses

- 6.11 The No Witness No Justice project is centred on victim and witness care in the court process. A part of this is improving the way in which they are kept informed of developments in their cases. Surrey police had recognised that this was an area where there was a need for improvement - something which was borne out by Victim Support staff and volunteers, as well as those victims and witnesses interviewed. There are a range of issues which present operational challenges and were in the process of being considered at the time of the inspection.
- 6.12 The Witness Care Unit, which is being planned as part of the No Witness No Justice project, will take responsibility for updating victims and witnesses on the progress of a case once a not guilty plea has been entered. We have already commented at paragraph 6.4 on the practical difficulties facing officers in keeping contact with victims and witnesses. These difficulties continue after charge, and the creation of a focal point should allow the police to maintain closer contact with victims and witnesses throughout the county. However, until the formation of the Unit, officers must endeavour to maintain focus on victim and witness needs, and maintain regular contact throughout the criminal justice process.

- 6.13 At present there is an over-reliance on written communication to civilian witnesses in order to obtain details of non-availability when fixing trial dates in either the magistrates' courts or the Crown Court. Letters may not be the most suitable means of communicating with some witnesses and, as a consequence, trial dates may be fixed without having accurate witness availability. The notification of trial dates is also based on written communication, although there are systems for following-up where there has been no acknowledgement. Contact with witnesses between notification of the trial date and immediately before the hearing is variable. It is particularly important that there is regular contact because of the long delays in bringing cases to trial in Guildford Magistrates' Court and the Crown Court, and consequent risks of losing contact with witnesses. These are all issues that the No Witness No Justice project needs to address.

Special Measures for witnesses

- 6.14 It is the responsibility of the police officer taking a witness statement to identify whether the witness is vulnerable or might be susceptible to intimidation, and so might benefit from an application for Special Measures to facilitate giving evidence at court. Although some officers were very familiar with assessing witness needs in relation to Special Measures, there was insufficient understanding amongst officers as a whole. Consequently, it was not unusual for a need for Special Measures only to be identified on the day of trial, often by the Witness Service. One solution being explored at the time of the inspection was for the Witness Service to provide a needs assessment service to the proposed Witness Care Unit before the hearing. However, we think that the primary responsibility should remain with the police officer taking the statement. There is a training need that should be addressed by the police.

Aspects for improvement

Identification by police of vulnerable and intimidated witnesses suitable for Special Measures at court.

- 6.15 Where the need for Special Measures had been identified by the police at an early stage, we found applications for them by the prosecution were generally timely. The decision about whether to grant a Special Measures application is judicial. There is a remote CCTV link available for use by vulnerable and intimidated witnesses - often child witnesses - to both the magistrates' courts and the Crown Court, which is run by the NSPCC. The magistrates' courts make regular use of it, and indeed there is a Protocol in place governing how it is used. In the Crown Court the judiciary have concerns about the operation of the link and it is not regularly used at present.
- 6.16 Organisations representing the interests of witnesses and children stressed the potential adverse implications of arrangements whereby the use of any Special Measures is sometimes not settled in the Crown Court until the trial itself. It would not have been appropriate for this inspection to investigate the causes for this, but it is a situation that would benefit from further consideration.

Liaison between the prosecution and the Witness Service

- 6.17 The Witness Service receives notification of prosecution witnesses due to attend court by receipt of the CPS list of witnesses attending court (the LWAC). This is important for the Witness Service – not least so it can match resources to the number of witnesses anticipated. There had been considerable improvement in the reliability of notifications over the last 18 months. In addition, the Witness Service receives information from the court on Special Measures orders made either at a pre-trial review (PTR) or plea and directions hearing (PDH). At the time of the inspection consideration was being given to allowing the Witness Service access to the police witness database.
- 6.18 Referrals to the Witness Service for services such as pre-trial visits are the responsibility of the police – either the Witness Liaison Officer or the officer in the case. Although referrals were made, they were far from routine. We consider that early referral should happen in respect of all witnesses deemed vulnerable. The No Witness No Justice Project Plan includes provision for reviewing the systems covering the handling of vulnerable or intimidated witnesses.

Witness facilities at court

- 6.19 Inspectors were satisfied that, within the constraints of the courthouses, reasonably good provision had been made for witnesses and the Witness Service, for example, the majority had arrangements for vulnerable witnesses to enter the court by a separate entrance where necessary. The preference would be for all witness waiting areas to have ensuite toilet and drinks facilities, but it was acknowledged that this would be difficult to achieve in most courthouses, and that ingenuity and goodwill had already achieved a great deal.
- 6.20 It was also felt that there was scope for improving the signage notifying the public of the existence of the Witness Service. The sign should make clear that the service is for both prosecution and defence witnesses – the number of defence witnesses supported by the Witness Service was low.

Witness waiting time at court/unnecessary attendance

- 6.21 The length of time witnesses wait before either being called to give evidence or being released from court, and the proportion of witnesses who attend court and then do not give evidence, are surveyed on a bi-annual basis in both the magistrates' courts and the Crown Court. The outcomes for Surrey as a follows:

MAGISTRATES' COURTS		
Average witness waiting times	Surrey	National
November 2003	115 minutes	88 minutes
June 2004	111 minutes	86 minutes
% of witnesses attending without giving evidence	Surrey	National
November 2003	47%	51%
June 2004	50%	48%
CROWN COURT		
Average witness waiting times	Surrey	National
November 2003	111 minutes	147 minutes
June 2004	130 minutes	145 minutes
% of witnesses attending without giving evidence	Surrey	National
November 2003	2%	46%
June 2004	16%	45%

6.22 The outcomes are important because they are likely to shape the views and confidence of witnesses in the criminal process. They are the result of a combination of factors, including the timeliness and quality of prosecution and defence trial preparation, and court listing practices. We deal with trial preparation in the magistrates' courts and the Crown Court in the following chapter. An examination of defence practices and court listing policies fell outwith the scope of this inspection; however, the SCJB should keep the above indicators in mind when assessing the success of its efforts to improve victim and witness care.

Victim Personal Statements

6.23 The operation of the Victim Personal Statement process is unsatisfactory in several respects.

6.24 If a Statement is taken, it is generally at the same time as the original witness statement. One view expressed was that this was too early for the victim to give a considered view of the impact of the crime. Inspectors found that a Victim Personal Statement was unlikely to be updated by the victim unless, for example, it was a serious case being dealt with in the Crown Court. Indeed, some victims appeared unaware that they can, if they wish, ask to make a further Victim Personal Statement. We found that the use of these Statements in the magistrates' courts was rare.

- 6.25 The need to improve training for the CPS and the magistrates' courts in the use of Victim Personal Statements has already been recognised by the No Witness No Justice Working Group. We think it would also be appropriate to review police training in taking Victim Personal Statements and to consider ways in which they can be systematically updated. It may be possible, for instance, to engage Victim Support or the Witness Service in taking an updated Statement.

Aspects for improvement

Taking and updating of Victim Personal Statements.

Use of Victim Personal Statements in the magistrates' courts.

Notification to victims of charge reductions or discontinuances

- 6.26 In all cases where the alleged offences relate to an identifiable victim, the CPS has a national policy of notifying the victim if the charge is either dropped or substantially reduced (known as Direct Communication with Victims). CPS Surrey initially set up a Victim Information Bureau to implement this policy, but it was disbanded in July 2004 as a result of resource pressures. Inspectors were only satisfied that appropriate and timely letters had been sent in five out of fifteen cases sampled and we discuss this further in the separate report on CPS Surrey at paragraphs 6.5-6.

Notification of case results

- 6.27 The current process for notifying victims of the results of cases is often ineffective – not least because the officer in the case or the police Witness Liaison Officer do not get timely information about the result of the case. The Criminal Justice Units (where magistrates' courts' cases are dealt with) and the Trials Unit (Crown Court cases) do not have a central point of contact for witnesses in cases that have resulted in a guilty plea. Contact is not made routinely with witnesses to update them and thank them for their assistance, except in some Trials Unit cases. The No Witness No Justice project aims to address this weakness in the current system.

7 ARREST TO FIRST APPEARANCE AT COURT

Police/CPS partnerships prior to charge

- 7.1 Under the Criminal Justice Act 2003, the responsibility for the decision to charge or summons in all but minor and straightforward cases has passed from the police to the CPS. The implementation of the provision is being phased through the 42 CPS Areas, with each setting up a shadow pre-charge advice scheme before full implementation in line with the Act.
- 7.2 In Surrey, the police and CPS have worked well in partnership to introduce a shadow charging scheme covering all four charging centres in the area. The original plan to introduce the scheme at Staines Police Station in October 2003 was extended to the other three charging centres at short notice in order to meet national imperatives in relation to the roll-out of the scheme. The other three charging centres became operational in January 2004. CPS advice in Surrey is available from 9am-5pm Monday to Friday, although once fully operational the scheme will provide 24-hour coverage, seven days a week.
- 7.3 The implementation of the scheme was supported by a detailed Protocol between the police and CPS. It included provision for Trials Unit lawyers to advise on cases likely to be dealt with in the Crown Court, and also provided a mechanism within the police to ensure that requests for advice and provision of files for advice were quality controlled before reaching the lawyer, which required the channelling of all requests and advice file submissions through the police “case papers” team.
- 7.4 A joint CPS/Police Project Board has met on a monthly basis to review progress and has tackled operational issues such as:
- * compliance by officers with the scheme;
 - * the length of bail periods pending full advice;
 - * types of cases where referral was mandatory, even where there was clearly insufficient evidence;
 - * setting parameters for face-to-face advice without the need for submission of the request through police case papers teams by developing “accredited officers”.
- 7.5 Although the Project Board receives regular feedback on the operation of the scheme, it has still to define fully the success criteria for the scheme and to develop a comprehensive set of data to evaluate it. Such data might include some of the following:
- * numbers of defendants who have to be re-bailed because a charging decision has not been made;
 - * impact on sanction detection rates;
 - * proportion of discontinuances where there was pre-charge advice (although the CPS have started to monitor those cases);
 - * impact on the proportion of early guilty pleas;

- * numbers of charge reductions (particularly in the context of cracked trials); or
- * impact on the numbers of trials.

The courts, as well as the police and CPS, should be involved in this process because the impact of pre-charge advice should extend through the whole of the criminal process.

- 7.6 The data available from the CPS indicates that, although performance at the Staines Criminal Justice Unit (CJU) has significantly improved in relation to the proportion of unsuccessful outcomes, this has not been mirrored at the other two CJUs. This suggests that pre-charge advice at Staines CJU has been successful in reducing the proportion of weak cases being charged, but not elsewhere³. There would be merit in examining this further and, if the trend persists, seeking to identify the reasons.
- 7.7 Although the reduction of unsuccessful outcomes is one of the priorities in the Delivery Plan, the overarching target for the SCJB remains the number of offences brought to justice. It is important that the success criteria for the pre-charge scheme takes this fully into account. The data from the SCJB in relation to the impact of pre-charge advice on offences brought to justice is unclear at present⁴.
- 7.8 The proportion of advices where no further action is the outcome are particularly high in Surrey – 58% against a national average of 28%⁵. This may be a recording issue, but nevertheless, the police and CPS need to establish the reason for this outcome to ensure that appropriate referrals are being made by the police and appropriate advice is being given.
- 7.9 The pre-charge advice scheme has had a significant impact on CPS resources. The commitment of four lawyers on a daily basis to the four charging centres has entailed an increase in the proportion of courts covered by agents from 9.7% in the first quarter of 2003-04 to 48.3% in the first quarter of 2004-05. There is a potential risk that agents will not be in a position to make decisions on cases and therefore seek adjournments to get instructions from the CPS, although the CPS and magistrates' courts appeared to be managing the risk effectively.

WE RECOMMEND

**The CPS and the police, in conjunction
with criminal justice partners:**

- * **Develop success criteria for the pre-charge advice scheme; and**
- * **Develop a comprehensive data collection package to evaluate the success of the scheme.**

³ CPS and police CJUs were co-located at Staines at the same time as the pre-charge advice scheme was launched in October 2003. This may account, at least in part, for the improved performance there. The other two CJUs are due to move to co-location with the police in November 2004 and April 2005 respectively.

⁴ The data covers the period to May 2004, and it is too early to identify a clear trend in relation to convictions or cautions.

⁵ Early advice and charging programme Area benefits realisation Report.

Mentally disordered offenders

- 7.10 It is important that mentally disordered offenders are dealt with appropriately if arrested, and not subjected to the criminal process unless it is necessary to protect the public, or for their own welfare.
- 7.11 Police officers in custody suites make an initial assessment of all prisoners. However, we found that they had variable access to mental health services for those prisoners they identified as possibly suffering a mental disorder. This was particularly so outside of normal office hours, at weekends and for juveniles. We comment later at paragraph 8.74 that provision of mental health services at court are also variable, and we recommend at paragraph 8.75 that the provisions for the handling of mentally disordered offenders in police and court custody suites should be reviewed.

Bail information

- 7.12 There is a Bail Information Scheme, operated by Surrey Probation Service in the magistrates' courts, through dedicated Court Liaison Officers. The defendants are fully informed about the terms of the scheme and, where appropriate, there is full consultation with the prosecution. The majority of the reports were presented orally and written up as soon as possible after the hearing.
- 7.13 Inspectors reviewed a random sample of reports and were satisfied that they were objective and impartial. Any public safety issues, or concerns that the defendant would not comply with bail conditions, were reflected in them.

Scheduling of cases for first appearance

- 7.14 The arrangements between the police and the magistrates' courts for scheduling the first hearings of bail and custody cases are clear and effective, and are kept under review.

Defendants: access to legal advice and information about prosecution case

- 7.15 There are satisfactory arrangements for giving defendants the opportunity of obtaining legal advice before, or at, the first date of hearing.
- 7.16 The prosecution generally provide a full copy of their case (known as advance information) at the first date of hearing, even for offences that can only be dealt with in the magistrates' courts⁶. This does sometimes lead to adjournments for the defence to consider the advance information. The service of advance information to persistent young offenders at the point of charge has proved counter-productive, with defendants losing the advance information and adjournments being granted for re-service.

⁶ The prosecution are only legally required to provide a copy of the prosecution case in either way or indictable only cases.

8 FIRST APPEARANCE TO POINT OF SENTENCE

Police file quality and timeliness

- 8.1 The quality and timeliness of police file submissions to the CPS has long been recognised as the foundation for a well-conducted case which can be dealt with expeditiously. A joint CPS/Association of Chief Police Officers (ACPO) strategy to improve the quality and timeliness of police files through joint performance management (JPM) between the police and CPS was launched nationally in 1995. The CPS and ACPO are currently reviewing the operation of JPM.
- 8.2 Surrey has maintained a strategy of full census monitoring for all file types. This requires both the police and CPS to complete a JPM form (the TQ1) in relation to each file submitted to the CPS. However, not all police Basic Command Units have consistently added TQ1 forms to their file submissions, and the process has been undermined by a historically low completion rate by the CPS (often around 60% or less of those TQ1s submitted by the police). There has been a lack of confidence on the part of the CPS in the value of JPM as a tool for improving police performance. Although the police have continued to collate the JPM data at BCU level, and to examine the data quarterly at a senior level within the force, there have not been any joint performance meetings with the CPS for several years.
- 8.3 It was evident to inspectors that there is scope to improve the file quality and timeliness of full files (those required for trials in the magistrates' courts or committals/service of prosecution papers for the Crown Court). The data produced through JPM must be treated with caution, because of the variable TQ1 return rate. However, the data returns show that the proportion of files which were fully satisfactory or sufficient to proceed, and submitted within time guidelines, have reduced from 62% in 2001-02 to 51% in 2003-04. A renewed focus within the police on improving file quality and timeliness since March 2004 has led to an improvement in quality and timeliness, so that 61% of full files were both timely and either fully satisfactory or sufficient to proceed in August 2004.
- 8.4 As well as the problems over timeliness, analysis of the file deficiencies indicates that the main problems with files are qualitative evidence (mainly points to prove) and missing statements. Inspectors also found that the quality of police disclosure schedules was generally poor.
- 8.5 Some of these problems may be addressed at the pre-charge advice stage, at least for those files that are covered by the scheme. However, a proportion of cases fall outside the scheme, and in any event it will continue to be necessary to manage the completion and submission of full files.
- 8.6 Inspectors concluded that current JPM arrangements in Surrey do not provide a satisfactory mechanism for raising the quality and timeliness of police files. It is now opportune, with the national review of JPM underway, for the police and CPS in Surrey to review their current arrangements.

- 8.7 The devolution of responsibility for training to local police forces from January 2005 creates the opportunity for joint CPS/police training around file quality and timeliness issues identified through JPM.

WE RECOMMEND

The police and the CPS review the operation of police file quality and timeliness joint performance management and develop an effective joint mechanism for raising quality and timeliness.

Termination of cases

- 8.8 According to CPS performance data, the rate of discontinuance (including bind-overs) by CPS Surrey in the magistrates' courts has been significantly higher than the national average - although recent data shows some convergence – while the rate in the Crown Court (including bind-overs) has been more variable:

MAGISTRATES' COURTS		
Period	Surrey	National
2002-03	18.6%	15.5%
2003-04	17.4%	13.8%
1 st quarter of 2004-05 (inc bind-overs)	14%	13%
CROWN COURT		
Period	Surrey	National
2002-03	12.8%	15.2%
2003-04	15.8%	14.7%
1 st quarter of 2004-05	13.7%	14.2%

- 8.9 Although inspectors found that in most cases, the police were consulted before a decision to drop a case was taken, there was no joint mechanism in place to review discontinuance trends in the magistrates' courts and systematically identify aspects of either police or CPS performance which could be improved.
- 8.10 The late discontinuance of cases is also a problem in relation to cracked trials in the magistrates' courts. Discontinuance on evidential grounds (not witness absence or withdrawal⁷) in the magistrates' courts has been the reason for between 9.65% and 20.35% of cracked trials a quarter over the 12 months to June 2004 (between 2.5% and 6.1% of all cases listed for trial). Dropping cases on the day of trial is wasteful of resources, as well as being likely to undermine the confidence of those witnesses who have attended court for no good purpose. It also increases the pressure to double list trials to avoid court resources being wasted. We discuss this further at paragraph 8.24.

⁷ These account for between 11.5% and 19.6% of cracked trials over the same period.

- 8.11 In the Crown Court all cracked trials are analysed for a quarterly joint performance management meeting, which includes the CPS and police as well as the Crown Court Manager.
- 8.12 We consider that there should be joint performance management of discontinuances in the magistrates' courts and, further, that it should include staff from the magistrates' courts as well as the police and CPS. It would form part of the cracked trial monitoring we recommend at paragraph 8.26. There may be advantages in dealing with joint performance management of police file quality and timeliness, discontinuances and cracked trials at the Local Performance Groups (LPGs).

Persistent young offender case progression

- 8.13 The SCJB recognised that there had been a loss of focus on persistent young offender (PYO) case progression during 2003 and initiated its own review in early 2004, while at the same time commissioning a report by PA Consultants.
- 8.14 The SCJB review resulted, in June 2004, in the updating and re-issuing of an earlier Protocol on handling PYO cases. The LPGs retained responsibility for monitoring individual PYO cases and a revised tracker form was issued. It was also decided to stop rotating the Chairmanship of the LPGs in order to improve consistency of approach. The PA Consultants' report in August 2004 confirmed many of the issues already recognised by the SCJB. It recommended better performance management by the Performance Sub Group and the LPGs, more flexible listing by the courts and better case progression by Case Progression Officers in the magistrates' courts. The report also identified a lack of robustness on the part of the prosecution when faced with defence adjournment applications.
- 8.15 The re-focussing on the PYO target has led to improvements. The period between arrest and charge has been reduced, with the three-month rolling average reducing from 98 days in the three months to March 2004, to 69 days in the three months to August 2004. However, there remains a core of long-running cases that have still to be finalised, and the average period of the live cases remains at 103 days. This underscores the importance of ensuring that the performance management of PYOs is not relaxed again.

Summary trials

- 8.16 The performance of the SCJB in relation to effective, cracked and ineffective trials is significantly better than the national average. The outcome for 2003-04 was:

	Effective	Ineffective	Cracked
Surrey	44.2%	25.1%	30.7%
National	33.5%	28.9%	37.6%

- 8.17 However, an effective trial rate of 44.2% still represents a wasteful use of court time, as well as being likely to undermine confidence by witnesses in the criminal process.

- 8.18 The SCJB has carried out a review of its trial management processes against the Effective Trial Management Project (ETMP)⁸ “toolkit”. There is already a well designed pre-trial review form in place, and the court issues directions where appropriate. It has developed an Action Plan based on the toolkit, which was due to roll-out in Surrey from October 2004 as the Criminal Justice Units become co-located. The programme envisages review by the LPGs through use of cracked and ineffective trial (CIT) data and by the collection of additional data on the effectiveness of pre-trial reviews⁹.
- 8.19 The role of the Case Progression Officer (CPO) is recognised by the SCJB as an important part of effective trial management. The magistrates’ courts have introduced CPOs at each court centre, although not all are full-time. The CPOs have been generally able to establish effective working relationships with defence practitioners. However, the CPS does not have dedicated CPOs with whom they can liaise. The linking of CPS lawyers and police caseworkers in the co-located unit at Staines has given the CPOs a clearly identified point of contact, but this is missing at the other two CJUs, and it is much more difficult to obtain up-to-date information about trial readiness.

<p>Strengths</p> <p>The linking of CPS lawyers and police administrators at Staines CJU, so that cases are jointly owned from start to finish by the same lawyer and police administrator.</p>

- 8.20 The CPS has a critical role in ensuring that hearings – whether PTRs or trials – are effective. The overall performance of the CPS in summary trial preparation is weak and needs to be improved¹⁰. It impacts on both the ineffective and the cracked trial rates. We deal with this in more detail in the separate report on CPS Surrey at paragraphs 4.12-16 and make a Recommendation at paragraph 4.16.
- 8.21 As we have already noted, the LPGs are monitoring ineffective trials. The SCJB has an ineffective trial target and progress is being made through the joint performance management of the ineffective trial data. The primary reasons for ineffective trials in 2003-04 were as follows:

* Prosecution witnesses (non-police) absent	- 20.33%
* Defendant absent	- 15.13%
* Prosecution witness (police) absent	- 7.57%
* Lack of court time or magistrates	- 7.57%

⁸ This forms part of the tri-lateral governmental Criminal Case Management Framework published in July 2004.

⁹ The data will include the number of guilty pleas at PTR, and the number of ineffective PTRs. Baseline data is being collected in the two months leading up to the roll-out.

¹⁰ At one court, for example, court staff have agreed to notify the police direct about witness requirements because of delays within the CPS office, and often copy CPS papers for the defence in order to facilitate PTRs.

- 8.22 The SCJB has taken action to address a number of the underlying issues; for example, a prosecution policy of applying to proceed in the defendants' absence has been implemented; police witness non-attendance has been addressed within the police; and the non-attendance of civilian witnesses is informing the work being done by the No Witness No Justice group.
- 8.23 However, only limited joint work is being done in relation to cracked trials, even though the proportion of cracked trials are greater than ineffective trials. We have already discussed this issue at paragraph 5.8. We came across a view that cracked trials were an acceptable outcome, but that is only part of the picture. There is no doubt that a late guilty plea is better than a contested case or ineffective hearing, but that is the professional perspective. From the public point of view it is a waste of resources and from that of victims or witnesses it may be an unnecessary inconvenience. We consider that the same joint performance management regime should be applied to cracked as well as ineffective trials. Guidance on the monitoring of effective, cracked and ineffective trials has been issued by the Department of Constitutional Affairs and supplemented by a letter by the Senior Presiding Judge drawing to magistrates' attention the benefits of completing the monitoring from in open court with the parties.
- 8.24 The timeliness with which summary trials are dealt with is also important for witnesses and defendants. The SCJB set itself a target in 2003-04 of 140 days from first listing to completion for adult trials and 100 days for youth trials. While these targets were comparable to most other CJS areas, Surrey's performance has been poor.

SCJB Survey	Adult trials within target	Youth trials within target
December 2003	75%	62%
March 2004	54%	48%

- 8.25 As we have noted at paragraph 5.7, the SCJB decided to drop some of the timeliness targets for 2004-05. The magistrates' courts have continued to monitor timeliness, but on a different basis to that done by the SCJB¹¹. The magistrates' courts are also monitoring the length of time between pre-trial review and trial. In the listing review of September 2004, the period was between three – six weeks in three of the four Petty Sessional Areas. However, it was 15 weeks in Guildford Magistrates' Court and this is recognised as being too long.
- 8.26 The magistrates' courts are taking action to try and reduce the delay at Guildford Magistrates' Court by listing trials at Woking Magistrates' Court. However, the timeliness of summary trial disposal depends on a wider range of issues than courtroom capacity. We consider that timeliness of all trials should be jointly managed within the LPGs, and as part of this, the SCJB should have timeliness targets (see paragraph 5.9).

¹¹ The magistrates' courts record adult and youth summary and indictable case completion rates: this combines guilty pleas and trials.

WE RECOMMEND

Local Performance Groups systematically analyse cracked trials attributable to the prosecution in order to identify trends and develop appropriate strategies to reduce the number of cracked trials.

Crown Court trials

8.27 The SCJB performance in relation to effective and cracked trials is significantly better than the national average, although ineffective trials are slightly above the average. The outcome for 2003-04 is as follows¹²:

	Effective	Ineffective	Cracked
Surrey	48.8%	22%	29.2%
National	41%	20.7%	38.3%

8.28 Over the same period, the proportion of cases which cracked due to the prosecution is 27% (national average 39%) and were ineffective due to the prosecution is 22.8% (national average 40.3%). The preparation of trials by the prosecution in the Crown Court, in contrast to the magistrates' courts, is generally sound and timely. The principal cause of ineffective trials is the court not reaching trials which have been listed for hearing – this accounted for 34.8% of ineffective trials compared to a national average of 11%. Nonetheless, the CPS and police recognise that there is scope for further improvement in prosecution performance and both attend quarterly joint performance management meetings with the Crown Court Manager. At these meetings the cracked and ineffective trials for the previous quarter are reviewed and learning points for the prosecution identified.

8.29 In April 2004 the police co-located witness warning staff and a Detective Inspector with the CPS Trials Unit, which has proved beneficial. The Detective Inspector has been able to assist in obtaining evidence and information for cases that may have otherwise been dropped, and the proximity of witness warning staff has also helped to resolve problems over witness attendance.

8.30 The Crown Court had established a Case Progression Officer role at the start of 2004 and a review of its effectiveness in avoiding cracked and ineffective trials was imminent at the time of the inspection. The indications were that the response rate from defence practitioners was good, and although there was no dedicated Case Progression Officer at the CPS, relationships with the Trials Unit caseworkers enabled the CPO to obtain what information was needed.

¹² The data is drawn on the basis of police force areas because not all cases prosecuted by Surrey CPS are dealt with at Guildford Crown Court.

- 8.31 The timeliness with which trials are dealt with is poor. In 2003, 55.69% of committals for trial were dealt with within target of 16 weeks from committal (target was 78%), and the problem has continued in 2004-05¹³. It has become routine for trials to be scheduled for hearing six months or more after the plea has been entered.
- 8.32 The delay means, amongst other things, that witness availability - which is normally for a period of six months - may well not cover the period scheduled for trial. It would be beneficial for the Crown Court, and indeed the magistrates' courts, to have access to the police duty management system to ensure there is up-to-date availability at least for police officers.
- 8.33 The problem arises largely because the provision of courtrooms is inadequate following the extension in 2000 of the catchment area for Guildford Crown Court to include those cases committed by Staines Magistrates' Courts¹⁴. Steps are being taken to deal with the capacity issue (see below). The backlog of trials has an inevitable impact on listing practices, as we have touched on above.
- 8.34 The SCJB had targets for the timeliness of Crown Court cases in 2003-04 but, as with magistrates' court cases, decided not to continue with targets for the CJB in 2004-05. However, we consider that delay has such an impact on court users in Surrey that it should remain as a key SCJB target (see paragraph 5.9).

Court capacity

- 8.35 The magistrates' courts and the Crown Court are working closely on the transition to a unified courts administration. Regular meetings are held and plans are in hand at Guildford Magistrates' Court to share accommodation and help relieve Crown Court capacity constraints. The plans are well advanced, with capital projects for the conversion of one courtroom to enable use by the Crown Court as well as by magistrates, and the building of an additional magistrates' courtroom. There are also plans for the shared use of courtrooms by the County Court and magistrates' courts at Guildford.
- 8.36 One constraint on the full use of the magistrates' courts' estate is likely to be the CPS's capacity to provide prosecutors, either in-house or agents. The magistrates' courts and CPS work closely together over court scheduling, but CPS capacity to provide prosecutors is limited by the resources allocated at a national level.

Warrants

- 8.37 The processing and execution of warrants has been identified by the SCJB as a priority area to help achieve the target for offences brought to justice and to support other policies such as the Targeted Offenders Protocol. In January 2004 there were 575 warrants outstanding.

¹³ Guildford Crown Court Annual Report 2003-04.

¹⁴ Following the re-location of an HM Customs and Excise office, Staines Magistrates' Court started to receive customs and excise cases in addition to its existing caseload. These cases tend to be long and complex and have a disproportionate impact on court resources.

- 8.38 The target for 2004-05 set by SCJB is to reduce the number of outstanding warrants to no more than 100 for each of the four BCUs by March 2005 - a total of 400 for the area. Surrey police have the lead on implementing the Action Plan which aims to streamline the warrant process from application to execution and appearance at court, and to ensure that all criminal justice partners work to the one procedure.
- 8.39 The police have put in place policies and protocols across the force to improve the management of warrants in the county. The new procedures have succeeded in reducing the total number of outstanding warrants in Surrey from 821 in October 2003 to 423 in September 2004.

Court facilities and quality of service to court users

Strategic planning

- 8.40 The Surrey Magistrates' Courts' Committee (SMCC) Strategic Plan 2001-04 and the SMCC Business Plan both have clear emphases on the quality of service delivery and facilities, with accompanying Action Plans. These were enshrined within a number of key objectives, and a strong customer care focus and attention to diversity issues are apparent.
- 8.41 The Crown Court published a Court Improvement Plan for 2004-05 within which value statements embracing customer care and diversity are clearly articulated. However, there is little in this Plan on specific actions relating to quality of service, facilities or buildings. These matters have always been centrally determined, and there appears to be no locally established culture or experience of adopting a more strategic approach. Inspectors were advised that, with the creation of the new unified courts administration, there would be greater scope for formulating such an approach within this new organisational context.
- 8.42 At the SCJB level, the Public Confidence Plan includes two priority areas particularly pertinent to the quality of service provided to court users: victim and witness satisfaction and staff engagement, which both have working groups. We have commented at paragraphs 5.12-17 on the progress being made. There is considerable scope for further work and development in relation to staff engagement and the enhancement of customer satisfaction, particularly with regard to the Crown Court.

Standards and performance targets

- 8.43 We found that performance targets were set for customer satisfaction levels in respect of facilities and that performance against these targets was regularly monitored by the premises and facilities managers. Both the magistrates' courts and the Crown Court have Charters that delineate what is being aimed for, as well the main criteria by which the quality of facilities and service will be measured. The Crown Court publishes charts and survey results on its public notice boards. The Surrey Magistrates' Courts' Committee provides similar information on its website, though data and targets are not on display within magistrates' courthouses.

- 8.44 As well as a generic Court Charter, the SMCC has Charters for specific groups – e.g. users with disabilities – and the standards within these Charters are regularly monitored. The Crown Court attained Chartermark status in 2004 and the SMCC is aiming to achieve this for its courts by April 2005. Chartermark is the Government’s customer service excellence standard, and both organisations are actively pursuing standards that are commensurate with its criteria and standards for customer care.

Accessibility and standards of facilities

- 8.45 Inspectors found that access and facilities for users with disabilities were at least satisfactory - and were often good - in the five magistrates’ courts and were also good in the Crown Court at Guildford. Considerable work has gone on in recent years to ensure that users with mobility problems can gain access to courthouses and to the courtrooms and other areas within the courts. Toilet facilities for users with disabilities are provided in all courts and a number of minor works programmes have gone some way to enabling easy movement around most courts. Recently, in the Crown Court and in two of the magistrates’ courts, this work has culminated in ensuring that a number of courtrooms are fully compliant with the Disability Discrimination Act. An exception to this generally positive picture is that the needs of staff and justices with disabilities have not yet been fully met across magistrates’ courthouses.
- 8.46 All court buildings present as clean and well-maintained environments and provide generally satisfactory - and often very good - levels of comfort to court users. Surrey Magistrates’ Courts’ Committee is ranked by customers as first of 42 Magistrates’ Courts’ Committees for satisfaction for facilities, and the Crown Court also has very high levels of satisfaction for facilities expressed by its court users in recent surveys. Professional users are generally well-served by the provision of private and secure accommodation within which they can conduct their business effectively, and have good access to services such as computers, telephones, faxes, photocopiers and other facilities. Public waiting areas are generally adequate. Accommodation and facilities for the Witness Service are provided at all courts, and is generally adequate to good, although there is insufficient space and accommodation at Woking Magistrates’ Court.
- 8.47 We found that court buildings had generally high levels of security and that appropriate attention was given by court managers and staff to matters of health and safety.

Treatment of court users

- 8.48 Inspectors judged that, on the basis of their own observations and from interviews with both professional and non-professional users, court users in Surrey are treated with due courtesy and are offered appropriate help by court staff. Defendants and witnesses are given good information before, during and after court proceedings, and court staff go out of their way to assist nervous court users and those unfamiliar with procedures. The Witness Service has a clear presence in all courts and provides good support to prosecution witnesses in particular. There is good liaison between the Witness Service and ushers.

- 8.49 There is good attention paid in staff training to issues of diversity and the majority of staff are sensitive to these issues in their contact with the public. Inspectors did note, however, that not all court staff in the Crown Court had fully taken on board the need for a genuinely sensitive awareness of the cultural and religious differences amongst court users, especially witnesses.

Quality of information to court users

- 8.50 The needs of court users for appropriate, clear, prompt and accurate information are generally, but not always, met. The Crown Court, for example, does not have a wide range of leaflets and does not provide information in languages other than English; nor does it have a website. On the other hand, inspectors were impressed with the wide range of leaflets that were readily available in the magistrates' courts and found them easy to read, well designed and informative. A telephone translation service is available and is advertised in leaflets in 15 different languages, which is commendable. The SMCC has a good quality and well designed website that contains much useful information, and has provided plasma screens in all public areas giving information about court facilities and procedures. As well as the customer satisfaction rate mentioned above, in a recent survey the MCC was placed tenth out of 42 MCCs for the quality of the information provided to court users.
- 8.51 Generally, the signage provided internally in courts is of a good standard and this is supplemented in leaflets with clear information about the roles and positions of the various participants in court proceedings.

Strengths

The high quality of overall service provided to court users in the magistrates' courts.

Specific Sentence Reports

- 8.52 Specific Sentence Reports (SSRs) are intended to give sentencers an assessment of the appropriateness of specific possible sentences at short notice, usually the same day, and thereby avoid the delay of a three or four week adjournment for full Pre-Sentence Reports (PSRs).
- 8.53 The take up of SSRs in the magistrates' courts in Surrey has been historically low - in 2003, only 5% of Probation reports were SSRs, while the national target is 25%. Managers were unable to explain whether it was a resource issue around staffing in the courts, or a cultural issue in terms of magistrates having more confidence in the quality of PSRs; it may well be a combination of the two. There was an additional problem at Guildford Magistrates' Court in that the Probation Service were unable to produce SSRs the same day except on a Tuesday, and so magistrates would have had to adjourn proceedings in any event for a period. However, senior managers are working to increase the use of SSRs¹⁵ and the proportion of SSRs to PSRs has been increasing month-by-month. In August 2004, 16% of Probation reports were SSRs, which is a real improvement, but still falls short of the national target at 25%.

¹⁵ Woking Probation office, for example, has begun to monitor all relevant cases where SSRs have not been completed.

- 8.54 By contrast, the Youth Offending Team (YOT) has been able to produce SSRs when requested on a far more frequent basis - in 2003, 34% of YOT reports were SSRs. Magistrates sitting in the Youth Court reported having confidence in the ability of the YOT to provide SSRs, even at the first day of hearing.

Pre-Sentence Reports by the Probation Service

- 8.55 During the fieldwork, inspectors read 50 Pre-Sentence Reports compiled by the Probation Service – 13 each from the Guildford, Staines and Woking offices and 11 from Redhill. The purpose of this audit was to assess the quality and timeliness of the PSRs.

Quality

- 8.56 PSR quality was assessed on a four-point scale from excellent, sufficient, and not sufficient, to poor. Overall, the PSRs inspected were judged to be of sufficient quality in 60% of cases, with three reports judged as excellent and exemplars of good practice, and one report considered poor. There is clearly scope to improve.
- 8.57 There was also a lack of consistency with which victim issues were addressed in the report: in the 28 cases where victim information was available to the report writer, it was actually reflected in the report in only 71% of cases. A number of reports did not include any reference to the defendant's attitude toward the victim or their awareness of the likely consequences of the offence for the victim.
- 8.58 A more detailed breakdown of the findings can be found in Annex 2.

<p style="text-align: center;">Aspects for improvement</p>

<p style="text-align: center;">The quality of Pre-Sentence Reports prepared by Surrey Probation Service.</p>
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Timeliness

- 8.59 The timeliness of PSRs was assessed against both the Probation National Standard (15 working days) and the time set by the court - i.e. in time for the hearing (usually a four-week adjournment).
- 8.60 Although only 52% of PSRs audited were clearly written within Probation timescales, 96% were available to the court for the hearing. Court Liaison Officers confirmed that their priority was to present quality PSRs within court timescales.
- 8.61 In respect of Probation National Standards, figures for the five months prior to the inspection show that the number of PSRs written in Surrey within 15 days had increased from 68% to 74%, against a target of 90%. However, the National Probation Directorate is reviewing whether the 15-day time guide or the time set by the court is the most appropriate standard.

Provision of prosecution case papers to the Probation Service

- 8.62 Anecdotally, we were told that prosecution case papers required to inform Pre-Sentence Reports were late in over 50% of cases; however, there was no data to support this and evidence from the file read was inconclusive. Although prosecution case papers clearly informed the PSR in 92% of cases, it was not possible to tell whether the papers were available to Probation within the three days set down in the agreement with the courts. Surrey Probation Service has recognised the need for jointly monitoring and managing the timeliness of supply of prosecution case papers and was planning to raise the issue with the CPS at the time of the inspection.

Pre-Sentence Reports by the Youth Offending Team

- 8.63 Sentencers expressed satisfaction with both the timeliness and quality of the service received from the Youth Offending Team.
- 8.64 The timeliness of PSR submission by the YOT was recorded in the Youth Justice Plan as 72% for persistent young offenders (submitted within ten days) and 85% for other young people (submitted within 15 days) against a target of 90%. However, inspectors were told that these figures were based on old recording practices using the period between the date of request at court and the sentence hearing. The data is now being recorded from date of request to completion of the Report, irrespective of the hearing date, which was often outside the YOT's timescales. On this measure, the figures were said to be closer to 100% for both PYOs and other young people, although no data was made available to confirm this.

Prisoner escort and court custody facilities

Operational arrangements

- 8.65 Premier Prison Services has been the escort and court custody contractor to all the courts in Surrey, apart from Staines Magistrates' Court, for some time. With the re-letting of escort and custody contracts recently, their area of responsibility had expanded to include Staines Magistrates' Court. There had been some early delivery problems, which were associated with a curtailed lead-in time for starting the contract and were being vigorously addressed at the time of the inspection.
- 8.66 Apart from Staines Magistrates' Court, Premier's record in servicing the Surrey courts was good. In the three months prior to inspection, only 1.6% of the average 360 prisoners moved each week arrived at court after 10.00am. Most (97.6%) arrived before 9.30am, and prisoners did not usually spend more than one hour in escort vans.
- 8.67 There was good informal communication between Premier and the police, prisons and courts. Premier collected custody cases from police cells up to lunchtime, after which the police brought them to the court. Defendants deemed to merit increased security were heard in courts with secure docks. Courts aimed to hear custody cases in the morning and prisoners were returned to prisons as soon as all custody cases were heard. Highdown Prison, to which most adult male prisoners returned, confirmed that prisoners usually arrived back from 3.00pm, earlier if all cases were heard in the morning.

- 8.68 Premier managers attend operational meetings with SCJB members and court user groups where issues of concern were raised. There was evidence that effective action had followed a complaint concerning the obstructive behaviour of a member of Premier staff in the Crown Court.

Welfare of prisoners in court custody suites

- 8.69 All the court custody suites had sufficient capacity to be able to hold men separate from women and young defendants. There were rules determining who could be held together - defendants originating from police and prison custody were not mixed due to different standards of searching. There was no system of cell certification such as operates in prisons to identify the maximum numbers that can be held safely and decently. We consider a system of cell certification should be employed by the Court Service to provide a clear benchmark for the maximum numbers of defendants who could be safely and decently accommodated.

Aspects for improvement

Court cells should be certificated by the Court Service for the maximum number of defendants who can be held.

- 8.70 The condition of the custody suites was good; improvements to decor and cleaning schedules having been made during the preceding 18 months, following sustained pressure from the escort contractor and Lay Observers. It remained only for the Crown Court to upgrade the communal areas to the standard of the cellular accommodation, plans for which were in hand.
- 8.71 Premier had adopted a policy of refusing to transport prisoners dressed in paper evidential suits in advance of this becoming a national policy of the Prison Escort Contract Service. Evidence of this was seen during the inspection when Premier refused to transport a prisoner so attired from police custody to the court.
- 8.72 All defendants spoken to in the court cells were positive about their treatment by Premier staff. During the inspection, Premier introduced a system for giving prisoners information about their rights and services by means of a CD that was available in 30 languages, replacing previous written information. This was good practice. All the cells were ligature proof and equipped with call bells that defendants said were responded to promptly, though the benches on which they waited were hard and uncomfortable. Custody staff kept a supply of papers and magazines for prisoners and, in general, staff let prisoners know as soon as they themselves knew when defendants were due in court, or when court business was concluded. Defendants were provided with regular refreshments that included hot drinks and pre-packed microwave meals.

Strengths

Good standard of treatment of prisoners by the prisoner escort contractor.

- 8.73 Premier staff were not specifically trained to recognise vulnerability associated with drug withdrawal, or mental or physical health problems, but operated common sense in deciding when to access professional help. A paramedic scheme enabled police and court custody staff to access emergency medical aid and a series of ad hoc procedures gave access to mental health practitioners or a medical doctor. Defendants produced from prisons were issued with de-tox medication in the morning and evening when they returned. Any other medication was handed to Premier staff in sealed packs. A prominent drug arrest referral scheme operated across police and court custody suites and was seen in action during the inspection, although the police indicated that a specific de-tox facility was needed.
- 8.74 There was scope for escort staff to be trained to recognise signs of mental illness and for a more formal mental health diversion scheme to operate in police and court custody suites. Inspectors also found a lack of clarity amongst magistrates' courts' staff about the handling of defendants with apparent mental health problems. Diversion schemes elsewhere provide dedicated criminal justice mental health workers to advise about diversion into mental health care settings, or to ensure that any known mental health history is passed to the receiving prison.
- 8.75 Premier staff had an appreciation of the importance of transporting youth prisoners separately from adults and of keeping them separate where possible in custody suites. Otherwise staff spoke of giving them closer attention, but had received no formal training in child protection procedures. There was scope for such specific training.

WE RECOMMEND

The SCJB reviews provisions for the diversion of mentally disordered offenders from police and court custody suites and considers a formal diversion scheme.

Security and control

- 8.76 Premier's security routines were exacting with, if anything, an over-emphasis on handcuffing in secure areas. In one magistrates' court centre the staff operated the security routines of the previous contractor and used handcuffs only in insecure areas. These differing practices should be reviewed by Premier to ensure that procedures are uniform and operate at the minimum necessary to ensure the security and safety of defendants and the public. Keys were managed correctly, with internal and external keys held separately. The Crown Court keys remained the responsibility of Highdown Prison, which seemed an anachronism and should be reviewed.

- 8.77 All the custody suites were included in the emergency evacuation routines of the courts, but court managers did not require prisoners to be evacuated during practice drills. Desktop exercises were carried out, but contingency plans were not always specific to the different circumstances of each court and should be practised live to be effective in an emergency.

Prison/court video links

- 8.78 There are prison video links at three of the five magistrates' courts, but no link to the Crown Court, although this will be remedied by the conversion of the courtroom at Guildford Magistrates' Court to dual use (see paragraph 8.35).
- 8.79 Data supplied by the Prison Escort Contract Service indicated that the use of video links between courts and prisons for pre-sentence court appearances was relatively high at Guildford Magistrates' Court (60%), but lower in Staines (17%) and Redhill (25%). There was no obvious reason for these significant discrepancies. One explanation may be a preference by some defence advocates to meet with their clients at court in person. However there are a number of benefits to the video link, particularly for the defendant in not having to spend time in transit. We suggest that court managers investigate the extent of the use of the video link at all three court centres with a view to promoting its use in eligible cases.

Communication of court results to the Police National Computer

- 8.80 The results of criminal cases are passed from the magistrates' courts and Crown Court to the police for them to enter the information on the police national computer (PNC).
- 8.81 There had been significant delays in updating the PNC, but there have also been significant improvements in recent months. The ACPO target is to dispose of 90% of cases on PNC within seven days of the court appearance. In October 2003, it was taking Surrey Police 444 days to achieve this target, however, it only took 17 days in October 2004. Whilst this figure remains outside of the current target, it is evidence of the work being carried out to improve the timeliness of results and is significantly better than the national average in October 2004 of 39 days.
- 8.82 The causes of the delays were examined by inspectors who were satisfied that the primary cause lay with the police processes in updating the PNC. However, the force is addressing this, and good practice exists in one BCU where the Divisional Commander meets regularly with the Chair of the Bench and Chief Clerk in order that issues can be resolved. The results of these meetings are evident in that latest performance information, which shows that in this particular BCU, court data is supplied to the police within an average time of 2.7 days. In addition, the force has taken the initiative to improve the timeliness of magistrates' court results by wholly funding the development of an interface to enable the immediate electronic transfer of results from the courts to the central Data Bureau at police Headquarters.
- 8.83 A full report in relation to these issues - *Surrey Police PNC Compliance Report* - was produced separately by HMIC in November 2004.

TERMS OF REFERENCE

“To inspect and evaluate the operation of the criminal justice agencies in Surrey (note: the term embraces those agencies represented on the Surrey Criminal Justice Board; it specifically excludes the judiciary, the magistracy and those discharging functions on their behalf on a delegated basis):

- * the effectiveness of the strategic and operational relationship between the criminal justice agencies in the area, in particular the operation of the Surrey Criminal Justice Board: this will include the extent of its achievements against the PSA targets set in relation to the Government’s objectives;
- * whether the responsibilities of those agencies for the criminal justice process are managed effectively at a strategic and operational level, objectives are set and performance managed;
- * whether the handling of cases by these agencies is efficient and effective through each stage of the criminal justice process, from arrest to point of sentence, and whether the numbers of cracked and ineffective trials are minimised;
- * whether the best use is made of the resources available to the criminal justice agencies in Surrey; and
- * whether the needs of all court users, including defendants, are properly addressed.

FINDINGS IN RELATION TO THE SAMPLE OF 50 PRE-SENTENCE REPORTS

Quality was assessed against a four-point scale, judgements ranging from ‘excellent’, through ‘sufficient’ and ‘not sufficient’, down to ‘poor’.

Strengths:

- * The ‘Introduction’ sections of the Report, judged excellent or sufficient in 84% of cases. The template used to outline the sources of information for the Report was clear and included a specific reference to whether or not an OAYsys risk assessment had informed the Report.
- * The ‘offender assessment’ sections, judged excellent or sufficient in 74% of cases. Some good examples of putting the offending in context were seen.
- * The ‘conclusion’ sections, which included the proposal, judged excellent or sufficient in 70% of cases. Good quality proposals were often ones in which the options available to the court had been outlined and evaluated.

Aspects for improvement:

- * The ‘offence analysis’ sections, judged excellent or sufficient in only 54% of cases. Reports that were considered not sufficient in this area tended to be overly descriptive, and lacked adequate analysis of the offence.
- * The ‘risk assessment’ section, judged excellent or sufficient in 60% of cases. Although an assessment of risk of re-offending and risk of harm was made in almost all cases, there was at times a lack of specificity about the nature of the risk posed.
- * Gender, race and wider diversity issues were sufficiently addressed in only 60% of Reports.
- * Victim issues were only addressed in 71% of relevant Reports.

LIST OF THOSE WHO ASSISTED IN OUR INSPECTION

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His Honour Judge Crocker

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Mr J R Miles JP

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Ms S Cowan

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Mr M Hall
Ms J Rooke, Chair of the Witness Service Sub Committee
Ms J Wells

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Additionally we thank the victims, witnesses and prisoners who assisted this inspection either through interview or attending focus groups.



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