



Assessment for continuous improvement

A REPORT ON THE JOINT INSPECTION ON THE HANDLING OF DISCHARGED COMMITTALS IN THE WEST MIDLANDS AREA

EXECUTIVE SUMMARY

Introduction and background

1. Her Majesty's Crown Prosecution Service Inspectorate (HMCPsi), Her Majesty's Inspectorate of Constabulary (HMIC) and Her Majesty's Magistrates' Courts Service Inspectorate (HMMCSI) have carried out a joint inspection on the handling of discharged committals in the West Midlands Area.
2. When HMCPsi conducted the inspection of the CPS West Midlands (the CPS) in October 2000, it found that a significant number of cases set down for committal did not take place on the appointed date because the CPS was not ready to proceed. The court discharged many of these cases. While inspectors found that the CPS was not primarily responsible for many of the cases not being ready, they found that the CPS performance in considering whether the discharged cases should be re-instated to the courts had room for improvement. HMIC inspected the West Midlands Police (the police) in 2001. They also found that the police performance in preparing cases for committals could be improved.
3. The purpose of this joint inspection was to ascertain whether CPS West Midlands and the West Midlands Police have made improvements in their performance to prevent cases from being discharged at committal stage, to identify good practice, and to make recommendations to address areas in which further improvements can be made.

Main findings of the inspection

4. Inspectors found significant reduction in the number of discharged committals. In a three-month period in the last CPS inspection, there were 103 discharged committals. In the three-month period considered in this inspection, 69 cases were discharged, representing a fall of 33%.
5. There is heightened awareness amongst staff in the CPS and the police that discharged committals is an issue that must be tackled. There is clear evidence that, individually and as an organisation, CPS and police staff have made a great effort to deal with the problem. Inspectors have also found that there is improved discussion between CPS and police management on how arising issues can be tackled.

6. In 45% of the discharged cases examined in this inspection, the police failed to submit a committal file in the agreed time scale. The police file did not contain the necessary evidence in a further 32%. The CPS was not ready to proceed in 9% of the cases, and administrative errors on the part of the CPS accounted for 5% of discharges.
7. The CPS and the police have agreed upon actions that must be taken after a case is discharged so that it can be reviewed in a timely manner and be reinstated to the courts where appropriate. Inspectors are satisfied that systems have been tightened up so that all discharged cases are monitored closely by managers.

Conclusions

8. Both the CPS and the police have made significant improvements in the way they deal with cases set down for committal. They have reduced the number of cases discharged, and their joint approach to dealing with discharged cases is encouraging.
9. Inspectors feel that the number of discharged committals can be reduced further. They have looked at the whole process of committal preparation from arrest to discharge to analyse why cases fail to be committed. The timeliness of police file submission and file quality are still major causes of discharges. The priority accorded to file preparation is a factor, but the time it takes for some types of evidence to become available is also a significant influence in both timeliness and file quality. Inspectors are therefore encouraged by the adoption by the police of performance measures that have a direct impact on the workings of the criminal justice system. We believe that this will lead to further improvements in the timely submission of high quality files.
10. Inspectors have identified some good practice with regards to communication between the two agencies at operational level. However they will need to make those communications more effective, and to use it to provide learning points to address the underlying causes of files being late or incomplete.

Commendations and good practice

11. Inspectors commend the provision to the police by the CPS of advice on the implementation of video identification procedure pursuant to the amendments to Code D of the Police and Criminal Evidence Act 1988.
12. We also draw particular attention to the following which we see as good practice as we consider that other police forces or CPS Areas might wish to note when dealing with similar issues:
 - * the numbering of TQ1s and the monitoring of their return by prosecutors); and
 - * the adoption by the police of performance indicators with regards to file quality and timeliness.

Recommendations and suggestions

13. The inspectors made five recommendations identifying those aspects of performance where improvements were a priority. These related to:
 - * exploiting IT facilities to streamline requests for file upgrade;
 - * the provision of statements for fingerprint evidence;
 - * developing file preparation skills for police officers;
 - * systems for incoming post from the police to the CPS Trials Units;
 - * referral to police management of cases closed because of lack of police response post-discharge.

14. The inspectors also suggested that action be taken as a lower priority on the following:
 - * the provision of guidance regarding how taped interview of suspects can be presented in evidence;
 - * the review of impact of premature charging on case management;
 - * the appropriate use of medical evidence;
 - * the quality of information made available to prosecutors with regards to file readiness;
 - * the review by management on cases that have been discharged on more than one occasion;
 - * monitoring the return of TQ1s;
 - * the provision of analysis of joint performance management (JPM) data to police supervisors to enable them to address adverse trends or individual performance.

15. The full text of the report can be obtained from the Corporate Services Group at HMCPS Inspectorate (telephone 020 7210 1197).

HM Crown Prosecution Service Inspectorate
HM Inspectorate of Constabulary
HM Magistrates' Courts Service Inspectorate

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