



*assessment for continuous improvement*

*HMcp*si**  
*HM Crown Prosecution Service Inspectorate*



**A Report on the  
Joint Inspection of the Handling of  
Discharged Committals  
in the West Midlands Area**

**October 2002**

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## INTRODUCTION

### Purpose of the inspection

- 1.1 This inspection was conducted jointly by Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI), Her Majesty's Inspectorate of Constabulary (HMIC) and Her Majesty's Magistrates' Courts Service Inspectorate (HMMCSI). Its purpose was to ascertain whether CPS West Midlands (the CPS) and the West Midlands Police (the 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.

### Discharged committals

- 1.2 Offences that can be tried at the Crown Court or the magistrates' courts (either-way offences) must be committed by magistrates to the Crown Court for trial. At committal proceedings, the magistrates determine whether the prosecution has provided evidence to raise a prima facie case, that is, whether a reasonable jury *could* convict the defendant.
- 1.3 The prosecution usually establishes a prima facie case through the service upon the court and the defence of a set of committal papers, consisting of statements and documentary exhibits. While the defence can argue that the committal papers do not disclose a prima facie case, in the majority of cases the defence will acknowledge that, from their reading of the papers, a defendant can properly be tried at the Crown Court, and the magistrates will commit the defendant for trial without the evidence being tested.
- 1.4 The timely service of papers that reveal a prima facie case is therefore an essential step in moving an either-way case from the magistrates' courts into the Crown Court. If the prosecution is not ready to proceed to committal on the date appointed by the court, it may seek an adjournment or offer no evidence. If the application for adjournment is refused, the prosecution will, in all likelihood, offer no evidence. When no evidence is offered, the committal is discharged. The proceedings come to an end and the defendant is released. Since the defendant has not been tried for the offence, the prosecution may, in appropriate cases, re-instate the case.
- 1.5 Magistrates can also discharge committals if the prosecution concedes that there is insufficient evidence, or when the defence successfully argues that the committal papers do not reveal a prima facie case. This report focuses only on those cases that are discharged because the prosecution was not ready to proceed. We describe them as unmeritorious discharges.

## **Background to the inspection**

- 1.6 In the inspection of CPS West Midlands in October 2000 (Inspection report 6/01 published February 2001), HMCPSI received data from CPS West Midlands which suggested that from 1 June 1999 to 31 May 2000, 739 cases were discharged in the West Midlands because the prosecution was not in a position to proceed to committal. Some cases will be discharged at the committal stages in most CPS offices, but the picture in the West Midlands was particularly poor, and reflected unsatisfactory performance over a number of years. Furthermore, inspectors were unable to find structured arrangements for monitoring the treatment of those cases that had resulted in an unmeritorious discharge. HMCPSI made two recommendations aimed at raising performance (see recommendations 13 and 14, at Annex 1), and it agreed with the CPS that inspectors would return to the Area specifically to assess progress towards improving performance in relation to discharged committals.
- 1.7 HMIC inspected the West Midlands Police in 2001 and their findings on discharged committals mirrored those of HMCPSI, (see recommendation 3 of the inspection report, at Annex 2). HMIC also indicated to the police that a re-inspection of discharged committals would take place.
- 1.8 Several factors influence the timeliness of committal preparation. Some of them are entirely within the control of the CPS, while the police are responsible for others. However, there are issues, for example, the effective communications between the CPS and the police, on which both the CPS and the police must play a role. This inspection was therefore conducted by HMCPSI and HMIC together, so that an assessment could be made on how success or failure by one agency at a particularly stage in the process can impact on the other and hence the overall performance. The magistrates' courts are the major recipients of the service. HMMCSI is therefore involved to add dimension to the inspection, to see whether court processes might influence the number of discharged committals, and to ascertain the court's views of the performance of the CPS and the police.

## **Terms of reference**

- 1.9 The Inspection team's terms of reference were:

“HMCPSI, HMIC and HMMCSI will examine West Midlands cases that have resulted in committals being discharged because the prosecution was not ready to proceed on the date set down for committal, to ascertain whether effective measures are being taken by the CPS and the police to prevent the discharge of these cases, whether the number of discharged cases are influenced by administrative issues in the magistrates' courts, and whether appropriate and timely steps are taken by the police and the CPS to re-institute proceedings after discharge.”

- 1.10 In pursuance of the terms of reference, the objectives of the inspection were to examine and evaluate:
- \* the timeliness of requests for full files by the CPS;
  - \* the timeliness and quality of police prosecution files submitted to the CPS;
  - \* CPS action in the preparation of committal papers;
  - \* CPS action in court when a committal is discharged;
  - \* the effectiveness and timeliness of CPS and police action after a committal is discharged;
  - \* performance management in the police and the CPS (including joint performance management (JPM)) with regards to discharged committals;
  - \* progress made by the CPS under the Action Plan agreed between it and CPS Headquarters after the HMCPSI inspection report (2001);
  - \* progress made by the West Midlands Police in response to Recommendation 3 of HMIC's report of the West Midlands Police (2001);
  - \* any court administrative issues that may have an impact on committals being discharged.

### **The inspection process**

- 1.11 The inspection was led by HMCPSI. The inspection team consisted of one legal inspector from HMCPSI, two inspectors from HMIC, and an inspector from HMMCSI. The team also received assistance from two other legal inspectors. An HMCPSI casework inspector undertook an analysis of the administrative support system at the Birmingham Trials Unit.
- 1.12 We considered performance data supplied by the CPS and the police. We also examined the CPS files for all 72 committals discharged between 1 December 2001 and 28 February 2002. The team then visited the West Midlands Area between 15 and 25 April 2002. We interviewed Heads of the three Trials Units together with other lawyers and caseworkers, a number of operational commanders from police operational command units (OCUs), police sergeants and constables. We also interviewed a number of representatives from the magistrates' court at Birmingham and defence solicitors in the Area. A list of the individuals from whom we received comments is at Annex 3.

## **Structure of the report**

1.13 We have set out our findings and good practice we identified, and make recommendations and suggestions to improve performance under the following main headings:

- \* the number of discharged committals, and the reasons for the discharge;
- \* file building by the police;
- \* committal preparation by the CPS;
- \* CPS in the court;
- \* post-discharge actions by the police and the CPS;
- \* working together.

1.14 At various passages of this report, we recorded the different views of the CPS and the police on specific issues. This is aimed at highlighting the need for problems to be owned and tackled jointly. It is not an apportionment of blame between the CPS and the police.

## **CONCLUSIONS, COMMENDATIONS, GOOD PRACTICE, RECOMMENDATIONS AND SUGGESTIONS**

### **Conclusions**

- 2.1 We are pleased to conclude that the number of unmeritorious discharges has been reduced significantly since the last inspection of the CPS and of the police. There is heightened awareness amongst staff in both organisations that this is an issue that must be tackled. There is also clear evidence that, individually and as an organisation, CPS and police staff have made a great effort to deal with the problem.
- 2.2 The CPS has adopted a particularly proactive stance to post discharge actions. They are monitored closely by managers, and we are satisfied that all discharged cases are subject to structured arrangements for reconsideration with a view to reinstatement where appropriate.
- 2.3 We are also 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.
- 2.4 Monitoring systems have been tightened up and there is improved discussion between CPS and police management on how arising issues can be tackled.
- 2.5 Inspectors do have some residual concern as they feel that the number of committals discharged because the case is not ready to proceed could be reduced further if some of the processes within the CPS and the police can be improved.
- 2.6 Although the total number of discharged committals has fallen, 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. Evidence of scientific examinations, including DNA profiling, is often late. This reflects the national picture, and is often outside the control of the police. However, inspectors found that even those processes that are solely or significantly within the control of the police, such as identification parades and the provision of fingerprint evidence, can equally pose a problem. Inspectors also found that some delays are caused by officers not being aware that the evidence is needed, until prompted by the CPS. There is therefore identified a training need.
- 2.7 The CPS is generally able to prepare committal files before the appointed date, even if the police file is slightly late. There are however, instances where office processes in the busy Birmingham office of the CPS have broken down and caused a small number of discharges. This is an area of risk that should be addressed. Staffing levels are an issue, particularly in terms of the recruitment of lawyers. While this has not led to a significant number of committals not being prepared, the pressure on the lawyers is great, so they are not able to provide more detailed guidance to the police at this initial review stage (where it would be most valuable) on the evidence required. This could enhance the quality of the committals submitted by the police. It also means that while the number of cases not being prepared before committal has fallen, many of them are served very close to the committal date. This poses a problem for the defence and the court that wish to progress the case.



- 2.8 Effective communication is critical to the success of the criminal justice system and whilst inspectors identified some good practice, there remain significant problems across the Area. The CPS and the police will need to agree upon more efficient ways of getting messages across. They will also 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**

- 2.9 We 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 (paragraph 4.25);

### **Good practice**

- 2.10 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 (paragraph 8.4);
  - \* the adoption by the police of performance indicators with regards to file quality and timeliness (paragraph 8.24).

### **Recommendations and suggestions**

- 2.11 The distinction between recommendations and suggestions lies in the degree of priority the Inspectorate considers should attach to its proposals. Those meriting highest priority form the basis of recommendations. With a view to improving performance, we make the following recommendations:
- 1 the CPS and the police jointly review the current system of requests for upgrading files, with a view to exploiting available IT facilities. The review should include the internal police communications system (paragraph 4.11);
  - 2 the CPS and the police review their agreement regarding the provision of fingerprint statements so that, where applicable, fingerprint evidence is contained in all committal files (paragraph 4.29);
  - 3 the police re-assess the training need for file preparation skills for operational officers, and deliver the necessary training within a reasonable period of time (paragraph 4.38);
  - 4 all three Trials Unit Heads review their post systems with the police, to ensure that full files for committals are received in the appropriate Trials Unit without delay (paragraph 5.13);
  - 5 when CPS closes a file for want of response from the police, the matter should be brought to the attention of the local operational commander in order that enquiries can be made and all necessary actions taken both to re-instate and prevent further occurrences (paragraph 7.14).

2.12 We also make the following suggestions:

- 1 the CPS, working with police management, provides clarification on TIG guidance regarding how taped interview of suspects can be presented in evidence (paragraph 4.15);
- 2 police management should review the impact of premature charging on case management, and issue clear and appropriate guidance to custody officers on when section 47(3) bail should be used (paragraph 4.19);
- 3 the CPS and the police draw up agreed guidance on the use of medical evidence, based on guidance issued by TIG in April 1998 (paragraph 4.33);
- 4 the CPS and the police should jointly assess the quality of information made available to prosecutors with regards to file readiness (paragraph 6.4);
- 5 where a case is discharged on more than one occasion, CPS and police management should investigate the cause, to address any poor performance from individuals or systematic failures (paragraph 7.10);
- 6 the CPS implement an Area-wide system for effective monitoring of the return of TQ1s, and provide guidance to lawyers to improve the quality and consistency (paragraph 8.5);
- 7 police management should develop a system whereby information from analysis of JPM data can be passed to supervisors to enable them to address adverse trends or individual performance (paragraph 8.7).

## **THE NUMBER OF DISCHARGED COMMITTALS AND THE REASONS FOR DISCHARGE**

### **The number of discharged committals**

- 3.1 The inspection conducted in 2000 identified 739 unmeritorious discharges in a 12-month period. The examination of the 154 cases discharged in a three-month period in the last inspection revealed that 52 cases were not properly categorised and were in fact not unmeritorious discharges. If this ratio were extrapolated through the year, the more accurate number of unmeritorious discharges would have been around 500 per year. The situation had improved by the time the current inspection took place. The number from 1 March 2001 to 28 February 2002 has been reduced to 362 cases.
- 3.2 Since the last inspection, section 51 of the Crime and Disorder Act 1998 was implemented nationally. The effect of this provision is that cases that can only be tried at the Crown Court are sent there without the need for committal proceedings. Inspectors therefore investigated whether the reduction in the number of discharges was simply due to a reduction in the number of committals. From CPS records, we were able to say that in the three-month file-sampling period, only one section 51 case was discontinued because the prosecution was not ready to proceed. We therefore concluded that section 51 has not masked the number of cases that were not prepared on time.
- 3.3 Result categorisation in the three-month file sampling period in this inspection was much more accurate, as inspectors found that only three out of 72 cases were not correctly categorised.
- 3.4 The scale of the discharged committals should of course be assessed against the number of cases that are committed. From 1 March 2001 to 28 February 2002, just over 6,700 cases were committed for trial in the West Midlands. This means that for every discharged committal, around 19 cases were committed. In other words, committal proceedings did not take place in only around 5% of all cases set down for committal. The comparable figures for June 1999 to May 2000 were 6,162 defendants and the 500 cases referred to in paragraph 3.1 above (ie. one discharge for every 12 cases committed (7.69%)).
- 3.5 Having said that, a discharged committal means that an accused person leaves the court freely, at least until steps are taken to bring the matter back to court. Unless the number of discharges is reduced to an absolute minimum, the administration of justice and public confidence in the criminal justice system will be undermined.
- 3.6 We have therefore concluded that there has been a reduction in the number of discharged committals in real terms, but the CPS and the police should reduce this level further. In the following chapters of this report, we discuss ways in which improvement can be brought about.

## The reasons for discharge

3.7 Inspectors considered in detail the 72 committals discharged in the months of December 2001, January 2002 and February 2002. We excluded three cases from our analysis because they were not unmeritorious discharges. Our findings on the primary cause of discharge are as follows:

	<b>Last inspection</b>	<b>Current inspection</b>
No/late committal files from the police	48 (47%)	31 (45%)
Incomplete police files	54 (53%)	22 (32%)
CPS not ready	0	6 (9%)
CPS failed to request file	0	3 (4%)
Pending discussion with police re strength of evidence	0	3 (4%)
CPS requested file late	0	1 (%)
Others	0	3 (4%)
Total	103 (100%)	69 (100%)

3.8 We were particularly disappointed to find that two of the 69 cases were discharged a second time. The CPS failed to prepare one and the committal file was late in the other. Our interviewees pointed out that while such occurrences were rare, our two cases were by no means the only example of a case being discharged more than once. We shall discuss post-discharge actions in greater detail in chapter seven of this report.

## Category of offences

3.9 The complexity of a case can have a bearing on the time it takes to prepare a committal full file. The offences featured in the three-month file sample are listed at Annex 4. They tend not to be offences that require a voluminous or complex file. Two of the thefts were in fact thefts from shops. The complexity of a case did not therefore contribute significantly towards the number of discharges.

# FILE BUILDING BY THE POLICE

## Introduction

- 4.1 In the majority of cases, the police will submit an ‘expedited file’ when a defendant appears before the magistrates’ courts for the first time. This file is insufficient for committal purposes, and the CPS cannot begin to prepare for committal until the police upgrade the file to a ‘full file’. The time allowed for the police to do this depends on the length of the adjournment granted by the court. The national Trial Issues Group (TIG) issues guidelines on the length of adjournments. TIG guidelines, contained in a Manual of Guidance for the Preparation, Processing and Submission of Files, suggest that eight weeks should be the maximum time allowed for the preparation of committals. If a defendant is in custody, the maximum period is reduced to six weeks. In the West Midlands, most cases are adjourned up to the maximum recommended period.
- 4.2 TIG guidelines also recommend that within the eight weeks period, the police should have four weeks to upgrade the file. The CPS then has two weeks in which to prepare the committal papers, thereby allowing the defence two weeks to consider the strength of the evidence as disclosed in the papers. If a defendant is in custody, the police should provide a full file in three weeks. The CPS has ten days (including non-working days) to prepare and serve the papers on the defence.
- 4.3 The CPS had not received a file from the police in time for the papers to be prepared in 45% of cases in the three-month sampling period. We explored the causes for this.

## Notification for file upgrade

- 4.4 In order to enable the police to make full use of the time given to them to build a file, the CPS must notify the police that a file upgrade is needed. TIG guidelines suggest that, if at all possible, this should be done at the close of the court’s business and in any event within 24 hours. In the last inspection of the CPS, the police were critical of this aspect of the CPS’s performance. In the file sample in this inspection, the breakdown of the time taken by the CPS to make an upgrade request is as follows.

Request made	
Up to 3 days	36
4 to 7 days	15
8 to 14 days	5
Over 14 days	3
Not at all	2
Unknown	7
CPS already has a full file	1

- 4.5 In the unknown category, CPS recorded that the request was made in two cases, but the dates were unclear. In four other cases, the situation was not clear at all. In the seventh case, the record simply said that that: “on the day as case would have gone through the CJU at Halesowen”.
- 4.6 The systems adopted by the various Branches of the CPS to request an upgrade vary slightly. All involve notification in hard copy form by CPS administrative staff when the case result is entered into the case tracking computer system (SCOPE). These requests for upgrade are directed at a contact point in the appropriate police Criminal Justice Unit (CJU), and are then passed on to the officer in charge of the case (OIC). In Halesowen, the requests are also made via a “Crib” sheet immediately after court. Police and CPS staff also mentioned the ease of communications when CPS staff servicing Solihull Magistrates’ Court were co-located with the police,
- 4.7 The CPS accepted that failures to make a timely request occurred, but it maintained that these were rare and did not contribute significantly to the number of discharges. The experience of police officers varied, although many police staff agreed that improvements have been made, and that CPS performance has been satisfactory.
- 4.8 A number of officers pointed out that the police despatch system can be a source of delay, sometimes by several days or even weeks. In one OCU, for example, an inspector and a sergeant had to supplement the current despatch system themselves by collecting papers from Force headquarters during the afternoon. Whilst inspectors applauded the efforts being made to improve the timeliness of despatch, they doubt whether such a response would stand the test of Best Value.
- 4.9 The CPS and the police have to work to a very tight timetable to enable a committal to take place on the appointed date. One or two days may therefore make a difference. We think that some improvements can be made. As the CPS and the police extend the use of single magistrates’ courts files as part of the implementation of co-located CPS/police Units, a clear endorsement on the file that an upgrade is needed should render the notification much more efficient. This may not apply to all court locations, so we think that an electronic request may be beneficial.
- 4.10 Since the last inspection, the CPS has been equipped with readily accessible Internet based email facility. This should provide an opportunity for a re-think on whether requests should be made on email instead of hard copy memos. The advantages of using email are speed, the ease with which the request can be forwarded electronically to the OICs and a minimal risk that the request can be lost in transit. It also means that all the transmissions are automatically recorded and auditable.
- 4.11 We recommend that the CPS and the police jointly review the current system of requests for upgrading files, with a view of exploiting available IT facilities. The review should include the internal police communications system.**

## **Timeliness of police file submission**

- 4.12 All the officers we spoke to appreciate the importance of getting files ready for the CPS. However, some found that time management was difficult. While they could book time out for file preparation, the time was often lost when other duties required their attention. The CPS added that when issues were raised over late files, they were told that the OIC has been on sick leave or has been seconded to other duties, and supervisors had not delegated the file preparation to other officers. Furthermore, because officers operate on shift patterns, it may mean that his or her working hours might not be conducive to obtaining evidence.
- 4.13 File quality and timeliness is now a performance indicator for the Force. Inspectors therefore make no recommendations in this regard, as they hope that this will enable police officers and supervisors to give greater priority to file management.
- 4.14 The availability of typing resources has also been raised with inspectors. The volume of work poses a problem, and major investigations will get priority within Force typing pools. Officers also expressed concerns that the preparation of tape summaries and records of taped interviews (ROTIs) can cause delays. There is some ambiguity over what is required in a ROTI, in some cases the officers stated it was almost a laborious word for word reproduction of the interview while in other cases a short summary was all that was required.
- 4.15 We suggest that the CPS, working with police management, provides clarification on TIG guidance regarding how taped interview of suspects can be presented in evidence.**

## **Period between charge and court appearance**

- 4.16 In some of the cases we examined, we thought that the OICs could reasonably have anticipated that crucial evidence would not be available in the requisite form for many weeks. TIG guidance provides that where the custody officer determines that there is insufficient evidence to charge a defendant and where further investigation is to be made for which detention without charge cannot be authorised, consideration should be given to the use of sections 37(7) and 47(3) of the Police and Criminal Evidence Act 1984 (PACE), to bail the defendant back to a police station instead of charging the defendant and placing him before court. This procedure will allow the police more time to assemble the committal file, and thereby may reduce the number of discharged committals. Inspectors were therefore interested to ascertain why this procedure is not adopted more frequently.
- 4.17 We found that in some cases, while the police required time to obtain evidence in a format suitable for committal, a suspect had to be charged under PACE. This occurred typically in cases involving DNA or other scientific evidence. Officers in those cases might possess information from the forensic scientist indicating the guilt of the suspect, but the information had to be put into a format suitable for committal purposes. In cases involving DNA, the police might have had a match between a suspect's DNA profile held on a database and a sample from the crime scene, they must nevertheless provide evidence of a match between the crime scene sample and a

sample obtained from the defendant after the arrest. The police could not have used section 47(3) bail under those circumstances, even if they anticipated that the formal evidence would not be available for many weeks, and submit the post-arrest sample for analysis to prove the match formally. Other reasons for not using section 47(3) bail are when there is a fear that the suspect will not respond to bail, or when there is a need to avoid the delay in bringing prosecutions against young defendants.

4.18 Having said that, inspectors found that in many cases, the defendants were charged and placed before court when none of the above reasons for not using section 47(3) bail applied. Indeed, in some cases where the identification evidence was the key evidence and an identification parade could not be held for many weeks, an adult defendant was still charged to court on unconditional bail. There is a perception amongst many officers that senior officers discourage the use of section 47(3) bail. We think that a correct balance must be struck between charge readiness and the need to place the defendant before court immediately.

**4.19 We suggest that police management should review the impact of premature charging on case management, and issue clear and appropriate guidance to custody officers on when section 47(3) bail should be used.**

### **Incomplete files**

4.20 Even if a full file arrives at the CPS in time, the CPS will not be able to complete the committal preparation if the file is deficient in contents. While in theory the committal papers need only contain sufficient evidence to establish a prima facie case, in practice the CPS should aim for the committal papers to contain as much evidence as it would intend to adduce at trial if at all possible. Some of our interviewees commented that the CPS should try to progress cases without waiting for evidence that is not strictly needed at committal stage. We found examples in our file examination that the CPS did try to commit a cases with an incomplete file if necessary. Our only slight concern was over the requirement of medical evidence, upon which we shall comment further at paragraphs 4.34 to 4.36.

4.21 In our file sample, 32% of the cases did not contain sufficient evidence to enable the CPS to proceed with the preparation of committal papers. We examined these files to see what type of evidence was missing, and our findings are presented in the table below. It is reasonable to assume that some police files are late because the OICs have been waiting for the evidence, our discussion here therefore also has a bearing on timeliness.

Scientific evidence missing	6
ID parade to be held	5
Other statements	4
Fingerprint evidence	3
Medical evidence missing	2
Unused material	1
Others	10



4.22 We shall discuss some of the common reasons for incomplete files in the following paragraphs. We should, however, deal at this stage with a view taken by some officers that CPS lawyers look at files too late and give police insufficient time to sort out any inadequacies. They also refer to a variation of lawyer's ability to advise. We think that file quality is a joint responsibility. The police should aim to have a satisfactory file at the first submission, because the tight TIG time guidelines allows very little time for further work. It will also reduce the extra workload on both the police and the CPS in putting the files right afterwards. We discuss training for police officers at paragraphs 4.37 and 4.38. It may benefit those tasked with the preparation of the training material to seek an input from the CPS.

### *Identification parade*

4.23 Most of our interviewees say that the failure to hold an identification parade in time is the major cause of delay or incomplete files. The situation is particularly critical in Birmingham, where some officers reported that it could take ten weeks from an arrest before an identification parade can be arranged. The period is even longer for young offenders. Capacity is the main issue, but the difficulty in finding eleven other people who resemble the defendant is also a problem. The situation is exacerbated by parades not taking place as arranged. This is often outside the control of the police, but they will have to make new appointments, adding to the already substantial backlog.

4.24 The difficulty in arranging identification parades is not unique to the West Midlands. It has resulted in an amendment to PACE to allow the court to give video identification an equal weight to identification parades. The use of video identification should alleviate the problem but it will be some time before it becomes readily available across the Force. The Reduction of Street Crime initiative in the Area will involve an acceleration of identification procedures. This should provide police management with some pointers as to how the issue can be tackled in the short term.

4.25 We also note from our file reading that, on occasions, no steps have been taken at all to hold an identification parade even when one is needed. In Coventry, some police officers have taken an erroneous approach to wait for a written request from the CPS for an identification to be held, so that it can be prioritised. We are therefore pleased to see that the CPS has included a discussion on when an identification paraded is needed in a guidance document issued in conjunction with the new law on video identification. We **commend** the CPS on this initiative.

### *Fingerprint evidence*

4.26 As the result of a police research that out of 800 statements provided by fingerprint experts in a year, only two were challenged, the CPS has agreed with the police that statements from fingerprint experts need not be submitted until the defendant enters a not guilty plea. The CPS will accept, for review purposes, a confirmation on the file that there is a fingerprint match. This agreement has been widely interpreted by police officers that until a not guilty plea is entered at either the magistrates' courts or the Crown Court, fingerprint evidence will not be provided unless the CPS requests it in writing. This means that in most committal files submitted by the police, admissible fingerprint evidence is not included, even if it is an essential part of the prosecution case. While we accept that statements of evidence should not be obtained

unnecessarily, the argument that experts are not often challenged is not helpful in the context of committals, and the current practice is impracticable.

- 4.27 First, if fingerprint evidence is the key or only evidence against the defendant, there is no prima facie case unless the fingerprint evidence is provided in the committal bundle. Secondly, the defence will only take a decision on whether to challenge the expert after they have seen the statement. This will particularly be the case when the experts move from the current method of matching ridge characteristic to a more modern approach of analysing a number of similar features. Thirdly, by the time the CPS discovers that fingerprint evidence is missing, there is usually not enough time to cause the evidence to be provided.
- 4.28 We are aware that both the CPS and the police are addressing this issue, but we think that the agreement ought to be redrafted so that it spells out in no uncertain terms what the requirements are.
- 4.29 We recommend that the CPS and the police review their agreement regarding the provision of fingerprint statements so that, where applicable, fingerprint evidence is contained in all committal files.**

#### *Scientific evidence*

- 4.30 Scientific evidence is another cause of delay. While the police and the CPS are essentially reliant on a timely service from the Forensic Science Service, they should know from experience that some types of examinations, such as DNA profiling, will be unlikely to be ready within the time scale for committals. The police should ensure that the samples are despatched without delay, and consider whether the charging should be delayed if it is anticipated that the scientific examination will take some time. The CPS should consider applying for a lengthier period for the preparation of committal files. We deal with this later at paragraphs 6.2 to 6.7.

#### *Medical evidence*

- 4.31 We identified concerns that CPS lawyers, on occasions, insisted on medical evidence being obtained prior to committal, even where it might not be critical in order to establish a prima facie case, or even at all. It is true that in many cases, medical evidence was not strictly needed to establish a prima facie case, but some lawyers explained this on the basis that the evidence was none the less needed to enable them fully to review the case. They were also concerned that unless the medical evidence was available at committal, progress of the case in the Crown Court might be impeded.
- 4.32 We appreciate their view but we feel, nevertheless, that suggestions that medical evidence is requested unnecessarily in itself implies a lack of common understanding between the CPS and the police on whether medical evidence will be needed at all. Medical evidence is usually only needed if the injuries are not minor, and not readily observed by witnesses or by photography. Most of the assault cases we examined did not fall under this category. This situation should be addressed.
- 4.33 We suggest that the CPS and the police draw up agreed guidance of the use of medical evidence, based on guidance issued by TIG in April 1998.**

## Role of OICs

- 4.34 Unlike some other forces, the West Midlands Police do not appoint dedicated file builders. File building is the responsibility of the OIC. The absence of specialist file builders has been quoted by many of our interviewees, both police officers and CPS staff, as the main reasons for late or incomplete files. There is an impression that a significant number of police officers do not know what is required of them when preparing full files.
- 4.35 Some officers are in fact deployed on file building. They are usually officers on recuperative duties. For example, at the time of the inspection, there were three ‘case support’ officers at Sutton Coldfield. They would do some of the file building, but senior management there made it clear that the OIC was still responsible. The file builders have no tenure and no specialist training since they are only attached for the duration of their recovery and will move on. The knowledge and expertise they build up are then lost to the organisation.
- 4.36 The main thrusts of the policy to use OICs in file building are to release more officers for operational duties, and to reverse an erosion of investigative skills caused by a reliance on case builders to provide a steer on what evidence is needed. We accept the argument. However, we think that the use of file builders in previous years has already resulted in a lowering of investigative and paperwork skills amongst operational officers, to the extent that many of the current supervisors do not have the necessary awareness or expertise in file building. The removal of specialists must therefore be supported by a regeneration of these skills in operational officers.
- 4.37 We do not think that there has been a significant training input to address the issue. Two officers from the Performance Review Department involved in associated research took it upon themselves to put together a training package, initially for supervisors. Of those OCUs who used the package, some found the training to be supportive and loosely linked to officer development. In other OCUs however, it was regarded as a ‘test’ with no follow-up action forthcoming. Inspectors noted that neither the Administration of Justice or the Training Department appear to have taken any lead to date on officer training issues. Training should be addressed (possibly with the CPS) and it needs to be managed by the centre and delivered in a consistent manner. The work provided by the performance review department provides a valuable starting point.
- 4.38 We recommend that the police re-assess the training need for file preparation skills for operational officers, and deliver the necessary training within a reasonable period of time.**

## Role of case managers/supervisors

- 4.39 The Manual of Guidance describes in detail the role and responsibilities of police supervisors. It states that: “The building of full files sometimes requires supervisory input and assistance to ensure that the file is right first time.” All OCUs in the Force appoint case managers in the CJUs but no one OCU operates the same role/job description for case managers. Many of them have other duties to perform. This means that while some case managers are involved in file quality and timeliness issues, others

do no more than provide a link between the CPS and the OIC. It also means that requests from the CPS for further information are not analysed to detect trends.

- 4.40 Sector responsibilities place a number of demands on the time of police supervisors. Accordingly, the supervision of file preparation is not high on their agenda. Sector sergeants reported difficulty in getting quality time to spend on file building issues, particularly as the demands of the street kept them away from paperwork. We noted also that the geography of the sectors meant that sector management might have no knowledge of urgent cases coming from CPS to their officers. Case managers, based in police CJUs, told us that all memos from the CPS were copied to the supervising sergeants of the OICs, but we detected that not all sergeants had the opportunity of assessing an officer's case load through this means. Some officers say that their sector supervisors do check files but their skill level is not much more advanced than the OICs because they too, have relied extensively on file builders. We made a recommendation with regard to training of operational officers at paragraph 4.38. The same applies to operational supervisors.

## COMMITTAL PREPARATION BY THE CPS

### Introduction

5.1 The reasons for CPS not being ready despite the timely submission of a satisfactory police file were of concern. There were six such cases. The CPS mislaid the file in one case and one file was not referred to the reviewing lawyer. The CPS failed to prepare two cases on time, and two other cases were not prepared because they were not returned to the case lawyers after a successful application to adjourn the committal proceedings. We examine the possible causes of this in this chapter.

### CPS staffing level

5.2 In the West Midlands Area, committals are prepared by lawyers in the three Trials Units (TUs). Inspectors found that the lawyers in all three Units are conscientious, and are aware of the Area's drive to reduce the number of discharged committals. Many lawyers have in fact worked in excess of their conditioned hours on some occasions, to make up time due to late police files.

5.3 The Units are not fully staffed. The CPS has a lawyer shortage of 27 (including the Criminal Justice Units that service the magistrates' courts). The situation in Birmingham is particularly acute. At the time of the inspection, only 10.8 of the 18 posts in the Unit are filled. We have been told that the recruitment process is still continuing, but this has not been entirely successful.

5.4 Unlike some other CPS Areas where some committals are prepared by caseworkers, Birmingham caseworkers do not do any committals or section 51 preparations. The lawyers tried to involve them but their numbers, court commitments and experience prevented any meaningful engagement in committal work.

5.5 We are therefore concerned to learn that in Birmingham, lawyers perform some of what we see as administrative tasks, such as chasing up missing evidence. The lawyers believe that they can get the message across better than administrative staff. There may well be occasions when a lawyer may need to speak to the OIC, but as a general principle, we cannot support a system where lawyers are undertaking administrative duties.

5.6 The Eastern Trials Unit is based in Coventry. The lawyers are split into Solihull and Coventry teams. They are very small teams and flexibility to accommodate workflow can be an issue. The CPS Criminal Justice Unit Head rather than the TU Head manages Solihull TU lawyers. The TU Head tries to balance out work between the two teams but their current management structure and the location of the teams in different parts of the building made this difficult. It is anticipated that the situation will improve when Glidewell is fully implemented, as the two teams will then work side by side. The lawyers will still do work from either Solihull or Coventry predominantly, but the Unit Head will allocate work to another team if one is stretched.

## **Timeliness of service of committal papers on the defence**

- 5.7 The TIG guidelines envisage that the defence should receive papers two weeks before committal (11 days if the defendant is in custody). The court told us that increasingly, papers are served on the day of the hearing in spite of courts requiring that papers must be served sooner. This might have prevented a discharge, but the court may be required to grant an adjournment to the defence so that they can peruse the papers. This issue is not directly within our remit, but we would draw the court's perception to the attention of CPS management.

## **Administrative processes**

- 5.8 Our file sample revealed that several discharges were apparently due to failure in the administration processes in the CPS Birmingham office. We have therefore examined these in some detail.
- 5.9 Full files arrive by courier and are treated as incoming post. They are placed in the post trays in the Criminal Justice Unit. Administrative staff then check on the case-tracking computer to see where the file should go. Files are then sent out to lawyers with a note that a full file is now ready for preparation. There is a system to enable those cases in which papers have not been served to be readily identifiable.
- 5.10 The volume of post, and the number of staff available to deal with it at any given time can have an effect on how soon the files can find their way to the case lawyers. Post will be attended to on the same day if all staff are in and can even be cleared within four hours on a good day. However, on occasions when there are only two members of staff, the turn round time can go up to two days.
- 5.11 When the Glidewell recommendations are fully implemented, the CPS will have many Units located across the county. While this will facilitate file movements of cases to be heard in the magistrates' courts, getting the file to its intended audience in the Trials Unit will become an important issue.
- 5.12 We are particularly concerned that no special arrangements have been made to identify on receipt of committal files for cases that have already been discharged and reinstated. They are not recognised by the case-tracking computer as live cases. Some of them have been erroneously treated as new cases, thereby losing some of the urgency that should be attached to the case.
- 5.13 We recommend that all three Trials Unit Heads review their post systems with the police, to ensure that full files for committals are received in the appropriate Trials Unit without delay.**

## CPS IN THE COURT

### **Adjournment for the preparation of committal papers**

- 6.1 We have discussed the TIG time guidelines for the submission of files in paragraphs 4.1 and 4.2. It is clear that for those cases which involve certain types of evidence, for example scientific examinations, DNA profiling, ID parades etc, the police will have difficulty in submitting a full file in time. We have discussed in paragraphs 4.32 the possibility of using police bail to prevent a case from entering the court system prematurely. Another means of finding more time to prepare papers is to seek a lengthier adjournment.
- 6.2 Magistrates have all received training in considering applications for adjournments. They use the TIG guidelines as a starting point, but they are prepared to hear representations as to why longer periods of adjournments are needed. The CPS perception is that the guidelines are in practice followed rather rigidly. Representatives of the magistracy also added that they would rather adjourn for a lengthier period than to have a further adjournment because the case is not ready. They do say, however, that they are not always given detailed explanation as to why they should take an exceptional course of action. They also made the point that while they will entertain invitations to adjourn appropriate cases for a longer period, they will expect the simpler cases to be completed in a shorter time scale. This is something CPS management should discuss with the lawyers and the local Criminal Justice Groups (see paragraphs 8.19). Magistrates also mentioned that some CPS agents are less familiar with file progression issues than Crown Prosecutors. CPS management will need to consider whether instructions to agent cover this point adequately.
- 6.3 It is of course important for the prosecutor to know how much time it is likely to take the police to be ready. While police officers we spoke to tell us that they usually let the CPS know of any difficulties with timeliness, and provide an estimate of the time they will need, CPS prosecutors do not share that view.
- 6.4 We suggest that the CPS and the police should jointly assess the quality of information made available to prosecutors with regards to file readiness.**

### **Application to adjourn when a committal is not ready**

- 6.5 We found that in our file sample of 69 cases, the CPS applied to adjourn a case on 27 occasions (39%). They did not apply in 29 cases (43%) and in 13 cases, the situation was unclear. The way the “not known” cases were endorsed suggested to us that that an application to adjourn has not been made in the majority of them. Prosecutors did not apply for an adjournment in every case. They would do so only if they judged that there was a realistic prospect of the cases being ready within a reasonable period. This is a fair approach, but it must be exercised with care.

- 6.6 Some magistrates were generally reluctant to discharge committals as they were aware that this creates more work. Some of them had also discharged cases as a sanction for poor timeliness but magistrates we spoke to felt that was no longer the case. The courts are aware of the problems with obtaining some types of evidence, but unless they are given a proper explanation as to what the delay is, and how long it is going to take to get the case ready, as opposed to a simple reference that the evidence is not available, the chance of obtaining an adjournment will not be good.
- 6.7 The points we made about applications to adjourn a case for committal are therefore just as relevant to applications to adjourn when committal papers are not ready. There must be information for prosecutors to advance reasoned arguments, and the information must be used appropriately. Here again, the poor performance of some agents has featured. In one of the cases examined, a specific instruction to the agent to seek an adjournment was ignored. The CPS will need to take note of these cases and address them with the individuals concerned.



**POST-DISCHARGE ACTIONS BY THE POLICE AND THE CPS**

**Introduction**

- 7.1 In the last inspection of the CPS, inspectors were concerned at the lack of structured arrangements for monitoring the treatment of cases that had resulted in an unmeritorious discharge. Since then, the Area has devised a system of post discharge actions. We are satisfied that both CPS and most police staff are aware of this procedure, which is outlined in the following paragraphs.
- 7.2 The CPS is responsible for notifying the police of a discharge within 48 hours by fax or despatch. The file is then checked by a CPS manager, and returned to the case lawyer. The lawyer sends a more detailed memo to the police within 14 days, giving reasons for the discharge and advises on any further actions that must be taken. The police are then given four weeks to submit or complete a full file. A reminder is sent after two weeks. The CPS file will be closed unless a satisfactory response is received within that time. If the OIC expects difficulties with compliance, the lawyer can agree a new target date. Upon receipt of the full file, the lawyer will consider whether the case should be re-instated, and advise the police accordingly. The police are generally advised that the accused should not be re-charged without the agreement of the CPS.
- 7.3 A CPS administrative manager logs all discharged cases, and they are then manually tracked. The lawyers are responsible for taking actions as and when the need arises, and they must present a monthly report to the Unit Heads on the outstanding cases. The reports are then passed up the management chain so that any trends can be detected and the appropriate actions taken.

**Notification to the police**

- 7.4 In our file example, we found that there was clear evidence that CPS had taken post-discharge action in all 69 cases. The CPS should notify the police of discharge within 14 days, and they have done so in 82% of the cases. This is a significant improvement from 2000. The time taken to notify the police of a discharge is as follows:

Notification within 7 days	50 (72%)
Notification between 8 and 14 days	7 (10%)
Notification over 14 days	8 (12%)
Unknown	4 (6%)

- 7.5 Both the CPS and police are quite confident that the system works fairly well. There is usually a police response, otherwise lawyers will chase. There is some slippage, and managers will need to know why. They can then go on to consider whether they can aim for more notifications to take place within seven days.

## Decisions to re-instate

- 7.6 The CPS has also improved its post-discharge decision making process from the 2000 inspection. The result of CPS deliberations after discharge is as follows:

Decision taken to re-instate and proceedings re-commenced	11 (16%)
Decision taken to re-instate but defendant not yet before court	11 (16%)
Decision pending: awaiting full file/key evidence	21 (31%)
Decision pending: CPS	1 (1%)
Decision pending: consultation	5 (7%)
Decision taken not to reinstate	20 (29%)

- 7.7 Bearing in mind that our examination took place towards the end of March and the cases were discharged from December 2001 to January 2002, it is perhaps only to be expected that some decisions were still outstanding, and that some of the cases to be re-instated were still not yet back before the court. We are satisfied that, as part of their monitoring duty, CPS managers discuss with lawyers why files are not ready on a case-by-case basis.
- 7.8 Some cases do take some time in coming back to court. This carries a risk that either the magistrates' courts or the Crown Court may stay the proceedings as an abuse of process on account of delay. The conduct of identification parades months after the event will also weaken the quality of the evidence significantly. Prosecutors will have to bear this in mind when negotiating new targets with the police.
- 7.9 We would expect previously discharged cases to be ready for committal by the time a decision is taken to re-instate. We were therefore disappointed to find that two of the 69 cases we examined had previously been discharge before. Our interviewees also gave us examples of a small number of cases being discharged several times.
- 7.10 We suggest that where a case is discharged on more than one occasion, CPS and police management should investigate the cause, to address any poor performance from individuals or systematic failures.**

## Post discharge action by the police

- 7.11 Four files in the sample were closed after a lack of response from the police. Of particular concern to the inspectors was a case where the defendant had spent six weeks in custody pending committal. Quite apart from the injustice this may have caused to both the victim of the offence and the defendant, these cases have taken up valuable time of all the agencies involved and are disposed of without a verdict and without any apparent explanation being given to them. This is highly unsatisfactory, and may encourage even more discharges.
- 7.12 We found that while CJU case managers would seek explanation from OICs when cases are discharged, the work done post discharged was not monitored. In some OCUs, the files were looked at by chief inspectors before they go back to the CPS, but this was mainly to screen out weak cases.

**7.13 We recommend that when CPS closes a file for want of response from the police, the matter should be brought to the attention of the Force's administration of justice unit and local operational commander in order that enquiries can be made and all necessary actions taken both to re-instate and prevent further occurrences.**

## WORKING TOGETHER

### Introduction

8.1 The CPS and the police share the responsibility for reducing the number of unmeritorious discharges. In the previous chapters, we have discussed how problems with one can affect the performance of the other, and how the two organisations can work together at a practical level to bring about improvements. In this chapter, we consider how managements in both organisations can make an impact on performance by working together at a more strategic level.

### Joint performance management

8.2 Joint performance management (JPM) is a process by which the CPS and the police jointly monitor file timeliness and quality. While the collected data does not distinguish committal files from other full files, the figures do provide an indicator of police performance in file preparation and therefore reflect, to some degree, police performance in committal file preparation. In the quarter ending December 2001, 69% of full files were deemed by the CPS to be fully satisfactory in terms of contents and timeliness.

8.3 This figure is based on what is called exception reporting. In the JPM process, CPS lawyers are expected to record, on form TQ1 for each relevant file, their assessment of file quality and timeliness. Their performance in this regard is patchy. There has been a tendency for lawyers only to complete TQ1s where a file does not meet the required standards. If these are the only TQ1s used to prepare JPM data, an unfairly distorted picture of police performance is created. To complete the picture, therefore, the police have assumed that files in respect of which TQ1s are not returned, fully meet the required standard. Unfortunately, this is likely to present an inaccurate picture of police performance as well because some of those files will not be perfect. The problem is caused because some CPS lawyers do not bother to complete TQ1s and management do not check.

8.4 The inspection team think that more work should be done by managers to improve the TQ1 return rate so that a more accurate picture on file preparation can be obtained. In Wolverhampton, where the CPS started to number the TQ1s so that their submission can be monitored, the return rate has risen to close to 100%. We think that this is a **good practice**, and consideration should be give to extending this throughout the Area. Police officers also raised the quality of the comments in some TQ1s, and the inconsistencies between lawyers in their assessment. This should therefore be addressed at the same time

**8.5 We suggest that the CPS implement an Area-wide system for effective monitoring of the return of TQ1s, and provide guidance to lawyers to improve the quality and consistency.**

- 8.6 The effort expended to improve TQ1 returns would be wasted unless the information is used productively. The list of deficiencies identified in the JPM process goes to police inspectors every month, and they are expected to pass them on to sergeants. The sergeants in one OCU cannot say that they receive the information regularly. In another, there is feedback but there is no systematic attempt to learn from the information.
- 8.7 We suggest that police management should develop a system whereby information from analysis of JPM data can be passed to supervisors to enable them to address adverse trends or individual performance.**

### **Performance management in the CPS and in the police**

- 8.8 Since the last inspection of the CPS, the profile of discharged committals has been raised considerably among managers. There is now a robust monitoring system, and a monthly report on performance is prepared. Particular attention is paid to post discharge actions, and there is a running log on progress, actions, and decisions.
- 8.9 The Administration of Justice and Performance Review Departments of the West Midlands Police work in conjunction to monitor performance across the Force area. Criminal justice issues are regularly discussed at monthly Force Performance Review Conferences and with Operations Managers and there is a monthly bulletin of Force performance across a wide range of indicators. Inspectors would encourage the analysis of JPM data to support better file preparation, as this should bring further improvements in the reduction of discharged committals.

### **Police target on reducing attrition in the criminal justice system**

- 8.10 Until this year, the absence of a police performance target relating to its performance in the criminal justice system has meant that police managers have been more focused on other policing issues. Consequently, performance management in relation to issues such as file preparation did not enjoy a high priority. Inspectors are pleased to see that this is changing.
- 8.11 The West Midlands Police is the first police service in England and Wales to set an objective in the police plan for this year, of reducing attrition rates (10% reduction in cracked, ineffective and vacated trials), in other words, to improve the ratio of convictions to reported crime. As part of this objective, the police will measure their input to the success of the target via timeliness and quality indicators. We think that this is **good practice**. We note that file management is now a standing item on OCU management meetings, and we can expect improvement through closer attention by senior officers.

### **Communications**

- 8.12 The inspection team found that fewer problems were encountered when there are strong local communications. This could be due to the personalities involved, the relationship between the CPS and the police locally, or to the locations of the CPS and police offices. Good communications, therefore are one of the major key success factors. While channels of communication are in place throughout, inspectors found that improvements can be made both to speed up communications, and to make them more effective.

- 8.13 We encountered examples of what is working well and sometimes innovative ideas to improve. In the CPS at Wolverhampton, a dedicated pre-committal clerk has been appointed. She liaises with her counterparts in the police CJU, and they take the responsibility to remind their own colleagues of target dates. In Sutton Coldfield the CPS has access to a police email account. In one case, this led to an issue being resolved in a few hours. If the police despatch system had been used, this could have resulted in a delay of two weeks.
- 8.14 We have already alluded to the use of email in paragraphs 4.10 and 4.11. While the CPS staff has access to email, they are not linked to the police via an intranet. This means that email has to be sent via the Internet. However, CPS security policy prohibits the sending of information marked at Restricted or above over the Internet. While this puts fairly severe limitations on the use of existing technology, the CPS and the police should consider other email-based approaches. For example, when CPS CJUs co-locate with police CJUs, email can perhaps be sent to a dedicated CPS CJU terminal for onward transmission.
- 8.15 The clarity and legibility of CPS memos gave rise to concerns in some cases. Some officers told us that the different reference numbers on a file could cause confusion. There can be up to three numbers: the police unique reference number, the SCOPE reference, and a court reference number. Since the criminal justice system is not yet ready to adopt a single reference number for all agencies for each case, consideration should be given to changing the format of cover sheets so that the purpose of each number can be easily identified.
- 8.16 Managers should try to understand each other's difficulties and help to address them wherever possible. Extending the use of email to include restricted material, for example, through the use of a dedicated intranet link, is an issue that merits further exploration.

### **Criminal Justice Groups**

- 8.17 Issues of interest to all those in the criminal justice system are discussed in a chief officers group consisting of the Chief Crown Prosecutor (CCP), the Assistant Chief Constable (Support), the Justices' Chief Executive and the Chief Probation Officer. The CCP will discuss issues surrounding discharged committals where appropriate.
- 8.18 Local Criminal Justice Groups (CJGs) were introduced within the West Midlands Area to bring together local criminal justice agencies and give ownership of issues to those who have the resources to manage problems. In Birmingham, several CJGs have been formed involving the court centre manager, local CPS lead, and operations superintendents. In Wolverhampton, the Head of the Trials Unit also meets with each operation superintendent on a quarterly basis to discuss discharged committals and other crown court issues, because the CJG tends to focus on magistrates' courts issues.
- 8.19 The issue of discharged committals is a standing item on the agendas for meetings of local CJS groups for the CPS and the police. The magistrates' courts are now also involved. It is important that these discussions should go beyond an identification of the causes of the problems. They must be aimed at reaching agreement on solutions.

8.20 Criminal justice agencies having different priorities can create difficulties. For example, the court rightly places great emphasis on reducing delays. Reducing delays in the magistrates' courts is important for the CPS, but other priorities will have a call on their resources. The police will have an even wider range of operational priorities that will impact on their ability to produce files on time. These are all issues that the CJGs should work on, in order to promote better understanding of how each agency has to work, so as to arrive at a reasonable expectation of service delivery.

**HMCPSI REPORT ON CPS WEST MIDLANDS 6/01**

**Recommendation 13**

The CCP and BCPs should take all necessary steps with their police counterparts to bring about improvements in timeliness and quality of committal files and the timeliness of CPS review and preparation.

**Recommendation 14**

In all cases resulting in a discharged committal which is not based on the merits or other good reason:

- \* the CPS should notify the police of the discharge within 14 days;
- \* the case should be the subject of a considered decision whether to reinstate. Any necessary further action and reconsideration should be taken within one month unless there are exceptional circumstances making this impossible.



**HMIC REPORT ON THE WEST MIDLANDS POLICE**

**Recommendation 3**

HMI recommends the force to establish mechanisms to identify and share best practice and to hold OCU commanders to account for performance in relation to criminal justice matters.

## DISCHARGED COMMITTALS - CATEGORIES OF OFFENCES

<b>Offences against the person</b>	
ABH	7
Racially aggravated ABH	1
Section 20	2
Indecent assault	2
<b>Offences of dishonesty offences</b>	
Burglary	21
Theft	6
Handling	1
Going equipped	1
Retaining credit	1
<b>Controlled drugs</b>	
Possession with intent	5
Possession	3
Supply	1
Production	1
<b>Public order</b>	
Violent disorder	1
Affray	2
Threats to kill	1
Threats to commit damage	1
<b>Firearms</b>	
Possession	3
<b>Road traffic offences</b>	
Dangerous driving	4
Aggravated TWOC	1
<b>Others</b>	
Witness intimidation	3
Immigration and related offences	1

**REPRESENTATIVES OF THE CRIMINAL JUSTICE AGENCIES WHO ASSISTED  
OUR INSPECTION**

Mr N Cadbury	District Judge (Magistrates' Court)
Mr R Clancy	District Judge (Magistrates' Court)
Mr S Abbott	Court Centre Manager, Birmingham Magistrates' Court
Mrs T Calleia	Court Centre Manager, Birmingham Magistrates' Court
Mr J Kelly	Legal Team Manager, Birmingham Magistrates' Court
Mr M Jones	Legal Team Manager, Birmingham Magistrates' Court
Mrs S Jones	Legal Team Manager, Birmingham Magistrates' Court
Mrs F Warman	Williamson & Soden Solicitors, Solihull