



*HMcp*si**
HM Crown Prosecution Service Inspectorate

THE JOINT INSPECTION OF THE AVON AND SOMERSET CRIMINAL JUSTICE AREA

INSPECTED MARCH 2006



Her Majesty's
Inspectorate
of Probation

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FOREWORD

The Chief Inspectors of the criminal justice inspectorates are pleased to publish their joint report on the Avon and Somerset criminal justice Area. This inspection builds on previous joint inspection work and was the last in a programme of Area joint inspections undertaken in 2005-06. This emphasises the continuing commitment of the criminal justice inspectorates to joint inspection, working to help the delivery of improved case management and increase public confidence in the criminal justice system.

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

Local Criminal Justice Boards operate on a non-statutory basis and formally came into existence on 1 April 2003. They represent a different 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 focal point for integrated inspection. We, as leaders of the criminal justice inspectorates, are determined to continue to build on this through the planned programme of joint inspection.

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

The framework used for this inspection has been developed and utilised throughout the joint inspections undertaken during 2005-06 and focuses on three objectives:

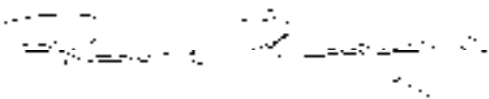
- Increasing public confidence in the criminal justice system;
- Increasing the number of offences brought to justice; and
- Reducing ineffective trials.

Within the framework we address issues of corporate governance arrangements and the strategies and policies of the Avon and Somerset Criminal Justice Board, together with the effectiveness of inter agency co-operation on those matters which affect overall performance from the point of charge through to passing of sentence. The framework draws on standards and guidance produced by the National Criminal Justice Board, the Office of Criminal Justice Reform, or the individual agencies themselves.

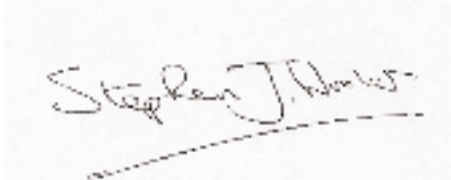
This inspection was carried out in accordance with the principles of inspection set out by the Office of Public Service Reform and examined issues so far as practical from a user perspective – particularly that of victims and witnesses. The inspection team worked closely with the Quality and Standards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

Our intention is that this report will inform the people of Avon and Somerset about how effectively the local criminal justice system works by highlighting the strengths of inter-agency working and identifying where further improvement can be made. It will also 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 Avon and Somerset for the considerable assistance given during the course of this inspection. We also thank those from the wider community who come into contact with the criminal justice system for giving up their time to inform us of their experiences.



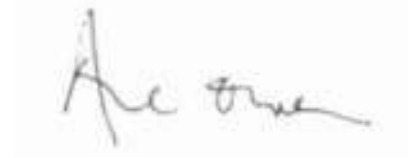
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1. INTRODUCTION

Avon and Somerset

- 1.1 Avon and Somerset covers the four unitary authorities of the City of Bristol, South Gloucestershire, Bath & North East Somerset and North Somerset, together with the county of Somerset. The total size of Avon and Somerset is 1,855 square miles. The total resident population is 1,519,000, having grown by 30,000 over the past two years. The Area is made up of diverse environments, including: Bristol, the largest conurbation in the south-west of England, with its high density, inner-city, areas of prosperity and deprivation and major new residential/commercial developments; Bath, one of the country's leading tourist destinations; the historic centres of Wells and Glastonbury; resorts such as Weston-super-Mare, Burnham and Minehead; the many small and medium-sized market towns of Somerset; as well as the sparsely populated areas such as the Somerset Levels and Exmoor.
- 1.2 There are six basic command unit (BCUs) and eight magistrates' courts centres with courts sittings at Bristol; Bath; Yate; Bridgwater; Taunton and West Somerset; Yeovil; North Somerset; and Mendip. The other agencies fit within this structure. The Crown Court sits at Taunton and Bristol.
- 1.3 Avon and Somerset has a number of minority ethnic communities including those from Black, Asian and Eastern European background. The minority ethnic population density is 3.4% (2001 census), but the minority ethnic population is concentrated primarily in Bristol (8.2% of the Unitary Authority's total resident population).

Avon and Somerset Criminal Justice Board

- 1.4 The Government has established 42 criminal justice areas. Each has a Local Criminal Justice Board (LCJB). Avon and Somerset Criminal Justice Board (ASCJB) formally assumed its responsibilities on 1 April 2003. All LCJBs are charged with establishing, agreeing and delivering, at local level, targets to support the achievement of national objectives for the criminal justice system that are designed to improve its overall efficiency and effectiveness. The national targets, which are drawn from the Ministerial Public Service Agreements (PSAs), for 2005-06 included:
 - Increasing the level of public confidence in the criminal justice system to 40% by March 2006.
 - Improving the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.15 million by March 2006.
 - A reduction in the proportion of ineffective trials by 27% by March 2006 with the proportion to be no more than 23% in the magistrates' courts and 17% in the Crown Court.

1.5 The Office of Criminal Justice Reform has detailed targets for each criminal justice area to assist them to contribute to the overall national targets. ASCJB were set specific local targets which included:

- Increasing the level of public confidence in the criminal justice system to 42% by March 2006.
- Improving the delivery of justice by increasing to 30,623 the number of crimes for which an offender is brought to justice in 2005-06.
- Reducing ineffective trial rates in the magistrates' courts to 19.5% and in the Crown Court to 16.5%¹.

Scope of inspection

1.6 The inspection was a joint one by HM Inspectorate of Constabulary (HMIC), HM Crown Prosecution Service Inspectorate (HMCPPI), HM Inspectorate of Court Administration (HMICA), HM Inspectorate of Probation, and HM Inspectorate of Prisons. The Quality and Standards Department of Victim Support also assisted the team.

1.7 The inspection specifically looked at how effectively the criminal justice agencies, and partners such as Victim Support and the Witness Service, were working together to deliver the outcomes necessary to achieve agreed performance targets. We considered the governance and strategy of the ASCJB, and the joint response to crime of the criminal justice agencies and their partners from the point at which a crime is reported to the passing of sentence. This included an examination not just of the work of the ASCJB, but also the interaction between criminal justice agencies and partners outside the ASCJB framework, but did not comment on matters for which the judiciary have a responsibility.

Methodology

1.8 Our methodology included an examination of management information, plans and documentation from the ASCJB, who also provided a self-assessment of performance against the inspection framework. We visited the Area for two weeks from 6 March and held interviews with criminal justice agency staff at all levels, criminal law practitioners and representatives of local community based organisations. Focus group meetings of victims and witnesses, police officers, agency case progression officers and magistrates were also held. The inspection team carried out observations on the quality of service delivery by the criminal justice agencies and partners at both the magistrates' courts and the Crown Court. This included an assessment of courthouse facilities for court users including those in custody.

¹ National and local targets are detailed in the Criminal Justice System Business Plan 2005-2006 produced by the Office for Criminal Justice Reform (available at www.cjsonline.gov.uk)

- 1.9 We examined a selection of Crown Prosecution Service files and looked in particular at the level of witness care and the timeliness of the exchange of information between the prosecution team and other agencies.
- 1.10 The Chief Inspectors are grateful to all those who gave their time to the inspection, whether in preparation of documentation or by making themselves available for interview. A list of individuals outside the criminal justice agencies from whom we received comment is at Annex A.

Structure of report

- 1.11 Chapter 2 is an executive summary of the main findings of the joint inspection. The main body of the report sets out the detailed findings in relation to the topics inspected, which are aligned to the inspection framework and the targets of increasing public confidence in the criminal justice system, increasing the number of offences brought to justice, and reducing the rate of ineffective trials. The annexes include some further performance results, acknowledgements, the structure of the ASCJB and a glossary of terms.
- 1.12 Throughout the report we identify strengths and draw attention to good practice, as well as highlighting aspects for improvement and making recommendations. The recommendations identify the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider merit the highest priority by the ASCJB and criminal justice partners.

2. EXECUTIVE SUMMARY

Overview

- 2.1 Avon and Somerset Criminal Justice Board (ASCJB) had a sound basis in the form of the Area Criminal Justice Strategy Committee and a Chief Officers' Group which set in place a strong commitment for partnership working across the Area. The Board has built on this, and the ethos of working in partnership to deliver criminal justice business is demonstrated through a number of successful joint initiatives, for example work to manage prolific and other priority offenders, the reduction of ineffective trials in both the magistrates' courts and the Crown Court and the implementation of a joint training strategy.
- 2.2 The structure of the Board offers a reasonable basis for the management of cross-cutting work, although the task-group structures supporting the delivery of key initiatives needed to be clarified in some respects. There is also some confusion about cross-agency work at a bi-lateral and tri-lateral level and whether this should form part of the Board's remit. The Board needs to consider where its role lies in cross-cutting issues and ensure that it can hold respective criminal justice agencies to account where there is an impact across the whole of the criminal justice process. Subsequent to our discussion, the Board has now agreed (at the April 2006 meeting) a policy on how bi-lateral matters will be resolved and how and what will be communicated to other criminal justice partners.
- 2.3 There are sound structures in place to support performance management although more could be done to ensure that best practice and improvement is targeted across the Area.
- 2.4 Although there is a sound basis for driving cross-cutting criminal justice business at Board level, there are some aspects of business that have not translated into effective delivery. Provision of charging across the Area is not fully effective; the implementation and delivery of the service provided by Witness Care Units could be improved and the effectiveness of pre-trial case management and its impact on subsequent case management should be strengthened.

Public confidence and community engagement

- 2.5 There are good examples of engagement with the wider community as well as minority groups. The Board recognised the need to marshal its activity around community engagement and the appointment of a Board communications officer is beginning to ensure that a consistent message is emanating from its activity.
- 2.6 Pro-active work with Crime and Reduction Disorder Partnerships means that Board activity is beginning to permeate at local levels, and public consultation through these channels is reaching the wider community. There are good connections with the local race and equality groups, although there is a danger that this consultation is not being used to improve systems and processes as it often focuses on individual case issues.

- 2.7 The Board are in the process of developing a wider diversity strategy to ensure that links are made to all minority groups, as well as using these links to improve business processes and outcomes.
- 2.8 Public confidence in the criminal justice system has increased, with the key measure of the Area's effectiveness in bringing offenders to justice currently recorded (third quarter of 2005-06) as 46%. The 2005-06 target is 42% and national performance is 43%.

Bringing offenders to justice

- 2.9 Avon and Somerset has been successful in meeting and exceeding the 2005-06 offences brought to justice target as well as the required sanction detection rate.
- 2.10 The effectiveness of the operation of the pre-charge decision-making scheme could be improved. Changes to the structures within the police and CPS since the implementation of the statutory scheme have had a number of detrimental impacts. An inconsistent approach to police supervision arrangements for cases falling into the charging scheme and changes to how charging advice could be sought from CPS lawyers, including a reduction in the availability of face-to-face advice, has caused some confusion within both the police and CPS at the working level about joint structures in place which support charging. Additionally there is also confusion surrounding the process to be followed to take cases through the scheme and there is a lack of clarity about the role and remit of those involved in the scheme at the working level. All of this has served to undermine the initiative.
- 2.11 Action needs to be taken to ensure that there is a clear understanding within the Area between the police and CPS about the strategic intent of the prosecution team and the charging scheme. This needs to be supported with effective joint structures, where there is a clear understanding of the role and remit of those involved in the process and effective communication of the procedures and expectations to all frontline staff.
- 2.12 Performance results have deteriorated for the majority of cases going through the scheme; the discontinuance rate for pre-charge cases in the magistrates' courts has increased from 11.0% to 15.3% over the course of the 2005-06 year.
- 2.13 Work is also required to improve both initial file quality (those which are presented for pre-charge decisions) and processes that support file building through the life of the case. Internal police and CPS processes are also causing confusion about the responsibilities for file building and this has a detrimental impact on the whole criminal justice process.
- 2.14 There are good examples of joint working in a number of aspects of performance, including progressing persistent young offenders, asset recovery, the management of prolific and other priority offenders and the handling of anti-social behaviour cases.

- 2.15 The handling of sensitive and specialist casework is generally well managed, but there are concerns about the identification and marking of cases at the initial stage. There needs to be improvements to this part of the process to ensure that cases of this nature are prioritised and dealt with correctly throughout.

Reducing ineffective trials

- 2.16 Area performance is better than the national average and within the national target for ineffective trials in the magistrates' courts. In the Crown Court performance is within the national target, but not as good as the national average. The effective trial rate in both courts is also better than the national average.
- 2.17 There are effective processes to support improvement activity around the handling of ineffective trials, with good joint working groups considering case outcomes, trends and learning points both in the magistrates' courts and Crown Court. This is supported by good awareness by the magistracy and court staff of performance and the importance of ensuring consistency in the use of monitoring systems.
- 2.18 There is evidence that processes supporting pre-trial case progression are not as effective as those supporting the trial outcomes. It appears that case directions set down at early hearings are often not followed by both the prosecution and defence and that there is a culture of managing cases using court hearings rather than the supporting operational processes. This is inefficient and often leads to more hearings than necessary.
- 2.19 The evidence of inefficient pre-trial process is also supported by an inconsistent and ad-hoc approach to case progression across the Area. A case progression pilot in the magistrates' courts in the south of the Area has shown improved results, but this improvement has not been matched in the north when the process was replicated for a short time, before being cut due to funding constraints. Case progression in Crown Court cases suffers from an inconsistent approach to resourcing. The Board needs to re-examine the effectiveness of the systems to support the Effective Trial Management Programme.

The treatment of victims and witnesses

- 2.20 The quality of the treatment of victims and witnesses is crucial to the effectiveness of the criminal justice system. In Avon and Somerset there was a genuine commitment across all agencies at all levels to enhance the support and treatment of victims and witnesses. The inclusion of Victim Support representation at both Board and task-group level demonstrates a willingness to learn from the user perspective.
- 2.21 The development of a specialist domestic abuse court pilot at Bridgwater also demonstrates the Area's commitment to working with partner agencies to support victims and witnesses. The plans in place to evaluate the pilot and roll-out domestic abuse courts across the whole of the Area should improve the handling of specialist domestic abuse cases for all involved.

- 2.22 Victims talked of experiences of good initial contact with the police but communication thereafter was not consistent. This weakness has been recognised although a more formal plan to tackle this issue would be welcomed by inspectors.
- 2.23 There were contradictory messages within the Area about the effectiveness of the Witness Care Units. Staff involved felt frustrated about caseloads and terms and conditions; the communication of the role of the units across the Area had been inconsistent; and there were frustrations about the way that Witness Service² posts had been funded. This, coupled with a lack of formal training for some new staff in the units meant that offering support to victims has not always been possible.

The treatment of defendants

- 2.24 The rights of defendants are generally respected within Avon and Somerset, although there were weaknesses identified in dealing with those who may have required psychiatric care.
- 2.25 Cell accommodation is adequate although there is a need for a court cell capacity assessment to ensure that the safety of defendants and staff is not put at risk at times of high demand.
- 2.26 In court, defendants are treated with courtesy and respect, with time taken to explain court procedures and processes.

Key performance results

- 2.27 Avon and Somerset are on course to achieve all key Public Service Agreement (PSA) targets and most of the other supporting targets, for example persistent young offender (PYO) performance in 2005-06. The key performance results are at Annex B.
- 2.28 The Area has a target to bring 30,623 offences to justice by March 2006, performance up to February 2006 records that 33,922 offences have been brought to justice, this is 31.2% above the 2001-02 baseline and 11% above current target.
- 2.29 The ineffective trial rate in both the magistrates' courts and the Crown Court has shown improved performance with both meeting 2005-06 target. Against a target to reduce ineffective trial rates in the magistrates' courts to 19.5%, Avon and Somerset achieved 16.4%. For cases in the Crown Court the Area achieved an ineffective rate of 16.1% against the target of 16.5%.
- 2.30 The ineffective trial rates in both jurisdictions were also supported by above national average effective trial rates. In the magistrates' courts the Avon and Somerset effective trial rate was 51.1% against the national average of 42.4%, and in the Crown Court, Area performance of 53.6% compared favourably against the national average of 47.7%.

² The Witness Service is part of the volunteer organisation Victim Support, and offers support to victims and witnesses.

2.31 Recent (rolling quarter December 2005 to February 2006) PYO performance is outside the rolling national average, with current performance being 73 days against the 71 day target and national figure. For the last rolling quarter (January to March 2006) the Area figure was 72 days (against a national performance of 72 days) and target of 71 days.

2.32 Up to the third quarter of in 2005-06, Avon and Somerset improved performance in raising the public confidence measure of bringing offenders to justice to 46%, against the target of 42% set for the Area and the baseline of 36%.

2.33 We found the following **strengths**:

1. Positive commitment to engaging with other criminal justice system stakeholders, in particular Victim Support, which has benefits at operational level (paragraph 3.10).
2. The over-arching role of the ASCJB training officer and the good cross-agency training and proposed shadowing scheme (paragraph 3.27).
3. The early work of the communications forum and communications officer to raise the profile of the ASCJB (paragraph 4.8).
4. The multi-agency domestic abuse court at Bridgwater and the effective process to evaluate and learn from the pilot before rolling-out across the rest of the Area (paragraph 5.28).
5. Effective joint work, awareness of, and the culture to pursue, asset recovery (paragraph 5.32).
6. Effective inter-agency working in relation to prolific and other priority offenders (paragraph 5.47).
7. The detailed analysis of ineffective Crown Court trials which enables remedial action to be identified and undertaken quickly (paragraph 6.17).
8. The innovative approach to case progression adopted by the ASCJB in appointing a jointly funded post with a widened range of powers to effectively progress cases (paragraph 6.29).

2.34 We found the following **aspects for improvement**:

1. ASCJB ensure that guidance and training is provided to frontline operational officers and supervisory officers, as well as lawyers involved in the charging decisions, about the identification and marking of cases of a sensitive nature and that awareness of the existing Avon and Somerset listing protocol is raised throughout the Area (paragraph 5.22).

2. ASCJB ensure that there is adherence to the protocol regarding cases requiring special measures (paragraph 5.25).
3. Court cells should be assessed by HM Court Service and the Prisoner Escort Contracting Service to certify the maximum number of defendants who can be held in cells at each custody facility (paragraph 6.51).
4. ASCJB should continue to work with the relevant agencies to ensure that there is appropriate and consistent provision for those held in court cells who have substance abuse and/or mental health problems, including formal diversion schemes (paragraph 6.53).

2.35 We made the following **recommendations**:

1. ASCJB rationalise the remit of task-group structures to ensure that:
 - cross-cutting issues are identified; and
 - over-laps with single agency or multi-agency groups are minimised and opportunities for synergy maximised (paragraph 3.13).
2. ASCJB produce and implement an equality and diversity plan to ensure that there is a cohesive and consistent approach to dealing with equality and diversity issues. The plan needs to cover all aspects of diversity and to match the overall aims of the Board, to drive improvement in public confidence and contain milestone targets to ensure effective delivery can be monitored (paragraph 4.16).
3. ASCJB re-launch charging to ensure that:
 - a better understanding of strategic partnership issues is communicated to all staff;
 - police and CPS develop joint structures to support the effective delivery of pre-charge decisions within the Area; and
 - a clear understanding of the role and remit of those involved in the scheme is communicated and that processes are implemented to ensure the effective operation of the charging scheme (paragraph 5.15).
4. ASCJB urgently improves early investigative processes and the systems which support file building and quality, including the arrangements for effective monitoring. Formal feedback processes should also be developed to ensure that learning points from advice are used to improve the scheme (paragraph 5.18).
5. The ASCJB takes action to tackle ineffective pre-trial hearings (paragraph 6.15).

6. The ASCJB should establish clear project management arrangements to support the on-going operational work of the Witness Care Units, ensuring that there are clear plans to address training, resourcing and future funding arrangements (paragraph 6.36).
7. ASCJB works with HM Court Service partners to improve the accommodation offered to victims and witnesses at courthouses (paragraph 6.45).

3. THE GOVERNANCE AND STRUCTURE OF THE AVON AND SOMERSET CRIMINAL JUSTICE BOARD

Overview

- 3.1 Avon and Somerset benefits from long standing commitment at chief officer level to a holistic approach to criminal justice. Even before the Government initiative to establish LCJBs in all areas, the Avon and Somerset Criminal Justice Strategy Committee (the forerunner of the ASCJB) had developed structured arrangements to support its work. These have continued largely to underpin the work of the Board and substantially influenced the national guidance.
- 3.2 The chief officers have maintained their personal interest and commitment to the Board - something which is no longer a universal feature of LCJBs. Avon and Somerset has a strong ethos of working in partnership across the criminal justice agencies to deliver joint criminal justice objectives and targets.
- 3.3 The Board have developed a clear Delivery Plan to support the implementation of joint initiatives. There are sound processes in place to monitor performance against this plan with regular consideration of comprehensive performance reports by the Board although there is scope to use them more effectively. The personal attendance of key chief officers strengthen the accountability for delivery because the initiatives and messages are seen to be being driven, sponsored and implemented with the personal authority and approval of chief officers.
- 3.4 The Board is supported by a number of task-groups and ad-hoc groups. The task-group structure was mainly inherited from the former Area Criminal Justice Strategy Committee but the ad-hoc groups have been formed subsequently to drive and take Board business forward on specific and time bound issues. Although the approach is fundamentally sound, inspectors found that the number of task groups and their inter-relationships with each other created a lack of clarity. Strengths identified included engagement with the wider justice community, including through the co-option of Victim Support as an equal partner; and the Board's investment in a resource to manage and facilitate joint training.
- 3.5 The Board is well supported by the Criminal Justice Office who manage the arrangements for measuring and accounting for performance.

Governance

- 3.6 The ASCJB membership comprises representatives from all the principal criminal justice agencies, namely:
- Chief Crown Prosecutor - Chair;
 - Chief Consultable and/or assistant chief constable with criminal justice portfolio;

- Area Director for Her Majesty’s Court Service (HMCS) in Avon and Somerset;
 - Probation Area Chief Officer;
 - Governor of Bristol Prison;
 - Youth Offending Team (YOT) manager for Bristol.
- 3.7 The Chief Executives of Victim Support (Avonvale) and (Somerset) who attend alternate meetings are also standing members of the Board.
- 3.8 The relationship between Victim Support and the ASCJB, described on behalf of Victim Support as “integral and equal”, has ensured appropriate consideration of the needs of victims in relevant aspects of the Board’s work.
- 3.9 Similarly, the Board’s commitment to engagement with the wider community, as manifested in regular attendances on behalf of the Government Office for South West (GOSW) and the Legal Services Commission (LSC), offers constructive links with those organisations as well as routes back to the community and local defence firms. However there was a limit to which the LSC could be viewed as representing the interests of practitioners.
- 3.10 Wide engagement by the Board with other stakeholders is also important in the context of work to increase public confidence in the criminal justice system. Formal links have been established with the Crime and Disorder Reduction Partnerships (CDRPs) and processes put in place to ensure that there is synergy between their remit and the aims of the Board. For the first time, the Board formally consulted CDRPs during the drafting of 2006-07 Delivery Plan, although CDRPs had been previously involved in some Board consultation events.

<p>Strengths</p> <p>Positive commitment to engaging with other criminal justice system stakeholders, in particular Victim Support, which has benefits at operational level.</p>
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- 3.11 The inclusion of a prison governor and YOT manager on the Board supports sound engagement but has potential limitations in that neither member has direct management responsibility for other aspects of their own organisations whose work impacts on the Board. The ASCJB is no different to other similarly constituted LCJBs in this respect, however, there was evidence that these potential disadvantages had been effectively overcome. There were structures to ensure that Board messages were communicated to other prison governors and also to the manager of the one privately run prison in Area. A similar process existed within the YOT network. Like other LCJBs, the ASCJB will also need to review its membership now that prison and probation accountabilities have been altered by the creation of the National Offender Management Service.

Structure

- 3.12 The Board is supported by a task-group structure which was in place prior to its creation and by a number of ad-hoc groups which take forward Board business on specific and time bound issues. The Board structure is shown at Annex C.
- 3.13 Inspectors found that the number of task-groups could lead to confusion; in addition there was in some instances a lack of clarity about the remit of these groups. This was compounded by the fact that in some instances there was not a clear read across from the ASCJB Delivery Plan and the objectives outlined at task-group level (see paragraph 3.25). This may be partially attributable to their formation prior to the creation of the Board, with the result that their identities and remits no longer completely fitted the requirements of the Board and this had not been challenged. In some cases, the work of the task-group is too narrowly focused and a broader remit is necessary if the group is to have strategic value and be able to assess fully the impact of its work across the Board's business.

RECOMMENDATION

ASCJB rationalise the remit of task group structures to ensure that:

- **cross-cutting issues are identified; and**
 - **over-laps with single agency or multi-agency groups are minimised and opportunities for synergy maximised.**

- 3.14 Inspectors also have some concern that the subject-specific groups meant that linkages between subjects and inter-dependencies were not always recognised. The chair of the ASCJB believed that that risk was met through the system of check point meetings (see below) which enabled the strands of the task-groups to be drawn together so as to manage overarching issues. However, a lack of regular attendance by all task-group chairs at check point meetings indicated only limited effectiveness of the meetings in this respect.
- 3.15 There is a system of check point meetings held about ten days prior to the Board meeting, these are attended by the chair of the Board and each task group chair. The primary purpose is to assess progress and provide assurance that the issues that the Board has charged to the task-groups are being effectively delivered. This meeting is based upon progress report from each group to coincide with check point meetings.

- 3.16 Inspectors found that the apparent advantages of this system were in some instances offset by the process for approval. Urgent matters can be approved within a reasonable timeframe, with decisions taken at Board level communicated to task-group chairs within a fortnight. However, we were told that there were some instances where this structure had led to some delay in decision-making.

Accountability

- 3.17 Discussion between the inspectors and members of the Board identified different views about the appropriate levels of responsibility for the Board in relation to issues impacting across the business of a combination of two or more criminal justice agencies.
- 3.18 One view was that there were matters that could be handled between agencies directly themselves; on the other hand, they could properly be regarded as part of the overall responsibility of the Board. Inspectors emphasised the extent to which nearly all initiatives have inter-dependencies with other aspects of the criminal justice system and the Board therefore needs to recognise over-arching responsibilities for all activities which influence their ability to meet targets set by government. There is also a Board responsibility to ensure the smooth operation of the criminal justice system within their Area. Performance around charging and Witness Care Units highlights how these inter-dependencies can impact all criminal justice partners even though the basis for the main responsibility is at a bi-lateral level. It is our view that there needs to be a substantial measure of responsibility at Board level with all members having a corporate responsibility to deliver the business of criminal justice, whilst recognising the strong interests of the agencies most directly involved. This may result in improvement activity being undertaken between two partners, however, this activity should be visible to and shared with all Board members.

The Criminal Justice Office

- 3.19 The ASCJB are supported by the Criminal Justice Office. Its staff comprise a criminal justice co-ordinator, research officer, task group co-ordinator, communications officer (part-time) and an administration officer. The team provides very effective support to both the Board and the criminal justice co-ordinator - who has been in post since the creation of the forerunner of the Board and is viewed as a 'lynch-pin' - deals effectively with marshalling action, directing business and ensuring links across the criminal justice system (and other interested parties) are made.
- 3.20 The research officer also produces performance packs for consideration by the Board, summarising performance and also providing detailed information upon which it is based. The reports are comprehensive and enable comparison of performance at individual police station/unit level and by reference to individual courts within the Area. This information is widely circulated and accessible at all levels throughout the Area.

- 3.21 These reports are aligned to the Delivery Plan and give ASCJB members an ability to assess performance against the overall aims set out in the plan. However the information, despite its clarity and potential value, is not being used to its best advantage. The Board and task-group chairs could use it more effectively to compare performance results and identify the causes of less satisfactory outcomes.
- 3.22 The team is core to the work of the Board and fulfils a role which ensures that there is understanding and liaison between the many parts of the system. The significant amount of experience within the team is used to great advantage within the Area in directing the business on behalf of the Board.

Policy and strategy

The Delivery Plan

- 3.23 The ASCJB Delivery Plan 2005-06 focused on four key themes; consistent, high standards of service for victims and witnesses; bringing more offences to justice; rigorous enforcement and effective supervision of sentences and court orders; and increasing public confidence in the effectiveness and fairness of the criminal justice system. The plan reflected priorities agreed by the Board and ensured that it encompassed all national targets.
- 3.24 Although the Board has sought stakeholder views during the planning process in the past, there has been a recent focus within the communication strategy work to actively encourage stakeholder views. This is a development that the Board had been keen to actively encourage, but had been delayed until it felt that performance placed it in a strong enough position to reach out to the community and other key stakeholders. This focus on wider stakeholder consultation is a welcome development.
- 3.25 There is formal quarterly review of the plan at Board meetings to assess progress against key initiatives and cross-agency business. Inspectors found that the role and remit of the business covered through the task-group structure did not provide a clear read across to that outlined in the Delivery Plan. The objectives in the Delivery Plan and the objectives and aims covered by the task-groups did not always marry up, with objectives at the strategic level of the Delivery Plan not being transferred to the operational level being progressed by task-groups. This dislocation had the propensity to allow for differing directions to be taken by task-groups and the aims set out by the Board. A review of task-group structures (see recommendation at paragraph 3.13) should also consider whether there are competing priorities between the overall Board objectives and the direction of travel adopted by task-groups.

Training task-group

- 3.26 ASCJB has invested in resources to manage and facilitate joint training and a training task-group manages requests for joint training. There is a joint training manager whose role is backed up with a protocol to ensure an effective channel for the sharing of training around new initiatives and issues coming out of specific task-groups. They manage a database of single agency training to ensure that any course with joint interest that is undersubscribed can be offered across the Area to others involved in the criminal justice system. Over the course of the 2005-06 year 1,168 places have been allocated and a notional saving of £29,000 has been made (empty places that are filled by others are notionally costed).
- 3.27 To improve communication and awareness, the training task-group has developed a job shadowing scheme for all parties in the ASCJB, which is also backed up with a joint agreement. ASCJB approved the scheme, awareness has been publicised through internal publications and discussion about including the scheme as a formal training opportunity within the performance development and appraisal processes.

Strengths

The over-arching role of the ASCJB training officer and the good cross-agency training and proposed shadowing scheme.

- 3.28 The role fulfilled by the training officer has produced tangible results. As well as the co-ordination of training across the agencies there has been a focus on training at Board level, which has raised its profile and given it a currency within the Area. Funding constraints within the ASCJB have recently called into question its ability to support a dedicated cross-agency training officer. Evaluation of the benefit of the role is taking place and the Board will make a decision on Area priorities once funding for the 2006-07 year has been fully allocated. Inspectors believed that the training manager role had been effective in producing the beginnings of a joint training strategy and this was a strength.

4. IMPROVING PUBLIC CONFIDENCE AND COMMUNITY ENGAGEMENT

Overview

- 4.1 There are good examples of engagement with the wider community as well as minority groups. The Board recognised the need to marshal its activity around community engagement and the appointment of a communication officer is beginning to ensure that a consistent message is emanating from Board activity.
- 4.2 Pro-active work with Crime and Reduction Disorder Partnerships (CDRPs) means that knowledge of Board activity is beginning to permeate to local levels, and public consultation through these channels is reaching the wider community. There are good connections with local race and equality groups, although there is a danger that this consultation is not being used to improve systems and processes as it often remains focused on individual case issues. The Board are in the process of developing a wider diversity strategy to ensure that links are made to all minority groups, as well as using these links to improve business processes and outcomes.
- 4.3 Public confidence in the criminal justice system has increased, with the key measure of the Area's effectiveness in bringing offenders to justice currently recorded (third quarter of 2005-06) as 46% against the 2005-06 target of 42%.

Improving public confidence

- 4.4 Avon and Somerset Criminal Justice Board had a target to increase public confidence in its effectiveness in bringing offenders to justice to 42% by March 2006, which represented an increase of 6% against the 2002-03 baseline of 36%. Progress has shown a steady increase with current performance (rolling 12 month data to end of the third quarter of 2005-06) as 46%.
- 4.5 A number of Board members felt that, before they could pro-actively communicate the aims of the ASCJB and the criminal justice system, there needed to be a concentration on ensuring that overall performance results within the system were positive. A conscious decision to increase the focus on community engagement and confidence was taken by the ASCJB in 2005. To facilitate this, the 2005-06 ASCJB Delivery Plan included a core aim of increasing confidence in the effectiveness and fairness of the criminal justice system.

Increasing confidence of our communities will emerge as we demonstrate... that the service we provide meets the need of our communities and in particular victim and witnesses and is effective in dealing with offenders at all stages from arrest to sentence.

Source: ASCJB Delivery Plan 2005-06

- 4.6 This aim is backed up with a 12 point Action Plan intended to support the delivery of increased confidence. To aid both the improvement in confidence, and internal and external communication, the Board appointed a communications officer and a Board sponsor to oversee the delivery of the confidence agenda.
- 4.7 As well as the Action Plan, a communications forum task-group was formed. This cross-agency forum was brought together to support the work of the confidence agenda as well as promoting internal awareness of ASCJB and its successes. Since the creation of the task-group and the appointment of the communications officer there has been significant work undertaken to improve the awareness of the confidence agenda both internally and externally. A proactive media strategy, with criminal justice partners, has ensured that joint issues are handled corporately and have started to raise the profile of the Board and events it sponsors under a consistent 'ASCJB logo'. Using the local media to get out the message of success in local criminal justice issues is reaching a large cross-section of the public, although raising the profile of criminal justice can also result in negative press.
- 4.8 Effective communication is crucial to driving up public confidence. An 'inside justice week' was held to promote awareness across the Area. Over 1,100 members of the public attended the open days at the Old Bridewell Police Station and South Somerset Magistrates' Court. In addition to the open days, the Area launched the Taunton Witness Care Unit and held the Criminal Justice Board Awards, both of which attracted a large amount of media attention.

Strengths

The early work of the communications forum and communications officer to raise the profile of the ASCJB.

- 4.9 The ASCJB also has a commendably comprehensive, user-friendly and up-to-date website. There are regularly over 300 hits per month on the website and an increase to a year high of 451 hits accompanied the events around 'inside justice week'.
- 4.10 A focus on internal messages has also complemented the external strategy of increasing awareness of the criminal justice system. Key messages have been communicated in internal single agency newsletters. Using the established routes under the ASCJB logo is having some impact, as during interviews with focus groups of staff there was good awareness of some positive news stories about ASCJB and a very good awareness of the ASCJB Awards. Plans are in place to supplement this with a series on inter-agency staff engagement events.

- 4.11 As discussed in Chapter 3 engagement at the community level with CDRPs has been pro-actively pursued in an attempt to engage, as well increasing, public confidence. The links with CDRPs have been backed up with processes to ensure that there is a synergy between the aims of the Board and the remit of CDRPs.

Equality and diversity

- 4.12 ASCJB believe that the core values of equality and diversity have been mainstreamed within its business and therefore the Board did not see a need to produce a cross-cutting Equality and Diversity Plan. Plans are in place within each single agency, but these are not considered against the aims of the ASCJB Delivery Plan and may not have a strategic fit with the overall aims of the Board.
- 4.13 There are supporting structures at task-group level to work on race and diversity issues. The task-group has been effective in building links with local black and minority ethnic (BME) groups and in raising awareness within criminal justice agencies of the issues facing such groups. However, there are also existing single agency contacts which have confused the engagement 'landscape'.
- 4.14 The race and diversity task-group has established effective relationships with local Race Equality Councils and other representatives of minority ethnic communities. Joint training events, the establishment of a scrutiny panel to examine case outcomes and the identification of trends through analysis of casework outcomes have been effective in increasing confidence within the BME community. The openness of the Board is further demonstrated by the annual production of a local equivalent of the national Section 95 Report³ including data on stop and search, arrest complaints against the police, racist incidents, together with information on staffing and recruitment across all criminal justice agencies.
- 4.15 The Board has run a series of annual 'diversity events' which have been attended by over 700 people. with the audience being a mixture of criminal justice agency and community group staff and key community figures. These well received inter-agency events have been used to raise awareness of equality and diversity matters through the eyes of those who come into contact with the criminal justice system. True stories are dramatised by a theatre company to increase the impact of the event. As a result of feedback and evaluation ASCJB have commissioned a DVD depicting the key messages of the storylines. This will be used to reinforce messages to staff who have attended as well as exposing the issues to a wider audience.

³ Section 95 of the Police and Criminal Evidence Act 1984 and subsequent code of practice expects that police forces report certain data. Additionally the Race Relations Amendment Act 2000 also sets certain requirements for publication.

4.16 Although there is evidence of positive links with the BME community the Board recognise that equality and diversity could be handled more effectively and have more impact. There is an awareness that issues surrounding some other minority groups have not featured as prominently, for example Lesbian, Gay, Bi-sexual and Transgender groups and those representing senior citizens and individuals living with disabilities. To ensure that there is a strategic focus adopted across the criminal justice agencies the Board have created an ad-hoc task-group under the direction of a Board member to establish a clear plan to tackle all equality and diversity matters. The aim of the work is to ensure that there is a joined-up approach to equality and diversity across the whole of the Board's business.

RECOMMENDATION

ASCJB produce and implement an equality and diversity plan to ensure that there is a cohesive and consistent approach to dealing with equality and diversity issues.

The plan needs to cover all aspects of diversity and to match the overall aims of the Board, to drive improvement in public confidence and contain milestone targets to ensure effective delivery can be monitored.

5. BRINGING OFFENDERS TO JUSTICE

Overview

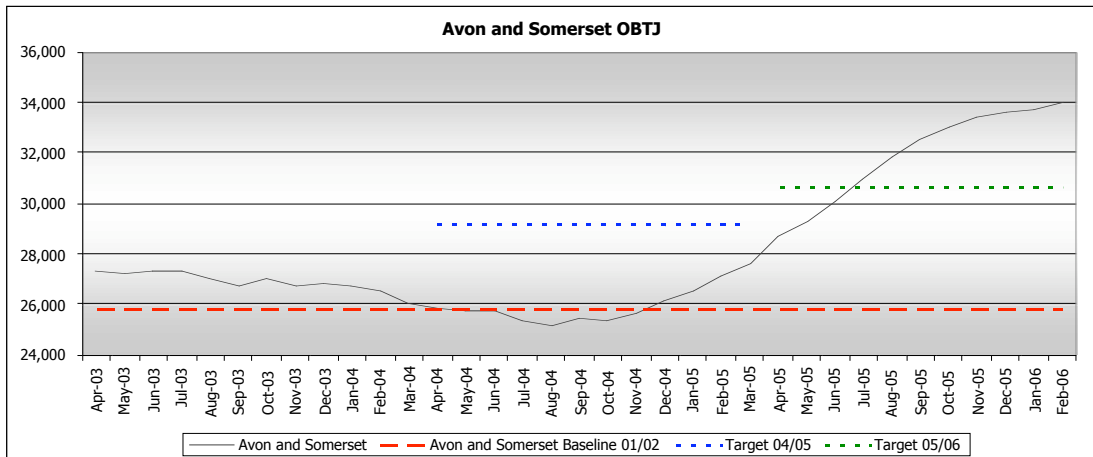
- 5.1 Avon and Somerset has been successful in meeting and exceeding the 2005-06 offences brought to justice target as well as the required sanction detection rate.
- 5.2 There are some issues about the effectiveness of the operation of the pre-charge decision-making scheme. Changes to the structures within the police and CPS since the implementation of the statutory scheme have had a number of detrimental effects. Confusion about the joint structures to support charging, the process to be followed within the scheme and the role and remit of those involved have all served to undermine the initiative. Performance results have deteriorated for the majority of cases going through the scheme; the discontinuance rate for pre-charge cases in the magistrates' courts has increased from 11.0% to 15.3% over the course of the 2005-06 year.
- 5.3 Work is also required to improve both initial file quality (those which are presented for pre-charge decisions) and processes that support file building through the life of a case. Internal police and CPS processes are also causing confusion about the responsibilities for file building and this is having an adverse knock-on impact on other aspects of the criminal justice process.
- 5.4 There are good examples of joint working in a number of aspects of performance, including progressing persistent young offenders, asset recovery, the management of prolific and other priority offenders and the handling of anti-social behaviour cases.
- 5.5 The handling of sensitive and specialist casework is generally well managed, but there are concerns about the identification and marking of cases at the initial stage. There needs to be improvement to ensure that cases of this nature are prioritised and dealt with correctly throughout the process.

Offences brought to justice⁴

- 5.6 Historically, performance against target had been sluggish, and in 2004 it dipped below the 2001-02 baseline⁵. A subsequent change in strategy initiated by the then new Chief Constable saw a switch from the 'recording of crime' to a culture of detection and charge. As the graph shows, Avon and Somerset have exceeded 2005-06 target by some 3,000 plus offences.

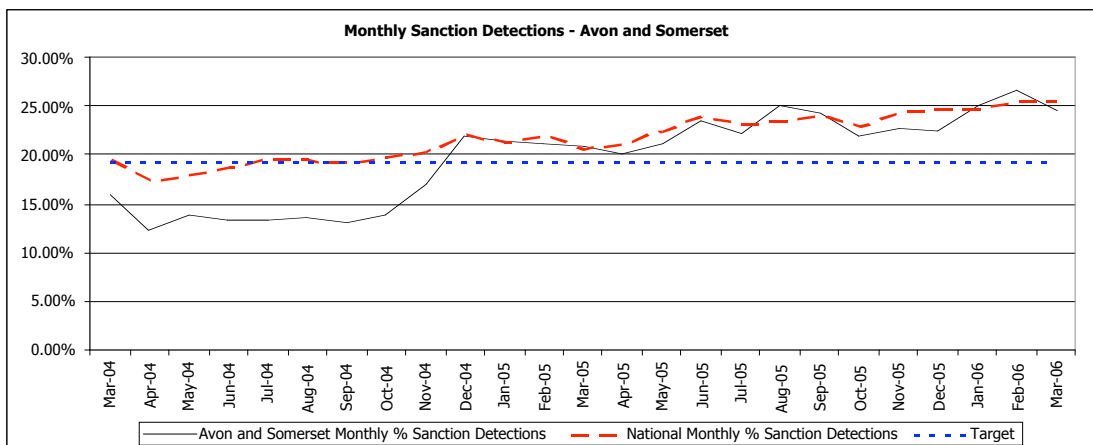
⁴ An offence brought to justice is a successful outcome to the investigation of an offence and comprises five categories: convictions; cautions; fixed penalty notices (FPNs); offences taken into consideration (TICs) and formal warnings.

⁵ Baseline – the reference point used as a basis for the comparison of subsequent performance – usually the point in time when measurement of performance against target began.



Sanction detections⁶

5.7 As the graph shows, Avon and Somerset has managed to achieve performance above its target 19.3% since November 2004. The Area has followed the national trend of improvement.



Pre-charge advice⁷ and decision-making scheme

5.8 The CPS began to implement the provision of pre-charge advice to the police in 2003 following pilots in six of its Areas in England and Wales. Areas commenced “shadow” schemes, following consultation with the police locally, before being allowed to migrate to the statutory scheme after assessment by a national implementation team. Avon and Somerset was amongst the first to move to statutory charging in July 2004.

⁶ Sanction detections are recorded offences that were detected where an offender has been: charged; reported for summons; cautioned; given a formal warning for possession of cannabis; issued with the fixed penalty notice for certain offences and asked for an offence to be taken into consideration at court.

⁷ The Criminal Justice Act 2003 amended Section 37 of the Police and Criminal Evidence Act 1984 to make provision for crown prosecutors to take over from the police the responsibility for charging decisions. Under the Director of Public Prosecutions’ guidance this applies in more serious cases and those cases likely to be contested.

5.9 HMCPST carried out an overall performance assessment of CPS Avon and Somerset in October 2005. During the relevant period of the assessment (quarter ending March 2005), the benefits being realised from charging were generally positive against the national averages in respect of discontinuance, guilty plea and attrition rates in the magistrates' courts and the Crown Court. Since that time, performance has worsened in each aspect, other than the Crown Court discontinuance and attrition rates which have seen a considerable improvement. Performance remains good, nevertheless, against the national picture. In respect of the magistrates' courts, the worsening of performance is indicative of concerns expressed later in the chapter over the standard of charging, despite the improvements in Crown Court. The following table shows the comparative position between 2004-05 and the first three quarters of 2005/06.

MAGISTRATES' COURTS' CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target Mar 2007	National Performance Q4 2004-05	Area Performance Q4 2004-05	National Target Mar 2007	National Performance Q4 2004-05	Area performance Q4 2004-05	National Target Mar 2007	National Performance Q4 2004-05	Area performance Q4 2004-05
11%	16.3%	12.5%	52%	68.8%	71.3%	31%	22.7%	19.3%
National Target Mar 2007	National Performance Apr-Dec 2005	Area Performance Apr-Dec 2005	National Target Mar 2007	National Performance Apr-Dec 2005	Area performance Apr-Dec 2005	National Target Mar 2007	National Performance Apr-Dec 2005	Area performance Apr-Dec 2005
11%	16.8%	14.9%	52%	67.2%	69.5%	31%	23.8%	21.4%
CROWN COURT CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target Mar 2007	National Performance Q4 2004-05	Area Performance Q4 2004-05	National Target Mar 2007	National Performance Q4 2004-05	Area performance Q4 2004-05	National Target Mar 2007	National Performance Q4 2004-05	Area performance Q4 2004-05
11%	14.6%	19.6%	68%	66.7%	70.3%	23%	23.8%	30.8%
National Target Mar 2007	National Performance Apr-Dec 2005	Area performance Apr-Dec 2005	National Target Mar 2007	National Performance Apr-Dec 2005	Area performance Apr-Dec 2005	National Target Mar 2007	National Performance Apr-Dec 2005	Area performance Apr-Dec 2005
11%	14%	13.2%	68%	65%	65.6%	23%	23.2%	23.4%

5.10 Since the introduction of the scheme there have been a number of changes to the original arrangements made within the Area. Face-to-face advice has been replaced at some charging centres by telephone advice from a duty lawyer based in the CPS office. In some instances, officers seeking advice attend at another charging site to speak to a duty prosecutor but this has a corresponding impact on the business of that centre. Inspectors found that the changes overall had impacted negatively upon the process and had caused confusion for front-line police officers when they needed a charging decision.

- 5.11 Matters were further clouded by a more recent CPS decision to change again the way that charging would be delivered, by moving away from a dedicated charging team to local geographically based servicing arrangements. The decision, which had been taken independently, had not considered the impact of change upon the 'prosecution team' nor had the reason for change been communicated in a pro-active manner.
- 5.12 There was also a great deal of confusion within the police at operational level about charging roles, responsibilities, processes and guidance which was beginning to manifest itself as a 'blame-culture'. There was little evidence of a 'prosecution team ethos' with those involved in the process demonstrating a defensive culture to actions taken. Inconsistent approaches to police supervision arrangements for charging within the Area had been recognised, however, and plans were being implemented to improve frontline supervision for case management. Inspectors found that these issues led to additional confusion in an already confused picture and were having a further detrimental effect on local relationships.
- 5.13 Despite these issues, the standard of decision-making by duty prosecutors is sound. A file sample of cases which had been subject to pre-charge decisions indicated that the quality of advice given was generally adequate. The sample also indicated that decisions were usually made on evidence and information that was sufficient to justify charge, although the decision to charge was often accompanied by a request for further evidence. In one instance, further evidence obtained on this basis led directly to discontinuance of the case. In cases where further information was requested before charge, the officer and the duty prosecutor did not agree proper action plans which detailed the evidence required and the time for it to be obtained, nor was a date set for the return of defendant on bail. No attempt was made to agree a further appointment between the officer and the duty prosecutor to discuss the case in the light of the further evidence. The result of this was that any final decision was made by a prosecutor unfamiliar with the case who had to conduct a full review.
- 5.14 There remains a real danger that progress of cases destined for the system, or those in the early stages of the charging process, may be jeopardised due to the current problems being faced at operational levels. The Board needs to act to ensure that there is not a rapid fall in performance.

RECOMMENDATION

ASCJB re-launch charging to ensure that:

- **a better understanding of strategic partnership issues is communicated to all staff**
- **police and CPS develop joint structures to support the effective delivery of pre-charge decisions within the Area; and**
 - **a clear understanding of the role and remit of those involved in the scheme is communicated and that processes are implemented to ensure the effective operation of the charging scheme.**

- 5.15 The confusion over the process within the Area was having an impact on both the management and effectiveness of the scheme. There were a number of linked factors which gave some cause for concern, each of which was symptomatic of mis-understandings and a lack of clarity around process.
- 5.16 There was recognition in the Area amongst experienced file supervisory officers and senior police managers that the initial body of evidence presented as a file to CPS lawyers for decisions could be improved. It was hoped that the implementation of supervisory officers ('gate-keepers') across the whole Area would improve the quality of initial files. There was evidence that their introduction was leading to some improvement; however, in some stations queues were forming to see the gate-keepers and this was causing blockage and delays. Some operational officers were not always learning by experience and cases were still being referred back to the officer for further evidence. This leads to more defendants being re-bailed before charge and it was apparent that charging has generally increased the incidences of defendants being bailed before charge due to the file presented being incomplete. In one station there has been an increase of 300% of defendants on bail.
- 5.17 The inconsistency and uncertainty about the gate-keeper role was also hampering progress in improving the initial file quality or the ability of those at the frontline to gain experience in file quality issues. Linked to the lack of detailed action plans from charging lawyers this is increasing the timescales involved in bring cases to court and could have a negative impact on the attrition rate of cases within the Area.
- 5.18 The use of the single file system also hinders the file building process. File preparation processes within the police administrative support unit are carried out electronically using NSPIS. Until recently (March 2006) the CPS had no access to NSPIS information and therefore required the submission of a paper file. The file building process was thus complicated when additional

information was requested which, when obtained, had to be linked to the single file held centrally by the CPS. In some instances, this led to frustration when evidence which had been provided previously was requested again because it had not been married up to the paper file. This frustration was further aggravated by the fact that communication channels had been recently extended as police 'file builders' and the CPS administrators were no longer co-located. This was also having a consequence on the provision of files and information for court appearances.

RECOMMENDATION

ASCJB urgently improves early investigative processes and the systems which support file building and quality, including the arrangements for effective monitoring. Formal feedback processes should also be developed to ensure that learning points from advice are used to improve the scheme.

Specialist and sensitive casework

- 5.19 Protocols exist for dealing with, identifying and managing cases defined as sensitive and specialist. There are protocols in place at ASCJB level for rape and domestic abuse cases (including domestic violence) and there are bi-lateral and single agency protocols for child-abuse, homophobia, fatal road traffic collision accident cases and anti-social behaviour.
- 5.20 There are processes defined within some of the protocols for the identification and marking of cases of a sensitive nature, but there was no evidence of a consistent approach to marking. When asked, operational staff in the police, CPS and Court Service knew of the 'red-tag' system (a tag which identifies a case as priority) but there was little understanding of the types of cases that were or were not appropriate for tagging. One example quoted was that all cases involving injury to a police officer should be tagged as a priority – these cases are not defined as specialist or sensitive and do not fall into any category for tagging.
- 5.21 As there is an inconsistent (or ad-hoc) approach to tagging cases the Area has difficulty in tracking, giving priority or monitoring the outcome of sensitive cases. Although there was clear guidance in the listing protocol about the priority to be afforded to certain types of cases, inspectors were told that all cases were a priority and that there was no system to deal with any case differently. This was clearly not the case.

- 5.22 The 'red-tag' system is a good concept with cross-agency acceptance of the idea. Although in theory it allows for the ready identification of specialist and sensitive cases, the Area has failed to realise the potential benefits. This is disappointing and it is also concerning that although a system exists staff do not readily know or understand what types of cases should be tagged or what should happen to cases that have been tagged.

Aspects for improvement

ASCJB ensure that guidance and training is provided to frontline operational officers and supervisory officers, as well as lawyers involved in the charging decisions, about the identification and marking of cases of a sensitive nature and that awareness of the existing Avon and Somerset listing protocol is raised throughout the Area.

- 5.23 There were no concerns about the handling of specialist cases within the sample of files examined. However, out of the 19 cases we looked at which fell into a specialist category, 15 bore some means of identification as such, although some had a red tag attached with out any further indication of the sensitivity or specialist nature of the case.
- 5.24 Appropriate applications for special measures⁸ are made and this was supported by the case file analysis. However, it also shows that witness needs and special measures were not regularly assessed or recorded at the point of the charging decision. In numerous instances the need for special measures applications was recognised only later in the subsequent review of the case, although in all cases applications were timely.
- 5.25 The Area listing protocol sets out guidance that special measures trials should only ever be single listed. During the inspection we found two cases requiring special measures had been listed for the same time in the same court. The protocol recognises that it is inappropriate to double list cases requiring special measures because of the vulnerability of the witnesses. It is concerning to find that the terms of the protocol are not being adhered to. Generally, we observed that courts are able to provide adequate facilities for special measures, although not all courts can physically accommodate them. Cases are then transferred to courthouses with the appropriate facilities.

⁸ Special measures are arrangements which can be put into place to provide protection and/or anonymity to a witness, for example a screen separating the witness from the accused or the use of video link facility.

Aspects for improvement

ASCJB ensure that there is adherence to the protocol regarding cases requiring special measures.

- 5.26 Learning from case outcomes in the handling of specialist and sensitive cases is an essential part of improvement activity. Although there was evidence of single agency analysis on sensitive case types and also some discussion about individual cases amongst key stakeholders, there was little evidence of analysis at Board or task-group level, although a dedicated piece of work in relation to the joint inspectorate report *Violence at Home* had been undertaken in summer 2004. The lack of frequent case outcome analysis is a missed opportunity as any formal analysis may have also identified the weaknesses in process that the inspection identified.

Domestic violence/domestic abuse

- 5.27 The ASCJB and the domestic incident task-group has forged good working relationships with those involved in dealing with local domestic violence issues. The Board has been fully involved in working across the criminal justice spectrum to pilot a specialist domestic abuse court in Bridgwater. This collaborative approach does not depart from the ordinary standard court system, but does consider cases within an appropriate specialist environment where it makes it easier to handle cases of a certain type. The pilot has involved not only those within the criminal justice family, but has worked with the local authority and local domestic violence forums to develop a dedicated court.
- 5.28 The ASCJB are justifiably proud of the achievement of this joint agency initiative. There are sound processes in place to monitor performance and learn from the pilot prior to committing to a full roll-out across the Area.

Strengths

The multi-agency domestic abuse court at Bridgwater and the effective process to evaluate and learn from the pilot before rolling-out across the rest of the Area.

- 5.29 The pressure on the Bridgwater pilot is increasing as there are so many cases where this is the most suitable court to progress them. There are a number of issues that need to be addressed to allow the court to meet demand. The Court Service needs to ensure that there is adequate accommodation for the segregation of victims, witnesses and defendants to minimise the risk of intimidation. The Board must also consider whether there is enough resource

(staff and time) given to the Probation Service to meet the demands for producing reports to aid court decisions; and how to increase the number of places on domestic abuse programmes to meet the need of the pilot or any future roll-out programme.

- 5.30 An additional concern is the fact that cases that need to be transferred from the jurisdiction of the magistrates' courts to the Crown Court are not always prioritised by court staff. This can add delay to cases and undermine some of the benefits of the specialist court at Bridgwater.

Asset recovery

- 5.31 Seizing the assets of criminals is a central plank of the Government's drive to reduce crime and show that it does not pay. The drive to implement asset recovery within ASCJB is supported at task-group level below the Board. As well as including criminal justice partners there are also representatives from Revenue and Customs and the Serious and Organised Crime Agency. In 2005-06 (up to Feb 2006) there were 81 confiscation orders made totalling £1,235,190 against the 2005-06 target of £1,578,492. There is a good awareness of asset recovery within the Area. There is a police financial investigator on each basic command unit and the Area is ensuring that financial awareness and investigation is included in training.
- 5.32 Frontline officers and lawyers at charging stations were observed discussing asset recovery in various types of cases and on a much wider basis than 'drug offences', which are the obvious for asset recovery proceedings; this is commendable. Each case where asset recovery is being pursued is identified and flagged. The task-group has been effective in raising the profile of asset recovery and has played a key part in raising awareness at all levels in the Area. The head of the task group summed up the Area's ethos as 'no criminal will leave court with money from the proceeds of crime'. Confiscation orders range from sums of £49 – £497,000 indicating that the Area will pursue confiscation at all levels of criminality.

Strengths

Effective joint work, awareness of,
and the culture to pursue, asset recovery.

- 5.33 Although there are sound processes to identify and make application for confiscation orders within the police and CPS, it is essential that enforcement of orders is made to ensure that the strategy of crime not paying is felt in the pockets of criminals. The Area collected £252,658 in 2005-06 from proceeds of crime asset recovery orders. The monies collected are a combination of cash seizure and enforcement of pre-Proceeds of Crime Act (POCA) and POCA orders. To ensure that the asset recovery process has a deterrent impact ASCJB should assure itself that the effective joint work to pursue criminal assets is matched by effective processes to recover monies. The Board needs to be aware of recovery rates for all methods of recovery, but with a focus on enforcement of POCA specific orders.

Anti-Social Behaviour Orders

- 5.34 The Area has an Anti-Social Behaviour Order (ASBO) co-ordinator funded by the Home Office and working within the CPS. Although this post does not formally report to the ASCJB there are a number of aspects of work which cut across the business of the Board. The co-ordinator works closely with the criminal justice co-ordinator to ensure that there is a consistency in message and action.
- 5.35 The co-ordinator has been key in training within the Area, as well as being involved in a number of diversionary schemes. A 'three strikes' project relating to late night drinking offences in the south of the Area is a scheme which is showing positive results. Offenders are brought before the court and given a yellow card for the first offence and warnings (and offers to help) about the effects of alcohol. A red card is issued for the second offence and a pub ban and a third offence will result in the application for an ASBO. This has improved the incidence of anti-social behaviour with only one red card being issued in the south of the Area in the first three months of the pilot. A similar scheme is operating in Bristol, although this is not badged as 'three strikes', but since the implementation of the warning process there has only been 20 offences in 20,000 incidents carried out by those already warned for unacceptable behaviour.
- 5.36 Work with the press has also been successful with the operation of a 'hangover' court naming and shaming people arrested for weekend drink related offences.
- 5.37 Additional work with the community and local Crime and Disorder Reduction Partnerships has also been effective. At a local level referrals of anti-social behaviour are taken from the local community (via the local neighbourhood police officer in Chard, Somerset) and a panel can then impose a penalty for reparation (with the consent of the offender) rather than the case go to court. In one instance where a woman caused a disturbance in the pub it was agreed that she would work in the pub for one evening to see at first hand the pressures faced by staff behind the bar.
- 5.38 There are a number of good news stories which could impact on public confidence at the local level falling from the work within the Area on addressing anti-social behaviour. The lack of clear route to the ASCJB or to a task-group may mean that the benefits of the ASBO co-ordinator are not being taken advantage of from an improving public confidence perspective.

Persistent young offenders

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

YEAR	AVON AND SOMERSET (DAYS)	NATIONAL (DAYS)
2000	91	93
2001	91	76
2002	76	68
2003	70	66
2004	71	69
2005	69	68

- 5.40 The last rolling quarter for January to March 2006 was 72 days (national performance of 72). The performance in the Area is on a downward trend. This reflects the national picture where more areas such as Avon and Somerset who have hitherto (since 2003) achieved the target are failing to do so. The current trend may jeopardise achievement of the 2005-06 target.
- 5.41 Responsibility for PYO performance rests with a youth issues task-group. The involvement of the CPS, police, Youth Offending Teams (YOTs) and the courts allows for issues and blockages to be identified and tackled. Earlier in the 2005-06 year it became evident that that case progression meetings on youth cases had stopped in some parts of the Area and this was having an impact on figures. This matter was raised and action taken with immediate effect to re-instate the meetings.
- 5.42 Evidence from earlier joint inspections identified the tendency for Areas to take 'their eyes off the ball' in terms of managing PYO cases as other major initiatives come on stream and need to be managed. Avon and Somerset needs to be alive to this danger, ensuring that priority is afforded to the management of cases involving PYOs.

Persistent and priority offending

- 5.43 The Area has been pro-active in reducing, managing and implementing initiatives dealing with prolific and other priority offenders in Avon and Somerset since April 2002, prior to the creation of Local Criminal Justice Boards. However the creation of the Board provided the basis for having an Area-wide steering group and this resulted in the Bristol based initiative rolling-out across the whole of the Area. The work which began as a genuine partnership between the police, Probation and Prison Services and received national recognition prior to the launch of the national scheme has now forged links with Crime and Disorder Reduction Partnerships (through Safer Communities).

- 5.44 The scheme specifically targets persistent and priority offenders (PPOs) who are over 18 years old, but there is a protocol in place to ensure that there are effective links with YOTs to ensure that cases can be transferred when the offender reaches the age of 18 and that cases are not lost to the system.
- 5.45 To ensure that there is active management of PPOs each basic command unit within the Area has a resource dedicated to their management. This team includes police and probation staff and is managing a workload of individual offenders. There is a close link between a 'prevent and deter' strategy, which is used to re-direct offenders (usually youths who would be moving to the adult intervention programmes) and the 'catch and convict' strategy. Effective pro-active targeting of the key priority offenders within each of the basic command units ensures that there is a focus on key individuals by community police officers. This method of policing is helping keep the average time between recall and arrest to one day, with some notable examples of PPOs being arrested within the hour of the recall notification.
- 5.46 The task-group is effective in monitoring and evaluating performance for PPO work. Although the nature of the work makes it difficult to assess performance, the Area has set an overall target for the number of PPOs, as well as a reduction target as offenders are removed from the scheme when they are assessed as a reduced risk or no longer categorised as a PPO. A key measure of success is the re-conviction rate of those on the scheme. The Area has recently secured funding to undertake a sample of the re-conviction rate of 60 offenders who have been on the scheme. The Youth Offending Team undertake a six monthly dip-sample to assess whether re-offending or re-conviction has taken place for cases involving youth offenders.
- 5.47 95% of those on the scheme were Class A drug users and 40% of the PPO profile are convicted burglars and robbers (national average 20%). This profile therefore makes the interface with the drug intervention programme (DIP) critical in the success of the PPO scheme. There are a number of service models operating in the Area with some DIP teams working to a merged model (that is with the PPO team in the basic command structure) and others operating independently. Research does not suggest that one model is more successful than the other. However, this innovative approach to trialling differing models demonstrates the sound work that is taking place in the Area to manage a PPO strategy.

Strengths

Effective inter-agency working in relation to prolific and other priority offenders.

6. REDUCING THE LEVEL OF INEFFECTIVE TRIALS

Overview

- 6.1 Area performance is better than the national average and within target for ineffective trials in the magistrates' courts. In the Crown Court performance meets target, but is not as good as national average. The effective trial rate in both courts also is better than national average. There are effective processes to support improvement activity around the handling of ineffective trials, with a sound structure of joint working groups considering case outcomes, trends and learning points, both in the magistrates' and the Crown Courts. This is supported by good awareness by the magistracy and court staff of performance and the importance of ensuring that there is a consistent approach to monitoring.
- 6.2 The processes supporting pre-trial case progression are not as effective as those supporting trial outcomes; case directions at early hearings are often not complied with and there is a culture of reliance by the agencies on the court process for case management. This is inefficient and often leads to more hearings than necessary.
- 6.3 The evidence of inefficient pre-trial process is also supported by an inconsistent and ad-hoc approach to case progression across the Area. A case progression pilot for cases in the magistrates' courts in the south of the Area has shown improved results, but this improvement has not been matched in the north when the process was replicated for a short time, but was ended due to funding constraints. Progression in Crown Court cases suffers from an inconsistent approach to providing dedicated resources within all agencies. The Board needs to re-examine the effectiveness of the systems to support the Effective Trial Management Programme.

The treatment of victim and witnesses

- 6.4 The quality of the treatment of victims and witnesses is crucial to the effectiveness of the criminal justice system. In Avon and Somerset there was a genuine commitment across all agencies at all levels to enhance the support and treatment of victims and witnesses. The inclusion of Victim Support representation at both Board and task-group level demonstrates a willingness to learn from the user perspective. Victims talked of experiences of good initial contact with the police, but communication thereafter was not consistent. This weakness has been recognised although a more formal plan to tackle this issue would be beneficial.
- 6.5 The development of a specialist domestic abuse court pilot at Bridgwater also demonstrates the Area's commitment to working with partner agencies to support victims and witnesses. The plans in place to evaluate the pilot and roll-out the process across the whole of the Area should improve the handling of specialist domestic abuse cases for all involved.

- 6.6 The implementation and performance of Witness Care Units has not been consistently sound. There were frustrations about the funding of Witness Service posts, as well as the caseloads and terms and conditions of staff within the units. This, coupled with a lack of formal training for some new staff in the units, meant that offering support has not always been possible.

The treatment of defendants

- 6.7 The treatment and rights of defendants are generally respected within Avon and Somerset, although there were weaknesses identified in dealing with those who may require psychiatric care.
- 6.8 Cell accommodation is adequate although there is a need for a court cell capacity assessment to ensure that the safety of defendants and staff are not put at risk at times of high demand. In court, defendants are treated with courtesy and respect, with time taken to explain court procedures and processes.

Preparing for effective hearings

- 6.9 There has been a problem within Avon and Somerset in getting files to court. As previously mentioned in Chapter 5 there has been some issue with the ability of the police and CPS to effectively manage file building and handling. Evidence suggests that things are improving, although there is still a perception, and we were told by numerous court officials, that this was still a problem. Inspectors did not see any instances of missing files, but there were adjournments sought to allow for papers to be located and read. There was also an issue about the ability of the prosecution or defence being able to proceed on the day of trial, as it was common for papers to have been received for the first time on the morning of trial.
- 6.10 Processes have been improved to ensure that file handling is much more streamlined. Files are being produced and bundled at least 24 hours before court to ensure that the prosecutor has time to prepare. Although this is the goal and internal systems have been changed to facilitate this, it is still common for the prosecutor not to receive the files until the morning of court. This leads to adjournments and delays.
- 6.11 Inspectors found that there were also problems in the early trial management process. Preparation ahead of pre-trial reviews⁹ is poor and this leads to repeated hearings to manage the case through to trial. There were many examples of cases coming back to court after directions had been given at the pre-trial review which had not been adhered to or completed. In such cases further pre-trial reviews and hearings were listed to manage the case to a successful completion.

⁹ A magistrates' court pre-trial review takes place in advance of a trial and gives directions to both the prosecution and defence to ensure that the trial can progress on the fixed date.

- 6.12 Although there is clear instruction given at pre-trial reviews, few sanctions follow any failure to meet instructions. There was an acceptance that not following the direction of the court was the norm and that an additional hearing would be required prior to the case getting to trial.
- 6.13 As outlined above there can be a number of ineffective hearings in the process leading to trial, but few will necessarily feature in ineffective trial rates as these figures only cover the actual trial hearings. A recent National Audit Office report¹⁰ estimated that 28% of all pre-trial hearings are ineffective.
- 6.14 There is more work to be done in the Area to ensure that cases are in a position to proceed at the first hearing. The Area needs to ensure that lawyers come to hearings fully prepared, that file preparation aids the court process and that pre-trial reviews are used to manage cases more effectively.
- 6.15 Whilst some repeat pre-trial hearings which ensure future trial effectiveness are acceptable, in Avon and Somerset there are many more of these hearings than would be seen in other comparable areas. This has a significant impact on the efficient use of criminal justice agency resources within the Area. Good performance results for ineffective trials must be viewed against this picture of a high level of ineffective pre-trial hearings.

RECOMMENDATION

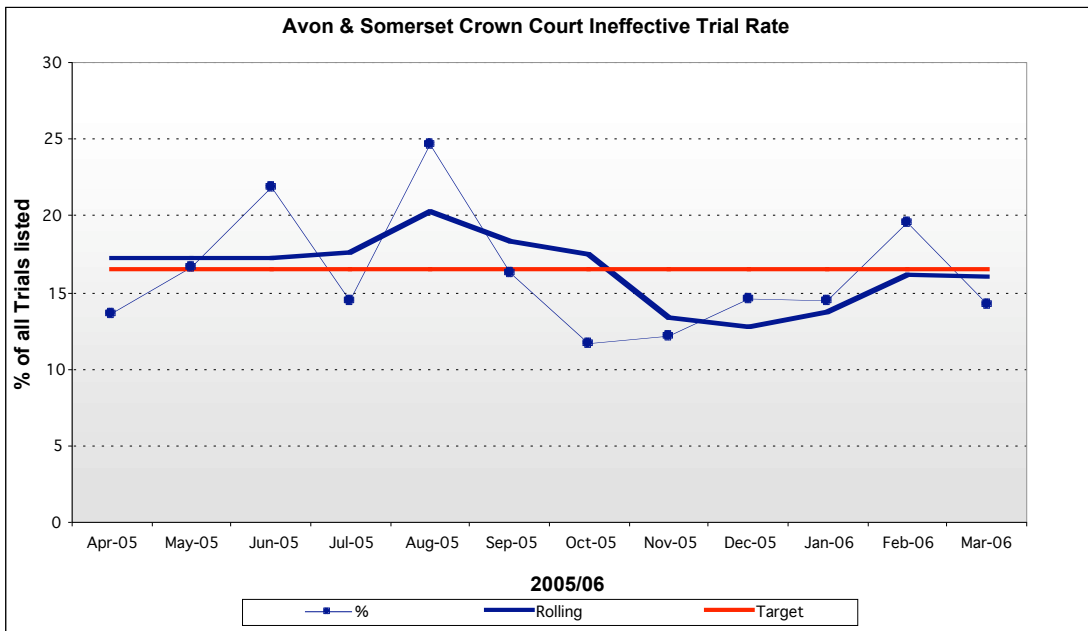
The ASCJB takes action to tackle ineffective pre-trial hearings.

Ineffective trials: Crown Court performance and management

- 6.16 Crown Court ineffective trial¹¹ performance at the beginning of the 2005/06 year had been fairly erratic from month to month. Since October 2005 the overall rolling rate within Avon and Somerset has been below the 16.5% target and the rolling quarter performance in January 2006 was recorded at 14% (see graph below). The year end ineffective rolling performance of 16.2% was better than the 16.5% target.

¹⁰ National Audit Office – Crown Prosecution Service Effective use of magistrates’ court hearings – Report by the Comptroller and Auditor General HC 798 Session 2005-2006 15 February 2006.

¹¹ An ineffective trial is, where on the date of the trial expected progress is not made due to action or inaction by one or more of the prosecution, the defence or the court and a further listing to hear the trial is required.



6.17 There is an effective system to analyse those trials that are ineffective or where there is an adverse case¹² result. A monthly review of these cases, facilitated by the Bristol Crown Court manager brings together key players from the CPS, the witness care manager, Witness Service representatives and the courts (including case progression officers) to examine the reasons for ineffective trials. This meeting is backed by a comprehensive and detailed analysis of each case, as well as the identification of any performance trends. Outcomes and information from this meeting is fed into the operational issues task-group. If there are any issues that require formal agreement at Board level this would be the route. However, it did seem that any issues would be addressed at the local level through effective relationships between the key players attending the Crown Court ineffective trial group.

Strengths

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

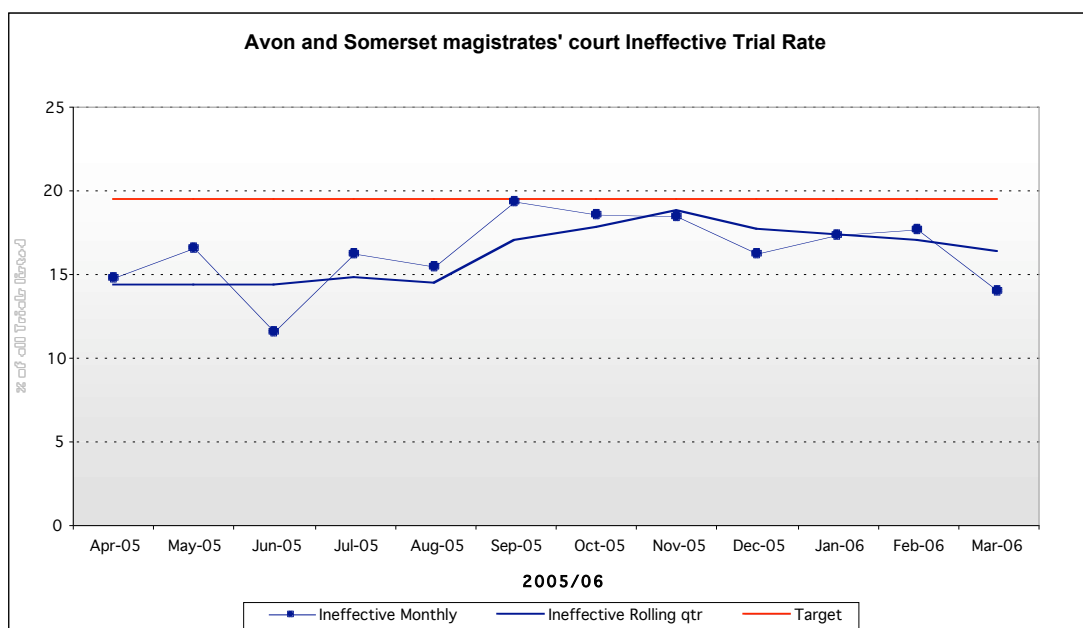
¹² Adverse cases in the magistrates' courts are 'No Case To Answer' in summary trials whereby cases are dismissed at the end of the prosecution case. In the Crown Court adverse cases are 'Judge Ordered Acquittals' which are those trials that the Judge orders an acquittal prior to the start of the trial and 'Judge Directed Acquittals' where the Judge directs an acquittal after the start of the trial.

6.18 The trial process within the Crown Court is subject to a trial readiness check in which each party to the proceedings has to certify that they are ready to proceed to trial. This process, which is the responsibility of the case progression officers in each individual agency, has helped by promoting greater co-operation and joint case management by lawyers and CPS case workers. However, the lack of dedicated case progression officers for Crown Court cases within the CPS hinders the effectiveness of the process, as in some instances the completion of the readiness checks can be ad-hoc and viewed as an additional task that is not a priority within workloads.

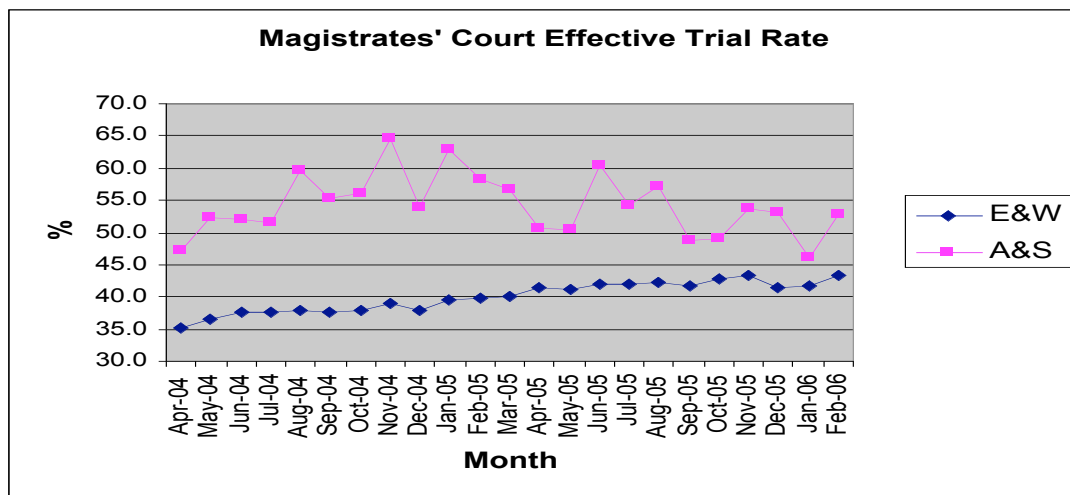
Ineffective trials: magistrates’ courts’ performance and management

6.19 Magistrates’ courts’ ineffective trial performance has consistently remained better than the Area target of 19.5%, with the current rolling quarter ineffective performance standing at 17% and year end performance at 16.6%. To support the drive to reduce ineffective trials within the magistrates’ courts there are a number of cracked and ineffective trial groups across the Area. Within these groups every cracked and ineffective trial is scrutinised to look at the reasons. Using this method allows trends to be identified and learning points to be implemented within the process. Scrutiny at the detailed level has produced some interesting findings, ranging from the accuracy of the completion of cracked/ineffective trial forms to the late production of video evidence. Identifying such trends allows for improvement activity to be implemented with immediate effect and there is evidence that this is improving overall performance.

6.20 The graph shows the ineffective trial rate performance in the magistrates’ courts.



- 6.21 There was also evidence of good awareness of the value of monitoring ineffective trials. Senior legal advisors and bench chairs were aware of the performance of their courts and were fully engaged with the process. This engagement at a senior level within the court was an aid to accountability and ensured that forms were accurately completed stating the correct reasons for trials not being effective or cracking.
- 6.22 As the graph below demonstrates the effective trial rate in the magistrates' courts has remained much better than the national average, with a 2005-06 year end rolling performance of 52% against the national average of 42%.



- 6.23 HM Court Service has worked with the Board to improve the listing practices within the magistrates' courts. The Area listing protocol sets out standards for the maximum amount of time that should be taken to complete each stage of the process. To improve efficiency the Court Service has arranged for dedicated types of hearing to ensure that court business is not mixed. This means that those involved in the court process can allocate resources in a cost effective manner. The listing protocol provides a sound foundation for consistent practices and with more effective early hearings it would provide a sound basis for further improving Area performance.
- 6.24 However, the good end results have to be viewed against what we found in the earlier stages of case progression. The measures of ineffective or effective trials do not capture the whole process and can give a false view of actual overall performance. The number of ineffective pre-trial hearings may be a good additional measure for the Board when considering its overall performance within the magistrates' courts.
- 6.25 There are two different systems operating in the two Crown Court centres within the Area. There is a practice of single listing of trials at Taunton which ensures that there is always a court available for the trial and does not inconvenience victims and witnesses as the case will always go ahead. However, there are significant disadvantages in that court time can be lost if cases crack¹³ on the day. As elsewhere, this approach has increased the waiting time for trials and also the backlog of cases waiting to be heard at Taunton.

¹³ Cracked trials are those where a plea is accepted on the day which means that the trial does not need to be heard in court.

- 6.26 We found conflicting evidence about the late production of pre-sentence reports. The magistracy clearly considered that this was a problem, however the statistics record that the production of sentence reports is meeting targets. Between April and December 2005, 99% of probation reports were completed to the deadline set by the court, this is against the target of 90%. We were unable to fully resolve this apparent difference in view, although we did find evidence to support a training and awareness campaign implemented by the Probation Service to work with the courts to ensure that there was a common understanding of the process. It would be helpful for the Board to keep the position generally under review.

Effective Trial Management Programme

- 6.27 The implementation of the Effective Trial Management Programme (ETMP) within the Area has been managed by the operational issues task-group. The programme is designed to increase the quality of preparation in contested cases. A key feature of it is the role of case progression officers (CPOs).
- 6.28 There have been various approaches adopted within Avon and Somerset to address the case progression role. The ASCJB have been innovative in appointing a jointly funded post within the south of the Area. The post holder is a multi-agency case progression officer, employed jointly by the police, CPS and magistrates' courts' service; this post is funded equally. The officer is an Court Service employee to allow for the use of delegated powers such serving of witness summons, vacating trials, extending bail etc. The post has been piloted in Somerset and results in the cases which were the responsibility of the case progression officer were dramatically better than those outside of the control sample. The officer has worked to promote the service with defence solicitors and there is a strong reliance on them to move cases on in a pro-active and effective way. The scope of the post has been extended to cover all of the magistrates' courts' cases in Somerset and the ineffective trial rate performance in the courts covered is regularly less than 10%.
- 6.29 The ASCJB agreed to extend the pilot to the north of the Area in Bristol. There has been a case progression officer, who is likewise a qualified legal advisor, in post for six months and the reaction and impact of this post has been mixed. This pilot had been cut short due to funding constraints, although there was evidence that there had been difficulty in setting a clear role and remit for the post holder and where the responsibility for case progression no longer rests with the legal advisor and transfers to the dedicated case progression officer. If the Board intend to extend the scheme in the future, as there are obvious benefits being realised in the south of the Area, local issues will need to be resolved and managed more effectively.

Strengths

The innovative approach to case progression adopted by the ASCJB in appointing a jointly funded post with a widened range of powers to effectively progress cases.

Victims and Witnesses

Witness Care Units

- 6.30 As part of the Government's 'No Witness, No Justice' initiative the police and the CPS have introduced two Witness Care Units (WCUs) within the Area. One in Bristol covers cases for courts in the north of the Area and the other in Taunton covers cases from the south. CPS, police and Witness Service personnel staff the units. There have been a number of staffing issues accompanying the implementation of the WCUs, and this has led to the phased approach in the ability of Avon and Somerset to offer a premium service to witnesses within the units.
- 6.31 There were concerns within the Area surrounding the implementation and current performance of the WCUs. The funding of the Witness Service personnel had in the first place been provided by the local Crime and Disorder Reduction Partnerships. The on-going need for funding of the Witness Service posts was proving to be a cause for concern, although the Board had agreed in principle to underwrite the posts if the Crime and Disorder Reduction Partnership's bid for additional funding to pay for the posts was unsuccessful. This lack of clarity around the funding stream for Witness Service posts was an additional distraction for some staff involved in the WCUs.
- 6.32 The WCU work volumes were also a cause for tension. Staff believed that the assessment of work prior to set-up had not considered the full range of duties and demands that were needed to offer the premium service. It was commonly stated that each witness care officer was carrying a high average caseload with problems covering all cases being reported when staff took leave. Workloads within WCUs will vary and these should be closely monitored and balanced against staffing levels. The ASCJB needs to confirm the current position and if the caseload is determined to be above the level to offer an acceptable service to all witnesses work needs to be taken to re-assess the staffing of the units.
- 6.33 In addition some staff felt that the appointment of police and CPS personnel on differing terms and conditions meant that there was an inequity of treatment. Work by the implementation manager has been carried out to rationalise the differences between terms and conditions, although negative staff perceptions were very strong amongst a number that we interviewed.

- 6.34 There was a wide range of experience amongst the WCU staff. There were some who had dealt with witness issues in previous roles, but many were newly appointed at the creation of the units. Some staff had never been in court or inside a courtroom. This was surprising as part of the role is to ensure that witnesses are made aware of the court process and offered the necessary help and support through it. Staff rightly identified that without personal awareness of the process offering this support was difficult.
- 6.35 The planning and implementation of the WCUs was managed outside of the ASCJB task-group structures. There were reporting lines within single agency structures, which in the CPS meant that the Chief Crown Prosecutor (Chair of ASCJB) was kept informed of developments. It was surprising that the victim and witnesses task-group within the ASCJB structure, which includes representatives of Victim Support, was only provided with limited up-dates on progress. Although there were reporting lines within the CPS and police the Board were mainly unsighted on any of the key issues as any information shared was on a verbal basis and did not cover the issues in any depth.
- 6.36 In order to ensure that the introduction and effectiveness of WCUs continues to meet the expected levels of service given to witnesses, the challenges and risks of staffing levels, training support and awareness throughout the Area needs to be managed. It would be difficult to achieve this without clear accountabilities to Board members. The Board need to ensure that there are effective processes in place to manage the service provided by WCUs.

RECOMMENDATION

The ASCJB should establish clear project management arrangements to support the on-going operational work of the Witness Care Units, ensuring that there are clear plans to address training, resourcing and future funding arrangements.

Treatment of victims and witnesses

- 6.37 Victims and witnesses were generally positive about their treatment by the criminal justice agencies. Whilst some praised aspects of responsiveness and care in their cases, others said they felt abandoned because once they had made their statement they did not hear from the police again. This was consistent with the experiences of Victim Support staff who also gave a number of examples where there had been difficulties in contacting officers in the case or gaining information about victims and witnesses which would have helped them in their role.

- 6.38 The service to victims and witnesses at the operational level could be improved, generally on the part of the police. For example, proper completion of the statement Form MG11 outlining witness details and availability would make processes further down the line more effective. There were some examples of witnesses being told that if they made a statement they would not have to attend court. This is not the case and should not be asserted.
- 6.39 Victims and witnesses have concerns that the time elapsing in the reporting of the crime and the taking of a statement could diminish their ability to remember and describe the incidents with clarity. This issue has been recognised and officers and supervisors have been told to view the issues ‘as if they were the victim in the case’. This may have some impact, but along with other issues highlighted above there may be the need for a more formal training requirement.
- 6.40 The victim and witness task-group has been central to a number of improvements offered to victims and witnesses within the Area. As well as undertaking regular checks of court facilities to identify any weaknesses, the group has worked with partners to develop a DVD ‘walkthrough’ for witnesses who attend cases at Bristol Crown Court and planning and facilitating inter-agency training events. The group have also been central to developing and agreeing a cross-agency service level agreement for all agencies to deliver the new Victims’ Code of Practice¹⁴.
- 6.41 As well as working to improve the service to victims and witnesses the task-group monitors performance across a range of measures. The lack of automatic referrals from the police to Victim Support was identified as a concern and this resulted in guidance being issued to remind officers about the need to inform victims. This action improved performance.
- 6.42 A national exit survey of victims and witnesses indicated that 85% of them were satisfied with their treatment by criminal justice staff, although the same survey indicated that 12% were wholly dissatisfied with being kept informed of progress in the case. These findings reflected a number of comments raised during victim and witness interviews. This is the type of issue that Witness Care Units are designed to address.
- 6.43 The handling of victims and witnesses within the Area raised some interesting relationship issues. There are a number of good relationships between those dealing with victims and witnesses, but there were also examples of misunderstandings leading to confusion about who had responsibility for dealing with certain parts of the process. In some cases this was due to a lack of awareness between agencies, for example police officers not knowing what Witness Care Units were responsible for, and in others internal wrangling about support offered by volunteer organisations. These issues had been recognised and action was taking place to iron out misunderstandings at the working level.

¹⁴ Victims’ Code of Practice – The Domestic Violence, Crime and Victims Bill received Royal Assent on 15 November 2004. It provides for a code of practice (outlined in the Bill at section 13), binding all criminal justice agencies, so that all victims receive the support, protection, information and advice they need. The Code of Practice was implemented on 3 April 2006.

- 6.44 The approach to witness care within the courts is generally good. There were numerous examples seen which highlighted this; prosecution lawyers ensuring that witnesses were kept informed of development in cases; witnesses were routinely thanked by the judiciary; support for victims and witnesses was provided by Victim Support (including Witness Service) volunteers.
- 6.45 The quality of waiting areas for witnesses varied across the court estate due to courthouse layout. The limitation of space is an issue with many of the waiting areas being in public spaces, and allow for the mix of victims, prosecution witnesses and defendants and their witnesses. The witness waiting area within Bristol Crown Court is based around a public corridor. This is the only route to the public gallery of two major courts. Although witness waiting room doors can be locked, glass panels within the doors mean witnesses can be easily seen and are open to intimidation. There was evidence that there had been cases of intimidation within this area of the Court. There was no visible security presence in the witness waiting area although we were told that security officers do patrol the area.

RECOMMENDATION

ASCJB works with HM Court Service partners to improve the accommodation offered to victims and witnesses at courthouses.

The rights of defendants

- 6.46 Arrangements for dealing with defendants in police custody are appropriate. Inspectors found some instances where defendants needed to be held outside the police estate (in neighbouring force facilities) as space in some police custody facilities is limited. This matter has been recognised and there are a number of strategic issues about custody accommodation that will need to be resolved. A strategy has been developed to address this matter, which is being actively developed.
- 6.47 Inspectors found that, until recently, there was no formal provision of services for defendants with mental health issues (mental illness, learning disabilities and personality disorders) or learning difficulties. The need to strengthen systems to respond to such issues has resulted in the commissioning of a mental health specific team - the Bristol Court Assessment and Referral Service – which came into operation in May 2006. Within the police custody estate forensic physicians have to be called in and there are regular periods of extended waiting as their surgeries are busy. Within court custody complexes there was a reluctance to call for medical assessments. There was a view that a health service would be provided if the defendant was sent to prison.

- 6.48 The ASCJB has worked hard to influence the local Primary Care Trust (PCT) (and local authority) to provide a scheme to divert mentally disordered offenders from the courts and prison process. Negotiation and highlighting the issue using the chief executive's forum (a meeting of local authority chief executives with chief officers from the criminal justice agencies) and personal letters from the chair of the ASCJB had not managed to gain a commitment to the funding of a scheme. Although the Bristol PCT told us that they were keen to develop a pan-Avon solution this would be dependant on other PCTs in the Area committing resources to the scheme.
- 6.49 In April 2005 Bristol PCT agreed to provide resources for a Court Diversion scheme, although due to financial constraints resources were only made available to implement the scheme in March 2006. This is as a direct result of the implementation of a central Government target to specifically address this type of care issue. Holding people with a mental illness in cells is inappropriate for the individual and can add an additional strain on custody staff as well as placing a burden on the custody estate within the Area. ASCJB needs to ensure that it works with the recently appointed team in Bristol to make certain that the benefits of the psychiatric services are implemented across the whole of the police and court estate within Avon and Somerset.
- 6.50 Generally, the arrival of prisoners is timely and does not delay court proceedings. There are video links at a number of courthouses, which enable the cases of defendants in custody to be heard without them leaving prison. These facilities have been offered to defence solicitors to conduct case conferences without the need for the lawyer to attend the prison, but take-up has been poor. In some cases court proceedings were delayed as case conferences were held within the court building once the prisoner had been presented. The need for this delay may have been avoided if the defence had used the video links prior to the court appearance, even on a different day.
- 6.51 In court defendants are treated courteously and respectfully. Generally, good explanations are given about why cases are being adjourned. There are systems in place to manage the security and safety of defendants in custody although some custody facilities within the courts make segregation and full risk assessment difficult. In some instances, due to the high demand on the custody facilities, adult and youth prisoners have been accommodated within the same cell. Some occupancy rates are not pre-determined and not all escort staff are aware of the maximum number of prisoners that can be held in each cell. Senior custody officers currently use a common sense approach to determine how many can be accommodated. There should be a formal assessment of capacity levels and contingency plans for when these levels are reached. This is not an issue unique to Avon and Somerset courts - this matter has been drawn to attention in the Surrey, North Yorkshire and Merseyside joint inspections and was subject to a recommendation in the joint Custody and Escort Thematic¹⁵ in 2005. It is a cause for concern that the Court Service, PECS, NOMS and the custody contractors have not yet fully met their responsibilities in respect of the safety and welfare of defendants in custody.

¹⁵ *The joint inspection of prisoner escort and court custody in England and Wales. June 2005*

Aspects for improvement

Court cells should be assessed by HM Court Service and the Prisoner Escort Contracting Service to certify the maximum number of defendants who can be held in cells at each custody facility.

- 6.52 Cell areas are generally clean and there was little graffiti. In most there was a system to alert the defendant that any damage to the cell complex would be reported with a view to prosecution. In most complexes defendants were asked if they want reading material while they waited to appear before the court. In one cell complex defendants who had been sentenced by the court and were awaiting transport to prison for the first time were given familiarisation material about the prison process (and in Bristol magistrates' court there was the provision to play a video showing the defendant what to expect on arrival). This approach follows national best practice as highlighted by the Prisons Inspectorate and we were pleased to see it operating in Avon and Somerset.
- 6.53 Throughout the course of the inspection we found good working relationships across the Area between prison escort contract staff and the police, probation, courts and prisons. Although there was a desire to ensure that defendants were treated with respect and care, we were told that there were instances where due to the lack of medical provision that it was not always possible to offer support for defendants who were de-toxing. This was not an issue for defendants who had been brought from police custody or prisons as medical records and any prescribed drugs accompany the defendant/prisoner. However, there is no provision for those defendants who have been arrested for breach of bail and are brought straight to the court.

Aspects for improvement

ASCJB should continue to work with the relevant agencies to ensure that there is appropriate and consistent provision for those held in court cells who have substance abuse and/or mental health problems, including formal diversion schemes.

LIST OF THOSE WHO ASSISTED OUR INSPECTION

Victim Support (inc Witness Service)

Avon and Somerset Criminal Justice Board Office

Police

CPS

Probation

Prison Service

BREC (Bristol Race Equality Council)

Bath and NE Somerset Race Equality Council

SARI (Support Against Racist Incidents)

Connecting Communities

Ian Kelcey, Bristol Law Society

Legal Services Commission

Government Office for South West

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

KEY PERFORMANCE RESULTS

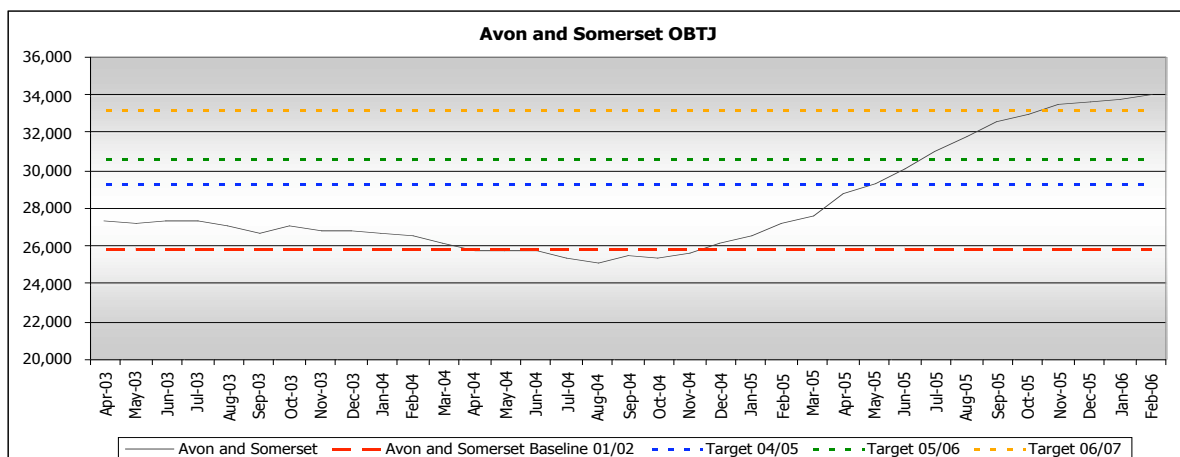
In line with other Criminal Justice Boards ASCJB agreed key performance targets with the National Criminal Justice Board for 2005-06. They are based on two of the Public Sector Agreement (PSA) objectives and are set out below:

To bring 30,623 offences to justice by March 2006. This target is supported by a number of supporting indicators including:

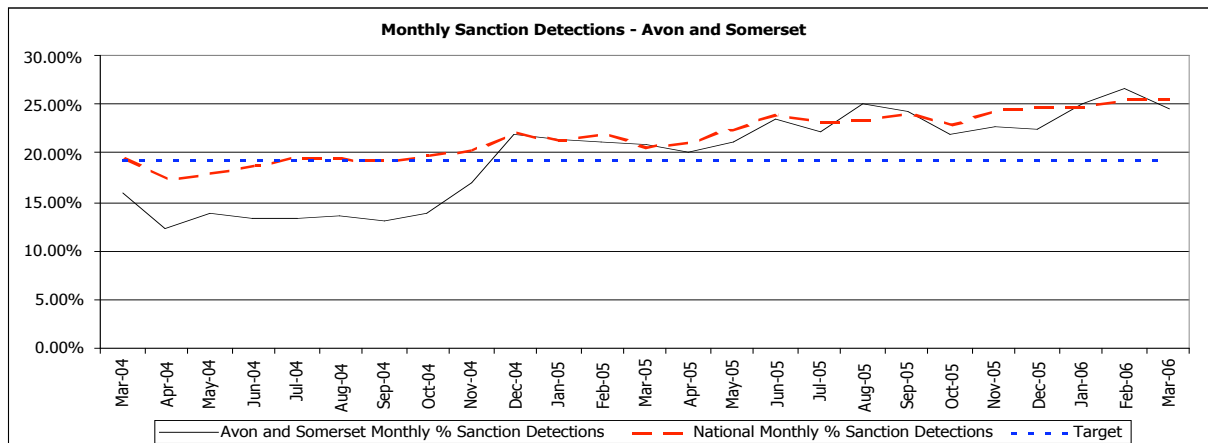
- To attain a sanction detection rate of 19.3%.
- To achieve a guilty plea rate (in cases which have been subject to pre-charge decision-making by the CPS) in the magistrates' courts of 80.5% and in the Crown Court of 56.1%.
- To reduce the discontinuance rate (in cases which have been subject to pre-charge decision-making by the CPS) in the magistrates' courts to 11% and in the Crown Court to 20.3%.
- Reduce ineffective trial rates in the magistrates' courts to 19.5% and in the Crown Court to 16.5%.
- To reach a public confidence level of 42% in the effectiveness of the criminal justice system in bringing offenders to justice.

Narrowing the justice gap

The objective of increasing the number of offences brought to justice is also known as narrowing the justice gap. Avon and Somerset were set the target to bring 30,623 offences to justice for the 2005-06 year. Up to February 2006, Avon and Somerset had brought 33,992 offences to justice. This represents an improvement of 31.2% on the 2001-02 baseline. As in many criminal justice system areas, there was a significant number of offences dealt with by the way of formal warnings and fixed penalty notices.



Avon and Somerset also exceeded its 2005-06 target for sanction detections. The graph below shows performance which is currently 24.4% (exceeding target by 5.1%).



Guilty plea and discontinuance rates in pre-charge cases

In line with the supporting indicators to the offences brought to justice target outlined above, Avon and Somerset's current performance (for April to December 2005 and for the first three quarters 2005-06) stand at:

GUILTY PLEA RATES		
	Target	Apr – Dec 2005 actual
Magistrates' courts	80.5%	69.5%
Crown Court	56.1%	65.6%

DISCONTINUANCE RATES		
	Target	Apr – Dec 2005 actual
Magistrates' courts	11.0%	14.9%
Crown Court	20.3%	13.2%

Reducing ineffective trials

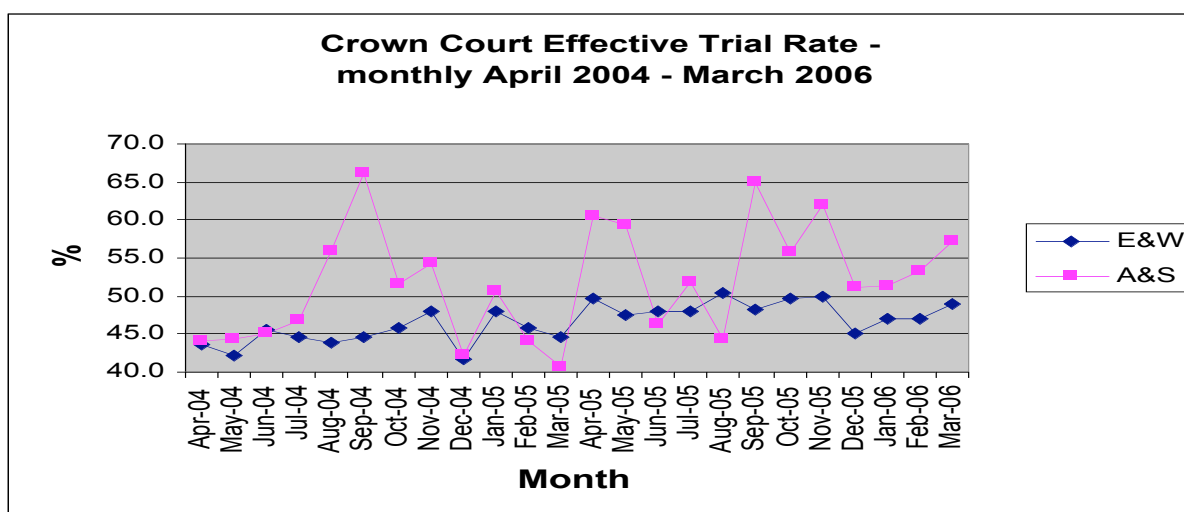
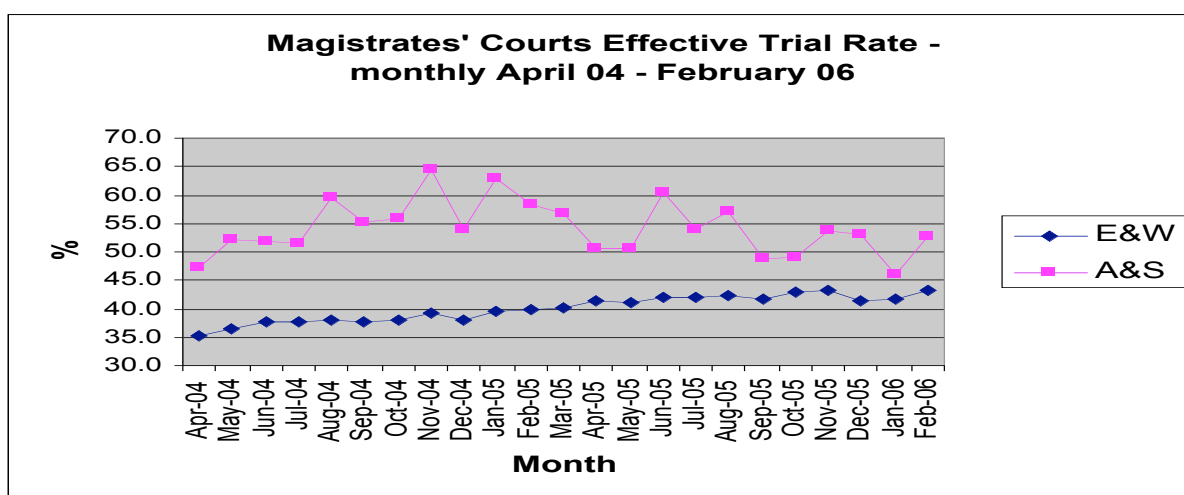
Ineffective trial performance across both the magistrates' courts and the Crown Court are within target. The tables below show that there has been improvement in ineffective trial rates since 2003-04 in both courts; however, performance in the magistrates' courts between 2004-05 and 2005-06 has worsened (but still remains significantly better than target).

MAGISTRATES' COURTS' PERFORMANCE AND TARGETS			
	2003-04	2004-05	2005-06
Target	23%	23%	19.5%
Out turn	21%	13%	16.6%

CROWN COURT PERFORMANCE AND TARGETS			
	2003-04	2004-05	2005-06
Target	22%	19%	16.5%
Out turn	24%	22%	16.2%

Effective trial performance

Effective trial¹⁶ performance can be a better indicator of actual Area performance. The effective trial rates in both the magistrates' courts and Crown Court in Avon and Somerset are above the national average (see tables below). Performance in the Crown Court has been less consistent.



¹⁶ Effective trials are those that proceed to trial on the first date that it is listed for trial.

Timeliness of handling persistent young offenders

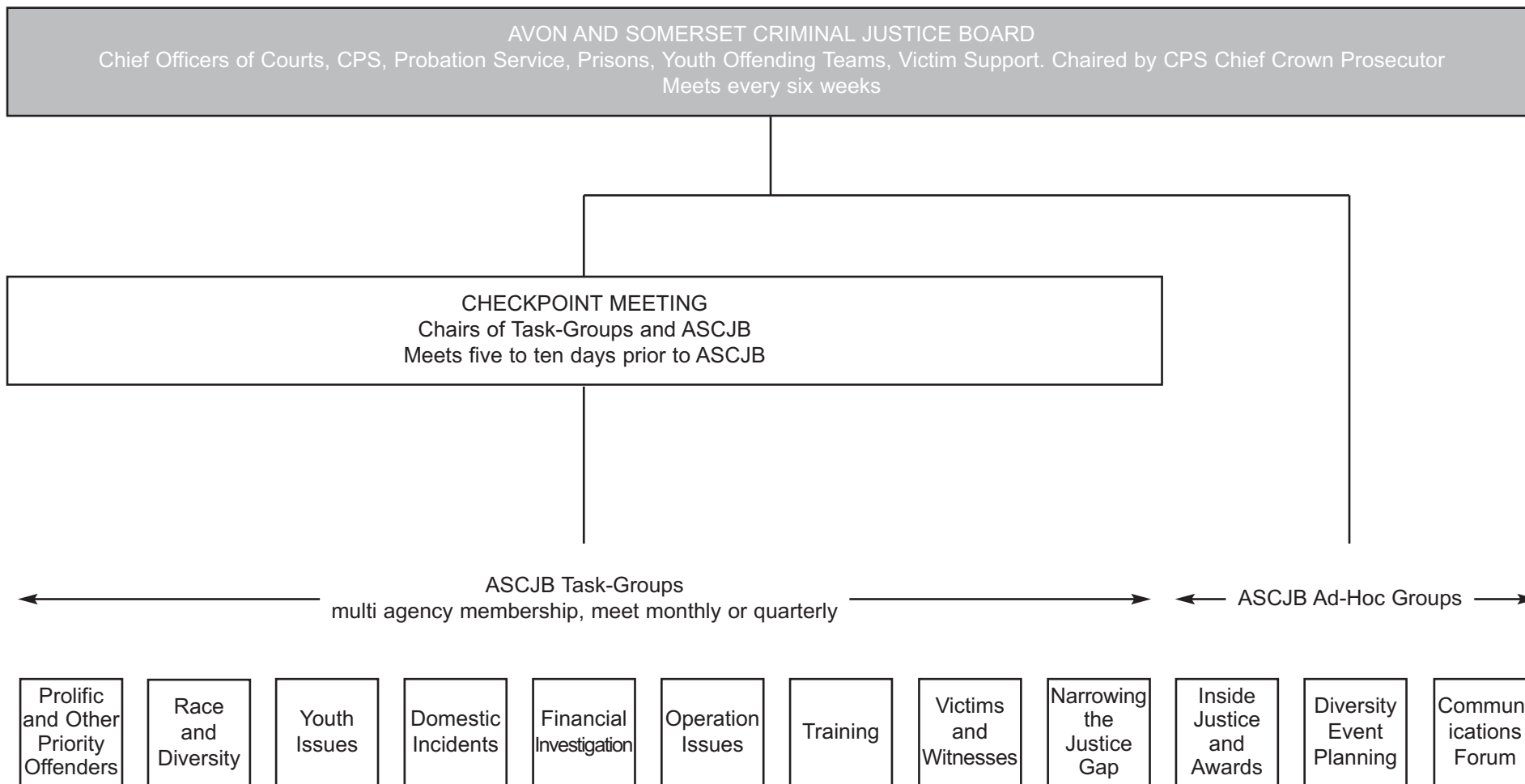
In 1999 a national target of 71 days was set from the arrest to disposal of cases involving persistent young offenders (PYOs). The out-turns have been as follows:

YEAR	AVON AND SOMERSET (DAYS)	NATIONAL (DAYS)
2000	91	93
2001	91	76
2002	76	68
2003	70	66
2004	71	69
2005	69	68

Improving public confidence

The Area has improved performance in the criminal justice system locally in bringing offenders to justice from a baseline measure of 36% in 2002-03 to a current performance (at the end of the third quarter of 2005-06) of 46%. This is against the target of 42% set for the Area and a national outcome of 43%.

AVON AND SOMERSET CRIMINAL JUSTICE BOARD STRUCTURE





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