



*HMcp*si**
HM Crown Prosecution Service Inspectorate

THE JOINT INSPECTION OF THE CLEVELAND CRIMINAL JUSTICE AREA

INSPECTED JUNE 2006



Her Majesty's
Inspectorate
of Probation

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The Joint Inspection Report on the Cleveland Criminal Justice Area

PREFACE

The Chief Inspectors of the criminal justice inspectorates are pleased to publish their joint report on the Cleveland Criminal Justice Area. This inspection builds on previous joint inspection work and is part of a programme of area joint inspections planned for 2006-07. 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 (LCJBs) 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 LCJBs is kept under constant review by the National Criminal Justice Board (NCJB). The Office for Criminal Justice Reform (OCJR) regularly issues guidance and practitioner toolkits, both on new initiatives and best practice, towards 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 is 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 2006-07 and focuses on four objectives:

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

Within the framework we address issues of corporate governance arrangements and the strategies and policies of the Cleveland Criminal Justice Board (CCJB), 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 and enforcement of community sentences. The framework draws on standards and guidance produced by the NCJB, the OCJR, and the individual agencies themselves.

This inspection was carried out in accordance with the principles of inspection set out by the Office for 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 Cleveland about how effectively the local criminal justice system (CJS) 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 Cleveland 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

Cleveland

- 1.1 Cleveland covers approximately 595 square kilometres and has a population of over 554,000. The area is predominantly urban, a densely populated conurbation, closely resembling metropolitan authorities in socio-economic characteristics and policing needs. The resident black and minority ethnic (BME) population was estimated to be 1.9% of the total population in the 2001 census. All four policing territorial districts have large areas of socio-economic deprivation; 38 of the 92 wards in the force area are in the top 10% of the most socially deprived wards in the country (2004 data). Unemployment in Cleveland stands at 9.3% of those eligible to work and the average weekly wage is estimated to be significantly below the national average.

The Cleveland area is a major production centre for the chemical industry which results in the large scale transportation by road, rail and sea of hazardous substances. The chemical industry remains a key economic factor and presents the Cleveland police force, other emergency services and partners with a significant major incident risk. In addition, there is a nuclear power station at Hartlepool whilst Teesport remains one of the busiest commercial ports in the British Isles (in terms of tonnage).

The area's rural fringes border the North Yorkshire Moors, offering great beauty and scope for leisure activities. The industrial heart of the area has a strong infrastructure that is well served by the transport network, including an international airport (Durham Tees Valley). The area supports many leisure facilities including premier league and league two football. Each of the four districts host town centres offering quality shopping by day and a lively night-time economy. The coastline includes the highest sea cliffs in England and part of the Captain Cook heritage trail.

- 1.2 The area is divided into four policing Basic Command Units (BCUs), known locally as districts (Hartlepool, Langbaugh, Stockton and Middlesbrough). There are four unitary local authorities (Hartlepool, Redcar and Cleveland, Stockton and Middlesbrough) within the area and their boundaries are coterminous with the boundaries of the Police BCUs. There are three Youth Offending Teams (YOTs). Teesside Crown Court sits at Middlesbrough and there are three magistrates' courts: Teesside, Langbaugh East and Hartlepool. Crown Prosecution Service (CPS) and probation offices are conveniently located near to the courts. There are two prisons within the area, HMP Kirklevington and HMP Holme House. The former prepares long-term detainees for release back into the community, whilst the latter, built to Category 'A' standard, acts as a local holding establishment for over 800 inmates.

Cleveland Criminal Justice Board

- 1.3 The Government has established 42 criminal justice areas. Each has an LCJB. The CCJB formally assumed its responsibilities on 1 April 2003. All LCJBs are charged with establishing and delivering, at local level, targets to support the achievement of national objectives that are designed to improve the overall efficiency and effectiveness of the criminal justice system. The national targets, which are drawn from the Ministerial Public Service Agreements (PSAs), include:
- Increasing the level of public confidence in the criminal justice system by bringing offenders to justice to 40% by March 2007.
 - Improving the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25 million by March 2008 (rolling target).
 - A 27% reduction in the proportion of ineffective trials by March 2007, with the proportion of ineffective trials to be no more than 18% in magistrates' courts and 17% in the Crown Court.
 - All community breach penalties should take an average of 35 working days from breach to resolution, and that 50% of all breach proceedings be resolved within 25 days of the relevant failure to comply.
- 1.4 The Government has not set any additional national targets for 2006-07.

Scope of Inspection

- 1.5 The inspection was a joint inspection by HM Inspectorate of Constabulary (HMIC), HM Crown Prosecution Service Inspectorate (HMCPSI), HM Inspectorate of Court Administration (HMICA), HM Inspectorate of Probation, and HM Inspectorate of Prisons. The Quality and Standards Department of Victim Support also assisted the joint inspectorate team.
- 1.6 The joint inspection looked at how effectively the criminal justice agencies and partners such as Victim Support and the Witness Service were working together in Cleveland to deliver the outcomes necessary to achieve the targets set by the CCJB. We considered the governance and strategy of the CCJB, and the joint response of criminal justice agencies and partners to crime from the point at which a crime is reported to the passing of sentence and the enforcement of community sentences. This included an examination not just of the work of the CCJB, but also the interaction between criminal justice agencies and partners outside the CCJB framework.

Methodology

- 1.7 Our methodology included an examination of management information, plans and documentation from the CCJB. We visited the area from 19 June until 30 June 2006 and held interviews with criminal justice agency staff at all levels, criminal law practitioners and representatives of local community based organisations. Focus groups of victims and witnesses, Police, probation and YOT officers, agency case progression officers (CPOs) 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.

- 1.8 We examined 42 CPS files, comprising magistrates' courts and Crown Court trials, and a sample of cases where there had been an unsuccessful outcome. We looked in particular at the timeliness of the exchange of information between the prosecution team and other agencies and the level of witness care.
- 1.9 A sample of files involving probation and YOT cases that had been subject to breach proceedings in the final quarter of 2005-06 were also inspected in detail. An analysis of this sample has been conducted to provide a greater understanding of the local factors affecting the time taken from the relevant unacceptable absence and the conclusion of breach proceedings.
- 1.10 The Chief Inspectors are grateful to all those who gave their time to the inspection, whether in preparation of documentation or by making themselves available for interview. A list of individuals outside the criminal justice agencies, from whom we received comment, is set out at Annex 1.

Structure of the Report

- 1.11 An executive summary presents the main findings of the joint inspection at the outset of the report, followed by the area's Key Performance Results, with particular emphasis on the quantifiable progress in meeting the government's targets for the criminal justice system. The main body of the report sets out the detailed findings of the inspection in relation to the topics inspected. These findings are based on an inspection framework which focuses on four aspects of performance for which there are government targets, namely increasing public confidence in the criminal justice system, increasing the number of offences brought to justice, reducing the rate of ineffective trials and the enforcement of community sentences.
- 1.12 We identify strengths and aspects for improvement, draw attention to good practice and make recommendations. The recommendations identify the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider merit the highest priority by the CCJB and criminal justice partners.

2 EXECUTIVE SUMMARY

Overview

- 2.1 The CCJB came into effect in April 2003 and has had three chairs since inception – the Chief Crown Prosecutor (CCP), then the Chief Constable and currently, the Chief Probation Officer. The CCJB does not have bespoke terms of reference nor a strategy outlining its vision for the delivery of criminal justice in Cleveland. The area has struggled with performance and, not surprisingly, the focus of the board in the previous year was on improving the investigation and detection of crimes. Recognising that additional support was required, in November 2005 the OCJR provided the area with the assistance of a Performance Action Team (PAT). With support from the PAT, an action plan was agreed and this has been incorporated into the CCJB 2006-07 delivery plan.
- 2.2 Recent national assessments have indicated that the CPS and Probation Service in Cleveland have been performing well, with CPS rated as 'good' in the Overall Performance Assessment (OPA) (December 2005) and Teesside Probation Service performing well nationally. Cleveland Police was a Police and Crime Standards Directorate (PCSD) 'engaged' force (i.e. needing support to improve performance) from April 2003 until disengagement in June 2006.
- 2.3 Unlike the other CJBs in the North East, Cleveland has no representation from the Legal Services Commission or the Government Office for the North East (GONE).
- 2.4 The structure below the board consists of two groups – a Confidence & Communications Group (CCG) and a Performance & Delivery Group (PDG). Both are directly accountable to the board. The CCJB has established a number of temporary sub-groups that are tasked with looking at particular work streams such as No Witness No Justice (NWNJ), Victims Code, Secure e-mail and Effective Trial Management Programme (ETMP). These groups report to the board. The PDG, chaired by an Assistant Chief Constable (ACC), has responsibility for delivering the actions required to achieve the national and locally set targets. Two sub-groups reporting to the PDG are a Prolific and other Priority Offenders (PPO) working party and a Domestic Violence and Sexual Abuse working party.
- 2.5 The CCG is charged with delivering the CCJB internal and external confidence agenda. A structure chart is attached at Annex 2.
- 2.6 The board has a lean approach to structures preferring to keep groups streamlined. Minutes of the meetings of the CCJB and these groups are concise but do not always reflect the amount of work conducted there; minutes of meetings are not widely circulated, limiting awareness of the CCJB and its strategic drive on CJS business.

Public Confidence and Community Engagement

- 2.7 Confidence in the effectiveness of the criminal justice agencies in bringing offenders to justice in Cleveland is 40%, an increase on the baseline of 33% in 2003 and above the

local target of 37%. Without doubt, Cleveland has struggled to win public confidence after a series of high profile negative events that brought national attention to the area.

- 2.8 The board has engaged in a number of internal and external events to raise its profile and promulgate the work in progress. It retains a local public relations (PR) company to advise on maximising media coverage. The CCJB was identified as the most prominent local board in terms of Inside Justice Week coverage in 2005 with 30% of the national coverage. Despite this, the profile of the board remains low within and outwith the CJS. At the time of inspection, the board had yet to engage fully with the Crime and Disorder Reduction Partnerships (CDRPs) or minority groups in the area but plans were in place to progress this work.

Offences Brought to Justice

- 2.9 Poor police performance in April 2003 attracted the attentions of OCJR and the PCSD of the Home Office, and support was provided to improve detection rates. The Offences Brought to Justice (OBtJ) trend is now on target to meet the 2006-07 requirement of 16,558.
- 2.10 Statutory charging has been implemented and, after a series of teething problems, is now working effectively to the satisfaction of both police and CPS. The police have adopted the National Centre for Policing Excellence (NCPE) volume crime investigation model with the establishment of Evidence Review Officers (EROs) and Case Review Officers (CROs) and this is providing better quality files for duty prosecutors to advise on. Disappointingly, the appointments system is administered on paper despite the availability of the National Strategy for Police Information Systems (NSPIS) and Compass CMS, and this inhibits effective bail management.
- 2.11 The discontinuance rate of cases involving pre-charge decisions is 16.1% in the magistrates' court and 15% in the Crown Court. This is above the national target of 11%. Overall discontinuance rates for the area are 13.5% in the Crown Court and 10.6% in the magistrates' court.
- 2.12 A 'charging champions' meeting in each BCU reviews and manages unsuccessful outcomes. This is an effective partnership and the area would benefit if the work of the four champions groups were combined and collated to provide a deeper, area-wide analysis of this problem.
- 2.13 Cleveland has four very effective PPO Schemes, two of which have attracted national commendation.
- 2.14 Persistent Young Offender (PYO) performance overall is good, averaging 64 days for the year ending 2006.

Reducing Ineffective Trials

- 2.15 The CCJB has a local target to reduce the ineffective trial rate in magistrates' courts to 18% and in the Crown Court to 14.5%. The target for the magistrates' courts is being achieved, with performance of 17.4% (2005-06 total), but the Crown Court targets are not.
- 2.16 The Crown Court had, at 29% (March 2006), one of the lowest effective trial rates nationally. However, this improved to 45.7% in May 2006 whilst the cracked trial rate in May was reduced to 42% from 55%.
- 2.17 There are three witness care units (WCUs) in Cleveland, one at Hartlepool, one in the Crown Court in Teesside and one at Teesside Magistrates' Court. Hartlepool was first to come on line in October 2005 and the others followed in 2006. Systems are in place to manage the units and a good training programme has been developed but awareness among other criminal justice staff of their existence, roles and responsibilities was not widespread. One Senior Investigating Officer (SIO) managing a murder investigation did not know they existed and had appointed a member of staff to undertake witness care.
- 2.18 Victim and witnesses are treated well but there are some problems around information-sharing between voluntary and statutory agencies that need to be resolved.
- 2.19 Defendants are treated appropriately and their rights respected. Arrangements exist with local health care providers for the treatment of persons with mental health, drug and alcohol problems. Additionally, the Middlesbrough BCU custody suite has a pilot project for the referral of youths to drug/alcohol treatment programmes.

Enforcement of Community Penalties

- 2.20 Targets for Community Penalty Enforcement (CPE) were introduced for LCJBs in 2005-06. Performance against these is measured by a bespoke HMCS administered database known as the Community Enforcement Tracker (COMET). There are two national targets;
- That all community penalty breach proceedings should take an average of 35 working days from breach to resolution; and
 - That 50% of all breach proceedings are resolved within 25 days of failure to comply.
- 2.21 COMET tracks the performance on the breaches of all adult and youth community penalties where the breach occurred after 1 April 2005. Nationally, performance data was available from November 2005.
- 2.22 The CCJB adopted the two national targets and an additional local target of 50% of all breaches to be concluded within 35 days.
- 2.23 An analysis of YOT cases inspected shows that the area has met the targets for the average number of days for end-to-end enforcement and for the percentage of cases concluded in 25 days (81%). However, the YOTs were less good at recording whether

absences were acceptable or not (only 56% of cases), indicating a lack of consistency over when breach should be instigated.

2.24 An analysis of adult cases shows that, in the sample inspected, the area met neither of the end-to-end enforcement targets. The average number of days taken to the first hearing is only marginally less than 25 days at 24.2 days, making the achievement of the 50% target difficult. Less than one third of cases were concluded at first hearing.

Key Performance Results

2.25 Improvement in performance in 2005-06 against the PSA targets has been achieved by a strong focus on the 'front end' of the business:

- Confidence in the CJS in Cleveland is currently 40%, 3% above Cleveland's target of 37% and matching the national target.
- Performance for OBtJ has now met the rolling annual target for 2005-06 of 15,602 for the last three months of 2005. The June data (with a 2 month lag) shows Cleveland's OBtJ to be 18,469, an increase of 28% against a baseline figure of 14,464. This upward trend indicates that Cleveland is on course to meet the current target of 16,558 for 2006-07.
- Cleveland's sanction detection performance is currently 26.2% (12 month ending July 2006) exceeding the 2006-07 target of 23.6%.
- The ineffective trial rate in the magistrates' court continues to fall against the baseline figure of 32.8% in 2002. The ineffective trial rate is 17.4% (2005-06 total) against the 2005-06 target of 20% and is expected to fall further against the 2006-07 target of 18%.
- Performance against the ineffective trials target is less positive in the Crown Court. Whilst meeting the national target of 17%, with a performance rate of 16.5%, it is not meeting the locally set target of 14.5%.
- PYO performance is better than the national target of 71 days, averaging 64 days for the year 2005-06.
- End-to-end enforcement of community penalties in youth cases is good.
- End-to-end enforcement of community penalties in adult cases is not achieving either national enforcement targets.

2.26 Proceeds of Crime Act 2002 (POCA) performance is currently good but anticipated to fall in the incoming year owing to police staff shortages. However as Cleveland Police intend to set up an economic crime unit this should be back on track in due course.

2.27 We found the following **strengths**:

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- 1 The charging champions meetings being held on each BCU between Police and CPS to review charging decisions.

 - 2 The application of the NCPE volume crime model and the use of EROs or CROs at each charging centre.

 - 3 The Witness Care Units' performance management information.

 - 4 The development and use of the Curriculum pack with informative DVD.

 - 5 Proceeds of Crime Act performance.

 - 6 The Middlesbrough and Stockton PPO schemes.

 - 7 The drug and alcohol referral service for youths in police custody in Middlesbrough.

 - 8 CCJB funding for a separate jurors' entrance at the Crown Court.

 - 9 CCJB funding for DVD playing, copying and viewing facilities in the Crown Court.

 - 10 The cracked/effective/ineffective trial analysis in the magistrates' courts.
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2.28 In relation to the enforcement of community sentences we found the following **strengths**:

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- 1 The notification of intention to breach letter is effective in giving an early indication to the offender of the likely forthcoming summons date.

 - 2 To minimise the incidence of not guilty pleas, summonses are worded to include an allegation that the offender has failed to comply with the terms of the order and failed to furnish an acceptable reason within the required timescale.

 - 3 Recently improved processes to ensure the provision of early court dates.

 - 4 Establishment of a Probation 'Breach Team' to service the three magistrates' courts.
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2.29 We found the following **aspects for improvement:**

1 To increase public confidence in the CJS, the CCJB should follow up previous overtures from the criminal defence profession for representation at board or sub board level.

2 To increase public confidence in the CJS, the CCJB should progress initial good work to ensure equality and diversity are embedded and monitored across the CJS.

3 The CCJB can capitalise on the existing single agency strong performance analysis and avoid duplication at performance officer and Performance and Delivery Group level.

4 The CCJB should ensure the good practice that exists with regard to administrative case progression in the magistrates' court is replicated in the Crown Court.

5 The minutes of CCJB meetings and those of the Performance and Delivery and Confidence and Communications sub-groups ought to be recorded in sufficient detail to reflect the business that is conducted during them, and be circulated.

6 To maximise resources, the current workings and structure of the CCG should be reviewed to ensure it is fit for purpose.

7 In order to effectively manage persons on police bail and thus increase public confidence, the CCJB should oversee the implementation of a robust electronic bail management system.

8 To increase confidence in the CJS and better manage prolific offenders, PPO performance data should be reviewed at board level and efforts made to improve links with Crime and Disorder Partnerships and the Government Office for the North East.

9 More probing analysis of unsuccessful outcomes should be conducted.

10 The CCJB should review and analyse the cost of the high cracked trial rate in the Crown Court and its impact on the other agencies and victims and witnesses.

11 Remote site video links should be established for vulnerable and intimidated witnesses.

12 The use of the prison video link should be extended to the probation service and defence solicitors, and its wider use encouraged.

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- 13 All YOT staff should be made aware of the breach targets and ensure that decisions about absences are recorded, with appropriate action following non-compliance.

 - 14 End-to-end breach performance analysis and subsequent actions should be multi-lateral, to include all criminal justice partners and not just courts and probation.

 - 15 The process of instructing a prosecution solicitor following a not guilty plea in community penalty breach cases should be reviewed, with a view to reducing delay.

 - 16 Diversity monitoring is required in community penalty breach cases.

 - 17 The CCJB should conduct a problem analysis in Hartlepool to clarify the barriers that exist, or are perceived to exist, to achieving effective justice.

 - 18 The CCJB should make representations to the National Offender Management Service so that all Prisoner Escort Contract Service providers are adequately trained to deal with people who have drug/alcohol/mental health issues.
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2.30 We made the following **recommendations**:

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- 1 The CCJB develops and promulgates its strategy and vision for the delivery of criminal justice in Cleveland.

 - 2 The CCJB builds upon its early endeavours to engage with groups outside the CCJB in order to improve the quality of service delivery.

 - 3 The CCJB reviews the roles and requirements of the board's support staff to ensure that they have the capacity to deliver the board's expectations.

 - 4 The CCJB reviews the roles of the voluntary and statutory agencies with respect to witness care, ensuring that each agency has a clearly defined role with regard to victim and witness care and support.

 - 5 The CCJB works to reduce the delays in end-to-end enforcement of adult community penalty cases that are preventing it from achieving the target.
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3 IMPROVING PUBLIC CONFIDENCE AND COMMUNITY ENGAGEMENT

Overview

3.1 Confidence in the effectiveness of the criminal justice agencies in Cleveland in bringing offenders to justice is currently 40%, an increase on the baseline of 33% in 2003 and above the local target of 37%. Without doubt Cleveland has struggled to win public confidence after a series of high profile negative events that brought national attention to the area. Community engagement is not as advanced as it should be, but there are some 'green shoots' with plans to work with local communities and voluntary groups and contact has been made. Confidence is a high priority for the CCJB with the University of Teesside being tasked to research how the CCJB can impact on the public confidence agenda. The chart and table below shows the confidence levels that the people in Cleveland have in the CJS across the range of confidence targets.

Figure 3.1: Confidence levels of a sample of the population of Cleveland in the criminal justice system

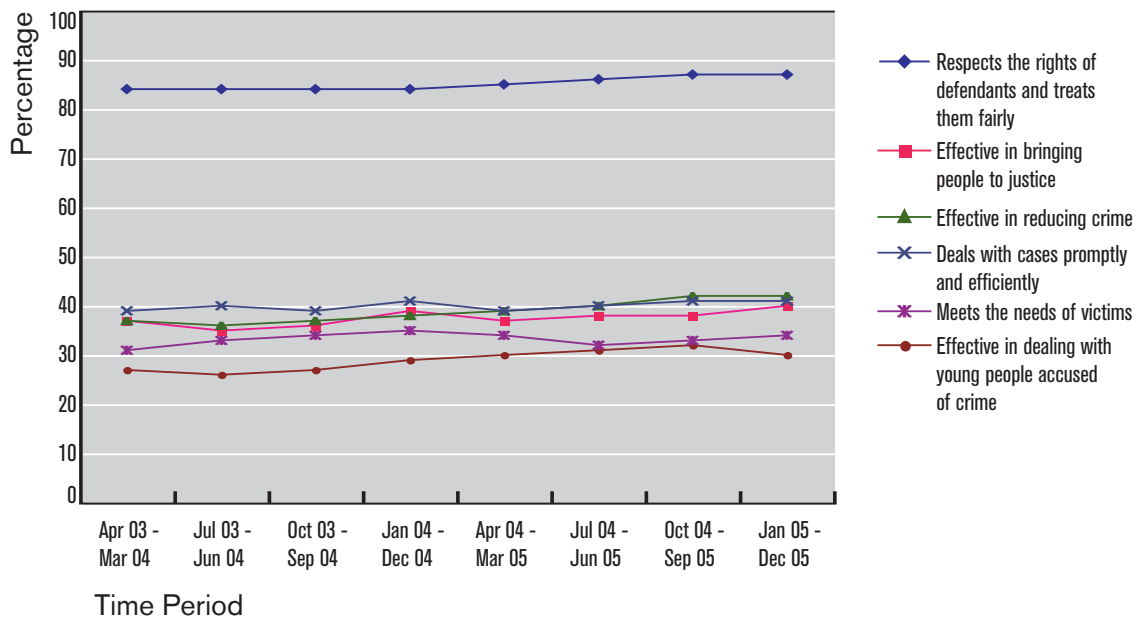


Table 3.1: Confidence levels of a sample of the population of Cleveland in the criminal justice system

	Respects the rights of defendants and treats them fairly	Effective in bringing people to justice	Effective in reducing crime	Deals with cases promptly and efficiently	Meets the needs of victims	Effective in dealing with young people accused of crime
Apr 03 - Mar 04	84%	37%	37%	39%	31%	27%
Jul 03 - Jun 04	84%	35%	36%	40%	33%	26%
Oct 03 - Sep 04	84%	36%	37%	39%	34%	27%
Jan 04 - Dec 04	84%	39%	38%	41%	35%	29%
Apr 04 - Mar 05	85%	37%	39%	39%	34%	30%
Jul 04 - Jun 05	86%	38%	40%	40%	32%	31%
Oct 04 - Sep 05	87%	38%	42%	41%	33%	32%
Jan 05 - Dec 05	87%	40%	42%	41%	34%	30%

Source: JPIT

3.2 The CCJB consists of the Chief of Probation (chair), Chief Constable, Assistant Chief Constable (ACC) with Criminal Justice portfolio, CCP, Area Director of HM Courts Service, a representative of the YOT for the area, local prison governor and the Area Manager for Victim Support. Disappointingly there is no external representative from the criminal defence practitioners who could bring another perspective of the CJS to the board and enhance partnerships.

ASPECT FOR IMPROVEMENT

To increase public confidence in the CJS, the CCJB should follow up previous overtures from the criminal defence profession for representation at board or sub-board level.

3.3 The CCJB has no bespoke terms of reference and uses instead the guidelines set out in 2002 by the OCJR. The board does not have a published strategy for the delivery of criminal justice in Cleveland and inspectors found that, although board members had a good awareness of their strategic direction, there was no communication cascade to other levels and limited understanding among staff of the strategic direction. This is inhibiting performance at all levels.

RECOMMENDATION

The CCJB develops and promulgates its strategy and vision for the delivery of criminal justice in Cleveland.

3.4 The structure below the board consists of two groups – a CCG and a PDG – both directly accountable to the board. The CCJB has established a number of temporary

sub-groups that are tasked at looking at particular work streams such as NWNJ, Victims Code, Secure e-mail and ETMP. These groups report to the board. The PDG, chaired by an ACC, has responsibility for delivering the actions required to achieve the national and locally set targets. Two working parties report to the PDG, covering PPO issues and Domestic Violence and Sexual Abuse.

RECOMMENDATION

The CCJB reviews the roles and requirements of the board's support staff to ensure that they have the capacity to deliver the board's expectations.

- 3.5 The CCG is charged with delivering the CCJB internal and external confidence agenda. A structure chart is attached at Annex 2.
- 3.6 Inspectors found that the minutes of the CCJB and sub-group meetings were not recorded in sufficient detail to reflect the work that inspectors were told was conducted during the meetings. The minutes are not posted on the CCJB website and are not routinely circulated to staff or interested parties such as the bench chairs. The board has strong views relating to this, but to increase public confidence and openness it is imperative that there is public accountability and this can in part be achieved by circulation of the minutes or a digest of business conducted.

ASPECT FOR IMPROVEMENT

The minutes of CCJB meetings and those of the Performance and Delivery and Confidence and Communications sub-groups ought to be recorded in sufficient detail to reflect the business that is conducted during them, and be circulated.

Performance Management

- 3.7 The area has a history of poor performance and Cleveland Police was engaged¹ until June 2006 with the Police and Crime Standards Directorate (PCSD) of the Home Office. The upturn in performance led to disengagement prior to the inspection although one BCU is still receiving support. The CCJB has also had the benefit of support from the OCJR. The OCJR has made a number of recommendations, one of which is that action is taken to deal with the lack of systems and groups to effectively manage performance at all levels. This has been included as an action point in the 2006-07 delivery plan but the action had no update in the quarterly review and is listed as 'ongoing'.
- 3.8 The CCJB local delivery plan for 2006-07 was developed with the support of an action plan from an OCJR Performance Action Team. The delivery plan is basic in construction and covers the prescribed government national targets. It does not have any bespoke local initiatives. The plan is managed on behalf of the board by the PDG, chaired by an ACC, and the CCG, chaired by a YOT manager. Actions are reported on to the CCJB on

¹ A police service becomes 'engaged' with the Police and Crime Standards Directorate (PCSD) when their performance across a range of areas is judged to be in need of support to raise it to an acceptable level.

a monthly basis. The plan could be described as SMARTER² if the actions contained within were more specific, with individual accountability and set dates for achievement and no avoidable slippage. The delivery plan is updated and presented to the CCJB quarterly. The plan contains no direct reference to the role of the Prison Service in the area and what contribution they can make. Actions flowing from the plan are single agency or bilateral agency taskings, despite the fact that other agencies may be able to contribute. For example, the community penalty end-to-end enforcement target is assigned to probation and courts service despite the fact that warrant execution is critical to the target and involves the police.

ASPECT FOR IMPROVEMENT

The CCJB can capitalise on the existing single agency strong performance analysis and avoid duplication at performance officer and Performance and Delivery Group level.

- 3.9 There are two priorities relating to confidence within the plan, an internal and an external objective. These objectives are managed by the CCG, chaired since March 2006 by a YOT manager. Having struggled to fully understand what influences public confidence, the CCJB has plans to task Teesside University to research areas that could assist in raising public confidence.

ASPECT FOR IMPROVEMENT

To maximise resources, the current workings and structure of the Confidence and Communications Group should be reviewed to ensure it is fit for purpose.

- 3.10 The area has engaged in a number of internal and external events to raise its profile and promulgate the work in progress, such as a stand at the Cleveland show in July. It retains a local PR company to advise on maximising media coverage. This has had some success, with the CCJB being identified as the best performing local board in terms of Inside Justice Week media coverage in 2005 (attracting 30% of the national coverage). The curriculum pack working group has produced a very good Citizenship Curriculum Pack in consultation with local schools. The DVD in the citizenship pack is particularly good and has the potential to be utilised to educate and increase awareness in community and migrant groups on the role of the CCJB and the CJS.

STRENGTH

The development and use of the Curriculum pack with informative DVD.

- 3.11 Despite this ongoing work, the profile of the board remains low within and outwith the CJS.

² Specific; Measurable; Achievable; Realistic; Timed; Evaluated; Reviewed.

Community Engagement

- 3.12 At the time of inspection, the board had yet to engage fully with the CDRPs or minority stakeholder groups in the area. The CCJB has recognised that this is a priority and the delivery plan has actions to improve partnership links with CDRPs. Plans are in place to progress this work and meetings have been set up with CDRPs for September 2006. With the CDRPs, GONE, Probation, YOTs and police involved, this partnership is critical to the overall strategic management of PPOs as confusion exists as to where the responsibility for their management lies. The board is also exploring ways of utilising the already established police Independent Advisory Groups (IAGs) to avoid duplication in consultation. Voluntary groups such as BECON (representing black and ethnic minority views) have been identified and initial contacts have been made with these groups to open dialogue but it is at a very early stage.

RECOMMENDATION

The CCJB builds upon its early endeavours to engage with groups outside the CCJB in order to improve the quality of service delivery.

Equality and Diversity

- 3.13 The CCJB does not have a stand-alone equality and diversity plan and some individual board members were unsure why not. The current performance officer has collated each agency's plans but there is no cross-agency plan or system in place for monitoring equality and diversity to improve access to service or treatment for all CJS users. Monitoring of hate crimes (including racially and religiously aggravated crimes, homophobic crimes and domestic violence cases) and action taken is conducted by the police at the entry point to the CJS and by the prison service at the exit. One of the CPS performance measures, which is reported regularly, is reduction in the proportion of unsuccessful outcomes in hate crime cases, which are defined as racially and religiously aggravated, homophobic crimes and domestic violence. As each agency has systems and performance measurements, the CCJB should work to join up the various performance information from each agency in order to provide a systematic and consistent approach to equality and diversity in Cleveland.
- 3.14 In 2001, 33% of people surveyed from Black and Minority Ethnic BME communities thought they would be treated worse than other members of the community by one or more CJS agency. By 2005, this figure had reduced to 31% (national figures). The government has directed that all agencies actively work to engage their communities and OCJR has developed a toolkit for LCJBs. The use of police IAGs and prison service experience of working with local BME groups should be utilised to build confidence.

ASPECT FOR IMPROVEMENT

To increase public confidence in the CJS, the CCJB should progress initial good work to ensure equality and diversity are embedded and monitored across the CJS.

4 BRINGING OFFENDERS TO JUSTICE

Overview

- 4.1 A previous lacklustre performance in this area attracted the attentions of the OCJR and the PCSD and support was provided to improve sanction detection³ and OBtJ rates.

Table 4.1: The number of offences brought to justice from November 2005 to July 2006

	Nov-05	Dec-05	Jan-06	Feb-06	Mar-06	Apr-06	May-06	Jun-06	Jul-06
OBtJ	15,945	16,389	16,718	16,927	17,476	17,703	18,087	18,469	18,619
Target	15,602	15,602	15,602	15,602	15,602	16,558	16,558	16,558	16,558

Source: OCJR

- 4.2 Performance for OBtJ has now met the rolling annual target for 2005-06 of 15,602 for the last three months of 2005. The June data (with 2 month lag) shows Cleveland's OBtJ to be 18,469, an increase of 28% against a baseline figure of 14,464. This upward trend indicates that Cleveland is on course to meet the current target of 16,558 for 2006-07.

Sanction Detections

- 4.3 The area has benefited from the support of the PCSD and the OCJR to turn around the sanction detection rate. Actions that will maximise opportunities to detect crime have been identified and incorporated into the delivery plan. This is paying off and Cleveland's sanction detection performance is currently 28% (monthly figure); 28.3% (quarter end July); 26.2% (12 month ending July); and 27.9% for the financial year to July, exceeding the 2006-07 target of 23.6%.

Table 4.2: The sanction detection rate from November 2005 to July 2006

	Nov-05	Dec-05	Jan-06	Feb-06	Mar-06	Apr-06	May-06	Jun-06	Jul-06
Sanction Detection Rate	27.9%	25.5%	27.0%	28.9%	32.1%	26.7%	28.5%	28.8%	28.0%

Source: Cleveland Police

Pre-Charge Advice and Decision Making

- 4.4 Cleveland moved from shadow charging to statutory charging in June 2004. A full service is provided to the police via a combination of face-to-face advice, telephone advice and CPS Direct. A charging champions meeting is held in each BCU, and this has been very effective in dealing with issues and problems as they arise, such as the provision of additional appointments. Having recognised this at Prosecution Team Performance Management (PTPM), the scheme is now working effectively to the satisfaction of both police and CPS, although there are still some issues around the availability of CPS lawyers in Hartlepool (which operates three days per week rather than five days because of resource constraints), and the time taken to get an appointment with a charging lawyer.

³ A sanction detection is a crime that has been recorded and detected (cleared up) by one of the following methods: a charge, summons, taken into consideration, a caution, formal warning for cannabis or penalty notice for disorder.

Appointments are allocated in 45 minute blocks and if the advice takes less than the allocated time some lawyers are not particularly flexible and will not, for example, use the spare time to give unscheduled advice (see also chapter 5, paragraph 5.4).

STRENGTH

The charging champions meetings being held on each BCU between Police and CPS to review charging decisions.

- 4.5 The police have adopted the NCPE volume crime investigation model with the establishment of EROs and CROs. All detective sergeants and some uniformed sergeants are designated as EROs and in each charging station suitably qualified police constables have taken on the role of dedicated CROs. All files are reviewed by CROs before an appointment with the charging lawyer is allocated. This means that all the available evidence to enable a charging decision to be made is put before the lawyer in order to get it right first time. A sample of case files was reviewed by inspectors and we found that advices and reviews were sound.
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STRENGTH

The application of the NCPE volume crime model and the use of EROs or CROs at each charging centre.

- 4.6 Discontinuances are discussed monthly at PTPM meetings which are described as 'full and frank, with police officers and CPS lawyers respectful of each other's position and relationships good'. Discontinuance decisions are made after consultation with the police. The HMCPSI OPA report on Cleveland highlighted the need for analysis of the high discontinuance rate of 16.1% in magistrates' courts and 16% at the Crown Court, against a national target of 11% (national performance was at 16.3% and 14.6% respectively). The discontinuance trend in the magistrates' courts pre-charge decision cases is now steadily falling, from the high level of 22.1% in January 2006 to 11.9 % in June 2006; the trend for discontinuances in the Crown Court is also down but performance is more volatile. (The national target for both magistrates' courts and Crown Court is 11%.) Area analysis has put this down to the police charging Section 5 public order offences where only police officers are involved, witness withdrawals and witnesses failing to attend court in domestic violence cases. Further work needs to be done if the targets are to be met.
- 4.7 The inception of statutory charging has increased the length of time for which defendants remain on bail. It is therefore imperative that a robust bail management system is in operation so that police know at any given time how many outstanding bails there are. The police figures should be reconcilable with the CPS figures and discussed at the charging champions meetings or PTPM meetings, but this is not happening. Disappointingly, the appointments system is administered on paper despite the availability of NSPIS and Compass. This has the potential to inhibit effective bail management as information regarding bail-backs is only available in hard copy.

ASPECT FOR IMPROVEMENT

In order to effectively manage persons on police bail and thus increase public confidence, the CCJB should oversee the implementation of a robust electronic bail management system.

Sensitive and Specialist Casework

- 4.8 The area has a number of protocols in place for dealing with fatal road traffic incidents, Proceeds of Crime Act measures and domestic violence, but there are none for child abuse and rape cases. Complex cases go to unit heads and sensitive cases are allocated to specialist prosecutors where feasible.
- 4.9 A list of specialist lawyers is provided to each charging station and the CPS rely on the officer in charge of the case or the CRO to identify whether a specialist lawyer is required at an early stage. Inspectors found that police awareness of specialists is not high and the current system is not always effective. For example, a recent child abuse case with video evidence was allocated an appointment with the charging lawyer, rather than a specialist; the duration of the appointment was shorter than the video evidence. The problem is not confined to frontline officers; a specialist squad case that had been running for some months as an operation could have benefited from a CPS lawyer being involved from the outset.
- 4.10 The police have systems to flag and monitor sensitive cases through the system and the CPS have an action point in their race equality scheme to do likewise. The HMCPSI report in December 2005 identified "considerable disparity between police and CPS figures for racial incidents". The CPS has responded by identifying staff in the CPS office to rectify this. There is analysis of racial incident monitoring sheets and feedback is provided to PTPM.
- 4.11 The domestic violence sub-group of the CCJB tracks and risk assesses domestic violence cases and is working towards the establishment of a domestic violence court in Teesside. Voluntary agencies working with victims of domestic violence have good single agency relationships but are eager to forge greater partnerships with the CCJB as a whole. The CCJB should capitalise on this willingness (see chapter 3, paragraph 3.12).
- 4.12 Special measures applications are timely and procedures are well established. Dedicated staff deal with special measures applications in the Crown Court at the time of committal and there is sufficient flexibility should a witness's circumstances change prior to the trial date.

Priority Offending

- 4.13 Cleveland has four very effective PPO schemes, two of which – Middlesbrough and Stockton – have attracted national commendation. The schemes are located in both police and Probation Service premises. The Probation Service have an officer seconded to GONE to co-ordinate activity but she has no contact with the CCJB. The schemes

operate with a good intelligence model that will enable recalls to custody where necessary. A PPO premium service protocol has been in existence prior to the national rollout of the PPO schemes. The PDG have a PPO working party but there are no direct CCJB links to the CDRPs who also have PPO responsibilities. The PPO strategy is not driven by the CCJB and performance information is not reviewed at board level.

ASPECT FOR IMPROVEMENT

To increase confidence in the CJS and better manage prolific offenders, PPO performance data should be reviewed at board level and efforts made to improve links with Crime and Disorder Partnerships and the Government Office for the North East.

STRENGTH

The Middlesbrough and Stockton PPO schemes.

Figure 4.1: The average number of days taken to conclude cases of Persistent Young Offenders from May 2005 to April 2006

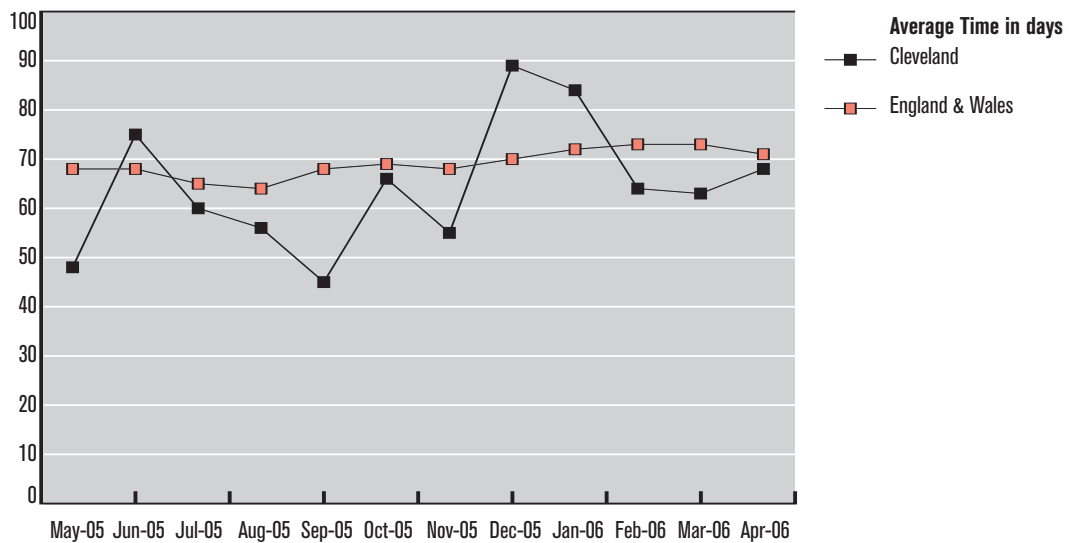


Table 4.3: The average number of days taken to conclude cases of Persistent Young Offenders from May 2005 to April 2006

	May-05	Jun-05	Jul-05	Aug-05	Sep-05	Oct-05	Nov-05	Dec-05	Jan-06	Feb-06	Mar-06	Apr-06
Average Time in days (Cleveland)	48	75	60	56	45	66	55	89	84	64	63	68
Average Time in days (England & Wales)	68	68	65	64	68	69	68	70	72	73	73	71

Source: JPIT

- 4.14 PYO performance in the area is good in the year 2005-06 it averaged 64 days from arrest to sentence, despite a sharp rise in the number of elapsed days taken in late 2005/early 2006. A premium service protocol also exists for PYOs and they are an objective on the delivery plan, but the view that “no direct action is required to achieve this target” (as outlined in the delivery plan) is ill-advised. At the time of this inspection, Hartlepool magistrates’ court was listing trials involving young people for November 2006, a wait of six months, and the CCJB needs to be cognisant of and act on early indications that the target cannot be met/sustained in some months.

Proceeds of Crime Act

- 4.15 Undoubtedly the effective recovery of the proceeds of crime from criminals has a positive effect on the confidence of the public and internal agency staff in the criminal justice system. The national target is to:
- Reduce the outstanding collectable balance rate to 25% for confiscation orders made under the Proceeds of Crime Act 2002.
 - Reduce the number of collectable outstanding orders made under earlier legislation by 35%.

The local target is:

- The number of confiscation orders to be increased to 69, with a value of £293,077.

In the preceding year (2005-06) the area achieved an increase in the volume with a target of 24 orders being set but 62 being obtained. It also saw an increase in value of the monies received – having set a target of £293,077, the amount achieved was £822,467. However, it missed the outstanding balance rate of collectable Criminal Justice Act/Drug Trafficking Act unpaid orders. The strong performance around POCA is, however, threatened by short term police staff shortages. Inspectors have been informed that the police have plans to set up an economic crime unit to continue expanding this POCA work. The CCJB need to ensure that performance is maintained and not jeopardised.

STRENGTH

Proceeds of Crime Act performance.

Unsuccessful Outcomes

- 4.16 Unsuccessful outcomes have fallen between April 2004 and March 2006, however this has to be set against the fall in the number of prosecutions between April – June 04 and January – March 05 and the number of convictions. HMCPSI identified in the Cleveland CPS OPA in December 2005 that the Area requires a deeper analysis of unsuccessful outcomes. Inspectors acknowledge some work has already commenced with the charging champions meeting discussing the same. During the examination of files, inspectors found unsuccessful outcome forms on files but the form does not have the provision to record whether police or CPS could have done more to avoid the outcome. In other areas, the unit head sees all unsuccessful outcomes and the form has a place for their comments. CPS should consider redesigning the form to provide more information for meaningful analysis and discussion at the Criminal Case Management (CCM).

Figure 4.2: The number of cases resulting in unsuccessful outcomes from April 2004 to March 2006

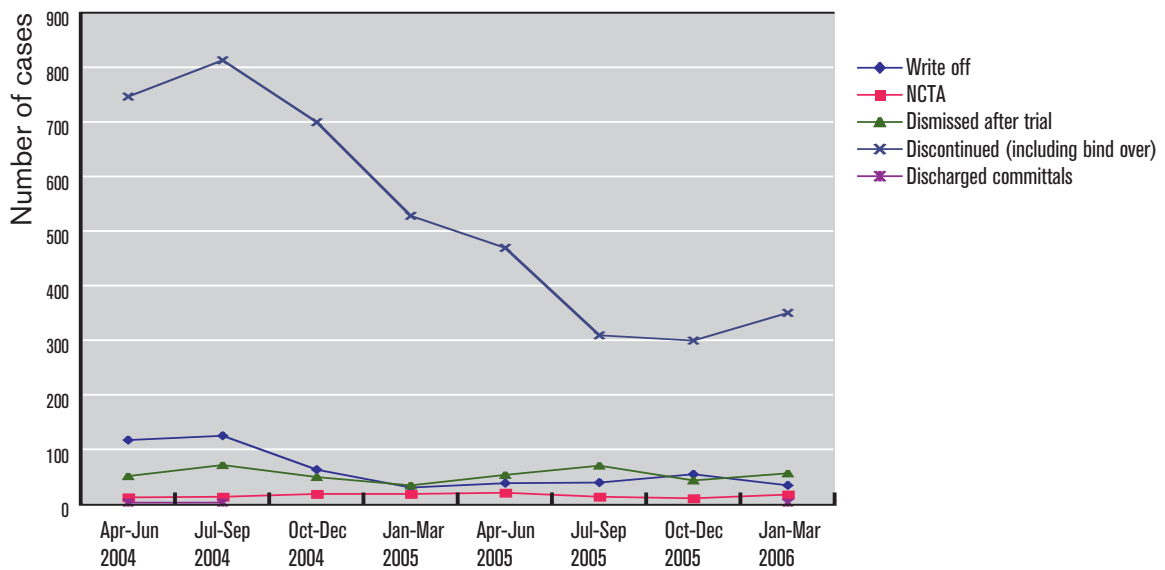


Table 4.4: The number of cases resulting in unsuccessful outcomes from April 2004 to March 2006

	Convicted	Write off	NCTA	Dismissed after trial	Discontinued (including bind over)	Discharged committals
Apr-Jun 2004	3,684	116	11	50	748	1
Jul-Sep 2004	4,046	124	12	70	815	1
Oct-Dec 2004	3,091	62	17	48	701	
Jan-Mar 2005	3,159	29	17	33	529	
Apr-Jun 2005	2,671	37	19	52	470	
Jul-Sep 2005	2,378	38	12	69	309	
Oct-Dec 2005	2,364	53	9	42	299	
Jan-Mar 2006	2,748	33	16	55	350	1

Source: JPIT

ASPECT FOR IMPROVEMENT

More probing analysis of unsuccessful outcomes should be conducted.

5 REDUCING THE LEVEL OF INEFFECTIVE TRIALS

Overview

- 5.1 Performance in relation to reducing ineffective trials in magistrates' court is good, with multi-agency administrative structures and processes in place to manage cases effectively and analyse and solve problems. However this good practice is not replicated in the Crown Court and performance in the Crown Court is not as good. Overall, victims and witnesses are satisfied with the service they receive from the CJS and defendants are treated with respect.

Ineffective Trials

- 5.2 The CCJB has a local target to reduce the ineffective trial rate in the magistrates' courts to 18% and in the Crown Court to 14.5%. Whilst the national and local target for the magistrates' court has been achieved, currently 17.4% (2005-06 total), the Crown Court is meeting the national target but not the locally set target at 14.5%.

Magistrates' Courts

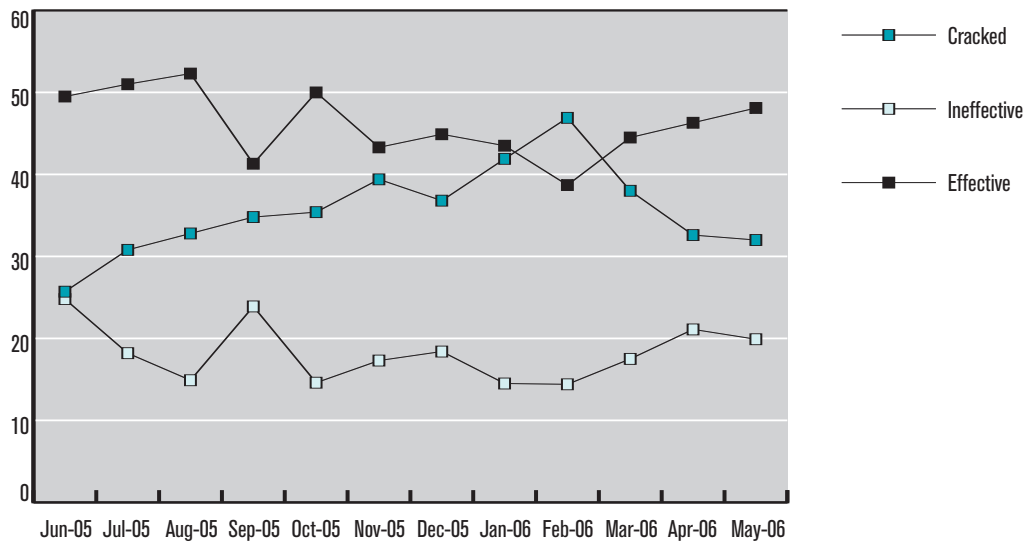
- 5.3 The implementation of the ETMP is managed by a sub-group of the CCJB chaired by the CCP. The area has established CPOs from each agency and they are in post and working effectively. Additional funding to support the ETMP posts was provided by the CCJB. Data about cracked/effective/ineffective trials are analysed regularly in the magistrates' courts, with cases not being categorised and filed until all parties are in agreement. Lessons are learned and actions are taken to bring about improvements. A strong performance management culture has been embedded and this is working to raise the effective trial rate in the magistrates' court.

Table 5.1: Percentages of effective, ineffective and cracked trials in magistrates' courts

Magistrates' court: % of Effective, Ineffective & Cracked Trials			
	Effective	Ineffective	Cracked
Jun-05	49.5	24.8	25.7
Jul-05	51	18.2	30.8
Aug-05	52.3	14.9	32.8
Sep-05	41.3	23.9	34.8
Oct-05	50	14.6	35.4
Nov-05	43.3	17.3	39.4
Dec-05	44.9	18.4	36.8
Jan-06	43.5	14.5	41.9
Feb-06	38.7	14.4	46.9
Mar-06	44.5	17.5	38.0
Apr-06	46.3	21.1	32.6
May-06	48.1	19.9	32.0

Source: JPIT

Figure 5.1: Percentages of effective, ineffective and cracked trials in magistrates' courts



Source: JPIT

STRENGTH

The cracked/effective/ineffective trial analysis in the magistrates' courts.

Hartlepool

- 5.4 Inspectors found a number of cultural anomalies in the area but none more so than in Hartlepool which is regarded by some in senior management as 'different' from the rest of the Cleveland. Despite the fact that it accounts for some 25% of the court service business, court users feel that it is not supported from the centre as well as it could be. There have been delays in Hartlepool magistrates' court bringing offenders to trial, with full day trials being listed as far as 20 weeks ahead, and in May 2006, 100 trials were listed. The use of early administrative hearings (EAHs) means that the afternoon trials are 'knocked on' if the EAHs are not finished. Coupled with the high use of prosecuting agents who are not empowered to make decisions without consulting CPS, this issue is fuelling the defence and other court users' perceptions that the court is disorganised. Whilst individual board members are aware of these issues, the board has not applied any problem analysis to find a solution.

ASPECT FOR IMPROVEMENT

The CCJB should conduct a problem analysis in Hartlepool to clarify the barriers that exist, or are perceived to exist, to achieving effective justice.

Crown Court

- 5.5 Whilst the ineffective trial rate at Teesside Crown Court is close to the England and Wales average, the effective trial rate is low and the cracked trial rate is high. It is a fact

that cracked trial rates are much higher in the North than they are in the South of the country but the reasons are not known. The most common reason nationally for the cracked trial rate is the defendant pleading guilty for the first time. In order to save unnecessary expenditure and wasting time at Teesside Crown Court there are no case management hearings between setting a trial date and the trial commencing. (This does not happen in sent cases where there is a Narey hearing and a pre-case management hearing date is set.) The case management process is entirely administrative. If a case is not ready for trial within the timescales laid down by the Resident Judge, it is listed for mention in court. Some staff agree that the decision not to have any interim case management hearings is good fiscal management. It has reduced the ineffective trial rate and over the period of the Crown Court annual report for 2005-06, the cracked trial rate for Teesside was the third best in the North East. The effective trial rate for the financial year 2005-06 was 31%. Although performance is not the worst in the North East, inspectors are concerned about the impact of cracked trials on victims, witnesses and prosecutors. An advantage of having defence participation on the CCJB would help emphasise that it is the duty of defence solicitors and counsel to advise all defendants of the benefits of pleading guilty and the advantages of doing so at an early stage of the proceedings; where a defendant does wish to plead guilty, it is the duty of defence lawyers to arrange for the case to be listed without delay.

Table 5.2: Percentages of effective, ineffective and cracked trials in Teesside Crown Court

Crown Court: % of Effective, Ineffective & Cracked Trials			
	Effective	Ineffective	Cracked
Jun-05	27.8	16.7	55.6
Jul-05	34.1	15.9	50.0
Aug-05	34.3	10.4	55.2
Sep-05	18.4	21.1	60.5
Oct-05	33.7	17.4	48.9
Nov-05	33.7	18.0	48.3
Dec-05	18.4	21.1	60.5
Jan-06	29.0	19.4	51.6
Feb-06	30.8	15.4	53.8
Mar-06	29.1	16.3	54.7
Apr-06	33.3	11.7	55.0
May-06	45.7	12.3	42.0

Source: JPIT

ASPECT FOR IMPROVEMENT

The CCJB should review and analyse the cost of the high cracked trial rate in the Crown Court and its impact on the other agencies and victims and witnesses.

- 5.6 The CPS's performance in the handling of disclosure material was assessed as excellent during their OPA in 2005, and the CPS is now providing an input into police training⁴. However, during the file examination, inspectors found that some schedules of unused material had not been properly endorsed by the reviewing lawyer. Whilst none of these instances fundamentally affected the case, action should be taken to ensure the previous high level of performance is maintained.
- 5.7 The defence were satisfied that advance disclosure was timely and prompt, although there sometimes were delays with the provision of CCTV tapes to the defence to enable them to take instructions on a plea.
- 5.8 The Crown Court has appointed 'Effective Case Progression' staff and through additional funding from the effective trial management project, Cleveland police has appointed another CPO to monitor compliance with directions in order to improve performance. However, there are no dedicated CPOs within the CPS dealing with Crown Court work. CPS caseworkers handle this function in addition to their other duties; inspectors believe that performance would be improved by having a person who has sole responsibility for the Crown Court case progression role.

ASPECT FOR IMPROVEMENT

The CCJB should ensure the good practice that exists with regard to administrative case progression in the magistrates' court is replicated in the Crown Court.

The Treatment of Victims and Witnesses

- 5.9 Inspectors found that overall, victims and witnesses are satisfied with the level of service provided in Cleveland. The Victim Support Area Manager is a member of the CCJB. Victims and witnesses are treated well but there are some issues around information-sharing between voluntary and statutory agencies that needs to be resolved and the proactive warning of witnesses also needs resolving.
- 5.10 The implementation of the NWNJ project has been managed by a sub-group of the PDG. It is chaired by the CCP who also chairs ETMP, which provides continuity across the processes involved. There are three WCUs in Cleveland; one at Hartlepool, one at the Crown Court in Teesside and one at Teesside magistrates' court. Hartlepool was first to come on line in October 2005 and the others followed in early 2006. Systems are in place to manage the units, with performance information being produced in a user-friendly format, allowing each WCU manager to assess and review their unit's performance against its objectives. A good training programme has been developed for WCU staff but some staff have expressed dissatisfaction at the way the WCUs had been implemented. Awareness among other CJS staff of their existence, roles and responsibilities was not widespread. They are routinely regarded as 'witness warning' by another name. The judiciary expressed concerns that little activity was evident as to what additional steps the WCU employed to warn witnesses for court apart from sending the

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standard letter. This lack of activity was borne out by the files read on site, and may be contributing to the ineffective trial rate; it needs closer scrutiny. Some members of police staff employed in prisoner handling teams produced evidence of the WCU directing them to contact witnesses despite the fact that they had no initial or subsequent contact with witnesses, being only engaged with alleged offenders.

STRENGTH

The Witness Care Units' performance management information.

- 5.11 One SIO managing a murder investigation did not know that WCUs existed and had appointed a member of staff to undertake witness care duties.
- 5.12 A CCJB witness care webpage would be helpful. Linked to each criminal justice agency intranet, Victim Support, witness service and possibly other local voluntary agencies, it could inform and advise staff and the public alike of its existence, remit and contact details.
- 5.13 The area has gone from a situation of very little witness care to one where a number of statutory and voluntary agencies, such as Women's Aid and My Sister's Place, have a witness care remit. Whilst it is good to have a variety of specialists offering witness care, provision needs to be streamlined so that each agency is cognisant of its role and how specialists fit into the overall picture. There is a real risk of duplication of service provision which has the potential to confuse victims and witnesses and damage confidence in the system.

RECOMMENDATION

The CCJB reviews the roles of the voluntary and statutory agencies with respect to witness care, ensuring each agency has a clearly defined role with regard to victim and witness care and support.

- 5.14 Inspectors found that victims and witnesses were satisfied with the timeliness of the information given, what had happened and what would be the next steps in their case.
- 5.15 Vulnerable and intimidated victims' and witnesses' needs are identified and addressed effectively, with firmly established procedures in place to identify those in need of effective special measures and witness protection. However, this is limited to the standard special measures procedures of screens or video links. There is a lack of innovation in responding to people who have mobility, disability or other diverse needs. The Crown Court has video facilities and has in the past used them to hear evidence from an expert witness in Australia. This responsiveness is to be commended and, to enhance witness care, the same facilities should be offered as appropriate to vulnerable victims and witnesses who may wish to give evidence from locations other than court premises.

ASPECT FOR IMPROVEMENT

Remote site video links should be established for vulnerable and intimidated witnesses.

- 5.16 Court buildings have dedicated waiting rooms for victims and witnesses and this is very much appreciated. The Witness Service offers its services to both prosecution and defence witnesses and has facilities to do so but the take-up rate amongst defence witnesses is low.
- 5.17 In Hartlepool magistrates' court, the lack of a separate entrance for victims and witnesses has in the past caused distress for some, who report having to 'face down' defendants prior to getting to the sanctuary of the waiting room. Now that there is a separate entrance it needs to be adequately equipped and available for use. The WCU needs to be alert to this and provide an adequate risk assessment to deal with witnesses' concerns. The CCJB has worked effectively to remedy a similar problem like this before, by responding to a request for assistance at the Crown Court to fund a separate entrance for jurors. This has been most successful in reducing the fear among jurors who previously had to use the same entrance as defendants.

STRENGTH

CCJB funding for a separate jurors' entrance at the Crown Court.

- 5.18 Information sharing amongst agencies is always approached with caution and rightly so, but inspectors found that the Cleveland Victim Support qualitative data is not routinely shared with the board. This is contrary to our findings in other CJS areas that have been inspected, and Victim Support, Quality Standards Division (VS QSD) argues that there is no reason to justify this, provided the information is shared in accordance with organisational standards and service frameworks. The CCJB should work to access this information to avoid duplication in witness surveys.

The Rights of Defendants

- 5.19 In compliance with the Police and Criminal Evidence Act 1984 and Code of Practice, defendants are informed fully at the time of charge of their rights/responsibilities and are assisted to understand the legal process and its outcomes. Access to the procedures is available in 19 languages and large print at one courthouse. Where possible during detention, reading material is provided and refreshments are available. Staff treat defendants with courtesy and in a non-discriminatory manner. Drug and alcohol referral workers are present in each police custody suite and again at court sites. Additionally in Middlesbrough, a pilot project offering drug and alcohol referrals to youths is ongoing.

STRENGTH

The drug and alcohol referral service for youths in police custody in Middlesbrough.

- 5.20 Throughout the area police and court custody facilities meet basic standards of safety, security, comfort, cleanliness and decency for all users. Defendants are treated with respect and good working relationships exist between prison contract staff and police, courts and prisons. With the exception of Guisborough magistrates' court on Monday mornings, all custody cases in the magistrates' courts are prioritised.
- 5.21 In the custody area at Teesside magistrates' court, a persistent problem with graffiti is dealt with by application of prison rules or charges for criminal damage. In Middlesbrough, the police station is to be replaced with a newly built facility scheduled to open in January 2007. These new premises will provide a custody suite which complies with the Home Office Police Custody Design Guide but in the interim, care needs to be exercised so as to ensure that custody facilities do not deteriorate beyond acceptable standards.
- 5.22 The availability of prison video links is good practice but they are only used for court purposes such as adjournments, applications for bail and sometimes minor sentencing. Extending their usage to the probation service and defence solicitors would speed up processes and should be actioned.

ASPECT FOR IMPROVEMENT

The use of the prison video link should be extended to the probation service and defence solicitors, and its wider use encouraged.

- 5.23 The needs of vulnerable defendants, such as those with mental health issues or drug dependency problems, are assessed and communicated to others, and adequate provision is made. The Cleveland Mental Health Diversion team is in daily contact with the court and police custody and attend custody suites if required. Inspectors observed the treatment of a defendant with mental health issues in court custody. A community psychiatric nurse (CPN) and probation officer were in attendance and the defendant was treated with respect and her dignity maintained at all times and by all parties involved. However, some of the private escort contract staff did indicate that whilst they applied a 'common sense' approach they had received no formal training to deal with people with drug/alcohol/mental health issues.

ASPECT FOR IMPROVEMENT

The CCJB should make representations to the National Offender Management Service so that all Prisoner Escort Contract Service providers are adequately trained to deal with people who have drug/alcohol/mental health issues.

6 THE ENFORCEMENT OF COMMUNITY SENTENCES

Overview

- 6.1 Targets for the enforcement of community penalties were introduced to LCJBs in 2005-06. Performance against the targets is measured by a bespoke HMCS administered database known as COMET.
- 6.2 The national targets are that all community penalty breach proceedings should take an average of 35 working days from breach to resolution, and that 50% of all breach proceedings be resolved within 25 days of relevant failure to comply. COMET tracks the performance of the breach of all adult and youth community penalties where breach occurred after 1 April 2005. Nationally, performance data was available from November 2005.
- 6.3 In addition to the LCJB target, there are various single agency targets concerning enforcement, such as the Youth Justice Board (YJB) and National Probation Service (NPS) targets to initiate breach proceedings within a defined number of working days, and magistrates' court targets for the enforcement of community penalty breach warrants.
- 6.4 The CCJB reported initial problems with the availability of COMET data. The first full report on performance against the national targets was included in the April 2006 performance report. This detailed progress towards the 35 day average target in February as reaching 42 days and 'the 50% of cases concluded in 25 days' at 37% in March. Earlier performance reports omitted data on progress towards the end-to-end enforcement target or had been incomplete or confused. The area acknowledges that performance as reported to the CCJB had declined as the year had progressed and the reasons for this were being investigated.
- 6.5 Performance against the two enforcement targets as measured by COMET for the period April to July of 2006 were that breach proceedings took an average of 48 working days to be resolved and that 41% of cases were resolved in 25 working days.
- 6.6 The CCJB 2006-07 Delivery Plan identified three single or joint agency actions in respect of the end-to-end enforcement of community penalties. These concerned the listing of trials for breaches, a review of the time taken to issue warrants and action from probation and YOTs to review the reasons for failure to achieve the end-to-end target.
- 6.7 Inspectors found some good examples of individual and bilateral agency processes that had either improved performance or had the potential to do so. However, despite the national targets there was little evidence of the CCJB adopting a fully joined up strategic approach to improving performance on the end-to-end enforcement of community penalties.
- 6.8 Although performance data was available to the CCJB, this was only presented as aggregate data for adults and youths, limiting the usefulness of the information. When performance against the targets was thought to be declining, this was referred back to a

bilateral court and probation meeting for exploration. Although this process had the potential to impact on some aspects of performance, it was not sufficient to identify and remedy the potential problems in all relevant parts of the criminal justice system.

ASPECT FOR IMPROVEMENT

End-to-end breach performance analysis and subsequent actions should be multi-lateral, to include all criminal justice partners and not just courts and probation.

Diversity Monitoring

6.9 No data was collated by the probation area, YOTs, courts or the CCJB on the ethnicity of offenders subject to breach proceedings. Although the proportion of offenders from BME communities is relatively small in the overall offending population, this data should be routinely checked. Similarly, there was no analysis of the gender of offenders being prosecuted for breaches of community orders.

ASPECT FOR IMPROVEMENT

Diversity monitoring is required in community penalty breach cases.

End-to-End Enforcement Performance

The Inspection Sample

6.10 A sample of 53 cases was identified for inspection purposes. Of these, an analysis was undertaken on 42 cases, the remainder having been removed from the sample for a variety of reasons. The results are shown separately for the 16 YOT and 26 probation cases.

An analysis of the time taken from the relevant unacceptable absence to the conclusion of breach proceedings

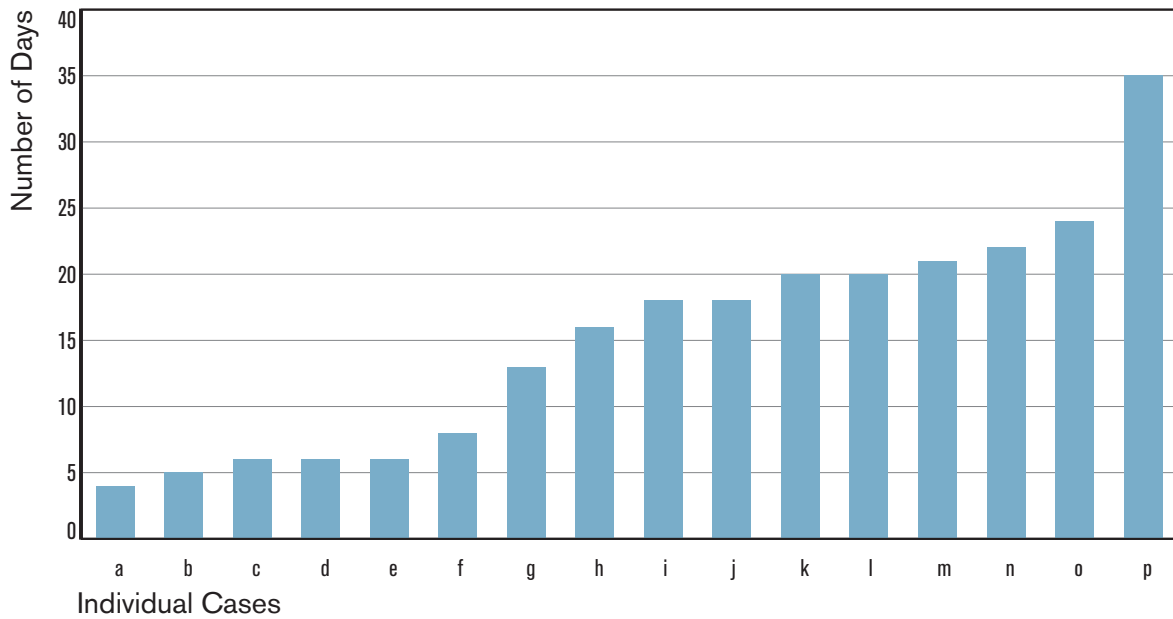
YOT cases

Table 6.1: The time taken from the relevant unacceptable absence to the conclusion of breach proceedings for YOT cases

Average number of working days to first hearing	15	
% of cases dealt with at first hearing	69%	
Average end-to-end time (working days)	21	Target < 35
% of cases concluded in 25 days	81%	Target > 50%

6.11 This analysis shows that the sample of YOT cases inspected met the targets for the average number of days for end-to-end enforcement and for the percentage of cases concluded in 25 days.

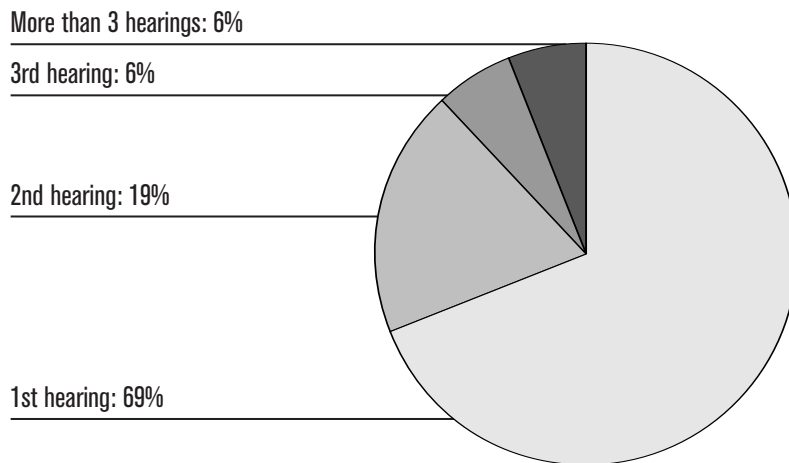
Figure 6.1: The number of days to first hearing for YOT cases



YOT Cases

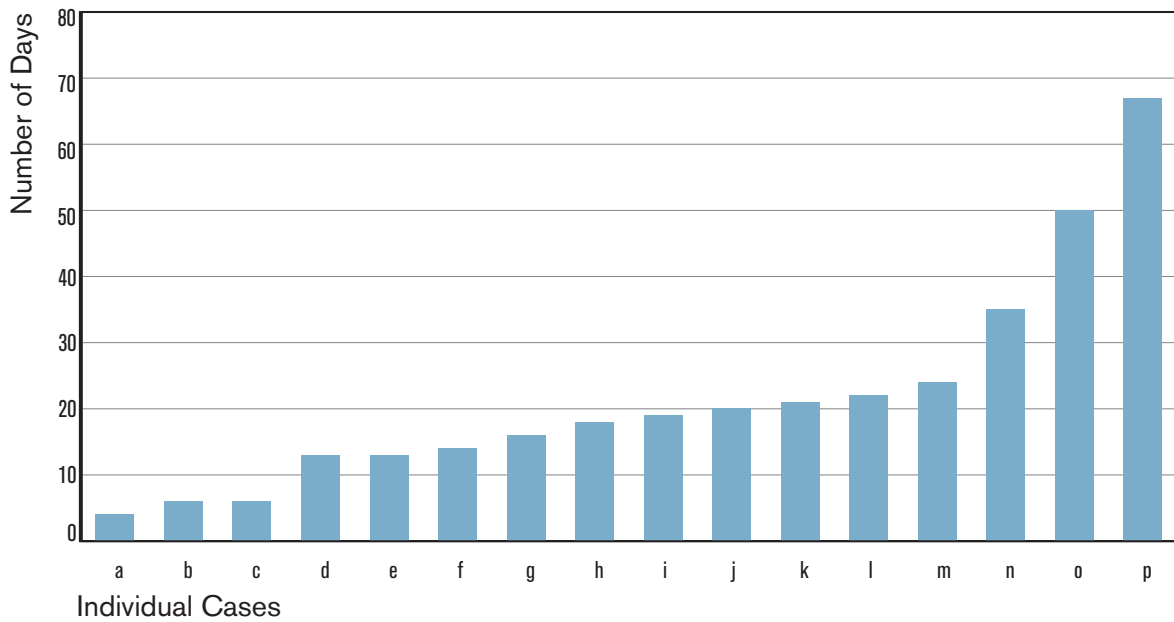
6.12 Once a decision to breach is taken, court dates are arranged swiftly. All but one case was scheduled to attend court within 25 days.

Figure 6.2: The number of YOT cases resolved at each hearing



6.13 Most YOT cases are resolved at the first hearing. Only two cases took three or more hearings to conclude.

Figure 6.3: The number of days taken to conclude YOT cases



Only two cases were not concluded within 35 days, one of these had been committed to the Crown Court, the other was adjourned by the magistrates to “test compliance”, with no penalty ultimately imposed for the breach.

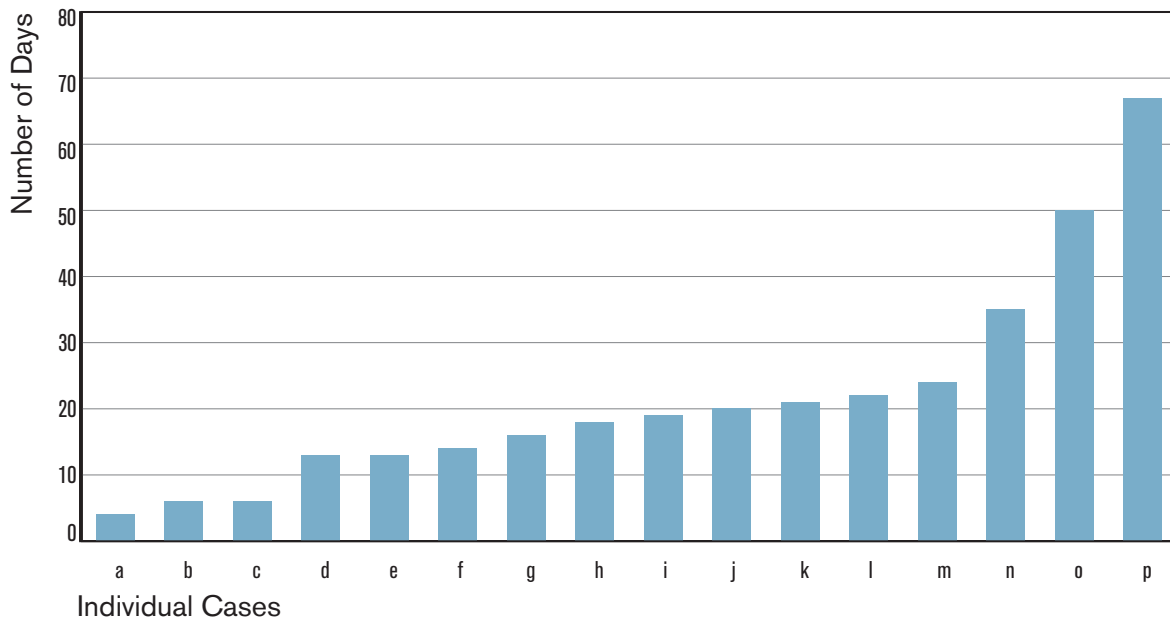
Probation Cases

Table 6.2: The time taken from the relevant unacceptable absence to the conclusion of breach proceedings for probation cases

Average number of working days to first hearing	24	
% of cases dealt with at first hearing	31%	
Average end-to-end time (working days)	49	Target < 35
% of cases concluded in 25 working days	31%	Target > 50%

6.14 This analysis shows that the sample of probation cases inspected met neither of the enforcement targets.

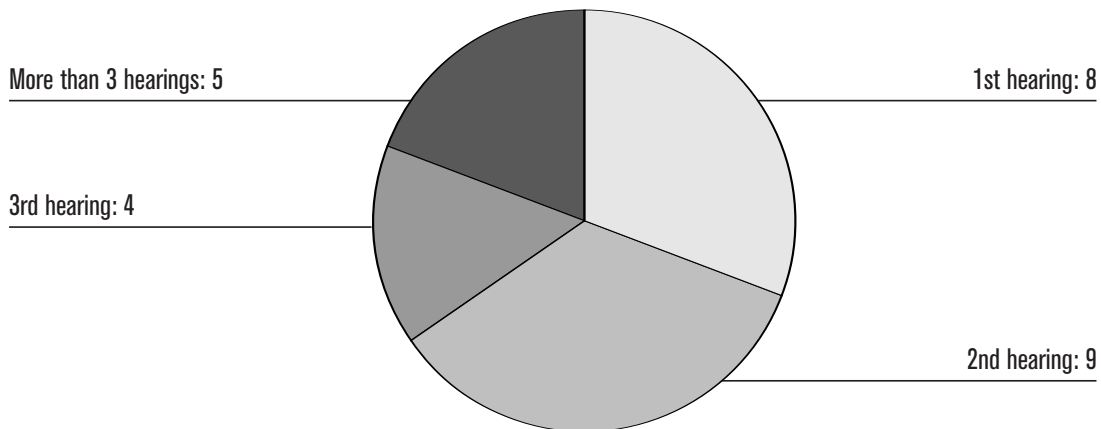
Figure 6.4: The number of days to first hearing for probation cases



Probation cases

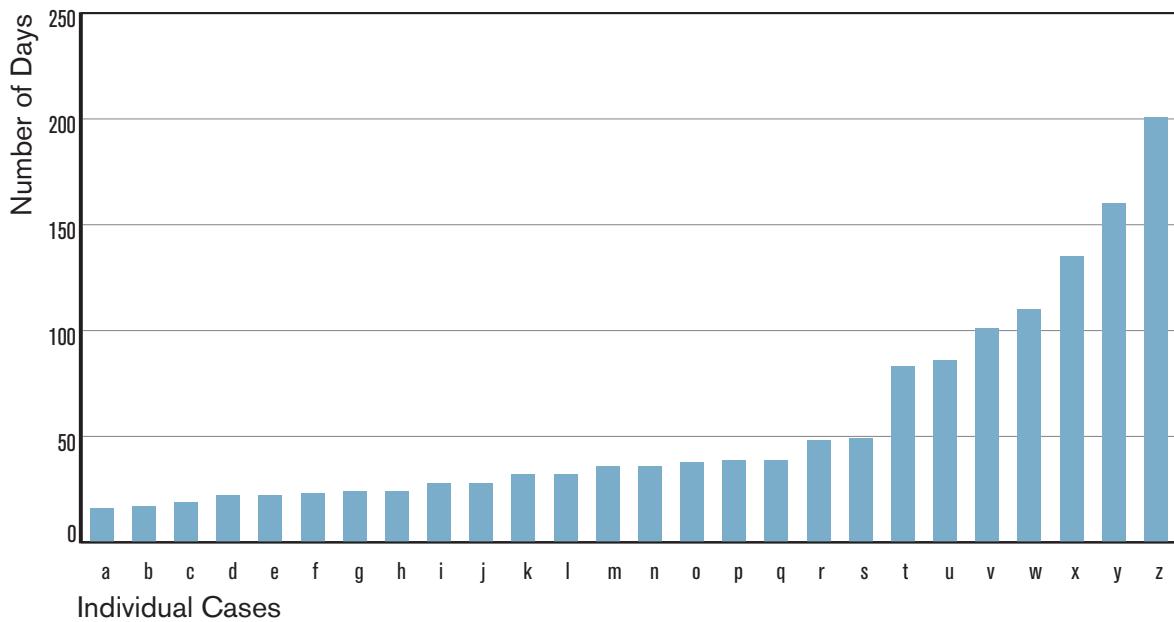
6.15 Since only 14 of the 26 cases had their first hearing within 25 days, it would have needed 13 of those 14 cases to be resolved at first hearing in order to hit the completion target (50% in 25 days). Clearly, earlier first hearings are needed.

Figure 6.5: The number of probation cases resolved at each hearing



6.16 Only eight of the 26 probation cases were resolved at the first hearing. Nine cases took three or more hearings to conclude. Analysis of the reasons for this follows in paragraph 6.38.

Figure 6.6: The number of days taken to conclude probation cases



6.17 Nearly a fifth of cases took in excess of 100 days. There was a combination of reasons for this as analysed below.

6.18 A small number of cases have multiple adjournments to tie up with other sentencing matters or to further test compliance. A further small number of cases were also adjourned for the preparation of reports after the breach had been proved.

6.19 The net cumulative effect of the various avoidable and unavoidable delays was that targets had not been achieved.

Analysis of the Enforcement Process

Management of cases prior to the relevant unacceptable absence

6.20 *Paperwork from court:* Although data was not collected on the timeliness of the provision of the Court Order to the supervising officer following sentence, this was not reported by probation or YOTs as a cause of any delays in the enforcement process.

6.21 *Securing compliance with community orders:* Both probation and YOTs took appropriate measures to manage the attendance of offenders under their supervision.

6.22 In all YOT cases inspected, sufficient steps had been taken to ensure that the young person fully understood the requirements of the order and the consequences of any failures to comply. There was evidence of the young person signing a copy of the order or other document setting out the requirements of the sentence in all cases.

- 6.23 In 88% of probation cases sufficient steps had been taken to explain the order and the consequences of any failures to comply, and in 67% of cases there was a signed copy of the licence on the file or another document setting out expectations.
- 6.24 Generally, reasonable efforts were made to secure compliance, including offering appointments at regular times each week in nearly 90% of cases. There were also telephone or text reminders sent to offenders in some cases. Family members were used to remind and encourage both youth and adult offenders of their appointments and obligations. In appropriate cases, bus passes were provided to offenders who would have difficulty getting to appointments and in some cases, calendars were provided to give a visual representation of when appointments were.
- 6.25 There were good examples of missed appointments being swiftly followed up by unannounced home visits, reinforcing the consequences of non-compliance. Some YOTs also made good use of pre-breach meetings, designed to underline the importance of compliance and the consequences of breach.
- 6.26 *Managing initial failures:* There was a difference between YOTs and probation in their management of attendance failures.
- 6.27 YOT cases inspected indicated that appointments had been offered in accordance with the national standard in 88% of cases. However, in only 56% of cases where there was an absence did the officer record whether the reason for it was acceptable or unacceptable. This indicates a lack of clarity over when breach should be instigated.
- 6.28 Furthermore, even where judgements had been made about the acceptability of absences, these were consistent and appropriate in only 63% of cases. In a significant minority of cases breach had not been triggered by the third unacceptable absence, as required by the national standard. Even where breach actions had been commenced, this had been achieved within the YJB national standard time limit in just 69% of cases.
- 6.29 There was evidence to suggest that some YOT staff placed a greater emphasis on ensuring that young people completed their orders without the instigation of proceedings than they did on ensuring compliance, despite clear evidence that breaches had occurred. If the national standard on enforcement had been more rigorously applied in the YOTs, many more cases would have returned to court.
- 6.30 Operational managers within the YOTs were responsible for the oversight of enforcement practice on a case-by-case basis, although there were no regular performance reports. All YOT staff interviewed were aware of the YJB target. Ironically, few were aware of the 35 day average target, and fewer still the 50% of cases to be resolved in 25 days target, despite the achievement of these targets as outlined earlier.

- 6.31 Management information systems within the YOTs were not being used to their full potential in identifying breach cases. It is likely that the number of breaches being undertaken is greater than indicated by the YOT information systems. This lack of robust data will make performance management of the end-to-end target more difficult for YOT managers.

ASPECT FOR IMPROVEMENT

All YOT staff should be made aware of the breach targets and ensure that decisions about absences are recorded, with appropriate action following non-compliance.

- 6.32 In contrast, Teesside Probation Area has maintained an internal focus on enforcement for many years. The inspection found very high levels of performance with regard to the frequency of appointments offered, the recording of the reasons for absence and the appropriateness of judgements about acceptable and unacceptable absences. There was also a strong focus on commencing breach proceedings within the required timescale. All staff had a good understanding of the requirement to commence breach proceedings within national standards and most were aware of the LCJB targets. Nevertheless, as has already been described the probation cases met neither of the LCJB targets, for reasons discussed below.

RECOMMENDATION

The CCJB works to reduce the delays in end-to-end enforcement of adult community penalty cases that are preventing it from achieving the target.

The Management of Cases through the Court Process

- 6.33 *Young offenders:* There were only about 12 breach cases per month, drawn from three separate YOTs. Two of the three YOTs in the CCJB area share a jointly funded court team and the third YOT, Hartlepool, has a small dedicated court team managing cases from its own area. In all the YOTs there were clear procedures for staff to follow, with the offender's supervisor taking direct responsibility for the enforcement of orders. The number of cases breached was relatively small in each YOT. Once action had been commenced there was an appropriate focus on getting the case concluded.
- 6.34 *Adult offenders:* in contrast, the breach of adult orders was a frequent occurrence, with approximately 100 cases a month being concluded.
- 6.35 Probation had established a breach team based in the magistrates' court early in 2005 that managed the breach process. The breach team had been working to improve performance on the enforcement of adult community penalties since that time. The team had established their own sophisticated database to track cases and provide management information. This had been used to identify the points within the breach process that caused delay and enabled the team to look at individual cases to learn where delays in processing were happening.

STRENGTH

Establishment of a Probation 'Breach Team' to service the three magistrates' courts.

6.36 However, the fact is that in this inspection sample, the adult breach cases were not achieving the required targets. The reasons for adjournments in adult cases are listed below:

Table 6.3 The reasons for adjournments in adult cases

Reason for Adjournment	1st hearing	2nd hearing	3rd hearing	Total
Warrant no bail due to non-attendance	8	2		10
PSR request	2	3		5
Defence request	2	1	1	4
To tie in with other matters	1	1	1	3
To test motivation	2			2
Following a plea of Not Guilty	1		1	2
Other	2		1	3
Not known		2	1	3
	18	9	5	32

6.37 Within the sample inspected, 32 examples of court hearings did not conclude the case. The most common reason for an inconclusive hearing was that the defendant failed to appear and a warrant without bail was issued. Whilst there were examples of warrants being executed swiftly, there were a significant number of cases where warrants were not successfully pursued.

6.38 Further analysis shows that nearly one-third of first hearings result in a warrant without bail. Defendants in a number of cases that are adjourned for other reasons subsequently fail to attend and have warrants without bail issued. In some cases warrants were swiftly executed. However, in most cases where warrants without bail had been issued, the time between the failure to comply and conclusion was lengthy.

6.39 A small number of cases have multiple adjournments to tie up with other sentencing matters or to further test compliance. A further small number of cases were also adjourned for the preparation of reports after the breach had been proved.

6.40 Where an offender enters a not guilty plea, the Probation Service routinely seeks an adjournment to instruct a solicitor to prosecute the breach and prepare witness statements. This practice adds a further 15-20 working days to the time taken to resolve the breach, and should be reviewed.

ASPECT FOR IMPROVEMENT

The process of instructing a prosecution solicitor following a not guilty plea in community penalty breach cases should be reviewed, with a view to reducing the delay.

- 6.41 The probation breach team had instigated a number of changes to internal probation practice and liaised with court staff regularly to agree bilateral improvements.
-

STRENGTH

To minimise the incidence of not guilty pleas, summonses are worded to include an allegation that the offender has failed to comply with the terms of the order and failed to furnish an acceptable reason within the required timescale.

- 6.42 Meetings with court staff had identified that there were too few court sittings to manage the volume of breach cases and as a consequence, a regular extra half day 'breach court' had been introduced. The court had effectively delegated responsibility for the booking of breach court dates to the probation breach team.
-

STRENGTH

Recently improved processes to ensure the provision of early court dates.

- 6.43 The breach team also engaged in what they described as "active quality assurance"; this involved ensuring that staff marshalled all the relevant paperwork to enable the breach to be commenced.
- 6.44 One of the performance improvements had been the introduction of a multi purpose 'Notification of intention to breach' letter. This letter is sent to an offender after the apparent failure to comply and informs the offender that breach proceedings have been initiated. It further informs them that they have a limited time in which to furnish a reason for their non-attendance, the date on which they will be required to attend the court, and that a summons will be issued shortly.
-

STRENGTH

The notification of intention to breach letter is effective in giving an early indication to the offender of the likely forthcoming summons date.

- 6.45 Where the offender does furnish an acceptable reason for non-attendance, the process is stopped but if no acceptable reason is provided, a breach pack including the relevant information is drawn together, and a summons sought. The summons requires the offender to attend court on the date previously notified.

6.46 There was uncertainty within probation about the process of ensuring that information on warrants was entered on the Police National Computer (PNC). The court's enforcement officer believed that warrants were not entered on the PNC; however interviews with police indicate that they were. This confusion should be clarified locally. The police have recently started using IRIS and, as such, procedures relating to warrants have been revamped, with the effect that ALL warrants are now entered on the PNC.

6.47 A backlog of outstanding warrants had been identified and was being processed.

ANNEX 1 LIST OF THOSE WHO ASSISTED OUR INSPECTION

Crown Court

HH Judge P Fox
HH Judge Spittle
Crown Court Manager
Deputy Crown Court Manager
Case Progression Officers
Administration staff

Magistrates' Courts

Roger Elsey, District Judge
Martin Walker, District Judge
Ms Norma Langabeer JP
Mr Edward Cox JP
Mr Keith Gorton JP
Principle Legal Advisers
Case Progression Officers
Case progression manager
Administration staff

Crime and Disorder Reduction

Partnerships

Graham Strange
Marian Walker
Joe Holden
Marilyn Davies
Legal Services Commission
Jane Harbottle

Criminal Defence Solicitor

Duncan McReddie

Prison Escort Contracting Service

Staff and managers from GSL at all court houses in Cleveland

Victim Support

Margaret Alderdice
Veronica Johnston
And Volunteers

Witness Service

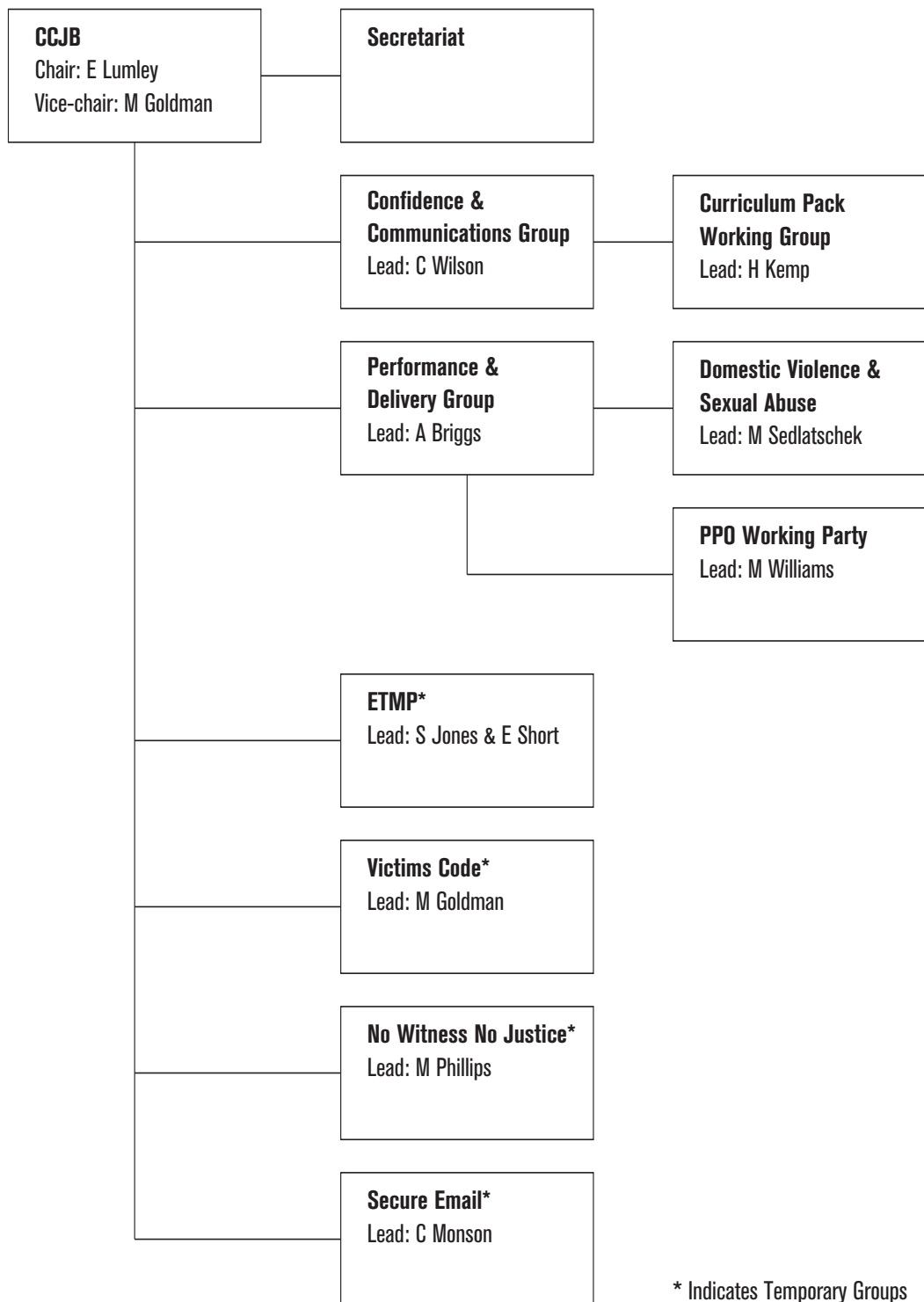
Lynn Carter
Cath Davison
And Volunteers

Community Groups

Womens Aid
My Sister's Place

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

ANNEX 2 CLEVELAND CJB STRUCTURE



* Indicates Temporary Groups

ANNEX 3 GLOSSARY

ACC

Assistant Chief Constable

BCU

Basic Command Unit

BME

Black and Minority Ethnic

CCG

Confidence & Communications Group

CCJB

Cleveland Criminal Justice Board

CCM

Criminal Case Management

CCP

Chief Crown Prosecutor

CDRP

Crime and Disorder Reduction Partnerships

CJS

Criminal Justice System

COMET

Community Enforcement Tracker

CPO

Case Progression Officer

CPS

Crown Prosecution Service

CRO

Case Review Officers

EAH

Early Administrative Hearings

ERO

Evidence Review Officers

ETMP

Effective Trial Management Programme

GONE

Government Office for the North East

HMCS

Her Majesty's Courts Service

HMCPSP

Her Majesty's Crown Prosecution
Inspectorate

HMIC

Her Majesty's Inspectorate of Constabulary

HMICA

Her Majesty's Inspectorate of Court
Administration

IAG

Independent Advisory Group

LCJB

Local Criminal Justice Board

NCJB

National Criminal Justice Board

NCPE

National Centre for Policing Excellence

NPS

National Probation Service

NSPIS

National Strategy for Police Information
Systems

NWNJ

No Witness No Justice

OBJ

Offences Brought to Justice

OCJR

Office for Criminal Justice Reform

PCSD

Police and Crime Standards Directorate

PDG

Performance & Delivery Group

PNC

Police National Computer

POCA

Proceeds of Crime Act 2002

PPO

Prolific and other Priority Offenders

PSA

Public Service Agreement

PTPM

Prosecution Team Performance Management

PYO

Persistent Young Offender

SIO

Senior Investigating Officer

VS QSD

Victim Support, Quality Standards Division

WCU

Witness Care Units

YOT

Youth Offending Teams

YJB

Youth Justice Board



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