

Press Notice

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HMcps
HM Crown Prosecution Service Inspectorate

JUSTICE IN POLICING: A JOINT REVIEW OF THE HANDLING OF ALLEGED CRIMINAL MISCONDUCT BY PERSONS SERVING IN THE POLICE.

HM Crown Prosecution Service Inspectorate (HMCPsi) and HM Inspectorate of Constabulary (HMIC) have today published their report following the joint review of the handling of cases involving an allegation of a criminal offence by a person serving with the police.

Overall, inspectors found that the arrangements for investigating and the handling of police complaints cases result in sound decision making and case preparation notwithstanding a number of weaknesses, mainly in the manner in which they are managed. Those are attributable for the most part to the lack of any clear and consistent ownership of policy or operational issues within the directorates of CPS Headquarters. Police complaints cases are currently handled outside the main CPS business processes to an unacceptable extent. This needs to be addressed and a system of regional units should be considered as a possible way forward.

Main findings of the report include:

- The standard of files submitted by the police varies considerably. Although some exceed what is necessary, a significant number do not fully meet the required standard. Only half of the files examined were submitted to the CPS in a timely manner.
- A lack of clarity surrounds the criteria for referral by investigators of cases to the Crown Prosecution Service (CPS) for a decision as to whether there is sufficient evidence to prosecute in any particular case. Many practitioners consider that the threshold for referral under the Police Reform Act 2002 is too low. This has led to differing and inconsistent approaches being adopted and at worst, cases being referred to the CPS where there is little or no evidence that an identifiable individual has committed a criminal offence. This adds delays into the complaints system and affects public confidence in it.
- Stakeholders expressed legitimate concerns about the time taken by the CPS to make a decision on a case. This could add to the delays identified in the submission of files to the CPS.
- There is also a degree of confusion as to the extent to which it is appropriate to take account of the likely outcome of any disciplinary proceedings when determining whether a prosecution of a person serving with the police would be in the public interest.
- There do not appear to be mechanisms which enable CPS managers to know how much of this work the Service receives and how well it is being handled.
- The law in relation to the limitation periods on summary offences such as common assault, (which requires that criminal proceedings must commence within 6 months of an offence

being committed), and the sub judge rule can be barriers to effective investigation, case progression and satisfactory disposal of a cases. Together they may cause cases to be time-barred before the investigation can be concluded and a file sent to the CPS.

- There is no structured performance or monitoring regime within the CPS in relation to these types of cases. Outcomes are therefore not analysed and the CPS is vulnerable to criticism of its performance which it can not easily rebut irrespective of whether or not it may be justified.
- There is considerable scope for improvement within the CPS with regard to the standard of communication with complainants and victims and also with key stakeholders and interested parties such as the Independent Police Complaints Commission.

Stephen Wooler, HM Chief Inspector of the Crown Prosecution Service Inspectorate, said:

“The police service disciplinary system and the criminal law must operate together to provide a firm but fair timely and appropriate response to the full range of misconduct which can occur. The present arrangements do not operate as well as they could and this can cause unacceptable delay. The recommendations in this report are designed to ensure more cohesive and structured working between the police service and the CPS.”

An executive summary of the report accompanies this press release.

The full text of the report may be obtained from the Corporate Services Group at HMCPIS Inspectorate (telephone 020 7210 1197) and is also available online at www.hmcpis.gov.uk.

NOTES FOR EDITORS

1. This review was undertaken jointly by Her Majesty's Crown Prosecution Service Inspectorate (HMCPIS) and Her Majesty's Inspectorate of Constabulary. It was led by HMCPIS.
2. The purpose of the review was to analyse and assess the quality of handling of cases involving an allegation of criminal conduct by a person serving with the police. Particular reference was made to the timeliness of investigations, and decision making. Also the quality, integrity and consistency of decision making and casework handling were assessed.
3. This review is complementary to and builds on the work of the thematic review conducted by HMIC which was published in a report in the summer of 2006 under the banner 'Raising the standard'.
4. The review was structured in a manner which allowed inspectors to trace a case through handling by a Professional Standards Department (PSD) or the Independent Police Complaints Commission (IPCC) to the relevant office of the CPS to ensure that a holistic examination of the system was undertaken.
5. Interviews were conducted with CPS and PSD staff and a wide range of stakeholders consulted including the IPCC, Liberty, The Police Federation and the Superintendents Association.

An Executive Summary of the report accompanies this Press Notice. For further information, please contact Andreas Harding, on 020 7210 1143 or 07901 856 348.

Embargoed copies of the Summary, this Press Release, and the full Report are available on the website at: www.hmcp.si.gov.uk/press/press.shtml. User ID is MEDIA and the Password is pressReports.

Promoting Improvement in Criminal Justice

HMCP.S Inspectorate, 26-28 Old Queen Street, London, SW1H 9HP
DX: 300850 Ludgate EC4 office@hmcp.si.gov.uk