

HMIC AND HMCPSI UNDERTAKEN JOINT REVIEW OF THE NEW CHARGING ARRANGEMENTS

Her Majesty's Inspectorate of Constabulary (HMIC) and Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) have today published their joint report on the operation of the new charging arrangements phased in between 2004-06. The Crown Prosecution Service (CPS) has taken over responsibility from the police for determining whether alleged offenders should be charged in the more serious or contested cases.

The implementation of the new arrangements in England and Wales represented a major change in the criminal justice system. It was a joint project between the Association of Chief Police Officers (ACPO) and the CPS.

Overall findings

The implementation of the new charging arrangements (commonly referred to as statutory charging) has delivered benefits to the criminal justice process. It has required close partnership working between the CPS and the police service at both senior and operational levels. It has facilitated progress within the criminal justice system in relation to linked projects improving criminal case management and reducing delay in the courts. Nevertheless some aspects of the scheme need to be substantially refined in order to be fully effective. Operational personnel (both police and CPS) understood the potential benefits of the scheme and the vast majority were strongly supportive of the concept of prosecutors also giving pre-charge advice. However most also felt that the processes involved need to be significantly more efficient.

Key benefits

On a positive front inspectors identified the following key benefits:

- the final charging decisions by prosecutors were of good quality;
- discontinuance had happened earlier, preventing weak cases from entering the court system;
- some progress had been made against most of the anticipated benefits in terms of casework outcomes and delivery of Public Service Agreement targets;
- there were a number of examples of good practice for individual processes within the overall scheme;
- relationships between the police and CPS had improved which had helped develop a more joined-up approach to managing initiatives; and
- feedback at multiple levels suggested that the new arrangements were particularly helpful in managing serious and complex cases.

Aspects requiring improvement

Aspects of work that required improvement included:

- police and CPS processes were inconsistent, overly complex, inefficient and lacking in pragmatism in too many instances, often leading to avoidable delays and frustration;
- the practice of delivering advice in a face-to-face meeting was not providing the anticipated benefits in all cases;

- police file quality supervision needed to be more robust;
- greater consistency of approach was needed by prosecutors in the level of information required to make a charging decision;
- conflicting CPS and police targets were not helpful (this issue was being addressed in the latter stages of the review);
- some guidance and definitions required clarification;
- a number of delays in CPS and police processes had a detrimental and significant knock-on effect on bail management; and
- performance management needed to be strengthened.

On balance progress had been slower than desirable, although gradual improvements had been made. In purely financial terms it was difficult to gauge the value for money of the scheme as there was limited reliable data on its cost and the scheme had changed significantly since the pilot and related business case. Whilst there was no doubt that it had delivered some improved outcomes - a number of financial benefits and some efficiency savings - the process for monitoring the value of such an investment was not sufficiently robust. As pressures build for new initiatives and priorities it is important that the police service and the CPS are able to realise the potential benefits of statutory charging. The processes observed in most of the areas visited were not efficient and needed to be 'smarter', although there were some examples of good practice.

Inspectors made 15 recommendations and highlighted ten aspects for improvement in order to strengthen performance.

Sir Ronnie Flanagan, HM Chief Inspector of Constabulary and Stephen Wooler, HM Chief Inspector of the CPS had this to say:

“The close partnership working between the CPS and the police service has ensured that the revised charging arrangements have delivered benefits to the criminal justice system. Although the quality of charging decisions is good, the processes involved need to be significantly more efficient.

It is essential that police supervision is strengthened at all stages of the investigative process so that the right cases reach prosecutors and are supported by the necessary evidence. For their part, prosecutors must be in a position to provide an effective charging decision when it is needed on a file that meets the prescribed standards.

We are pleased to note that the CPS and ACPO are developing initiatives which should assist in achieving these aims.”

This press release should be read in conjunction with the report itself. This contains an integral executive summary which is also available separately.

The report and summary are available on an embargoed basis by visiting the HMCPSI website: www.hmcp.si.gov.uk, using the following details:

Username: MEDIA
Password: S37PACE

For further information please contact Peter Todd, Assistant HMI, Her Majesty's Inspectorate of Constabulary, Ground Floor, Ashley House, 2 Monck Street, London SW1P 2BQ on 020 7035 2009 or Andreas Harding, HMCPSI Publications Manager, on 020 7210 1143/07901 856 346.

Notes to Editors

This work has been undertaken as part of the criminal justice chief inspectors' joint inspection programme for 2007-09. The criminal justice chief inspectors represent HMIC, HMCPSI, HMI Court Administration, HMI Probation and HMI Prisons.

The 2008-09 joint inspection programme has been drawn up in accordance with the requirements of Part 4 of the Police and Justice Act 2006. This review reflects the commitment of the five criminal justice inspectorates to operate in an increasingly joined-up way and demonstrates their ability to continue to develop the capability to inspect end-to-end business processes that span two or more of the criminal justice agencies.

This joint review was undertaken in parallel with an HMCPSI inspection of CPS Direct (CPSD) which provides out-of-hours charging decisions across England and Wales, and an HMCPSI inspection of the operation of the Revenue and Customs Prosecutions Office statutory charging scheme. Those inspections are the subject of separate reports and press releases. The three reports provide an overall picture of the operation of the statutory charging scheme in England and Wales.

The CPS took over from police the responsibility to determine whether to charge an alleged offender by virtue of the Criminal Justice Act 2003, Schedule 2. The Director (of Public Prosecutions)'s Guidance provides for this to be required in the more serious and contested cases. Police may charge without the authority of the CPS in less serious offences or some in which the alleged offender accepts guilt and a plea of guilty is expected.

During the normal working hours most advice and charging decisions are provided by duty crown prosecutors face-to-face with the police officer in the case. Out-of-hours police can contact CPSD through which duty prosecutors provide decisions using telephone, fax and email facilities.