

CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS GLOUCESTERSHIRE

EXECUTIVE SUMMARY

Introduction

1. This is the third report of the Crown Prosecution Service Inspectorate in the new cycle of inspections based on the 42 Area structure adopted by the CPS on 1 April 1999. The CPS is a national service, but operates on a decentralised basis with each Area led by a Chief Crown Prosecutor (CCP) who enjoys substantial autonomy.
2. The inspection was carried out during a period of extensive change for the CPS both nationally and in Gloucestershire. Initiatives to reduce delays in the criminal justice system were being introduced to give effect to the recommendations contained within the Review of Delays in the criminal justice system (the Narey report). The Area's reorganisation into functional units, rather than geographical ones, to take forward the recommendations of the review of the CPS (the Glidewell Report), was in a transitional stage.
3. The Inspectorate is adapting to the revised structure of the CPS, and has revised its own role in preparation for the Government's decision to place the Inspectorate on an independent statutory basis (the Crown Prosecution Service Inspectorate Act 2000 is currently awaiting implementation). This report focuses mainly on the quality of casework decision-making and casework handling, but also extends to all matters which go to support the casework process. The Inspectorate examines all aspects of Area performance, and has reported on a number of management and operational issues.

Main findings of the Inspectorate

4. CPS Gloucestershire needs to work more closely with its partners in the criminal justice system in Gloucestershire in response to the overarching aim set by the Government for the criminal justice system. The CCP and other members of staff devote significant effort to positive communication with some agencies and organisations in Gloucestershire, but need to adopt a clearer strategy on the focus of external working relations and liaison.
5. Inspectors were pleased to find that there was a locally agreed action plan to achieve the Government's target of dealing with persistent young offenders within 71 days of arrest, and the CPS and other criminal justice agencies recognised that this can only be achieved by working together in an integrated manner. Nevertheless, in 1999 national figures showed that Gloucestershire was substantially outside the target, taking 119 days. The latest quarterly figures have been published since the inspection took place and show that Gloucestershire has improved and attained an average time of 100 days for the first quarter of 2000.

6. There is a relatively low ethnic minority population in Gloucestershire and the makeup of staff is a historical reflection of this. Nevertheless, the Area is alert to issues of racial awareness and equality and ran courses for staff on racial equality and human awareness issues last year. The turnover of staff is low, but the Area has taken steps to spread awareness of the CPS and its role to ethnic minority groups, and any staff vacancies will be advertised openly and extensively in the community.
7. Overall, the majority of casework decisions made by prosecutors were correct. In some respects the Area performance was good, with low levels of adverse decisions, that is judge ordered and judge directed acquittals in the Crown Court, and cases dismissed as no case to answer or discharged at committal proceedings in the magistrates' courts.
8. On the other hand, inspectors found a significant number of cases across the board which were handled uncertainly. Wrong decisions were sometimes made and there were instances of ineffective or late reviews. Timeliness was a particular problem in relation to the provision of advice to police. Late review led to adjournments or the acceptance of pleas to lesser offences, so the 'cracked trial' rate was very high in the magistrates' courts. Problems manifested themselves in different ways in the Crown Court, for instance in the proportion of amendments to indictments, and the adjournment or slow progress of cases.
9. The inspectors had serious doubts about the reliability of discontinuance figures in CPS Gloucestershire. On the face of it, there was a relatively high discontinuance rate; and some cases had been dropped which should have been prosecuted. Inspectors were pleased to note that the CCP had started to monitor discontinuance cases. Careful analysis and feedback should help to improve the standard of decision making. Additionally, the reasons for decisions and the true outcome of these cases need to be recorded accurately.
10. Some other aspects of case handling need improvement. Cases for trial in the magistrates' courts require more rigorous preparation, and the content of instructions to counsel in Crown Court cases must be improved. The duties of disclosure were not being undertaken, or recorded, as carefully as they should be, although inspectors were pleased to note a new drive to improve matters in conjunction with police.
11. The report contains recommendations to tackle the overall situation. It proposes some redirection of management time and effort so that with personal advocacy and targeted monitoring, the CCP and Prosecution Team Leaders will be better placed to check more decisions and casework handling as cases progress. Where possible this should be as an integral part of their progress, rather than simply in response to complaints or monitoring after the event. So far as prosecutors and caseworkers are concerned, inspectors think that a concerted effort should be made to achieve continuity of casework decision-making, handling and presentation where this is feasible. This will help reduce the duplication of effort which was found. Inspectors hope that it will increase job satisfaction for caseworkers if they receive a regular allocation of cases to handle and manage through all stages, including their own attendance at court to instruct counsel.

12. Progression of changes already underway should pay dividends. In particular, these relate to the efficiency savings that will be gained from the Narey initiatives. However, these savings are dependent upon a much higher level of co-operation with the magistrates' courts in relation to listing practices. Action in relation to this, and the handling of the significant volume of relatively minor traffic cases, should be a priority for Area managers in order to alleviate pressure upon staff and to enable a redirection of effort towards the categories of more serious casework.
13. These changes need to be carried forward urgently, but in close consultation with staff. This will build on the good work and goodwill of staff, and maintain and improve the quality of casework which inspectors considered ought to be higher having regard to the high proportion of experienced staff in post, the Area's resource provision and the overall nature of its caseload. In totality, the caseload was weighted towards the less serious end of the scale and contained a comparatively low number of really serious or complex cases, although the county clearly has its share of drug related offences.

Specific findings

14. Advice – attention was required to improve the timely provision of pre-charge advice to police.
15. Review – there was good effort to reduce delays and in the majority of cases the standard of decision-making was sound. Priority was being given to “fast track” cases. Nevertheless, there was some uncertainty of decision-making in relation to both the prosecution and discontinuance of cases which indicated the quality of review was capable of improvement. The timeliness of review decisions also needs to be addressed.
16. Case Preparation – the timely provision of advance information to the defence has been markedly improved. The disclosure of unused material is being addressed through joint initiatives with police but greater attention needs to be paid to ensure that all aspects of the prosecution's duties of disclosure are undertaken scrupulously. For instance, in more serious cases prosecutors should examine more material for themselves and ensure that they record reasons for their decisions, and they should carefully consider defence statements and record decisions and actions about whether any material might assist the defence. Case preparation in the magistrates' courts, and committal preparation and subsequent handling in the Crown Court, both need attention to improve the readiness of cases for trial.
17. Advocacy – overall the standard is satisfactory in both the magistrates' court and the Crown Court. Some Crown Prosecutors were more than satisfactory, but others were less assured and were re-active in style, and one or two gave the impression that they might lack resistance under pressure. The presentation of trials will be enhanced by the higher standards of preparation which the inspectors have proposed.

18. Management and operational issues

- the Area Management Team needs to work more cohesively, as well as more positively with other criminal justice agencies, to improve the effectiveness and efficiency of casework and to reduce delay. Managers communicate well with staff in certain respects, but need to ensure that they communicate more effectively with staff about the important changes that impact upon their work and positions.
- action needs to be taken about certain aspects of structure and organisation and case management. Agents have been used quite frequently and the level of such usage will need careful management in the coming year. The Area receives generally good service from counsel and agents, though the level of return of briefs in the Crown Court is significant and the Area should ensure that this is not allowed to impact adversely upon the presentation of cases.
- the Area works with others in relation to the treatment of victims and witnesses and Area managers and staff should ensure that the provisions of the service level agreement upon the care and treatment of witnesses and victims are followed by all staff and counsel who prosecute on behalf of the Crown.
- the Area accommodation is well placed, and is of good standard. The Area needs to consider the extent to which it is appropriately accessible to the public who have involvement with its cases.
- the Area performance indicators are not wholly accurate, and some greater staff awareness and training is needed to ensure accuracy.
- complaints are investigated properly and responded to openly, but we came across a comparatively high number which were justified, and these need to be analysed regularly.

Commendations and identification of good practice

19. The Inspectorate commended five aspects of the Area's work in relation to particular initiatives or good practice. These included its recording of oral and informal advice; the work of the Area co-ordinator in relation to offences of domestic violence; the continuing training and development of junior staff; the supply of key papers to agents two days in advance of the hearing; and the devising of a computer programme to assist in the collection and collation of Crown Court case outcomes and performance indicators.
20. The full text of the report may be obtained from the Combined Administration Unit at CPS Inspectorate (Telephone: 020 7210 1197).