

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS DEVON AND CORNWALL (REPORT 15/04)

EXECUTIVE SUMMARY

Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS Devon and Cornwall. The CPS is a national service, but operates on a decentralised basis with each of its 42 Areas being led by a Chief Crown Prosecutor (CCP) who enjoys substantial autonomy. This was an intermediate inspection. The Area was previously reported on in June 2002.

The Area

2. CPS Devon and Cornwall serves the area covered by the Devon and Cornwall Police. It has three offices at Exeter, Plymouth and Truro. The Area is divided on functional lines between the magistrates' courts and Crown Court work. At the time of our inspection, it employed the equivalent of 117 full time staff. In the year to March 2004, the Area dealt with 26,465 cases in the magistrates' courts, 1,527 in the Crown Court and gave pre-charge advice to the police in a further 3,627.

Main findings of the Inspectorate

3. The Area's decision-making, review and preparation of its casework is, in most respects, very sound in relation to both magistrates' courts and Crown Court work. However, compliance with national operational instructions on the handling of unused material was a weakness and needs to be improved. A review is also needed of the handling of custody time limit cases, to ensure there are consistently high standards throughout the Area.
4. Area advocates in the magistrates' and the Crown Court are generally competent or better, and the Area has been pro-active in deploying Higher Court Advocates in the Crown Court.
5. Senior managers play a full role in the local criminal justice system and partnerships are generally strong. Systems are in place for joint performance management of police file quality and timeliness, and for cracked and ineffective trials in both magistrates' courts and the Crown Court. However, progress towards co-location with the police has been very slow and has still not been achieved. The implementation of the shadow pre-charge advice scheme has also been problematic and has not been well managed by the Area.
6. The Area complies with CPS corporate employment policies. It has sought to address issues around sickness absence (through the introduction of an outside consultant) and most staff in the Area recognise the Service as a good employer.

7. Planning, project management and performance management need to improve if the Area is to make best use of its resources. It would also benefit from reviewing its meetings commitments to ensure they represent value for money.

Specific findings

Key performance results

8. Area casework outcomes are better than the CPS national averages in all respects, except for magistrates' courts acquittals. The Local Criminal Justice Board (LCJB) performance in relation to cracked and ineffective trials is significantly better than the national average in both the magistrates' and Crown Court, and the Area has played a full part in this.
9. The timeliness with which persistent young offenders (PYOs) are dealt with has been consistently below target since the last inspection in March 2002. The outturn for the period December 2003 – February 2004 is 55 days compared to a national average of 68 days and a target of 71 days.

Casework

10. The timeliness and fullness of the advices within the file sample was good, but the quality of the advice remained variable, as it had been at the time of the last inspection.
11. The quality of decision-making after charge was sound. The Code for Crown Prosecutors' principles were applied appropriately at the key stages of first review, summary trial and committal/service of prosecution papers review. At each stage Area performance was better than the inspection cycle-to-date average.
12. The preparation for summary trials was generally timely and additional evidence was requested in 91.7% of relevant cases (inspection cycle-to-date average is 70.9%). The service of committal papers or the prosecution papers in "sent" cases is also timely, and additional information was requested in the majority of relevant cases – 77.4% compared to an inspection cycle-to-date average of 80.3%.
13. Discontinuances are generally timely and well handled. The application of the Code test was significantly better than the inspection cycle-to-date average, although we comment below on issues arising from the discontinuance of domestic violence cases.
14. Cases were dealt with at the correct level of charge in 77 out of 78 (98.7%) relevant cases in the sample. Out of 16 cases where the original police charges needed to be amended in the magistrates' courts, 15 (93.75%) were amended in a timely manner.
15. There is a comprehensive protocol with the Probation Service over the provision of pre-sentence information to them by the Area, but the CPS needs to work with the Probation Service to maintain appropriate records and ensure full compliance with the protocol.
16. CPS policy guidance on the handling of child abuse and racist incidents is being correctly applied, and review and case preparation is generally sound.

17. The Area has done much to promulgate good practice on domestic violence and the overall standard and timeliness of decision-making is sound. CPS policy is generally applied, although there remained some weakness in the handling of victim withdrawals.
18. Although the Area has carried out training on the revised joint operational instructions (JOPI) for handling unused material, weaknesses remain in the handling of disclosure in accordance with those instructions and the Criminal Procedure and Investigations Act 1996.

Advocacy and quality of service delivery

19. The standard of in-house advocacy is fully satisfactory. The Area has a high agent usage in the magistrates' courts, and provides appropriate induction and monitoring for new agents.
20. Performance of counsel in the Crown Court is variable, and the Area should be more consistent in its monitoring and selection of them.
21. The delivery of files to court and the preparation and attendance of advocates are all satisfactory. However, court hearing endorsements need to be improved.

Victims and witnesses

22. Witness care at court is generally good. Appropriate use is made of Special Measures for giving evidence, and there is phasing of witness attendance in the Crown Court. Full use is made of procedures to avoid witness attendance in the magistrates' courts; the Area has recognised there is scope to introduce regular phasing of witness attendance in the magistrates' courts as part of the "No Witness, No Justice" initiative.
23. The Area has implemented Direct Communication with Victims to explain reasons for dropping or reducing charges. The quality of letters is generally good, although not all cases falling within the scheme are identified and action taken.

Performance management

24. There is a firm foundation on which to build a more effective performance management system. However, the existing system needs to be strengthened to bring a better focus to the performance of each office over the full range of casework and management issues, including resources and current projects.
25. Joint performance management with the police and the courts is well established and generally effective.

People management and results

26. The Area complies with CPS corporate employment policies. Work has been done to successfully address the poor state of accommodation at the Truro office. Current training needs in relation to initiatives, both legal and operational, are being largely met. However, the Area would benefit from a Training Plan to help focus resources in the future.

27. The Area has taken steps to address sickness issues. There is a good quarterly Area newsletter, but otherwise communication within the offices is variable and should be reviewed.

Management of financial resources

28. The Area has sound systems for projecting and controlling expenditure; the graduated fee scheme for payment of counsel is working well and financial guidelines are now being adhered to.

Partnerships and resources

29. Partnerships within the local criminal justice system are generally strong. The Area is seen as committed to delivering good quality casework. However, delays in delivering co-location, and the difficulties around the implementation of shadow pre-charge advice, have raised doubts over the ability and drive within the Area to deliver major change.

Policy and strategy

30. The planning for, and the implementation and evaluation of, the shadow pre-charge advice scheme could have been more effective. However, the Area has only a limited capacity to develop and deliver policy changes on its own. It needs to ensure it is making the best use of all its available resources.

Leadership and governance

31. The Area has a cohesive and supportive senior management team. The CCP has a clear vision for the Area and provides strong leadership.
32. The Area is taking part in an internal change programme at one of the offices. It will be challenging for all involved, and if successful could provide a blue print for the other two offices.

Bringing offenders to justice

33. The LCJB is exceeding its target for bringing offences to justice. The CPS is contributing to this by its low discontinuance and judge ordered acquittal rates.

Reducing ineffective trials

34. The LCJB has been very successful in reducing ineffective trials in both the magistrates' courts and the Crown Court. The CPS has played a full part in this.
35. Although the LCJB has failed to achieve its target of a 17% rate in the magistrates' courts for the year 2003-04, the final out turn of 19.7% for 2003-04 represents a significant achievement.

36. Performance in the Crown Court is very good. The LCJB achieved its target of a 14% ineffective trial rate for 2003-04 with a final outcome of 12.4%. This compares favourably to a national average of 20.7%.

Improving public confidence

37. An Action Plan to raise public confidence has been developed by the LCJB. The Area has played a full part in preparing the Plan, which recognises the importance of witness care at every stage of the criminal process.

Value for money

38. The numbers of lawyers and caseworkers have increased significantly since the last inspection, although agent usage in the magistrates' courts has also risen. At the same time there has been a marked improvement in most casework outcomes.

Equality and diversity issues

39. The Area has a diverse workforce. Staff are familiar with the "Dignity at Work" policy and there is confidence that managers will act in accordance with it.

Recommendations

40. We make recommendations about the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider to merit the highest priority.

41. We have made five recommendations to help improve the Area's performance:

1. The Area ensures that each unit fully complies with the Joint Operational Instructions on handling unused material and, in particular, ensures that:
 - * Disclosure decisions are not taken on the basis of inadequate disclosure schedules;
 - * The disclosure tests under the Criminal Procedure and Investigation Act 1996 are applied after proper consideration of the material; and
 - * Disclosure decisions are fully recorded (paragraph 4.26).
2. The Area reviews its current custody time limit systems to ensure full compliance with CPS Best Practice and, where necessary, provide further training to staff on the calculation of expiry dates (paragraph 4.42).
3. The Area introduces a quarterly performance management regime for each office based upon written performance reports to which the Unit Heads and the Office Business Manager contribute (paragraph 7.7).

4. The Area reviews attendance at internal and external meetings to ensure that the resources employed are necessary and represent good use of time (paragraph 9.11).
5. The Area reviews its capacity and capability to manage change (paragraph 10.9).

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

HMCPS Inspectorate
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