



Aspects of the Enforcement of Court Orders

Report of the joint inspection

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Chief Inspectors' foreword

This is a national thematic report on the enforcement of court orders involving HMCS, the Police, National Probation Service and Youth Offending Teams. The inspection was led by HM Inspectorate of Court Administration working in collaboration with HM Inspectorate of Constabulary and HM Inspectorate of Probation, and took place during January and February 2008.

The objectives of this joint inspection were to:

1. *Assess the effectiveness of strategic and operational work between and within courts, probation areas, Youth Offending Teams and police services to:*
 - *Facilitate compliance with and enforcement of obligations to attend probation/YOT appointments and court hearings (including pre- and post-sentence).*
 - *Produce and execute warrants efficiently and effectively, where there is a breach or failure to appear.*
2. *Identify notable practice and make any recommendations necessary to improve the effectiveness of enforcement.*

The inspection built on the findings of previous enforcement inspections, particularly the Thematic Review: *A Joint Inspection of the Enforcement of Community Penalties* (2005) and the more recent HMI Probation report: *Summary of Findings on the Enforcement of Community Penalties from three Joint Area Inspections* (2007). This inspection allowed us to see how things had progressed and where improvements were still needed.

Also of note is the recent *Report into the Resulting and Warrant Withdrawal Procedures used at Leeds Magistrates' Court* (2008) and a review of the circumstances surrounding the 'Peart'¹ case, both of which were jointly produced by the criminal justice inspectorates. The warrant handling issues, that gave rise to these pieces of work, were emerging during the planning of this inspection. It was therefore appropriate that warrant enforcement should provide the focus for this inspection in order to provide broad assurance to ministers and the public, and to identify issues, about the way in which warrants were handled nationally.

Since earlier inspections, enforcement has been given a greater priority by the criminal justice agencies and there have been notable improvements in performance. For example, there was a 42% reduction in the number of outstanding Failure To Appear (FTA) warrants between March 2005 and June 2007². Improvements in the enforcement of community penalties have been supported by the production of an *Effective Practice Guide on Community Penalties*, and the introduction of the Community Penalty Enforcement Tracker, *Comet*, which provides criminal justice agencies with a comprehensive tool for the monitoring of breach cases. Joint Criminal Justice Targets have provided an impetus for local partnership working between criminal justice agencies, whilst the National Enforcement Service, launched in 2005, has begun to deliver some tangible results in the Areas where it has been piloted.

¹ *Criminal Justice Joint Inspection Report: A review to ascertain the circumstances in which Anthony Leon Peart, also known as Anthony Leon Joseph, came to be at liberty on 29 July 2005* (April 2008).

² *Working Together to Cut Crime and Deliver Justice – A Strategic Plan for 2008–2011*. OCJR (November 2007)

Despite this good work, there are still improvements to be made, and this report identifies a number of national issues to be addressed.

A key finding of this inspection is that there is a general lack of clarity in national guidance provided to local criminal justice agencies. This has led to confusion and disparities in local practices. It also raised concerns about how the need to have local practices in response to local needs and resources, can be reconciled with the fact that enforcement is a national issue and agencies have to work together across borders in a consistent way. Some of the processes in operation within Areas were found to be inefficient and a number of concerns were identified in relation to:

- lack of joined-up IT systems to support enforcement between agencies and across borders
- persistent problems with the execution of out-of-Area warrants
- processes for dealing with defendants who surrender to the court on warrant.

A lack of joined-up working, within agencies, and within Criminal Justice Areas (CJAs), persists and creates gaps that can enable offenders to escape justice. It is imperative that effective partnership working is in place, and that there is understanding at all levels of how the actions of individual agencies, and CJAs, impact on the national management of offenders.

We are grateful to the Chairs of the Greater Manchester, North Yorkshire, London and Essex Local Criminal Justice Boards, and staff from HM Courts Service, the National Probation Service, Youth Offending Teams and Police Services who gave their time to assist with this inspection.



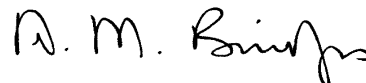
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Section 1

Executive summary and recommendations

Introduction

1.1 A joint inspection of the enforcement of court orders took place during January and February 2008, led by HM Inspectorate of Court Administration working in collaboration with HM Inspectorate of Constabulary and HM Inspectorate of Probation. The focus of this inspection was to assess the effectiveness of partnership working between Her Majesty's Courts Service (HMCS), the National Probation Service, Youth Offending Teams and the Police Service to:

- facilitate enforcement of obligations to attend probation/YOT appointments and court hearings (including pre- and post-sentence)
- produce and execute warrants efficiently and effectively, where there is a breach or failure to appear.

The term 'enforcement', when used in this report, refers specifically to these areas of business unless specified otherwise.

1.2 Enforcement has been the subject of much scrutiny in previous inspection reports and in value for money reviews by the National Audit Office. We found that, since earlier inspections, enforcement had been given a greater priority by the criminal justice agencies and there have been notable improvements in performance since 2005. Joint Criminal Justice Targets have provided an impetus for local partnership working, for example in reducing the number of outstanding failure to appear warrants by 42% between March 2005 and June 2007. In addition to the setting of performance targets, inter-agency guidance has been issued on the management and review of warrants, and new initiatives introduced aimed at getting defendants to court. Improvements in the enforcement of community penalties have been supported by the production of joint agency guidance on the handling, review and withdrawal of community penalty breach warrants and the introduction of the Community Penalty Enforcement Tracker, *Comet*. The National Enforcement Service, launched in 2005, has begun to deliver results in the Areas where it has been piloted.

Summary of findings

Lack of clarity in strategic leadership

- 1.3 The National Enforcement Service (NES) was previously identified as the strategic way forward for joint enforcement activity between criminal justice agencies. However, plans to roll this out nationally during 2007/08 were not implemented. The NES pilot is currently undergoing review to inform future developments but in the meantime the strategic way forward is lacking clarity. Inspectors found that there is a general ambiguity about who is providing the strategy leadership on enforcement, with a lack of readily available information about the work of the various groups involved. There are also limitations on the accessibility of key documents and governance information to practitioners which make it difficult to easily identify all pertinent policy, legislative and procedural guidance relating to enforcement.

Existence of organisational variations across Areas

- 1.4 It is clear from this inspection that variances exist nationally in the arrangements for the execution of warrants: in some Areas the police are contracted to enforce all warrants, such as is the case in Essex and Cumbria. Elsewhere, a mix of police, HMCS Civilian Enforcement Officers (CEOs) and/or Approved Enforcement Agencies are employed to do this task. The Areas we visited all have CEOs, employed by HMCS, but we are aware that not all Areas employ such staff. Where they are used, their involvement in the execution of warrants is not consistent between Areas.
- 1.5 There are differing structures in place within local Probation Areas and Youth Offending Teams for the management of breach courts, some having dedicated breach teams in place and trained prosecutors, while others rely on staff, who do not have the necessary confidence or experience, to present cases in court.
- 1.6 In addition to these structural variances, the interpretations applied to, and understanding of, legislation relating to enforcement also varies between Areas. This is due in part to the volume of initiatives and changes that have been introduced in recent years to improve the overall effectiveness of the criminal justice system. When combined with significant changes to the structure and management of key agencies, communication and training in enforcement legislation and procedures has suffered.
- 1.7 There is a tension between the need to have local practices in response to local needs and resources and the fact that enforcement is not a purely local matter. Those subject to court orders are mobile and the criminal justice system is not able to respond effectively to that mobility. This is due to having different approaches in different Criminal Justice Areas, which do not mesh together.
- 1.8 All Areas visited had problems with the management and prioritisation of out-of-Area warrants, i.e. those issued by courts in one Area but where the defendant resides in another. For example:
- In some Areas there is a perception that out-of-Area warrants present too many challenges to execute and so these are not given equal priority when clearing backlogs.
 - In some Areas, out-of-Area warrants accounted for a large proportion of outstanding and aged warrants.
 - There are issues where the receiving Area's practices are in conflict with those in the issuing Area, which cause some difficulties in attempts to transfer warrants.

- 1.9 If the concept of local practice is to prevail, there needs to be a recognition that this could result in 42 different approaches across England and Wales. As every Area may export or receive warrants from any other Area, there are potentially hundreds of different interfaces being managed. The challenge of co-ordinating such a large number of relationships, and finding a way to overcome the issues that exist without definitive national direction, should not be under-estimated.

Working together to manage offenders

- 1.10 Effective partnership working is vital to successful enforcement. Inspectors found that, where partnerships worked well, there was good quality information sharing at all levels, joint ownership of enforcement targets and comprehensive protocols which were well understood and followed by all agencies. This was particularly evident in Greater Manchester where thorough systems were in place for controlling the issue and execution of warrants and staff were effective in discharging their responsibilities in the enforcement process. This is largely due to their role in the national pilot of the Warrant Handling Strategy as part of the National Enforcement Service pathfinder.
- 1.11 At the other extreme, Inspectors found examples where opportunities for information sharing were not fully exploited; targets were not given equal value by all agencies; protocols were not communicated, followed or monitored and staff did not understand how their role fitted into the end-to-end enforcement process.
- 1.12 This is indicative of a widespread failure in the Areas visited, affecting all levels, to recognise that the processes that contribute to effective enforcement are an integral part of the management of offenders. This is particularly evident in practices – contrary to the OCJR Getting Defendants to Court guidance (GDC8) – of court staff sending persons, who are known to be wanted on warrant, from courts to police stations for arrest. This practice demonstrates a failure to recognise risks to the reputation of the criminal justice agencies involved and to public safety and confidence. There is also an impact on criminal justice resources, for example wasted police time and a greater call on police cells.

Inefficient processes and non-standard IT

- 1.13 We found inefficient processes for the handling of warrants, with a reliance on paper-based filing systems as a back-up to data held electronically. There are also new practices that have been layered on top of old ones resulting in inefficient, resource intensive procedures that add little value to the enforcement process. There is a need for such systems to be reviewed in order to eliminate obsolete practices. Training also needs to be provided to staff to improve confidence and trust in the IT systems with which they have been provided.
- 1.14 There is no national joined-up IT system for the handling of warrants between, or within, agencies and this is of concern due to the number of stand-alone, unsupported IT solutions that have been created in local Areas to compensate. Such systems are vulnerable to staff changes and system failure. In addition, information has to be re-keyed by all agencies, creating potential inconsistencies in data and increased opportunity for error. Whilst improvements have been made in the provision of tools to allow enforcement staff to trace defendants, such as the Department for Work and Pensions database and Equifax E-trial, they are not currently made available to all staff and agencies involved in the enforcement of warrants.

Lack of information sharing

- 1.15 The lack of intelligence sharing between criminal justice agencies and other government agencies does not promote effective enforcement. There are no protocols to govern the exchange of information between criminal enforcement, immigration and HM Revenue and Customs – which means, for example, that there is no system to identify when a person wanted on warrants leaves or enters the country.

Dangers of not looking beneath apparent good statistical performance

- 1.16 The achievement of performance targets is rightly given priority by Local Criminal Justice Boards (LCJBs). However, Inspectors found that healthy statistics can hide poor practice, from the inaccurate recording of data, to practices that result in a high number of cases being withdrawn – with knock-on effects of large court lists and waste in administrative resources in preparing for cases. As national enforcement teams and Office for Criminal Justice Reform resources tend to focus on the worst performers statistically, it is important that these factors are taken into consideration to ensure that intervention is appropriately targeted and Areas with apparent good performance challenged.

Welfare of enforcement officers and those detained

- 1.17 Our inspection identified a number of ongoing risks to the welfare of CEOs. For example, there are no formal procedures to track the location of enforcement officers, so that prompt action can be taken if they are in danger. We were pleased to note that HMCS had, at the time of this inspection, completed a review of health and safety for their enforcement teams and that recommendations were being considered to improve the situation.
- 1.18 The inspection of the enforcement of community penalties in 2005 highlighted the need for CEOs to be fully and regularly criminal record checked for suitability to deal with young or vulnerable people. We are disappointed to note that such checks have not yet been fully implemented.

Recommendation 1

We recommend that there should be national, inter-agency strategies for enforcing the obligation to attend court and following the breach of community penalties. These should build on the principles of partnership working and intelligence sharing from the National Enforcement Service pathfinder, to ensure that:

- the tension between local practice in response to local circumstances, and the fact that enforcement has a national dimension, are reconciled
- effective and efficient end-to-end processes are in place to minimise opportunities for non-compliance
- IT systems support effective working within and between agencies
- information sharing between criminal justice agencies and between government departments is effective
- out-of-Area warrants are given appropriate priority in accordance with national guidance
- national guidance, legislation and good practice are easily accessible and understood.

Recommendation 2

We recommend that procedures for dealing with defendants who surrender to the court, or attend Probation / YOT offices, when wanted on warrant, are reviewed to:

- manage the risks to public safety and confidence associated with current practices of sending defendants away from court when surrendering on warrant
- ensure that the best use is made of all agencies' resources, by eliminating unnecessary bureaucracy.

Recommendation 3

We recommend that all people employed in the enforcement process are provided with sufficiently detailed training to understand their roles and how to discharge their responsibilities effectively and safely, in particular:

- that no member of staff should be required to prosecute / present community penalty breach cases in court without being formally trained for the role
- all Areas should ensure that where access to electronic information exists, staff are appropriately trained to derive full benefit from the systems and are fully aware of the protocols that govern their use
- that enforcement officers are safe in the execution of their duties, and adequate protection is provided to those who are detained, for example by ensuring that regular Criminal Record Bureau checks are carried out for all those who are charged with the execution of warrants.

Section 2

Background and approach

Introduction

2.1 In recent years, the enforcement of court orders has received a lot of scrutiny in inspection reports from criminal justice inspectorates and was the subject of a 2004³ National Audit Office Value for Money study into defendants' non-attendance at court, and a further NAO study of the supervision of community orders published in early 2008⁴. The enforcement of court orders includes the enforcement of orders to attend court, comply with a community sentence, pay a financial penalty, confiscation orders and licence recalls. This inspection did not look at financial penalties, confiscation orders or licence recalls. Since 2004 recommendations have been made with regard to:

- the development of clear and comprehensive inter-agency protocols to clarify responsibilities throughout the criminal justice system and to deliver joint targets
- the collection of performance data, and other pertinent information that will allow for more detailed analysis of performance, including the effectiveness of services; to ensure that there is no discrimination in the treatment of defendants from different ethnic backgrounds and to be able to show the relative cost / benefits of different approaches to offender management
- encouraging compliance with orders, including: greater use of telephone, text or other reminders; reducing the number of hearings to complete prosecutions; and early reporting at court for defendants likely not to attend
- production of national guidance and the sharing of good practice to ensure consistency in processes including: Youth Offending Teams guidance for identifying acceptable / unacceptable absences, and joint guidance to govern the timeliness of warrant entry onto the Police National Computer (PNC)
- the use of secure IT systems to speed up the enforcement process.

This inspection allowed Inspectors to evaluate progress since these recommendations were made.

³ *Facing Justice: Tackling defendant's non-attendance at court* (18 November 2004).

⁴ *The National Probation Service: the Supervision of Community Orders in England and Wales* (31 January 2008).

Performance priorities and targets

- 2.2 Seeing that offenders comply with the requirements of their community penalties and that defendants attend court as directed are high governmental priorities and contribute to five of the six joint performance targets⁵ set for Criminal Justice Boards for 2004-2008. These are:
- Bringing more offences to justice
 - Increasing the percentage of people who have confidence in the effectiveness of the Criminal Justice System in bringing offences to justice
 - Reducing the proportion of trials which do not go ahead as scheduled in both Crown and Magistrates' Courts
 - ...resolving community penalty breaches quicker... reducing the number of unexecuted Failure to Appear warrants
 - Reducing the time taken to resolve a community penalty breach case from relevant unacceptable failure to comply, to resolution.
- 2.3 These priorities, and the targets that underpin them require close partnership working at Local Criminal Justice Board level. It is appropriate, therefore, that enforcement is subject to joint inspection by criminal justice inspectorates. New priorities and targets have been introduced from April 2008 and are detailed in the Criminal Justice System Business Plan for 2008-09⁶ and appear at Annex B of this report. Enforcement is still given high priority with a specific target to improve compliance and enforcement of the orders of the court.
- 2.4 The higher priority given to enforcement has resulted in many improvements, notably in the collection of fines and the timelines of breach of community penalty proceedings. Centrally, a cross-CJS Enforcement Delivery Board, with HMCS as the responsible organisation, has been set up to hold agencies and departments to account for improved performance in enforcement. Beneath this sit the HMCS Compliance and Enforcement Programme Board, Defendant Attendance Steering Group and Community Penalty and Licence Enforcement Group. Where performance is deemed to be poor, support is provided to help drive improvements. Both HMCS and NOMS have staff dedicated to community penalty enforcement who jointly provide support to the poorest-performing Areas.

National initiatives

- 2.5 The National Enforcement Service (NES) was due to be introduced at the time of the joint enforcement inspection in 2005. The NES project brought together a number of initiatives to improve the way criminal justice professionals worked together. As part of NES a twelve-month 'Pathfinder' project was launched in the North West, encompassing Cheshire, Cumbria, Greater Manchester, Lancashire and Merseyside, in preparation for anticipated national implementation in 2007/08. The roll out had not yet happened. At the time of this inspection an evaluation report was under consideration on the effectiveness of the Pathfinder project. This will be used to inform future plans for how enforcement will be developed nationally.

⁵ The sixth target is 'Reducing the average number of days from arrest to sentence of Persistent Young Offenders'. Target 4 in full also includes 'Increasing the percentage of fine amounts imposed that are successfully collected and reducing the number of outstanding confiscation orders'.

⁶ *Working together to cut crime and deliver justice – Criminal Justice System Business Plan for 2008-2009* (www.cjsonline.gov.uk).

- 2.6 During the period of this inspection the Speedy, Simple, Summary Justice (CJSSS) initiative continues to be rolled out nationally. CJSSS aims to reduce the number of hearings needed to complete prosecutions and, by association, a reduction in the number of Failure to Appear (FTA) warrants issued. The result of this strategy on the number of FTA warrants issued has yet to be evaluated.
- 2.7 Nationally, work is being progressed to develop a criminal operations blueprint⁷ within HMCS, which is designed to shift the focus from enforcement after a failure to comply to ensuring compliance. At the time of this inspection, this had not been published or made available to Inspectors. However, it is understood that the blueprint sets out to establish standards for enforcement, supported by a set of tools defined within the blue print. The tools allow for services and approaches to be tailored to suit each Area. The flexibility will also allow enforcement strategies to be changed regularly in order to confound attempts by defaulters to adapt to local tactics.

Enforcement protocols

- 2.8 Some inter-agency guidance has been produced including an ongoing series of guidance on FTA warrants: *Getting defendants to court* issued by OCJR, the Association of Chief Police Officers (ACPO) *Guidelines for out-of-Area warrants* (2006), and *Guidance in relation to the handling, reviewing and withdrawal of community penalty warrants* (July 2007). There is also an HMCS produced *Effective Practice Guide for Breaches of Community Penalties* (revised July 2007), which has been reviewed and agreed by the National Probation Service (NPS), Youth Justice Board (YJB) and ACPO.
- 2.9 A Warrant Priority Matrix (August 2006), provides timescales and guidance for the execution of warrants and their categorisation in terms of seriousness (A, B or C). The category of warrant provides an indication of which agency should be responsible for its execution. There are, however, different approaches in some Areas, for example:
- where the police are responsible for the execution of all warrants
 - where civilian enforcement officers execute a greater range of warrants as part of arrangements under the National Enforcement Service pilot.

Information Technology

- 2.10 Criminal Justice Information Technology (CJIT) has also undergone considerable development in order to find ways in which the various IT systems used by criminal justice agencies can be linked for the more effective sharing of information. Outdated computer systems within HMCS are gradually being replaced by the new Libra application, which will provide increased opportunities for the collection and analysis of data. Earlier plans to introduce a national system as part of the NES have largely been abandoned due to the cost implications involved.

⁷ HMCS Criminal Compliance and Enforcement Services: A Blueprint for 2008-2012.

2.11 A number of tools have been provided to LCJBs to assist with the delivery of enforcement targets. These include a performance measurement system, *Comet*, which provides local management information on progress against the two key quantitative targets for Community Penalty Breach Proceedings:

- *To achieve an average of 35 working days from the date of the relevant failure to comply to the resolution of the case.*
- *To resolve 60% of community penalty breaches within 25 working days of the date of the relevant failure to comply to the resolution of the case.*

An additional target, which previously was a HMCS Key Performance Indicator, has become a joint CJS target with effect from 1 April 2008:

- *Execute 75% of Community Penalty Breach Warrants within 20 working days for adults and ten working days for youths.*

2.12 *Comet* is reviewed annually and there have been a number of improvements made following feedback from Criminal Justice Areas and findings of the *Summary of Findings on the Enforcement of Community Penalties* report.

2.13 HMCS has contractual access to a modified Department for Work and Pensions database. In addition, HMCS provides access for magistrates' courts to the Equifax e-Trail internet database. The database is updated by a number of key financial organisations including banks, building societies, credit card companies, hire purchase organisations, mail order companies and mobile phone providers. The implementation of e-Trail and the DWP database throughout the magistrates' courts in England and Wales allows staff to trace individuals who fail to respond to court summonses, default on court orders, default on warrants or give false information about themselves.

Methodology

2.14 The inspection was a qualitative assessment of enforcement (of community penalty breaches and failure to attend warrants) in a representative sample of CJAs. The Areas visited were selected to enable Inspectors to examine:

- Areas with a range of good and poor reported performance against joint working targets
- the implications of using different methods of warrant execution, i.e. by magistrates' court enforcement officers and police officers
- a mixture of predominantly urban or rural Areas.

We have endeavoured to extrapolate findings from the Areas visited to provide a national picture that forms the basis of our recommendations.

2.15 To gather evidence for this report, the inspectorates visited four CJAs, where Inspectors interviewed staff and observed practice in order to reach the judgments contained in this report. The Areas visited were:

- Greater Manchester (Manchester)
- North Yorkshire (York)
- London (Kingston-upon-Thames)
- Essex (Chelmsford).

- 2.16 Within each CJA, one magistrates' court was selected as a focal point for fieldwork together with the local agencies that related to that court, and the Crown Court to which cases are committed from that court. However, this included consideration of processes that applied across the Area visited.
- 2.17 We also spoke to those involved in developing policy and providing leadership at the national level.
- 2.18 Before each fieldwork visit, the heads of the police force, YOT, probation Area and HMCS Area were asked to complete a self assessment against the inspection framework for their Area, and to supply a number of briefing documents.
- 2.19 Inspectors interviewed a range of managers and practitioners from each agency involved in ensuring compliance and/or the production and enforcement of warrants. Inspectors aimed as far as possible to interview staff from different agencies, but who have responsibility for similar parts of the enforcement process, together in focus groups.
- 2.20 In each Area a small sample of case files from the magistrates' court were examined to look at practices in detail – there were no attempts made to collect or analyse statistical data from those files.

Inspection framework

- 2.21 The inspection looked at six key criteria against which evidence was gathered for this national report. These were:
- **Strategy and Approach:** Clear and effective strategies and approaches to promoting confidence in the CJS through the encouragement of attendance at court, compliance with community orders and effective enforcement following any failure to attend a probation/YOT appointment or court hearing.
 - **Implementation and Planning:** Clear and effective agency and inter-agency plans to implement strategies for enforcement following failure to attend probation / YOT appointments or court hearings, which identify and build on good practice.
 - **Processes and Procedures:** Effective processes and procedures to promote compliance, particularly concerning the flow of information between agencies, and appropriate action taken in relation to enforcement following failure to attend a probation/YOT appointment or court hearing. There are specific enforcement processes in place to ensure that the highest risk offenders are dealt with more quickly.
 - **People:** Sufficient, trained staff, who have appropriate awareness of their role in agency and inter-agency processes, deployed on enforcement following failure to attend a probation/YOT appointment or court hearing.
 - **Performance Management:** Appropriate targets set in the field of compliance with orders and enforcement of Community Penalty Breach Proceedings and FTA warrants within and between agencies, communicated and managed effectively
 - **Partnership Working:** Effective joint working following failure to attend a probation/YOT appointment or court hearing to support enforcement

See Annex A for the full inspection framework.

Section 3

Inspection findings

Strategy and approach

Inspectors looked for clear links between LCJB strategies and PSA targets in relation to public confidence and enforcement, and for evidence of effective leadership giving enforcement appropriate priority both nationally and locally. We also looked for clear, comprehensive and up-to-date national guidelines and the way in which these were received and used by Areas to update local policies and practices.

National strategic leadership

- 3.1 This inspection had reference to previous inspection reports and National Audit Office Value for Money reviews of Enforcement (See Annex C). We considered the collective recommendations made in those reports and are pleased to note that there has been progress in all areas. Section 2 of this report summarises the significant activity that has taken place in the field of enforcement.
- 3.2 The National Enforcement Service (NES) was previously identified as the strategic way forward for joint enforcement activity between criminal justice agencies. However, plans to roll this out nationally during 2007/08 were not implemented. The NES pilot is currently undergoing review to inform future developments but in the meantime the strategic way forward is lacking clarity. Inspectors found that there is a general ambiguity about who is providing the strategy leadership on enforcement, with a lack of readily available information about the work of the various groups involved. A number of cross-agency boards, and single agency teams, exist within criminal justice agencies including the Enforcement Delivery Board, with HMCS as the responsible organisation, and beneath this the Compliance and Enforcement Programme Board (HMCS), Defendant Attendance Steering Group (OCJR) and Community Penalty and Licence Enforcement Group (NOMS).
- 3.3 There are a number of key documents that support enforcement practice (in relation to the aspects of this inspection), for example the Getting Defendants to Court series of FTA warrant guidance documents which are published on the CJS frontline matters website⁸. These are dated and cross-referenced with previous documents that they replace, although awareness of their existence is not universal. This was a key finding of the review of warrant handling in Leeds Magistrates' Court⁹ (page 28 – 5.37). Other documents supporting enforcement practice and governance are not centralised – for example, they are not readily available on intranet or internet sites. Inspectors found that this made it difficult for those working in the field to easily identify all pertinent policy, legislative and procedural guidance relating to enforcement.
- 3.4 Agencies are encouraged, as part of recommendation 1, to improve accessibility to guidance, current legislation and good practice in the areas covered by this inspection.

⁸ <http://frontline.cjsonline.gov.uk>

⁹ *Joint Criminal Justice Report into the Resulting and Warrant Withdrawal Procedures used at Leeds Magistrates' Court*. Criminal Justice Joint Inspection, February 2008 (page 23 – 5.37).

Limited scope for the sharing of information between agencies and across borders

- 3.5 Enforcement is a national, joint agency concern but, despite this, there is limited scope for the sharing of intelligence and information across England and Wales. Part of the initial planning for NES included the provision of a single, joined-up computer system to support the enforcement process. However, these plans were subsequently dropped due to the cost of providing such a system. The situation remains therefore, one where each agency enters/re-enters data into its own computer system. Such systems are not joined up between different CJAs and so each Area operates independently from the rest.
- 3.6 This inspection also identified examples of where tools had been provided to assist in the enforcement process, but the ability of criminal justice agencies to use them effectively and consistently in a joined-up way was limited due to restrictions in access. For example, local access to information from the DWP database is restricted to HMCS which has agreed protocols for its use in tracing of fine defaulters and those who are wanted on warrant. This system is used effectively in Areas where HMCS has responsibility for the execution of warrants, and provides an effective tool to assist in the location of hard-to-trace offenders/defendants. However, the same access is not granted to the police where responsibility for the execution of warrants is contracted to them. This also applies to access to information held by the Equifax e-Trail¹⁰ system. Similarly, the police may have intelligence that would assist the courts in executing warrants, but this is not readily available through shared IT systems.
- 3.7 There is also a lack of information sharing between government departments who are concerned with tracking and tracing offenders. For example, the lack of protocols for sharing of data between criminal enforcement and immigration authorities means there is no method to identify when a person wanted on warrant leaves or re-enters the country. HM Revenue and Customs, who issue warrants for taxation/fraud offences, may have intelligence that could be of use to the police and courts in tracing offenders, and vice versa, but this is not currently shared.
- 3.8 The lack of protocols to manage offenders across jurisdiction boundaries impedes the ability of criminal justice agencies in England and Wales to execute warrants efficiently and effectively when defendants abscond outside of their boundaries.

Example 1

In one Area there were outstanding bench warrants for two foreign nationals (juveniles at the time of the offence) who were known to have left the country over ten years previously. The warrants remained outstanding but there were no attempts being made to establish whether the defendants had since returned to the UK or, despite the victim no longer wishing to pursue the case, to withdraw the warrants.

- 3.9 It has long been the case that there are no attempts to enforce community penalty breaches or failure to appear warrants for defendants absconding internationally, for all but the most serious matters. However there are also problems closer to home where offenders move into Scotland or Northern Ireland: current arrangements for the transfer of defendants arrested on warrant back to England and Wales are ad hoc and dependent on resources available within the issuing Area to collect and transfer prisoners.

¹⁰ Equifax e-Trail is an internet database that supplies information to a large number of government agencies for use in a variety of identification and tracing scenarios.

Example 2

A defendant wanted on warrant for failing to appear in court on traffic offences was found to be living in Scotland. Two police officers flew to Scotland to execute the warrant and bring the defendant back to court. The case was subsequently adjourned and bail granted, thereby allowing the defendant to return to Scotland. At the next hearing date, the defendant failed to appear for a second time, resulting in a new warrant being issued and police officers were again required to fly to Scotland to bring him back to court.

Lack of consistency of practice between criminal justice areas

- 3.10 The inter-agency guidelines, referred to in paragraph 2.8, provide guidance to criminal justice agencies on how to carry out enforcement. However these are not prescriptive and the way they are interpreted and implemented is at the discretion of Local Criminal Justice Boards, which has contributed to many different interpretations and a lack of consistency of practice between CJAs. Differing practices are also filtered through different local arrangements, i.e. in some Areas, such as in Cumbria and Essex, the police are contracted to execute all warrants. Elsewhere a mix of police, CEOs and/or approved enforcement agencies are employed to do this task.
- 3.11 In addition to planned variances to respond to local needs and resources, Inspectors identified significant ‘accidental’ variances as a result of misunderstanding and/or lack of awareness of legislation and policy that has been introduced to deliver improvement in enforcement. For example, legislation that allows for warrants to be executed without a printed copy in hand is not embedded nationally. There is also significant variance in approaches to dealing with out-of-Area community penalty breach warrants and failure to appear warrants, with great confusion over what is and isn’t permissible under current law. Amendments to legislation allow greater flexibility over where cases can be heard within England and Wales. However, as reported in paragraphs 9.24 to 9.25 of this report, it is clear that the benefits of such changes are not being realised.
- 3.12 Whether variances in practice are deliberate or accidental, they are unhelpful because enforcement is a national issue and agencies have to work together across borders in a consistent way. If the concept of local practice is to prevail, there needs to be a recognition that this could result in 42 different approaches across England and Wales. As every Area may export or receive warrants from any other Area, there are potentially hundreds of different interfaces being managed. The challenge of co-ordinating such a large number of relationships, and to find a way of overcoming the issues that exist without definitive national direction, should not be underestimated.

Recommendation 1

We recommend that there should be national, inter-agency strategies for enforcing the obligation to attend court and following the breach of community penalties. These should build on the principles of partnership working and intelligence sharing from the National Enforcement Service pathfinder, to ensure that:

- the tension between local practice in response to local circumstances, and the fact that enforcement has a national dimension, are reconciled
- effective and efficient end-to-end processes are in place to minimise opportunities for non-compliance
- IT systems support effective working within and between agencies
- information sharing between criminal justice agencies and between government departments is effective
- out-of-Area warrants are given appropriate priority in accordance with national guidance
- national guidance, legislation and good practice are easily accessible and understood.

Working together to manage offenders

In order for enforcement to happen, it is imperative that effective partnership working is in place, and that there is understanding at all levels of how the actions of individual agencies, and Criminal Justice Areas, impact on the national management of offenders. Our inspection looked at the interfaces between the various agencies involved in the enforcement of court orders, and how they communicate, share information and support each other.

- 3.13 Enforcement is not a single-agency concern, and effective partnership working is vital to ensure that offenders are compelled to comply with the terms of bail orders and/or community penalty requirements. Further, effective enforcement is a key part of the effective management of offenders in:
- ensuring compliance and promoting rehabilitation
 - ensuring offenders are appropriately punished for their crimes
 - reducing the desire and opportunities for re-offending (i.e. by knowing that a person will be caught and dealt with robustly)
 - disrupting criminal activity in line with the police National Intelligence Model.
- 3.14 Where partnerships worked well, we found good quality information sharing at all levels; joint ownership of enforcement targets and comprehensive protocols that were well understood and followed by all agencies. This is particularly evident in Greater Manchester where criminal justice agencies have developed an effective and comprehensive Warrant Handling Strategy (WHS)¹¹, which was influential in the development of the NES. This is driven by excellent leadership from the Assistant Chief Constable (who is also the ACPO national lead for enforcement) and the HMCS Area Director, working together in partnership and having a good understanding of each other's area of business. This permeates down through the agencies with the execution of warrants seen as a joint CJS issue and, as a result, staff are effective in discharging their responsibilities in the enforcement process. The WHS includes comprehensive protocols for the management of warrants, which are well understood and followed by all agencies in Manchester. Thorough and effective systems are in place for controlling the issue and execution of warrants, with regular cross-referencing and checks taking place. Effective quality controls are in place and a warrant withdrawal protocol exists which ensures prosecuting agencies give appropriate consideration to applications to withdraw warrants in line with national guidelines. Interagency relationships are excellent, with close working and sharing of information at all levels.
- 3.15 In another Area, clear understanding of the time each agency had to deal with their part of the process for the breach of community penalties helped in the achievement of the overall target for dealing with such cases. Other examples of good partnership working included:
- active sharing of information between agencies to assist in warrants being executed, including good quality provision and completion of Offender Additional Information Sheets for breach proceedings
 - regular contact between operational staff to exchange and disseminate information and resolve inter-agency issues, including in one Area, a bi-annual enforcement forum, including criminal justice agencies and Immigration Officers
 - inter-agency forums for the review of warrants, sharing intelligence and notably, in one Area, for the reconciliation of databases
 - warrant matters being included in police briefings.

¹¹ *Criminal Justice System Warrant Handling Strategy – Operational Guidance (Version 3.0 – Nov 2007)*.

- 3.16 Where there was ambiguity about the process and a lack of regard for the knock-on effects of actions, there were implications for the effectiveness of enforcement. In three out of four Areas visited, offenders/defendants wanted on warrant who turned up at court were directed to the police station on their own recognizance, reducing the likelihood of successful warrant execution and lack of regard for the impact on police resources. Other examples of poor partnership working found in at least one Area included:
- police operations being set up in isolation without ensuring partner agencies were adequately resourced to cope with increased caseloads
 - lack of co-operation between agencies in the review and withdrawal of warrants when appropriate to do so
 - offenders wanted on a warrant turning up at some probation offices not being reported to the police due to matters of ‘client confidentiality’. There is a lack of clarity provided to probation staff over what to do with individuals in this circumstance.
- 3.17 Inspectors found that overall opportunities for information sharing between agencies are not fully exploited. There is scope for more inter-agency training to increase understanding between staff of how their actions contribute to the end-to-end enforcement process. We found that there was little understanding of how routine tasks contributed to effective enforcement. For example:
- in ensuring an address was entered correctly into a computer system and questions being asked early in the process if there was any uncertainty about its accuracy. This issue was mentioned as a contributory factor in the events outlined in the Peart Review¹²
 - the importance of ensuring efficient management of entries onto the PNC
 - the impact of probation staff failing to pass on new intelligence about the whereabouts of an offender wanted on warrant.
- 3.18 It is recognised that problems exist where each agency involved in the enforcement process works in isolation from others: for example, the challenges of differing computer systems and how to encourage staff to work together across agency boundaries. To help address this, London LCJB is progressing plans to develop a Joint Enforcement Team whereby a multi-agency team will be co-located to benefit from closer working and the sharing of information. It was suggested to Inspectors that this did not go far enough, and there were further benefits that could be realised through the establishment of an integrated, single enforcement agency.
- 3.19 A further illustration of the impact of ineffective partnership working is conflicting working practices where one agency’s understanding of what should happen is different from the interpretation applied by another. This is shown in Example 3.

¹² op.cit.

Example 3

An FTA warrant was issued for a defendant and subsequently circulated on the PNC. The defendant was arrested on new matters 12 days later and taken to a different Magistrates' Court with the intention of transporting him back to the court from where the warrant originated after those matters had concluded. Checks done at this time showed that the custody papers indicated that the defendant was not to be released. Following conclusion of the court hearing for the new matter, a CEO was asked by the custody contractor to take the defendant to the Magistrates' Court where the FTA matter could be dealt with or they would release him. The court's view was that the defendant was still a police prisoner and that the police should make arrangements for the transfer of the defendant in accordance with a protocol in place for police prisoners. The custody contractor had spoken to the police and was acting on the understanding that they did not deal with court warrants. The police were unable to offer a solution and so it looked like the defendant would have to be released. In order to resolve the issue, the CEO had to arrest and transport the defendant in a secure vehicle.

- 3.20 We were told that this is not an isolated incident. Similar examples were quoted in other Areas, including custody contractors refusing to accept prisoners at court after an arbitrary cut-off time; and conflicting practice between local HMCS and Probation in the transfer of breach warrants to another Area, i.e. where an offender breaches a community penalty order in one Area and now resides in another Area, the court would seek to transfer the warrant to the new Area for execution. However, some probation staff believe that they are unable to transfer live breach cases in order to tie up matters in the new Area. This provides a further example of misunderstandings and confusion about legislation in relation to enforcement practice.
- 3.21 Inspectors were especially disappointed to find that partnership working within different departments of the same agency were not always as effective as they could be. This was particularly apparent where the objectives of CEOs, to bring those wanted on warrant to the court, were in conflict with court practices. The following examples illustrate this further:

Example 4

A warrant for the arrest of an offender in breach of a community order was issued in July 2007. Following extensive enquiries by HMCS Civilian Enforcement Officers (CEO) to trace the offender, a current address was identified. The CEO subsequently left a message for the offender to attend court or face arrest and a period in custody. The offender attended the Magistrates' Court as instructed but was told by court ushers to go to the police station and hand himself in.

Example 5

A seven-month pregnant defendant, wanted on warrant, attended court as the result of a CEO notice to attend court or face arrest. She was told to go away as there were no breach courts sitting on that day.

- 3.22 We would like to see a culture shift in all staff, departments and agencies that have a part to play in the enforcement process – each should recognise that they are part of a bigger process in which success depends on the interplay of all agencies. For this to happen, increased flexibility is needed, supported by joint ownership of targets, improved IT systems and clear procedural guidance.

Processes and procedures

Under the framework, Inspectors looked at the processes and procedures that were in place to encourage compliance by defendants/offenders with the court process and completion of the penalties given to them. We particularly focused on the flow of information between agencies, and the procedures in place following a defendant's/offender's failure to attend a probation/Youth Offending Team appointment or court hearing as directed.

3.23 Findings in this section are grouped under the headings:

- Identification and location of defendants
- Encouraging compliance
- Information sharing and IT systems
- Bringing cases to court
- Warrant review and withdrawal
- Out-of-Area warrants
- Managing risk
- Administrative procedures.

Identification and location of defendants

3.24 Having correct identification and address details is the primary enabler of effective enforcement. It is vital that all agencies play their part in checking this data at every opportunity and that any new intelligence is passed on to partner agencies in an efficient and timely manner. Although some Areas inspected clearly defined the responsibilities in inter-agency protocols of probation and YOTs to notify the courts and/or police of any new intelligence, this was not done consistently and many enforcement staff that we spoke to were frustrated by not being provided with the correct contact information for defendants.

3.25 In most of our observations of magistrates' courts proceedings, we were pleased to see legal advisers asking the defendant for their name and address details, rather than asking them to confirm details already on file. In one Area, it was notable that court ushers also recognised the importance of correct information and checked that this information was provided on means enquiry forms that were completed before defendants went into court. Similar practices were not evident in the Crown Court, where we saw little attempt to verify name and address details.

3.26 Other than by asking defendants to provide contact details verbally, there are currently no procedures or facilities for agencies to check addresses before defendants appear in court. In Manchester we found notable practice where police officers include in documentation evidence of what checks they have made to establish the true identity and veracity of address given by offenders at the pre-charge stage.

Encouraging compliance with attendance requirements

3.27 Ensuring defendants/offenders are aware of when and where they should report for further court hearings is also a key component of ensuring compliance. We were pleased to see that within magistrates' courts there was a well-embedded practice of providing defendants with written confirmation of bail conditions/future hearing dates before leaving court buildings, and explaining the consequences of failing to appear at subsequent court dates.

- 3.28 Similarly, defendants are routinely seen by probation staff before leaving the building for any community penalty requirements that were imposed by the court to be explained to them. We also found notable practice in both probation teams and YOTs of working being done to encourage compliance with community penalty orders. For example:
- in one Area, probation staff had received training on motivational interviewing techniques and risk screening as part of a range of training to ensure they fully understood compliance and enforcement, and had the necessary skills to implement policy and directions
 - in another Area the YOT pays the fares for young offenders living over three miles away to attend appointments.
- 3.29 In the Crown Court more emphasis is placed on the responsibilities of defence advocates to advise their clients of future hearing dates and no written notices are given to those released on bail. Inspectors would like to see consideration of the practices in the magistrates' courts being applied within the Crown Court.
- 3.30 In one Crown Court location, we heard that police would pick up defendants who failure to appear on the day of their hearing in order to avoid trials being ineffective. Here, and elsewhere, we heard that there were issues with defendants failing to appear as they could not afford the cost of travel, but also knowing that they will be collected, either on the day of the hearing, or subsequently on a warrant. There is a risk that this emerging culture of reliance on criminal justice agencies to provide transportation undermines the onus on defendants to attend court as directed.
- 3.31 Police in one Area had developed a notable practice of printing court information and issuing it to defendants with charge sheets, to ensure that they had full information about where and when their court hearing would take place.

Information sharing and IT systems

- 3.32 Previous inspections have identified failings with criminal justice IT and the joint working problems caused by incompatible or lack of joined-up IT systems. There has been some work done to address these issues but long-standing problems still remain.
- 3.33 The introduction of Xhibit in the Crown Court and the practical use of secure email have been positive steps for the exchange of enforcement information and the speedy circulation of warrants. However, other than *Comet*, which sits in HMCS, there is no single IT system to support enforcement within or between criminal justice agencies. The lack of shared IT systems impedes information flows between agencies. Data is routinely re-keyed by the separate agencies into their own IT systems, which increases the risk of error and inconsistencies in data.
- 3.34 The systems that are available do not always meet the needs of agencies and, as a result, there are several examples of bespoke IT programs being developed and managed locally to support enforcement. Whilst this innovation is positive, such systems are vulnerable to staff changes and failures in unsupported IT systems. In one Area the community penalty tracker (*Comet*) does not provide all the information that the enforcement administration team want to support their local working practices; therefore, a parallel spreadsheet has been set up to record additional information. In another Area, the court warrant tracker database is held on a stand-alone PC and is dependent on the knowledge of one member of court staff. Other examples of stand-alone IT systems exist in the police, probation and YOTs. Each additional system requires data to be re-keyed, cross-referenced with other sources and maintained. Effective enforcement must be supported by IT systems that meet operational needs as well as the collation of statistical information for performance management.

- 3.35 In all the Areas inspected, there were attempts being made to cross-reference warrant information held by police, courts and probation services, with varying degrees of frequency and success. Inspectors found that this was most beneficial where regular inter-agency meetings took place to compare data. This also provided opportunities for identities and locations of defendants wanted on warrant to be discussed and new intelligence shared.
- 3.36 Opportunities for out-of-Area enforcement and offender management are improved when warrants are entered onto the PNC. This enables the arresting force to notify the Area where a warrant is issued that it has been executed. However, Inspectors found that not all Areas were managing entries on to the PNC effectively. For example, in one HMCS Area, the entry of community penalty breach warrants onto the PNC was at the discretion of CEOs, who allowed time for defendants known to them to respond to a telephone call to surrender to the court first. The entry was only made when the defendant failed to attend the breach court. This often meant considerable delays in the time taken to circulate warrants on the PNC and therefore provided opportunity for defendants to abscond.
- 3.37 There are a number of training needs to be addressed for the use of the PNC by HMCS staff. Inspectors found examples of all the following during the course of this inspection:
- lack of awareness of procedures for the entry of warrants onto the PNC and understanding of the importance of timely and accurate updates for the effective management of offenders
 - limited understanding of the functionality of the PNC by court enforcement staff and the processes that could be employed to monitor warrants more effectively.
- 3.38 Inspectors found variances in the use made of DWP and Equifax e-Trail databases. In one Area, there were routine checks carried out on all warrants that were assigned to CEOs, while elsewhere these tools were used only when previous enforcement attempts had been unsuccessful. Due to the cost implications, soon to be devolved to Areas, HMCS should consider how best to utilise such tools in the future to balance effective enforcement and the efficient use of resources.
- 3.39 National guidance for the use of intelligence systems, including DWP, Equifax and the PNC, has been issued to users to explain access and data protection protocols. In some Areas visited there was limited awareness of guidance and a lack of monitoring by managers to ensure compliance. HMCS cannot assure itself that the rules for use are being consistently and routinely followed, and should take steps to address this.

Bringing cases to court

- 3.40 In one Area breach proceedings were initiated on the first failure to attend probation appointments, rather than on the second unacceptable breach, on the assumption that a further breach will occur. This – and practices in three out of four Areas of initiating proceedings before the time which offenders are allowed to produce an acceptable reason for absence – results in a high number of withdrawals. Such practices are target driven as this approach speeds up the handling of breaches and ensures that the 35-day target from breach to completion, for adult cases, is met. Inspectors are concerned that such practices waste court resources.
- 3.41 There are issues in some Areas with the availability of case files to facilitate unscheduled hearings when someone wanted on a warrant is arrested or surrenders to the court. Inspectors found that the lack of court time and/or access to CPS and probation files was a decisive factor as to whether such a defendant would be dealt with on the day or sent away. However, this fails to recognise that Bail Act offences and breach matters can be dealt with independently of other matters and the decision of how to deal with the defendant is a judicial matter, not an administrative one.

3.42 For defendants arrested on new matters, there are indications that bail and breach offences for which a warrant has previously been issued are not always dealt with when the case is brought before the court. The warrant may therefore be recorded as being executed, but charges are still outstanding, as the Bail Act offence, for example, has not been ‘dealt with’. In one Area this was said to apply to an estimated 40% of outstanding cases where a warrant had been issued. Criminal justice agencies should take steps to address this area of weakness and ensure that those working in enforcement, in all agencies and at all stages of the process, are aware of their role in tying up matters.

Warrant review and withdrawal procedures

3.43 Practices regarding the withdrawal of warrants also vary enormously and do not always adhere to national guidance (GDC19) or take place in open court. Whilst Inspectors do not advocate that warrants should be routinely withdrawn if they cannot be enforced, we are concerned that some Areas cannot assure themselves that reviews are carried out systematically or appropriately.

3.44 One Probation Area is adamant that it should not withdraw any warrants within their control in case offenders should re-offend in the future. This is inconsistent with the national guidance published in 2007. The lack of an agreed approach with the other agencies that are tasked with enforcement had created tensions in inter-agency working.

3.45 In another Area we found a significant number of Crown Court bench warrants in excess of 25 years old that were not subject to review or active enforcement. To ensure that warrants are withdrawn appropriately, Inspectors encourage all Criminal Justice Boards to review their practices in the light of OCJR guidance¹³ and findings published in the *Joint Criminal Justice Report into the Resulting and Warrant Withdrawal Procedures used at Leeds Magistrates’ Court* (February 2008).

Out-of-Area Warrants

3.46 There is obvious confusion regarding the legislation¹⁴ that allows for courts in an Area where a defendant is arrested on warrant to deal with matters locally, rather than transporting the defendant back to the originating Area. There are variations in practice as to how such cases are dealt with. Clarity needs to be urgently provided to eliminate inconsistent interpretations of the law and inefficiencies in the process.

3.47 Currently, once an offender/defendant moves into another Area, the chances of successful execution of the warrant and resolution of a breach are much reduced. In some Areas there is a view that out-of-Area warrants present too many challenges and as such are given lower priority. The problem is two-fold:

- focus on volumes (target-driven) forces Areas to concentrate on those warrants where results can be achieved quickly
- a failure to recognise that enforcement of all warrants, regardless of where offences were committed, is a key component of the management of offenders.

This needs to be addressed and the importance of the enforcement of warrants, regardless of where they originated from, given appropriate recognition. If an individual is wanted for crime committed in one location, it is quite possible that he is now committing crimes where he now resides.

¹³ GDC 19: Should I Apply To Withdraw an FTA Warrant? – A Checklist.

¹⁴ Domestic Violence, Crime and Victims Act 2004 Schedule 5.

- 3.48 As highlighted in paragraph 3.9, Inspectors found particular issues with offenders/defendants who move into Scotland or Northern Ireland as there are currently no agreements to allow for the transfer of wanted persons back into England or Wales, or for the matters to be dealt with locally in those jurisdictions. Warrant execution therefore relies on the local Area sending officers to collect a prisoner often at considerable public expense. In some Areas the disproportionate resources that are needed to execute warrants in this manner, means that many defendants are not actively pursued.
- 3.49 Inspectors found little understanding between Areas of their differing practices and this, in itself, leads to failure to execute warrants. For example, Inspectors found evidence of community penalty breach warrants sent from one Area to another for execution being returned as, unlike in the issuing Area, the police in the receiving Area did not deal with that type of warrant. No attempt was made to pass them on to the court CEOs who were responsible for them. The refusal to accept warrants or to refer them on as appropriate is a fundamental failure in the management of offenders.

Managing risk

- 3.50 Most Areas use the PNC to carry out risk assessment before attempts are made by CEOs to execute warrants, for example to identify indicators of previous violence or possession of weapons. Offender Additional Information Sheets (OAIS) are also completed by probation and YOT staff to provide those responsible for enforcement with risk information when initiating breach proceedings. In some Areas good relationships between court enforcement officers and the police were in place and there was effective partnership working in the execution of high risk warrants. In one Area, partnership arrangements had not developed to this extent and as a result warrants assessed as high risk by CEOs were dealt with by way of a letter to the defendant. This effectively gave the defendant warning to abscond.
- 3.51 In line with the effective practice guide for community penalty breaches, all the Areas visited had fast track procedures in place to ensure that priority was given to offenders assessed by the Probation Service as presenting a high risk of harm or of reconviction. Despite procedures being followed, Inspectors found that not all Areas were flagging cases appropriately on case files, with the end result of inaccurate classification data being recorded on *Comet*.
- 3.52 In three out of four Areas visited, Inspectors found practices of defendants wanted on warrant being sent away from the court with instructions to surrender to the police for arrest. In one Area, there was also an option for defendants to go to a solicitor to make a formal application to withdraw the warrant. Although the frequency and detail of such practice varies, Inspectors are concerned about the risks that are presented. There is a view from many of those interviewed that refusing to see a defendant at “their convenience”, or making them spend time in a police/court cell, is an effective punishment or deterrent for turning up late or breaching a court order; and that they should not be given any priority over other defendants who have attended on time. Inspectors are concerned about this for a number of reasons:
- There is a potential risk of reoffending should a defendant fail to surrender to the police as directed.
 - The process is unnecessarily bureaucratic – involving processing defendants through police custody areas, wasting police time and creating additional pressure on the use of police cells.
 - The practice is not conducive to partnership working: it places additional demands on police resources and fails to recognise previous enforcement attempts – for example, acting on instructions from CEOs to surrender to the court or failed attempts to locate a defendant.

- 3.53 Inspectors are also concerned about the lack of guidance provided to probation staff and YOTs of what to do if someone subject to a warrant presents themselves at their office. The failure to notify the police or courts of such an appearance creates unmanaged risks similar to those set out above.
- 3.54 Our inspection identified a number of ongoing risks to the welfare of CEOs. For example, there are no formal procedures to track the location of enforcement officers, so that prompt action can be taken if they are in danger. We were pleased to note that HMCS had, at the time of this inspection, completed a review of health and safety for their enforcement teams and that recommendations were being considered to improve the situation.
- 3.55 The inspection of the enforcement of community penalties in 2005 highlighted the need for CEOs to be fully and regularly criminal record checked for suitability to deal with young or vulnerable people. We are disappointed to note that such checks have not yet been fully implemented. Our recommendations address this.

Administrative procedures

- 3.56 Inspectors found that multiple copies of electronic and/or paper copies of warrants exist not only between agencies, but sometimes within the same agency. In one Area, HMCS produces warrants electronically in court. These are printed and filed at court, then emailed to a central administration team who retain electronic copies of the warrants, print them to retain in paper files and then forward the email to CEOs for further print outs to be made. In effect, therefore, there are three printed copies of each warrant held within HMCS alone. This is inefficient, and multiple copies of warrants increase the risk of wrongful arrest.
- 3.57 In one police force we found that warrants that had previously been emailed and printed out, were being scanned and reprinted so that officers had a paper copy in-hand. Not only does this create risk of multiple copies of the same warrant in circulation, and creates additional, unnecessary bureaucracy, but also demonstrates a lack of awareness of legislation that makes the need for a paper warrant obsolete.¹⁵
- 3.58 Inspectors found many examples of over-bureaucracy in the enforcement process, in all agencies, that were largely self-imposed. These were well within the scope of local managers to address and eliminate. Such issues were highlighted in the recent HMIC report on bureaucracy in the Police Service.¹⁶
- 3.59 In two Areas, Inspectors found that there was insufficient scrutiny of systems by senior managers and as a result of this, staff were creating complicated, costly and time-consuming paper-based systems that were adding little or no value to the enforcement process. In one police force the creation of such a system required a full-time member of staff to maintain it. In the same Area the court enforcement administration team maintained their own independent system of printing out and moving copies of warrants from one filing system to another depending on the status of the warrant.
- 3.60 Inspectors would like to see good quality assurance processes that support delegation of roles and responsibilities, and managers with a thorough understanding of legislation and practices that govern their area of business. Effective leaders should continuously and proactively manage and check the effectiveness and efficiency of operational practice. We saw good examples of this in Manchester, where senior managers were proactive in monitoring the systems in place and didn't wait, as in some Areas inspected, for staff to raise issues, or for performance statistics to worsen before action was taken.

¹⁵ S125D Magistrates' Courts Act 1980 as amended by s96 Access to Justice Act 1999.

¹⁶ *Independent Review of Policing* (7 February 2008).

- 3.61 In all but one Area visited, the Probation Service was routinely providing Offender Additional Information Sheets (OAIS) for community penalty breach cases. In one Area, the lack of provision of the required OAIS had been a long-standing problem, but the establishment of a temporary working group had resolved this and other issues. Inspectors were disappointed that this forum no longer existed as there were clearly persistent problems in the Area that were not being addressed. Although there were other established forums that could potentially take forward these issues, local managers' awareness of them was limited.
- 3.62 In some Areas that we inspected, there had been attempts within agencies to separate out and centralise enforcement functions for efficiency gains to be realised. This, however, was not without its problems, as effectiveness was dependant on interaction with a geographically spread staff and, in effect, added an additional, albeit virtual, agency into the process. Inspectors found that the more steps, and agencies, involved in the enforcement process, the more scope for human error. We found examples of all of the examples below during the course of this inspection:
- information being incorrectly recorded (especially when this involved the re-keying of data into separate IT systems)
 - failures to pass on information, due to reliance on email systems and/or poor relationships between those involved
 - processes allowing for departments to be bypassed – e.g. court administration staff communicating directly with CEOs without going through the enforcement administration teams.

Recommendation 2

We make the following recommendation to improve the processes and procedures to support enforcement:

We recommend that procedures for dealing with defendants who surrender to the court, or attend Probation / YOT offices, when wanted on warrant, are reviewed to:

- manage the risks to public safety and confidence associated with current practices of sending defendants away from court when surrendering on warrant
- ensure that the best use is made of all agencies' resources, by eliminating unnecessary bureaucracy.

People

Under the inspection framework, Inspectors wanted to know if staff involved in all parts of the enforcement process were sufficiently trained for their role, and whether they were fully aware of the part they played in effective enforcement.

Direction and example from Chief Officers

3.63 Inspectors found varying levels of competence and effectiveness at all levels and in all Areas inspected. Positive outcomes were the most tangible where the commitment to enforcement permeated through all levels of the organisation, from Chief Officers downwards. This was characterised by managers who understood what they were trying to achieve and a culture of continuous assessment. At its worst, Inspectors found a complacent staff who were not encouraged to review practices and didn't understand why they were doing things in a certain way. Where there was a lack of direction from Chief Officers, we found examples of staff creating their own working practices that did not always add value to the enforcement process or, in some Areas, follow national guidance.

Staff training and understanding of the enforcement process

3.64 Inspectors found that many staff involved in various enforcement activities, at all levels, had received no formal training in enforcement and there was a general lack of awareness of how their roles fitted with the bigger picture of enforcement. Where examples of training were found, these were single-agency. The extent and quality varied:

- *From:* enforcement road shows being delivered to all probation offices in one Area and in another, comprehensive training on breach proceedings and other aspects of court craft
- *To:* agencies and Areas where training had been ad hoc with differing messages being delivered and staff who had not been kept up to date with legislative changes.

3.65 Ineffective training is visible in outcomes. For example, Inspectors observed confusion in some courts about the procedure for the withdrawal of warrants amongst criminal justice staff. Inspectors also found that there were variances between Areas in prosecution approaches to defendant absence and non-production of evidence of illness in breach proceedings. Whilst some Areas took a robust approach to avoid adjournments, this was not evident in all Areas. In one Area, data provided by the inspected bodies showed that, between April and December 2007, 46% of cases were not resolved at the first hearing.¹⁷ Probation managers in the Area accepted that this was partly due ineffective training to enable staff presenting breach proceedings to effectively promote the speedy resolution of cases.

3.66 In recent years there has been a shift towards the use of e-learning, particularly notable within the Police Service. Inspectors are concerned that this creates a void in the knowledge base of staff working in enforcement. When combined with continuous legislative changes, there is little chance for new information to be absorbed before more changes are introduced. This – combined with the lack of opportunities for interaction to clarify understanding, and to cater for differing learning styles – results in confusion and de-skilling of staff. Inspectors feel that this goes some way to explain a lack of awareness of current legislation. For example, in three out of four Areas visited, police officers did not enforce warrants without a paper copy in hand despite this being no longer necessary. In one Area we found custody sergeants refusing to accept arrests without a physical warrant being produced.

¹⁷ Source: *Comet* data (December 2007).

- 3.67 Training is also needed to improve staff awareness and confidence in the IT systems with which they are provided, a lack of which is evident in the number of back-up paper-based systems in place – “just in case”. In one Area we were told that the paper filing system was needed to mitigate against the risk of data loss should the computer system fail. Managers should be aware of electronic data back-up procedures and ensure that they are in place.
- 3.68 Similarly, systems that are in use must be used correctly. For example, in some HMCS Areas national guidelines on the use of the PNC is not recognised or followed. Inspectors found that the requirement to circulate warrants on the PNC after five working days or after a failed enforcement attempt (whichever is the later) does not always happen.
- 3.69 We also found some lack of awareness of the PNC functionality in producing reports, and linking multiple warrants, which was creating operational difficulties that could be addressed through appropriate training. There were also training needs identified with the use of the DWP and Equifax information systems.

Effective individuals and roles

- 3.70 Successful outcomes in some Areas are the result of the commitment and skills of specific individuals rather than the processes in place. In one Area, it was notable that a trained barrister was the dedicated probation Prosecutor for all community penalty breach cases. This was beneficial due to her understanding of, and confidence in using, legislation and experience of presenting cases in court. In addition, she provided an in-house resource for staff support and training. Other examples have also been noted in the leadership provided by Chief Officers and by individuals developing local IT solutions. Whilst applauding their example, Inspectors are concerned that this leaves a degree of vulnerability in enforcement processes, unless what they are doing to influence outcomes is underpinned by sustainable systems. For example, some Probation Areas have dedicated breach teams, which builds resilience into the process.
- 3.71 Inspectors found that, where uniformed police officers were attached to courts, continued benefits were being realised for all agencies. They provided effective inter-agency links between police, courts, prison escort contractors, probation, YOTs, CPS, Witness Care, Victim Support, defendants and their legal representatives, as well as providing reassurance to victims and witnesses attending court. Properly briefed and deployed, these officers are able to provide a valuable service to the court community. They are also reported to be an investment for the police themselves as a valuable source of intelligence. Consideration should be given to deploying Police Community Support Officers to assist with this role.

Recommendation 3

We make the following recommendation to make improvements in the training and competence of those working in the area of enforcement:

We recommend that all people employed in the enforcement process are provided with sufficiently detailed training to understand their roles and how to discharge their responsibilities effectively and safely, in particular:

- that no member of staff should be required to prosecute / present community penalty breach cases in court without being formally trained for the role
- all Areas should ensure that, where access to electronic information exists, staff are appropriately trained to derive full benefit from the systems and are fully aware of the protocols that govern their use
- that enforcement officers are safe in the execution of their duties, and adequate protection is provided to those who are detained, for example by ensuring that regular Criminal Record Bureau checks are carried out for all those who are charged with the execution of warrants.

Performance management

Under the framework for this inspection, we looked for appropriate enforcement targets being set and communicated, within and between agencies, and at how performance information was used to improve practice.

Approaches to performance management

- 3.72 Inspectors found that warrant execution was more likely to happen where warrants were relatively straightforward, in-Area and where up-to-date and accurate contact information was available. In more complex situations (for example, where the offender / defendant lived in a different Area from where the offence was committed) then efforts to execute warrants were diminished. In one Area with a high proportion of out-of-Area warrants an out-of-Area warrant team had been established at Police HQ. The team liaises with neighbouring forces for collaboration on warrant enforcement.
- 3.73 Inspectors found some examples of steps being taken to manage performance and to ensure consistency and co-ordination of enforcement across an Area. For example, in York, the LCJB Performance Manager has been designated the 'specific point of contact' for all matters relating to warrants. In London, the appointment of a Director of Enforcement sitting within HMCS is a positive step towards developing a robust approach to enforcement.

Focus on targets prompts inefficiencies

- 3.74 Overall, Inspectors found that there was an emphasis placed on performance statistics, rather than quality of outcomes (see below). This same point was made in the 2005 Joint Thematic Review of Enforcement (page 22, paragraph 3.17).
- 3.75 Performance statistics are used as an indication, both locally and nationally, of where resources should be focused for intervention and improvements. Intervention criteria used by national performance teams from HMCS, OCJR and NOMs, which consider trends and capacity to improve, do not adequately identify those Areas where apparent good performance may be hiding ineffective practice. For example, in one Area visited, a consistently small sample size hid poor practice.
- 3.76 In three out of four Areas visited we found breach proceedings being initiated before an offender had the opportunity to provide a reasonable excuse for non-attendance. This was so that the 35-day end-to-end target for dealing with breach proceedings could be comfortably met. However, this had knock on effects of large court lists, high numbers of withdrawals and waste in administrative resources in preparing for cases. This practice was noted during the 2007 Joint Area Inspection of the West Midlands Area, where the high number of withdrawals was having a positive effect on statistics but was deemed to be bad practice. We are pleased to note that recent upgrades to *Comet* have closed this loophole and there is no longer any statistical advantage to be gained from large numbers of withdrawals being made.
- 3.77 The effect on performance statistics also provides a disincentive for Areas to execute aged CPB warrants that are considerably outside of target, due to the negative impact on the end-to-end target for resolution of cases.
- 3.78 Conversely in Greater Manchester, despite considerable effort by the agencies involved and examples of good practice found by Inspectors, the percentage of warrants executed within target times was still falling short of the target. This is due in part to large caseloads, a transient population and balancing enforcement with other policing priorities. We encourage national teams to look more closely at statistically good performing areas, not only for the benefits of gauging good practice, but also to ensure that practices are in line with current legislation.

Awareness and prioritisation of targets

- 3.79 In all Areas we encountered staff unaware that joint enforcement targets existed. This presents a challenge for communication and engagement of staff to help them understand their contribution to effective enforcement. Notable in London is a recent local initiative to address consistent poor performance, that splits the 35-day community penalty breach target into smaller targets. These interim targets have to be achieved at each stage of enforcement in order for the overall target to be met. This is packaged under the title *Resolution* and supported by a poster campaign. Achievement of each of the parts is monitored, which allows for rapid analysis of where the system is failing, and for staff in each of the agencies to be proactive in ensuring they achieve their part of the target.
- 3.80 The setting of local targets to help achieve a national target was also found in other Areas visited. For example, in one Area there was a comprehensive inter-agency protocol for community penalty breach cases. However, it was disappointing to find that this had not been effectively communicated and that many staff we spoke to, including enforcement managers, were not familiar with its contents.
- 3.81 During the inspection, differences were found in the priority given to joint targets by those agencies involved in achieving them. There was also a failure to recognize that the targets were jointly owned and examples of agencies not being held to account by their partners for previously poor performance.

Recording performance

- 3.82 The *Comet* system is used by HMCS, and in some Areas referred to as a definitive record by HMCS and the Probation Service of all outstanding community penalty breach proceedings. Three of the four Areas that we visited were satisfied that the quality of data recorded on *Comet* was now accurate, following some early problems with the training provided. The remaining Area had recently identified some problems with not all data being entered on to the system, which they were now seeking to address through staff training.

Annex A

Inspection framework

Overall Statement: There is effective inter-agency working to facilitate compliance with and enforcement of obligations to attend probation / YOT appointments and court hearings (including pre- and post-sentence). Offenders/defendants are required to comply with court orders and are aware of the consequences of failure to do so. Where there is a breach or failure to appear, warrants are efficiently and effectively produced and executed within acceptable timescales. There is compliance with all current legislation in relation to warrants.

1. Strategy and Approach	
<p>There are clear and effective strategies and approaches to promoting confidence in the CJS through the:</p> <ul style="list-style-type: none"> • encouragement of attendance at court, compliance with community orders, and • effective enforcement following any failure to attend a probation / YOT appointment or court hearing. 	
Indicative Evidence	What we are looking for
<p>LCJB strategies support a clear direction for enforcement in this area.</p> <p>Effective local policy and practice is appropriately informed by clear, comprehensive and up-to-date national guidance.</p>	<p>LCJB strategies link clearly and effectively with PSA targets in relation to public confidence and enforcement and are appropriately prioritised.</p> <p>National guidance is clear, comprehensive, up to date and effectively communicated. Local policy and practice are regularly reviewed. There are mechanisms in place to monitor national guidance and ensure policy and practice are appropriate and up to date.</p>

2. Implementation and Planning

There are clear and effective agency and inter-agency plans to implement strategies for enforcement following failure to attend probation / YOT appointments or court hearings which identify and build on good practice.

Indicative Evidence

LCJBs have effective plans to deliver good performance in relation to compliance and enforcement following a failure to attend.

Criminal justice agency operational enforcement plans and inter-agency protocols effectively implement LCJB enforcement strategies.

Good practice regarding encouraging compliance with orders, and enforcement following failure to attend, within and between agencies is identified, shared and systematically adopted.

What we are looking for

Inter-agency plans, which have clear targets and milestones for success with clear accountability. Performance against plans is monitored and managed appropriately.

Individual agency plans reflect LCJB plans with clear targets and milestones for success, with named accountability. Performance against plan is monitored and managed appropriately.

Encouraging compliance and enforcement are regular agenda items at LCJB / committee meetings and/or other regular inter-agency forums. Good practice is a regular feature at such meetings and there are mechanisms in place to identify, evaluate, share and implement good practice.

3. People

Sufficient, trained staff, who have appropriate awareness of their role in agency and inter-agency processes, are deployed on enforcement following failure to attend a probation / YOT appointment or court hearing.

Indicative Evidence	What we are looking for
<p>LCJB operational plans are linked to an LCJB inter-agency training strategy. Single agency and inter-agency training needs (including in relation to diversity) are identified and met.</p> <p>Appropriate agency leads for enforcement following failure to attend have been appointed within each agency.</p> <p>Appropriate staff resources are deployed on enforcement following failure to attend.</p> <p>Staff have a clear understanding of agency and inter-agency processes and priorities and understand their role in these.</p>	<p>Individual agencies are rigorous in ensuring all training needs in relation to encouraging compliance and enforcement (including risk assessment) are identified, met and regularly reviewed. Single agency training plans reflect the LCJB training strategy.</p> <p>Agency leads have been appointed at an appropriate level within each agency.</p> <p>There are appropriate numbers of staff to fulfil the enforcement role and carry out both inter-agency and single agency strategies.</p> <p>There is awareness and understanding amongst both specialist (dedicated enforcement staff) and generalist staff.</p>

4. Processes and procedures

There are effective agency and inter-agency processes and procedures to promote compliance, particularly concerning the flow of information between agencies, and appropriate action is taken in relation to enforcement following failure to attend a probation / YOT appointment or court hearing. There are specific enforcement processes in place to ensure that the highest risk offenders are dealt with more quickly.

Indicative Evidence	What we are looking for
<p>Offenders / defendants are actively encouraged to comply with community orders and to attend probation / YOT appointments and court hearings.</p>	<p>There is proactive use of appropriate methods (in a user friendly format) to encourage compliance with orders. Defendants/offenders are made aware of the consequences of failure to comply.</p>
<p>Offenders / defendants are provided with sufficient encouragement, information and timely notification of the requirement to attend court and in a format they understand.</p>	<p>Summons packages, Court and Police bail notices, adjournment notices and pre-court information are clearly laid out and communicated to defendants/offenders.</p>
<p>Sufficient, timely and accurate information flows between agencies to ensure effective enforcement following failure to attend, including prioritisation of the highest risk offenders.</p>	<p>There are efficient and effective processes in place to ensure timely and accurate information flows between agencies.</p>
<p>Warrants are appropriately entered on and removed from the PNC in line with national targets and in compliance with the PNC manual of guidance.</p>	<p>Warrants are entered and cancelled on the PNC in line with targets and in accordance with guidance.</p>
<p>The existence of appropriate warrants is communicated to operational officers, neighbourhood policing teams and enforcement officers within 24 hours of issue.</p>	<p>Awareness amongst Neighbourhood Policing Unit and enforcement teams of current outstanding warrants is high with NPUs responsible for the execution of local warrants. CDRPs are included where appropriate.</p>
<p>There is an effective warrant management system in operation with inter-agency links and accountability. All warrants are graded A,B,C in order of risk assessment.</p>	<p>The warrant management system is maintained accurately and has real-time information available to operational staff. Accountability is an integral part of the system.</p>
<p>Arrangements for the execution of warrants, including risk assessment, tracing and ID of people wanted on warrant are appropriate and effective. Arrangements are in place for the execution of out-of-Area warrants and the transfer of detained persons to/from that Area.</p>	<p>Enforcement action reflects the priority given to a warrant; processes are in place to ensure warrants are effectively risk assessed; there are processes in place for appropriate and effective tracing and identification of people wanted on warrant.</p>

4. Processes and procedures (continued)

Indicative Evidence	What we are looking for
<p>Warrant enforcement is a standing agenda item at inter-agency case progression meetings, BCU command briefing / T&CG meetings.</p> <p>Persons arrested on warrants are dealt with appropriately and promptly brought back in front of the court.</p> <p>Systems are in place for the early identification of persons who have previously failed to appear or breach bail in order that ‘no bail’ applications can be made.</p> <p>Court processes effectively obtain and verify the accuracy of information on the identity and whereabouts of offenders / defendants. Information about the whereabouts and identity of offenders / defendants is shared effectively between agencies whilst being compliant with current legislation.</p>	<p>There are regular reviews of all outstanding warrants and assessment of impact for failure to execute.</p> <p>Arrested persons are dealt with appropriately in terms of keeping them safe and respecting their rights, and inter-agency arrangements are in place to return them to court promptly following warrant execution.</p> <p>Systems are in place in custody suites to deny bail in appropriate cases to persons who have previously failed to appear or breached bail.</p> <p>There are effective court processes in place to effectively obtain and verify the accuracy of information on the identity and whereabouts of offenders/defendants.</p>

5. Performance Management

Appropriate targets are set in the field of compliance with orders and enforcement of CPB and FTA warrants within and between agencies, communicated and managed effectively.

Indicative Evidence	What we are looking for
<p>LCJB end-to-end enforcement targets are effectively communicated.</p> <p>Inter-agency performance information is produced, reported and circulated appropriately and used to take action to achieve targets. LCJB end-to-end enforcement targets are monitored locally and managed effectively.</p> <p>Appropriate agency targets are set and communicated effectively.</p> <p>Single agency performance information is produced, reported and circulated appropriately and used to take action to achieve targets.</p>	<p>Agencies have worked together to develop collaborative inter-agency targets, which are communicated effectively.</p> <p>Inter-agency enforcement performance is monitored and managed effectively. Performance information is regularly produced and circulated and used to improve practice. Data is collected by ethnic group and used to assess disproportionate impact. Poor performance is acted upon.</p> <p>Single agency targets are measurable and achievable and are communicated effectively within the organisation and to other agencies.</p> <p>Agency performance is monitored and managed effectively. Performance information is regularly produced and circulated. Poor performance is appropriately acted upon.</p>

6. Partnerships

Effective joint working supports enforcement following failure to attend a probation / YOT appointment or court hearing.

Indicative Evidence	What we are looking for
<p>There is effective communication between agencies at a senior and operational level, supported by an appropriate use of information and communication technology.</p> <p>Inter-agency expectations are clearly defined in appropriate SLAs and protocols, which are communicated, implemented, monitored and reviewed effectively.</p>	<p>Regular, proactive, senior level meetings and communication (including via IT) in relation to enforcement matters.</p> <p>There are effective, up-to-date inter-agency protocols in place which are reviewed regularly and communicated appropriately.</p>

Annex B

Joint agency performance targets

Community Penalty Breach

National Standard	Target
Percentage of all Community Penalties to be resolved within 25 days of the relevant failure to comply	60%
Community Penalty Breach Proceedings – average time from unacceptable failure to comply to resolution of the case	35 working days
Community Penalty Breach Warrants executed within 20 working days for adults and ten working days for youths	75%
NB: This target was previously an HMCS KPI, now joint measure for 2008-09	

Failure to Appear Warrants

National Standard	Target
Category A warrants to be executed within 14 days of receipt	70%
Category B warrants to be executed within 21 days of receipt	70%
Category C warrants to be executed within 28 days of receipt	60%
Unexecuted Failure to Appear warrants – balance at 31 March 2008 – England and Wales	27,277
<ul style="list-style-type: none"> • Essex • Greater Manchester • London • North Yorkshire 	588 2,448 6,600 129

In support of the target to reduce the number of outstanding Failure to Appear warrants, the following courts to police notification targets are in place:

Performance Indicator	Target
Failure to Appear warrants to be notified from courts to police within one day of issue	90%
Failure to Appear warrants to be notified from courts to police within three days of issue	100%

Source: The Criminal Justice System Business Plan 2007/08

Annex C

Previous inspection and audit reports considered

National Audit Office (November 2004). *Facing Justice: Tackling defendant's non-attendance at court.*

MCSI Inspection of Court Services (February 2005). *A review of financial penalty enforcement practices in magistrates' courts in England and Wales.*

HM Inspectorate of Court Administration; HM Inspectorate of Constabulary; HM Inspectorate of Probation (June 2005). *Thematic review: A joint inspection of the enforcement of community penalties.*

HM Inspectorate of Probation; HM Inspectorate of Court Administration; HM Inspectorate of Constabulary (2007). *A summary of findings on the enforcement of community penalties from three Joint Area Inspections.*

National Audit Office (January 2008). *The National Probation Service: the Supervision of Community Orders in England and Wales.*

Sir Ronnie Flanagan – Chief Inspector, HM Inspectorate of Constabulary (February 2008). *Independent Review of Policing.*

Criminal Justice Joint Inspection (February 2008). *Joint Criminal Justice Report into the Resulting and Warrant Withdrawal Procedures used at Leeds Magistrates' Court.*

Criminal Justice Joint Inspection (April 2008). *Criminal Justice Joint Inspection Report: A review to ascertain the circumstances in which Anthony Leon Peart, also known as Anthony Leon Joseph, came to be at liberty on 29 July 2005.*

Legislation and guidance

NB: This is not intended to be a full list of legislation and guidance available.

Domestic Violence, Crime and Victims Act 2004 Schedule 5: Procedure of Community Penalty, etc.

Access to Justice Act 1999 (c22) amended February 2001: Execution by person not in possession of warrant
S125D Magistrates' Courts Act 1980

Getting Defendants to Court: Series of guidance for FTA warrants published by Defendant Attendance Steering Group (OCJR)

Effective Practice Guide – Breaches of Community Penalties (HMCS) (May 2005)

DWP Customer Information System: Operating Procedures for all HMCS Staff with access to the DWP CIS (HMCS/DWP)

Operating Procedures For Use of the EQUIFAX e-Trail database By HMCS (December 2005)

Security Operating Procedures for use of the Police National Computer

Criminal Justice System Warrant Handling Strategy – Operational Guidance (Version 3.0) (November 2007)

ACPO guidelines for out of Area warrants (2006)

Guidance in relation to the handling, reviewing and withdrawal of community penalty warrants (NOMS)

