



*HMcp*si**  
H M Crown Prosecution Service Inspectorate



Her Majesty's  
Inspectorate  
of Probation

# THE JOINT INSPECTION OF THE GLOUCESTERSHIRE CRIMINAL JUSTICE AREA

February 2004

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## FOREWORD

The Chief Inspectors of the Criminal Justice Inspectorates are pleased to publish their first joint report on a criminal justice area. This inspection was a significant new development, which strengthens the arrangements for scrutinising the effectiveness of the criminal justice system across England and Wales. It provides an opportunity to examine a range of measures initiated by the Government to develop cohesion and better co-ordinated working arrangements amongst the criminal justice agencies so that the system can operate in a more holistic manner. Public Service Agreements between HM Treasury and the relevant Departments set out the expectations which the Government has for the criminal justice system at national levels. The framework within which this system is managed nationally has been substantially revised and that is reflected by the establishment in each of the 42 criminal justice Areas of a Local Criminal Justice Board. Criminal Justice Inspectorates now place even greater emphasis on the effectiveness of relationships between the organisation which they are responsible for inspecting and other criminal justice agencies and its contribution to the work of the newly established Boards. The Boards operate on a non-statutory basis and formally came into existence on 1 April 2003. They provide a national infrastructure which offers a more substantial focal point for integrated inspection.

Although the inspection focused on the criminal justice agencies, the existence of a Local Criminal Justice Board makes it possible for the first time to undertake a detailed diagnostic look at how the agencies in a specific area work together to deliver justice for all members of society. The exercise was valuable in itself, as this report shows. It has also helped direct the future work of the inspectorates, showing what can be the focus of future joint area inspection (such as the investigation and prosecution of crime), and what needs to be followed up by targeted and themed inter-inspectorate work (such as resettlement).

The inspection team has identified and endeavoured to bridge some gaps in the existing arrangements for inspection of the criminal justice system. For example, custody facilities at The Crown Court and escort arrangements for moving prisoners between courts and prison were examined although they do not ordinarily feature in inspection programmes. Likewise, the work of the Court Service at Gloucester Crown Court Centre was scrutinised with the agreement of the Senior Judiciary. The Chief Inspectors are grateful for their co-operation.

This inspection has been carried out in accordance with the principles of inspection set out by the Office of Public Service Reform and paid particular attention to how the agencies were working together to deliver key Government targets to bring more offences to justice and increase public confidence in the criminal justice system. The inspection team work closely with Quality and Standards Department of Victim Support who will be reporting simultaneously on the quality of services to victims and witnesses in Gloucestershire.

Our intention is that this report will not only inform the people of Gloucestershire about how effectively the local CJS works by highlighting the strengths of inter-agency working and identifying where further improvement can be made; but that it will also inform the planning and practice of the wider criminal justice community.

Finally, the Chief Inspectors take this opportunity to thank the Chief Officers and the staff of the criminal justice agencies in Gloucestershire for the considerable assistance rendered to them during the course of what was in effect a pilot inspection. Gloucestershire was selected because its size and the mix of work made it suitable for the purpose of the pilot.



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## **1 INTRODUCTION**

- 1.1 This is the report of the Criminal Justice Chief Inspectors on the joint inspection of the Gloucestershire criminal justice area. Her Majesty's Inspectorate of Constabulary (HMIC), Her Majesty's Magistrates' Courts Service Inspectorate (HMMCSI), Her Majesty's Crown Prosecution Service Inspectorate (HMCPsi), Her Majesty's Inspectorate of Prisons (HMI Prisons) and Her Majesty's Inspectorate of Probation (HMI Probation) carried out the inspection.
- 1.2 The inspection represented a major development in the already extensive programme of joint work that had been undertaken by the Inspectorates across a range of criminal justice issues, for example the evaluation of the Street Crime Initiative, Listing in the Magistrates' Courts, the inspection of multi-disciplinary Youth Offending Teams and the review of the investigation and prosecution of offences involving domestic violence. This was, however, the first geographically based inspection and focussed on the operation of a criminal justice area and, within that context, the interfaces between the agencies.
- 1.3 The interfaces between the following criminal justice agencies were inspected:
- \* Gloucestershire Constabulary;
  - \* Crown Prosecution Service Gloucestershire;
  - \* Gloucestershire Magistrates' Courts Service;
  - \* Gloucestershire Probation Area;
  - \* Gloucestershire Youth Offending Service;
  - \* the Court Service operation at Gloucester Crown Court; and
  - \* the prison estate that serves Gloucestershire.
- 1.4 The pilot joint inspection built on steps already taken by the Government to improve the delivery of criminal justice. Additionally, the Quality and Standards Department of Victim Support carried out its inspection of Victim Support Gloucestershire in parallel with the joint inspection. In order to provide as complete a picture as possible, significant elements of their inspection work were included as part of the joint inspection process. This report, where relevant, draws on the findings from Victim Support's inspection work. Victim Support's inspectors will be publishing their own more detailed document highlighting issues relating to the service received by victims and witnesses in Gloucestershire.

### **The scope of the inspection**

- 1.5 The Government has established 42 criminal justice areas each of which has a Local Criminal Justice Board (LCJB) (consisting primarily of the chief officers of the main agencies). The work of the Board is supported by an Area Performance Officer, whose post is funded by the Home Office. A Regional Performance Advisor, who works with a number of Boards, manages this Officer, although day to day management of the

post rests with the Board. The LCJBs formally assumed their responsibilities on 1 April 2003. The LCJBs are charged with establishing and delivering, at a local level, targets to support the achievement of robust national targets designed to improve the overall efficiency and effectiveness of the criminal justice system. Those targets, which form the backbone of Ministerial Public Service Agreements (PSA), involve:

- \* improving the delivery of justice by increasing the proportion of crimes for which an offender is brought to justice; and a reduction in the proportion of ineffective trials; and
- \* improving the level of public confidence in the criminal justice system, including increasing that of minority ethnic communities, and increasing, year on year, the satisfaction of victims and witnesses, whilst respecting the rights of defendants.

- 1.6 The pilot joint inspection looked, against this background, at how effective the criminal justice agencies in Gloucestershire were in working together to deliver the outcomes necessary to achieve the local targets set by the LCJB, in furtherance of national targets set by the Government. The full terms of reference for the inspection are at Annex 1.
- 1.7 Our work was not confined to those activities which directly supported the PSA targets, but extended to how effectively the agencies worked together, both under the formal structure of the LCJB and otherwise, to manage the end-to-end process on which the desired outcomes depend.
- 1.8 At the time of the inspection there was no statutory inspection regime in respect of any aspect of the work of the Crown Court. In order to evaluate the complete criminal justice process in Gloucestershire, the Chief Inspectors therefore secured the agreement of the Court Service and the then Senior Presiding Judge for the inclusion, on a non-statutory basis, of the performance of the Court Service at the local Crown Court centre. A member of the Court Service was seconded to Her Majesty's Magistrates' Courts Service Inspectorate to assist with these aspects of the inspection.
- 1.9 HMCPSI and HMI Prisons carried out core inspection work in accordance with their statutory remit at the same time as this joint work. This core work is the subject of separate reports. Whilst the focus of much of HMI Prisons core work is different from what was considered in this joint inspection, there is a very significant overlap in respect of the core work carried out by HMCPSI in relation to CPS Gloucestershire. This reflects the pivotal role of the CPS within the overall criminal justice process, and the impact its contribution makes on delivering effective criminal justice.
- 1.10 In this joint report we focus on the effectiveness of inter-agency working in Gloucestershire and the interfaces that exist between the agencies at the various stages of the criminal justice process. However, it also considers how the agencies worked with other bodies, such as the Witness Service and Victim Support, that contribute to just outcomes within the criminal justice system. At various parts of this report we consider the effectiveness of the criminal justice agencies in strengthening the confidence of victims and witnesses in the criminal justice system.



- 1.11 The key inter-agency forum for delivery of the PSA targets is the LCJB. The Board has to work to an extensive national agenda, which has of necessity restricted the resources available to address more localised issues. We discuss in detail the operation of the Board in Chapter 2. However, the Board was, at the time of our inspection, still in its infancy and in the process of developing many of its work strands. We acknowledge, within a short time span, the work and progress the LCJB has made to date. It was also the first Area to receive a joint inspection. No other Area has had such a detailed diagnostic look at its performance and therefore there are few benchmarks against which we can assess the progress of the Board. Our comments in this report and the recommendations we make should therefore be read in this context.
- 1.12 As part of the inspection process we looked at how the agencies worked together under the auspices of the Gloucestershire LCJB. Although the Board is established on a non-statutory basis, it is tasked with improving performance in key areas of the criminal justice system, and on this it is required to report through the Criminal Justice Performance Directorate to the National Criminal Justice Board. Even so, it cannot be held accountable as a body for all aspects of the process. We identify a number of interfaces in the report for which responsibility rightly rests with individual Chief Officers, who remain accountable either to their own national bodies or, in the case of the police, to the local police authority.
- 1.13 There is a lack of clarity about the relationship between the statutory responsibilities of individual Chief Officers and their membership of the LCJB, with the requirement to deliver against PSA targets. The accountability of the Board is not underpinned by any statutory framework, and the Chair of the Board is clear that he cannot be accountable for delivering organisational improvements in other criminal justice agencies other than the one for which he is Chief Officer. Nonetheless, there will inevitably from time to time be situations where the policy or performance of an individual agency constitutes a barrier to achieving an objective or target, for which the LCJB has a collective responsibility. This scenario is not unique to Gloucestershire.
- 1.14 Therefore in making recommendations about the steps necessary to secure improvement in important aspects of performance, we recognise the limits on accountability of the Board, and we specify to whom recommendations are addressed. Where the recommendations relate to the LCJB delivery plans they are properly addressed to the Board. Other recommendations are addressed to the appropriate agencies. Additionally, we identify issues to address relevant to other aspects of performance and strengths in relation to work done consistently to a proper professional standard.

## **Methodology**

- 1.15 Our methodology combined an examination of case files from each agency, interviews with criminal justice agency staff at all levels and criminal law practitioners, together with representatives of local community based organisations. A detailed breakdown of key aspects of the examination of magistrates' and Crown Court files is at Annex 2. We also attended focus group meetings with victims and witnesses, and police officers. The Chief Inspectors are grateful to all those who gave their time to the inspection, whether in the preparation of documentation or by making themselves available for interview.

- 1.16 The team carried out observations on the quality of service delivery by the agencies in both the magistrates' court and the Crown Court. Members of the team also observed a regular meeting of the LCJB. A list of individuals, outside the criminal justice agencies, from whom we received comments, is at Annex 5.
- 1.17 In order to assess the effectiveness of the delivery of prisoners to court and prison, the whole process of prisoner escort was observed. The Chief Inspectors are grateful for the help provided by the Prisoner Escort Contracting Service in assisting with this part of the inspection.

### **Structure of the Report**

- 1.18 The terms of reference mentioned at paragraph 1.6 set out the key issues identified as material to the effectiveness of the criminal justice agencies in Gloucestershire in successfully attaining the outcomes set by the Government for the criminal justice system.
- 1.19 Chapter 2 provides a very brief overview and details the recommendations made together with a list of further issues, which the LCJB and the agencies will need to address. Chapters 3 to 9 set out the findings of the inspection relevant to each of the key issues in the terms of reference.

## **2 SUMMARY OF INSPECTION FINDINGS, STRENGTHS, RECOMMENDATIONS, AND ISSUES TO ADDRESS**

- 2.1 At the time of our inspection, the LCJB was still in its infancy and in the process of developing many of its work strands. We acknowledge, within a short time span, the work and progress it has made to date. It was also the first Area to receive a joint inspection. The fact that the Area received such a detailed diagnostic check at such an early stage in the move to more joined-up working is reflected in the number of issues to address we identified.
- 2.2 The Board had drawn up detailed plans, which identified those aspects of work that needed to be taken forward to achieve the national Public Service Agreements. These plans were supported by regular performance reports. Whilst recognising the short period of time the plans had been in existence, some actions had slipped and needed to be reinvigorated. Although national targets came into effect on 1 April 2003, there was, prior to the setting up of the Board, an existing joint responsibility to work towards achieving the relevant national targets and objectives. The local targets are merely a more formal apportionment of that to which the agencies should have already been working collectively.
- 2.3 Progress towards achieving the overall narrowing the justice gap target was good, but could be improved further by addressing issues surrounding ineffective trials and some aspects of the CPS approach to discontinuance.
- 2.4 The Board had taken initial steps to develop its approach to increasing public confidence, including work on setting up an Independent Advisory Group (IAG) on black and minority ethnic issues. Improving the facilities at most court centres could increase the confidence of victims and witnesses further. The implementation of the provision of special measures for victims and witnesses could be improved. Whilst the infrastructure of the provisions is sound, there were some commonly found weaknesses including a need to improve the early identification of victims and witnesses who could benefit from special measures when giving evidence.
- 2.5 We found many aspects of inter-agency work that were contributing significantly to driving up performance in the Area and improving public confidence in the criminal justice system. Two such examples, with very different focuses, were the work done on progressing cases involving persistent young offenders (PYOs) and how the agencies dealt jointly with mentally disordered offenders.
- 2.6 In other aspects of inter-agency performance we found a lack of effective communication, which was leading to a delay in addressing issues, and at its worst the continuation of an unhealthy blame culture. There is a need for the agencies to work more closely to resolve outstanding issues, for example the quality of police files, the timeliness of CPS requests for additional information, the delay in entering case results on the police national computer (PNC), and health and safety issues in court cell complexes.

## **Strengths**

2.7 We identified 13 aspects of performance that we considered were a strength of one or more of the agencies:

1. The quality of the monthly produced area performance reports (paragraph 3.16).
2. The inter-agency work which successfully achieved and maintained performance in the processing of PYOs (paragraph 3.28).
3. The County Racist Incident Group and sub-groups, which are effective forums for tackling racist incidents (paragraph 3.31).
4. The Speaking up for Justice Forum which addresses effectively victim and witness issues (paragraph 5.39).
5. Crown Court case management and case progression, which ensured cases were progressed without unnecessary delay (paragraph 5.50).
6. Access to defendants in court cells (paragraph 5.62).
7. Clear explanations of adjournments to victims and witnesses (paragraph 6.30).
8. Effective arrangements for dealing with mentally disordered offenders, both at organisational and practitioner level (paragraph 7.6).
9. The Probation Area domestic violence programme, which contributes effectively to reducing the risk of re-offending (paragraph 7.25).
10. YOI Ashfield's effective identification of high risk trainees (paragraph 8.28).
11. The quality of inter-agency contributions to the MAPPP (paragraph 8.29).
12. YOI Ashfield's child protection procedures, which ensured the safety of child visitors to Schedule 1 offenders (paragraph 8.32).
13. Positive relationships between police and prisoners and custody staff and prisoners (paragraph 9.24).

## **Recommendations**

2.8 We have made 13 recommendations to help improve inter-agency aspects of performance in Gloucestershire. We have grouped the recommendations to assist in identifying to whom each recommendation is directed.

### **The Local Criminal Justice Board**

1. That the LCJB review the relationship of its sub-groups with the pre-existing inter-agency groups, (including court user groups) and the effectiveness of those inter-agency groups (paragraph 3.12).

2. That the LCJB review progress against the Local Delivery Plan, to develop and deliver further a comprehensive communication programme, to ensure staff are aware of the purpose of the Board and their individual contribution to achieving its objectives (paragraph 3.15).
3. That the LCJB, as part of its review of inter-agency protocols and service level agreements, takes the opportunity to incorporate into such arrangements mechanisms to monitor and evaluate the inter-agency performance which they govern (paragraph 3.17).
4. To support the actions identified in the Local Delivery Plan, that the LCJB undertake an inter-agency training needs analysis, and work up a programme of structured joint training paragraph (3.19).
5. That the LCJB, to assist in reducing the level of ineffective trials and increase public confidence, review and where necessary implement cross-agency training on:
  - \* the identification of adult vulnerable and intimidated victims and witnesses;
  - \* liaison arrangements between the police and the CPS; and
  - \* the timing of special measures applications (paragraph 5.39).

#### **The Gloucestershire Constabulary**

6. In order to improve file quality, that the Gloucestershire Constabulary set up dedicated file preparation teams (paragraph 4.16).
7. As a matter of urgency, that the Gloucestershire Constabulary take action to comply with the national requirements as detailed in the PNC Manual (paragraph 4.32).

#### **The Gloucestershire Constabulary and the CPS**

8. To improve the timeliness of file preparation and decision making, that the police and the CPS review the effectiveness of the lines of communication between the CPS, the CJD and the OIC (paragraph 4.36).
9. In order to achieve further efficiencies and cost savings, that the police and the CPS formulate a detailed project plan for Glidewell integration (paragraph 4.39).
10. In order to drive up file quality and timeliness, that the police and the CPS undertake effective joint performance management of file quality and timeliness (paragraph 4.53).
11. That agreement is reached about where responsibility lies for liaising with the Witness Service in those cases where difficulties in witness attendance are identified, to increase the proportion of effective trials (paragraph 5.28).

## **The Gloucestershire Constabulary, the Prison Service and the Prisoner Escort Contracting Service**

12. In order to comply with safe clinical practice:
  - \* that a protocol be developed detailing inter-agency responsibilities for the medical treatment of prisoners in custody, and the transfer of clinical information;
  - \* that police custody staff should receive appropriate guidance in the administration of medication; and
  - \* that there should be protocols for the safe and secure administration and storage of prescribed medication (paragraph 8.22).

## **The Court Service and the Prisoner Escort Contracting Service**

13. That a comprehensive risk assessment of Gloucester Crown Court cell accommodation be carried out to inform:
  - \* standards for maximum occupancy, safe staffing levels, prisoner separation and general standards of safety and decency; and
  - \* a plan for prompt remedial action in respect of short-term issues (paragraph 9.31).

### **Issues to address**

- 2.9 We identified 38 issues to address relevant to other aspects of performance.

### **The Local Criminal Justice Board**

1. Assess progress against the Local Delivery Plan and its relationship and commensurability with individual agency delivery plans, implementing the necessary actions identified in the plan (paragraph 3.14).
2. Take action to reduce late changes of plea to guilty and the non-attendance of defendants, thereby reducing further the cracked and ineffective trial rates (paragraph 3.26).
3. Introduce ethnicity monitoring across the whole criminal justice process (paragraph 3.31).
4. Improve communication on operational issues (paragraph 6.9).
5. Clarify court listing/scheduling practice to all parties (paragraph 6.9).

### **The Gloucestershire Constabulary**

6. Undertake training needs analysis on disclosure for operational police officers (paragraph 4.57).
7. Improve availability to victims of a Domestic Violence Liaison Officer (paragraph 4.62).
8. The undertaking of Mental Health Act assessments in the police cells (paragraph 7.7).
9. Ensure notification to both Victim Support and Probation Victim Enquiry Officers of victim details (paragraph 7.11).

### **The Gloucestershire Constabulary and the Magistrates' Courts Service**

10. Consider the capacity of the court to list early first and early administrative hearings (paragraph 5.12).
11. Monitor warrant execution performance against targets and improve operational police officers' awareness of the priority system (paragraph 5.22).

### **The CPS and the Magistrates' Courts Service**

12. Improve the processes for fixing trial dates, the operation of the PTR system, including the use of a PTR record sheet and the use of case progression officers (paragraph 5.19).
13. Improve the notification to victims of when a defendant appeals against sentence from a decision of the magistrates' court, including whether granted bail pending appeal (paragraph 5.43).
14. Streamline the prosecution of specified offences in line with the provisions of the Magistrates' Court (Procedure) Act 1998 (paragraph 6.15).
15. Reach consensus on the appropriate deployment of Designated Caseworkers and adopt sitting patterns that give effect to this consensus (paragraph 6.15).

### **The Magistrates' Courts Service**

16. Take action to prioritise custody cases (paragraph 5.60).
17. Improve the usage of the prison to court video link (paragraph 6.10).

### **The Prisoner Escort Contracting Service**

18. Improve the arrangements for the delivery of prisoners at court centres, as a minimum to comply with the evacuation and contingency plans held by the escort contractor (paragraph 5.60).

### **The Magistrates' Courts Service and the Court Service**

19. Ensure notices in court custody suites inform prisoners of routines and procedures including complaint procedures (paragraph 9.11).

### **All agencies**

20. Take action to reduce the number of ineffective and unnecessary productions of prisoners from prison custody (paragraph 5.62).

### **The Gloucestershire Constabulary, CPS and the Magistrates' Courts Service**

21. Improve arrangement for hearing police custody cases (paragraph 5.63).

### **The Magistrates' Courts Service, the Court Service and the CPS**

22. Reduce unnecessary witness attendance (paragraph 6.23).
23. Improve courthouse facilities for victims and witnesses at both the Crown and magistrates' courts (paragraph 6.30).
24. Improve alertness to inappropriate cross-examination (paragraph 6.30).
25. Ensure witnesses and the Witness Service are regularly informed/updated on case progression and outcomes (paragraph 6.30).

### **The Probation Area**

26. Reduce risk, by providing essential Probation Area information about prisoners to the Prison Service in a consistent and timely manner (paragraph 7.17).

### **The Probation Area and the Prison Service**

27. Share information about high-risk prisoners during imprisonment and just prior to release (paragraph 8.28).
28. Improve the level of representation by outside agencies on prisons' internal public protection committees (paragraph 8.28).

### **The Probation Area and the CPS**

29. Jointly monitor the provision of the CPS package (paragraph 7.19).

### **The Prison Service**

30. Increase the level of release of prisoners at HMP Gloucester eligible for Home Detention Curfew (paragraph 8.12).
31. Where not already in place, ensure approval for child visitors to Schedule 1 offenders involves an outside criminal justice agency (paragraph 8.32).



### **YOI Ashfield**

32. Notify Gloucester YOS officers when young offenders for whom they are responsible are moved out of the County (paragraph 8.20).

### **The Gloucestershire Constabulary, the Prison Service and the Prisoner Escort Contracting Service**

33. Use Prisoner Escort Record Forms effectively (paragraph 9.15).

### **The Gloucestershire Constabulary and the Prisoner Escort Contracting Service**

34. Ensure remand prisoners are given appropriate clothing (paragraph 9.21).

### **The Prison Service and the Prisoner Escort Contracting Service**

35. Undertake risk assessments of prisoners sharing cellular vehicles (paragraph 9.15).
36. Ensure discharge grants are provided to eligible prisoners released from court custody (paragraph 9.22).
37. Ensure prisoners are provided with one substantial hot meal on days when prisoners appear in court (paragraph 9.21).
38. Ensure that escort contracts specify the responsibilities of contractors under the Children Act 1989 (paragraph 9.35).

### **3 TO MANAGE EFFECTIVELY THE CRIMINAL JUSTICE PROCESS AT A STRATEGIC AND OPERATIONAL LEVEL, SETTING OBJECTIVES AND MANAGING PERFORMANCE**

#### **Overview**

- 3.1 The effective management of key aspects of the criminal justice process in Gloucestershire rests with the LCJB. At the time of our inspection there was a recognised need to strengthen the local input of the Prison Service and the Court Service to the Board. The Board was addressing the level of representation from the Prison Service, and the position in respect of the Court Service will change with the introduction of a unified court administration.
- 3.2 The Board had developed detailed plans to deliver its local targets, and produced wide-ranging performance reports. There was a need, however, to revisit the plans as progress against some actions had slipped.
- 3.3 Communication of the strategic objectives of the Board, and the roles played in achieving them by staff in the criminal justice agencies, needed to be developed. There was also a need to address the overall structure of the various operational inter-agency groups that assist in driving up performance, and the joint training needs of staff.
- 3.4 At the time of our inspection, the Area appeared to be on course to meet its overall narrowing the justice gap target, but unlikely to meet its persistent offender target. Performance could be improved further by undertaking work to reduce the number of ineffective trials, and by the CPS addressing some aspects of its approach to discontinuing cases.

#### **Structure of the Local Criminal Justice Board**

- 3.5 Overall, the effective management of key aspects of the criminal justice process in Gloucestershire rests with the LCJB. The terms of reference adopted by the Board are:
- “Delivering performance improvement through joint performance management, reporting on performance and implementing change;
- Local joint planning – setting local priorities and challenging individual agency plans within a network of ministerial priorities;
- Promoting good practice and innovation – local research and development. Local joint audit, joint project management.
- Managing relations with other CJS bodies, other agencies and the judiciary, communication with local population.
- Conduit for communication between the centre and local areas on CJS cross-cutting issues.
- Co-ordination and advice on HR, community and diversity issues.”

- 3.6 The standing members of the LCJB are the Chief Constable, the Chief Crown Prosecutor, the Chief Probation Officer, the Justices' Chief Executive, the Youth Offending Services manager, a representative of the Prison Service, the regional Group Manager of the Court Service (for the Crown Court), and a member of the Police Authority.
- 3.7 At the time of our inspection, the Prison Service representative had no operational responsibility for the women's or juvenile establishments within South Gloucestershire, which, although it is in Avon and Somerset, served the Gloucestershire criminal justice area. Similarly, the Court Service representative of the Crown Court had a wider regional responsibility. We recognise that the position will change in respect of the Court Service when the unified court administration is implemented, and that there are proposals to manage the juvenile and women's estates on a regional level.
- 3.8 In respect of the Prison Service, there was a recognised need to strengthen their input to the LCJB - to contribute to, and improve ownership of, decisions taken by the Board which impacted on the local prison estate. This was complicated by the Prison Service's mix of functional, geographical and contracted-out management, which meant that there was no identifiable senior manager capable of representing all relevant prisons on the Board. Even if there had been, the lack of co-terminosity between criminal justice areas and prison regions also meant that a solution for one LCJB would not necessarily apply to other LCJBs with different numbers and types of prisons within its boundaries. To this extent the prison interface findings from this inspection cannot be taken as typical of all LCJBs.
- 3.9 Only one part of the prison estate covered by this inspection is geographically situated in Gloucestershire (HMP Gloucester), with approximately 40% of its population coming from the local area. The other three establishments included in the joint inspection are situated in the unitary authority of South Gloucestershire. At the time of the inspection, 13% of the young prisoner population of YOI Ashfield, 6.5% of the population of the female prison, HMP Eastwood Park, and 3.5% of the open prison population of HMP Leyhill came from the area covered by the Gloucestershire LCJB. The degree of common interest between the LCJB and prisons in the area was consequently small, but greatest with the local prison in Gloucester.
- 3.10 We are aware that, since our inspection, the Prison Service is planning more local representation on the Board, and as we indicate above the position will change shortly in respect of the Court Service. The Board will nevertheless wish to satisfy itself that those other prisons in the local area which service the courts in Gloucestershire, and who hold women and young offenders, are also drawn into the decision-making of the LCJB, through the representative of the Prison Service who sits on the Board.
- 3.11 At the time of our inspection the Board had set up three portfolios to take forward the various strands of its work;
- \* Planning and Performance;
  - \* Operations; and
  - \* Consultation.

3.12 In addition, there were a number of operational groups within the Area which pre-dated the creation of the Board, and were tasked to manage performance of various aspects of the criminal justice process, for example listing and youth case progression. The relationship of these groups to each other, how they communicated with the Board and how they contributed to achieving local targets, was still to be assessed at the time of our inspection. As currently formed, there is a lack of a coherent approach, with some groups being historical and lacking relevance. There was a similar lack of clarity in respect of court user groups (some of which met infrequently), which had a wider level of representation than the operational groups.

**RECOMMENDATION FOR THE LCJB**

**That the LCJB review the relationship of its sub-groups with the pre-existing inter-agency groups (including court user groups) and the effectiveness of those inter-agency groups.**

3.13 Some of the inter-agency groups would have benefited from wider criminal justice representation, for example the inclusion of the Prison Service, Prisoner Escort Contracting Service and Victim Support. The Board will wish to consider this as part of the review we have recommended.

**Planning**

3.14 The Board was required by the National Criminal Justice Board to draw up a plan for narrowing the justice gap, together with a Local Criminal Justice System Delivery Plan and Delivery Agreement. The National Board has approved both Plans and, at the time of our inspection, was in the process of drafting its Public Confidence Plan. Within the existing plans there are identified actions required to improve performance. The early focus of the Board was on implementing the actions required to meet the narrowing the justice gap target. We found that this had led to slippage in respect of some of the actions identified in the Local Delivery Plan, particularly in relation to improved inter-agency working arrangements and training. Additionally, the relationship between the Board’s plans and individual agency delivery plans was not explicit.

**ISSUE TO ADDRESS FOR THE LCJB**

**Assess progress against the Local Delivery Plan and its relationship and commensurability with individual agency delivery plans, implementing the necessary actions identified in the Plan.**

3.15 The Board recognises the importance of developing a comprehensive communication programme to inform staff within the individual agencies, and have included appropriate actions in the Local Delivery Plan. However, we found that progress against this aspect of the Plan had slipped; levels of awareness within the agencies and relevant external bodies varied significantly. The Area Performance Officer had undertaken some presentational work, which was well received, but this needed to be extended.

**RECOMMENDATION FOR THE LCJB**

**That the LCJB review progress against the Local Delivery Plan, to develop and deliver further a comprehensive communication programme, to ensure staff are aware of the purpose of the Board and their individual contribution to achieving its objectives.**

**Performance management**

- 3.16 The Board produces, through its Area Performance Officer, detailed monthly reports on progress against targets and actions identified in its plans. These reports are wide-ranging and thorough. There remain, however, concerns about the accuracy of some of the underlying data, particularly that relating to the narrowing the justice gap target. In order to address the delay in receiving nationally produced data, the Area has developed an effective predictive model to assist in providing an accurate picture of performance.

**Strength**

The quality of the monthly produced area performance reports.

**Inter-agency protocols and service level agreements**

- 3.17 We found that, within the Area there were a large number of inter-agency protocols and service level agreements (SLAs), across a wide range of subjects. Some of these had been in existence for a substantial period of time, and their continuing effectiveness had not been evaluated. The Board had identified that there was a need to rationalise these agreements, to ensure that they were both up-to-date and to avoid duplication. We welcome this move, but also consider that there needs to be a robust system, to manage and evaluate the required inter-agency performance, built into the revised agreements.

**RECOMMENDATION FOR THE LCJB**

**That the LCJB, as part of its review of inter-agency protocols and service level agreements, take the opportunity to incorporate into such arrangements mechanisms to monitor and evaluate the inter-agency performance which they govern.**

## Training

- 3.18 Whilst the Local Delivery Plan highlights the importance of inter-agency training, we found that the main training interface was between the police and the CPS. There had been productive training on evidence gathering in cases of domestic violence and, more recently, the CPS had delivered training on evidence gathering generally to a large number of police officers. The position was less satisfactory in other areas, for example the application of special measures for vulnerable and intimidated witnesses. Increasingly, Government delivered initiatives cut across agencies and require centrally co-ordinated training for them to be instigated effectively. This is a key aspect of performance where the Board is in an ideal position to co-ordinate training, thereby maximising the use of resources.
- 3.19 There was a need to take forward the actions identified in the Local Delivery Plan, for the Board to undertake a joint agency training needs analysis, and work up a programme of structured joint training.

### **RECOMMENDATION FOR THE LCJB**

**To support the actions identified in the Local Delivery Plan, that the LCJB undertake an inter-agency training needs analysis, and work up a programme of structured joint training.**

## Narrowing the Justice Gap

- 3.20 Nationally, the Government has set a target of increasing the number of crimes for which an offender is brought to justice to 1.2 million by 2005-06. The target set for the Gloucestershire criminal justice area is to increase the number of recorded offences brought to justice by 646 for the year 2003-04. The Area has a further target of increasing by 249 the number of offences brought to justice in respect of persistent offenders. At the time of our inspection, the Area appeared to be on course to meet the overall target for offences brought to justice, but it seemed unlikely to meet its persistent offender target.
- 3.21 The Board expressed concerns about how the persistent offender target had been calculated - which have since been recognised and accepted - following further work by the Area in conjunction with PA Consulting. Other Areas have also expressed similar concerns about the definitions of, and targets for, persistent offenders. The Criminal Justice Chief Inspectors will be addressing these as part of their forthcoming joint inspection on this topic. The need to bring more offenders to justice and the persistent offender target are reflected in the Gloucestershire Local Policing Plan 2003 - 2004. There was, however, a tension between targeting some types of persistent offenders, particularly those involved in low level criminality, for example theft from shops, or not criminally active, and the plan which focussed on high level criminal offending, such as burglary and drug dealing.

- 3.22 We found that overall performance could be improved further by a reconsideration of aspects of the CPS approach to discontinuance. We noted examples in our file sample where cases had been discontinued in the magistrates’ courts following the imposition of a custodial sentence, for other offences, on the defendant in the Crown Court. Further examples were drawn to our attention during the fieldwork phase, two of which involved a large number of offences. Whilst we accept that the public interest may not require a prosecution to continue when the outstanding offence is very minor, the cases we considered involved multiple offences of dishonesty with a number of victims.
- 3.23 This approach not only reduces the possibility of narrowing the justice gap, which is a PSA target for all the agencies under the auspices of the LCJB, but also affects adversely the public’s confidence in the criminal justice system.
- 3.24 Although this is an issue that rests predominantly with the police and the CPS, it clearly has an impact on the Board’s overall targets. HMCPSI have made an appropriate recommendation in their report on CPS Gloucestershire.
- 3.25 As part of the drive to narrow the justice gap, the Board also has targets to reduce the number of ineffective trials. Additionally, the Board has set its own targets to reduce the number of cracked trials. Performance against targets is shown below:

<b>CROWN COURT</b>			
	<b>April-October 2003</b>	<b>Target</b>	<b>National Performance</b>
<b>Cracked trial rate</b>	32.4%	35%	38%
<b>Ineffective trial rate</b>	20%	17%	22.2%
<b>MAGISTRATES’ COURT</b>			
	<b>April-September 2003</b>	<b>Target</b>	<b>National Performance</b>
<b>Cracked trial rate</b>	40.5%	35%	38%
<b>Ineffective trial rate</b>	23.6%	20%	29%

- 3.26 Overall the picture is encouraging, and the Board attributes the improving Crown Court performance to a pro-active approach to case management by the newly appointed Resident Judge. However, the LCJB’s Narrowing the Justice Gap Plan recognises that work needs to be carried out to reduce further the incidence of cracked and ineffective trials, focussing on late changes of plea and the non-attendance of defendants. The Plan identifies the necessary actions, but this work has slipped.

**ISSUE TO ADDRESS FOR THE LCJB**

**Take action to reduce late changes of plea to guilty,  
and the non-attendance of defendants,  
thereby reducing further the cracked and ineffective trial rates.**

**Persistent young offenders**

- 3.27 It remains a Government priority that Areas achieve and maintain the target of dealing with persistent young offenders (PYOs) in 71 days or less from arrest to sentence. Area performance is very good. For the year ending 2002, the average overall time to deal with PYOs was 56 days, against a national average of 68 days. The corresponding figure in the magistrates' courts was 52 days (national average: 61 days). Separate figures are not produced in respect of Area Crown Court performance. The latest published figures, for the quarter ending June 2003, are even better, showing an average time of 40 days overall, and 35 days in the magistrates' courts, making the Area the second best performer in the country.
- 3.28 The Area's achievements in this aspect of performance indicate the effectiveness of close inter-agency working which, if replicated in other aspects of the Area criminal justice system, could lead to significant improvements overall.

**Strength**

The inter-agency work which successfully achieved and maintained performance in the processing of PYOs.

**Equality and diversity issues**

- 3.29 The Area had developed effective racist incident groups, both at a county level, and also in the major urban conurbations. These had a wide remit and addressed issues over and above those that were dealt with by the criminal justice system. In addition, the Board was taking forward the development of the IAG, to advise the Board on race issues. Recruitment to the IAG had not initially been as effective as the Board would have wished, and at the time of our inspection this process was being restarted. The Race Equality Council (REC) had been engaged in the process, but due to their staffing difficulties, had not been involved for some time. The REC is now involved again and a new, more targeted approach to recruitment was being undertaken. Additionally, the process was being widened to reach the lesbian, gay, women and disabled sectors of the community. This revised approach had been more successful and attracted a number of applicants who were in the process of being selected.



- 3.30 Ethnicity monitoring by the criminal justice agencies was patchy. We found that the police (at the start of the process) and the Prison Service and Probation Area (at the end) undertook detailed ethnicity monitoring. However, there was little work done in the middle by the other agencies. This prevented the Area being able to scrutinise critical criminal justice outcomes by ethnicity and fully meet its responsibilities under the Race Relations Amendment Act (2002). The Board had identified that there was a need to undertake end-to-end ethnicity monitoring, but none had occurred at the time of our inspection.
  
- 3.31 In addition to the work on the IAG, the Board had set up a wide ranging consultation group, which was designed as a conduit to feed local issues into the Board. This was a positive step, although at the time of our inspection, it had still to progress effectively. The group could be improved further by strengthening relationships with the local Crime and Disorder Reduction Partnerships.

**Strength**

The County Racist Incident Group and sub-groups,  
which are effective forums for tackling racist incidents.

**ISSUES TO ADDRESS FOR THE LCJB**

**Introduce ethnicity monitoring across  
the whole criminal justice process.**

## **4 TO PREPARE TIMELY, GOOD QUALITY CASE FILES**

### **Overview**

- 4.1 The start of the charging pilot should change significantly the police approach to seeking advice. Historically, there had been little liaison at an early stage between the police and the CPS about the correct level of charge.
- 4.2 There was a lack of effective initial review by first line police supervisors prior to submission of crime files by operational officers. The Gloucestershire Constabulary was beginning to recognise and address these issues and had undertaken several initiatives to address file quality and timeliness performance.
- 4.3 Overall improvement in the quality of police files would be achieved by the setting up of a dedicated file preparation unit.
- 4.4 The Police National Computer is not updated efficiently, which impacts on the force's ability to provide up-to-date information on offenders and their convictions.
- 4.5 There is a need for the police Criminal Justice Department and the CPS, at operational management level, to build up a more constructive working relationship.

### **The correct charge**

- 4.6 Responsibility for charging decisions is governed by statute. Section 37 of the Police and Criminal Evidence Act 1984 (PACE) and associated Codes of Practice, legislate for Police Sergeants (custody sergeants), to be designated under PACE as the authority/decision-maker when it comes to deciding when and which charge to prefer.
- 4.7 The role of the custody sergeant is one of the most demanding roles in the police service. It is crucial that the correct people are selected to perform this role and that they are trained, mentored and supported during their term in this post.
- 4.8 We found that the Gloucestershire Constabulary selected sergeants who had completed at least twelve months in the rank before being appointed as custody sergeants. Officers received a two-week training course based on the national police training model, which well equipped them to do the job. A solicitor was employed to provide input on selecting the appropriate charge, but we felt an opportunity had been lost as they were not from the CPS, as this would have been an excellent means of building good relations at an early stage of the process.
- 4.9 Custody sergeants had no relationship with the CPS lawyers and received no feedback when the CPS changed the charges. Also, officers did not receive specific performance feedback, relating to their skills in appropriate charging, from their own managers.
- 4.10 Information technology (IT) was available in the custody suite to support custody staff in the decision-making process. Officers were able to access the CPS charging standards, PACE and the custody manual on the force Intranet, but it had been rare for there to be consultation with CPS lawyers prior to charge. The start of the shadow charging scheme, which we discuss below, will change significantly the approach to seeking advice.

- 4.11 The CPS has been involved in training in evidence gathering for police officers and the take up rate had been good. A manual to assist officers had also been produced by the CPS. Although too early to evaluate, it is believed that the provision of this training will assist custody sergeants in arriving at the appropriate charge, and CPS lawyers when they take over responsibility for charging following the implementation of the Criminal Justice Act 2003.
- 4.12 On 15 September 2003 (the same day that the inspection fieldwork commenced) the CPS and the police introduced a shadow charging scheme in the Forest and Gloucester Police Division (based at a police station in Gloucester). It had been well received and there were very high expectations that it would lead to improvements in case management, file quality and the discontinuance rate.
- 4.13 However, at the time of our inspection, the provision of IT equipment and administration support to lawyers needed improving.

### **File quality and timeliness**

- 4.14 There was a lack of effective initial review by first line police supervisors prior to submission of crime files by operational officers. The file preparation work of the police Criminal Justice Department (CJD) and quality checks undertaken by file authorisers does not absolve operational supervisors from their responsibilities to check file quality thoroughly. We were pleased to see that the force was beginning to recognise and address these issues and had undertaken several initiatives to address file quality and timeliness. However, despite these initiatives, we were not convinced that most front line operational officers, together with some supervisors, have been provided with the necessary skills to undertake case file preparation to the required standard.
- 4.15 The three file authorisers fulfilled some of the functions of supervising sergeants in relation to prosecution files. These were retired officers who checked all full police prosecution files prior to submission to the CPS. The extent and breadth of their knowledge cannot be under-estimated. Their added value to the review process was considerable. They had a wealth of experience, and in one instance a substantial library of untapped management information regarding police file quality, construction and comment.
- 4.16 We consider that an overall improvement in the quality of police files would be achieved by the setting up of a dedicated file preparation unit. This would be particularly beneficial in light of the recent move to CPS and police co-location, which we discuss below.

**RECOMMENDATION FOR  
THE GLOUCESTERSHIRE CONSTABULARY**

**In order to improve file quality, that the Gloucestershire  
Constabulary set up dedicated file preparation teams.**

- 4.17 The police and the CPS have worked to improve the system for feeding back to individual officers issues about file quality. Whilst we recognise the work done, we found that there still existed a lack of awareness by individual officers about issues of file quality. The introduction in January 2003 of a police liaison officer in the CPS Trials Unit (TU) has provided another opportunity to feedback information on file quality concerns. This relatively new post is still developing and its effectiveness has yet to be evaluated.
- 4.18 There was a perception on the part of the police that prosecutors did not review early administrative hearings (EAH) or early first hearings (EFH) files until very late. This, coupled with poor police supervision, tends to devalue the whole review process.
- 4.19 EAH hearing dates were set well in advance, and more could be done at an early stage to add value to the review process, by both police supervisors and CPS prosecutors.
- 4.20 CPS requests for additional evidence/information were frequently received at the last minute by operational officers, often arriving after target dates had passed, and with the threat of discontinuance if information was not provided. Whilst it is acknowledged that some delays are inevitable, narrowing the justice gap targets are not being met consistently, which in turn causes frustration with officers.
- 4.21 There was limited use of e-mail between the CPS and the CJD. The police UNITY system, which can provide up-to-date case management information, provides IT support. However, audit trails demonstrated that UNITY is not being utilised fully, giving rise to additional file quality concerns. The full implementation of UNITY, which should assist in addressing these issues, gives rise to a significant training need. The police were planning to fast-track training to assist in some aspects of the court process.
- 4.22 The presence of the CPS charging pilot lawyer close to the custody suite adds value to the review process. However, an additional tier of police supervision has also been introduced. Officers must have permission from the Sergeant 'gatekeeper' prior to seeing the CPS lawyer for pre-charge advice, which will assist in ensuring that advice requests are made appropriately.
- 4.23 The police divisions, which are not covered by the charging pilot, rely on police supervisors, file authorisers and CPS lawyers to monitor file quality. There are plans to extend the pilot to cover the Cheltenham police division, with consultation taking place on how to address the needs of the remaining police division.

### **Entering data on to the Police National Computer**

- 4.24 It is unlikely, based on current performance, that the Constabulary will meet nationally set targets to provide up-to-date information on offenders and their convictions, although the proposed electronic interface with PNC may assist. We recognise that a key issue is the delay in receiving the result of finalised cases from the magistrates' courts. We comment elsewhere in this report on the steps being taken to address this difficulty. It is important that PNC is updated regularly to assist in identifying persistent offenders, and ensuring that data on narrowing the justice gap is up to date and accurate. PNC data on current performance in respect of entering court results is as follows<sup>1</sup>:

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<sup>1</sup> Source Police Information Technology Organisation PITO Statistics Period Sept 2002 – Aug 2003

- \* average time taken to update 90% of court results – 205 days (ACPO target seven days); and
  - \* percentage updated within seven days over same period - 1.3 % (target 90%).
- 4.25 There has been no improvement since the introduction of UNITY in April 2003, which could have been used to enable the direct flow of case results from the court to the police IT system. Since April, the number of results updated by the force on a monthly basis has reduced by 50%. The Gloucestershire Constabulary is in the bottom four of forces in England and Wales in this area of performance.
- 4.26 Additionally, it is force practice to update to a full record at the time that process is started by way of summons, instead of some forces, which update brief details as a “Skeleton” record and then update the rest at a later date. Our findings indicate that:
- \* it took an average of 15 days to update 90% of arrest/summons reports; and
  - \* 73.2% of reports were updated within 24 hours (ACPO target - 90% within 24 hours).
- 4.27 Work undertaken by the police identified two areas of concern, which contributed to delay:
- a) CPS were not informing the police when cases were discontinued; and
  - b) the courts were not updating the local system effectively.
- 4.28 There is a need for the agencies to agree the necessary action to resolve these issues. A draft Memorandum of Understanding between the police and the courts exists, but has not been agreed and there has been no action to follow this up. The courts are aware of the need to get results to the police quickly, as delay impacts on a number of processes, including the ability of the police to keep victims informed of progress in their case. However, clearing backlogs created by previous staffing problems has required a restructuring of the court administration, which is not a short-term project.
- 4.29 At the time of our inspection, the Magistrates’ Courts Service was planning to run ‘light listed’ courts for a period of time, in order to target resources to the backlog of cases requiring resulting onto PNC. However, this initiative had not been communicated effectively to the other criminal justice agencies, nor had its impact been assessed.
- 4.30 Pending the further development of UNITY, business processes need to be reviewed to improve the resulting of cases.
- 4.31 Additionally, the Gloucestershire Constabulary does not update the following onto PNC despite it being a national requirement:
- a) bail imposed by a court – only updated on UNITY;
  - b) bail imposed by the police – only updated on UNITY and;
  - c) persons bailed under section 47(3) PACE.

- 4.32 The impact of this is that officers in other forces are not aware of the bail conditions of defendants appearing before the Gloucestershire courts. This could have significant implications for victims and witnesses who reside outside the county. We recognise that the need, in the absence of an electronic interface, to input manually this information creates an extra resource requirement. However, it is important to ensure that the national requirement is complied with and that the information is widely available.

**RECOMMENDATION FOR  
THE GLOUCESTERSHIRE CONSTABULARY**

**As a matter of urgency, the Gloucestershire Constabulary  
take action to comply with the national requirements  
as detailed in the PNC Manual.**

**Communication between the police and the CPS**

- 4.33 Avoidable barriers to communication were evident, which impacted on efficient file processing. E-mail facilities were available, but some lawyers preferred to send written memorandum by traditional means, which added days to the requests and return of information from police officers. These requests were sent initially to the CJD, who logged and channelled the request to the officer in charge of the case (OIC). The OIC replied by the same method and, subject to the vagaries of the police courier system and the officer's duty roster, this process could add a considerable delay. Whilst it is understandable that the police should wish to track all communications, it should be borne in mind that this tracking can also be a block to effective communication.
- 4.34 Some communications from the CPS to the police were intemperate and could be perceived as adversarial, which does not help relationships. CJD staff would edit such memorandums before forwarding them to the relevant officer(s).
- 4.35 The police had very little confidence in the CPS administrative systems and file security. On at least one occasion, the failure of the administrative systems had led to the CPS wrongly stating in court that the police had failed to provide information. There is a need for the CJD and the CPS, at operational management level, to build up a more constructive working relationship.
- 4.36 The recent move to a single file system (as part of the development of Glidewell co-location) should reduce the number of requests the police receive from the CPS to provide 'duplicate' files, with a resulting cost saving. It should also help to alleviate police concerns about the whereabouts of the "missing" file. Observations do not indicate a serious problem with the CPS post systems, but a review of document security seems appropriate. The CPS does not have access to the police UNITY computer system that can track the progress of a file; however, limited access would assist joint working.

**RECOMMENDATION FOR  
THE GLOUCESTERSHIRE CONSTABULARY  
AND THE CPS**

**To improve the timeliness of file preparation and decision making, that the police and the CPS review the effectiveness of the lines of communication between the CPS, the CJD and the OIC.**

**Glidewell**

- 4.37 The Gloucestershire Constabulary had invested heavily in preparing for the co-location of the CPS as part of the creation of the Glidewell unit at Bearlands Police Station in Gloucester. In June 2002, the CPS moved some functions to the site, including youth work, Narey review work and some limited advice work, but the facility was not utilised fully. The reluctance of lawyers to move to this facility, and the failure to agree a manageable solution to perceived problems, allowed an unhealthy attitude to develop between police and CPS staff. Considerable work still needs to be done to recover this ground.
- 4.38 However, the current system, which came into operation on the same day as the charging pilot, is viewed more positively. All magistrates' courts work in the Forest and Gloucester Division is now dealt with from the Glidewell unit, although police and CPS roles are similar to those which existed in the previous non co-located environment, with police and CPS staff carrying out their traditional functions. The police and CPS undertook significant work in developing a single file system to enhance the benefits of co-location, but the lack of a detailed analysis of other aspects of work systems and practices in each organisation, together with the absence of a project plan, has meant that the full economic benefits of co-location and integration have still to be realised.
- 4.39 It is important that both the police and the CPS develop a shared vision of the future development of the Glidewell initiative. In particular, the extent and timescale for the integration of functions. At the time of our inspection there was no shared plan to take this forward.

**RECOMMENDATION FOR  
THE GLOUCESTERSHIRE CONSTABULARY  
AND THE CPS**

**In order to achieve further efficiencies and cost savings, that the police and the CPS formulate a detailed project plan for Glidewell integration.**

## **Effectiveness of inter-agency working in crime investigation**

- 4.40 The effectiveness of inter-agency working in crime investigation, especially in sensitive and serious cases, hinges frequently on the quality of pre-charge advice provided by CPS prosecutors. Some inconsistencies, and a lack of confidence with CPS prosecutor's advice, has led senior CID officers to seek the early appointment of counsel in serious cases. If there is a need to alert the CPS to a sensitive case, the advice of the relevant Detective Inspector is sought before consulting with the CPS.
- 4.41 In child abuse cases the CPS no longer have a recognised point of contact. The CPS will normally expect a full file before providing written advice. The turn round time is normally three to four weeks, some of which relates to the time taken to process the case through the police file supervisor. Delay can lead to OICs having to chase up CPS prosecutors for results. In one case, a defendant was re-bailed four times while awaiting CPS advice. The police have highlighted to the CPS their concerns regarding delays in the provision of advice. One of the benefits of the charging pilot should be a reduction in such delay.
- 4.42 The easy access by the police on the Forest and Gloucester Division, both to CPS prosecutors - through the charging pilot - and the Glidewell Unit, provides the opportunity for face-to-face consultation. The provision of this type of advice elsewhere in the county is, however, patchy, although a prosecutor does attend the CID office at Stroud Police Station.
- 4.43 Performance generally, in relation to criminal justice issues and the efficient preparation of accurate good quality files in particular, is monitored through a process of joint performance management (JPM). Part of the police file authoriser's review process involves the completion of a form TQ1 that is attached to each file. On receipt of the completed file the CPS prosecutor should endorse their observation with regards to quality and timeliness. The completed form is returned to the force for collation and subsequent distribution of the data analysis to the force's Planning & Review Information Unit, the CPS and HMIC.
- 4.44 JPM performance has now become more of a priority within the force than has been the case in the past, including local accountability by the heads of basic command units. The three Divisional Commanders are measured<sup>2</sup> on their officer's abilities to provide good quality and timely files to the CPS. The accuracy of available reliable information has, however, been subject of much debate and the provenance of existing data questioned.
- 4.45 The percentage rate of TQ1 returns by the CPS was not recorded accurately, and it was recognised by both agencies to be in need of improvement. During our file examination, we noted that TQ1s were left on CPS files. As the force operates JPM on an exception reporting basis, if the TQ1 is not returned, there was an assumption made that the file was of sufficient quality to proceed and had been delivered on time.

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<sup>2</sup> Gloucestershire Constabulary Planning & Review Unit's – Monthly Performance Improvement Report



- 4.46 From JPM information made available to HMIC on a quarterly basis by the force, the percentage of all full files, satisfactory and of sufficient quality to proceed, had improved by 5.4% from 82.2% in 2001-02 to 87.6% in 2002-03 (see Annex 3 for full details). The percentage of files provided to the CPS within pre-trial guidelines, which were both fully satisfactory and sufficient to proceed, had also increased from 65% to 71.5% in the same period. There were local concerns about the timeliness of the provision of full files.
- 4.47 As with most forces, the JPM assessment for expedited files relied on exception reporting. The force had achieved 100% in both satisfaction and timeliness over the last two years. Whilst JPM remains a national performance indicator, concerns still exist around accuracy and consistency of data.
- 4.48 The introduction of a Police Liaison Officer in the CPS TU has gone some way to addressing performance concerns. He provides a composite analysis of TQ1s to the CJD. The main issues of concern identified through this analysis are:
- i) the continuity of evidence;
  - ii) forensic evidence in drug cases;
  - iii) hearsay evidence; and
  - iv) victim and witness addresses in the body of their statement(s).
- 4.49 This work should be built on by addressing, through training, the issues raised, and performance monitored to identify progress. We found that there was no correlation between the file authoriser's assessment of file quality on the TQ1 and any prosecutor's comments, thus missing the opportunity for feedback to file authorisers - an important link in the chain.
- 4.50 To assist in driving up file quality, the Constabulary has distributed force-wide the 'Constables Companion – A guide to case file preparation and submission'.
- 4.51 The quality and timeliness of committal and s51 case files are not subject to separate JPM. There is, however, some anecdotal evidence of files being submitted late to the CPS. The CPS responsibility for chasing up additional evidence rests with prosecutors. Due to other commitments this was often left until the last minute. Despite that, we were pleased to find that there were no instances of committals being discharged because the prosecution were not ready.
- 4.52 The Resident Judge and the Constabulary have agreed that police officers will attend plea and directions hearings (PDHs) in the more serious cases. Their presence is beneficial to case progression, as they get early notice of the court's directions.
- 4.53 Overall, whilst the importance of JPM has been re-emphasised by the police, there is a lack of joint performance management of file quality and timeliness by them and the CPS. In order to drive up quality there needs to be a shared ownership of the issues, which surround file deficiencies.

**RECOMMENDATION FOR  
THE GLOUCESTERSHIRE CONSTABULARY  
AND THE CPS**

**In order to drive up file quality and timeliness,  
that the police and the CPS undertake effective  
joint performance management of file quality and timeliness.**

**The disclosure of unused material**

- 4.54 The Criminal Procedure and Investigations Act of 1996 governs the provisions concerning the disclosure of unused material. Operational instructions are contained within the national Joint Operational Instruction (JOPI), which was revised in April 2003 following a review by the Association of Chief Police Officers and the CPS, as part of the response to HMCPSI's Thematic Review of the Disclosure of Unused Material.
- 4.55 The understanding of the disclosure provisions was relatively poor amongst operational officers, with some officers having no confidence in the correctness of what they were doing. Officers in specialist roles frequently consulted prosecutors directly, leading, in their cases, to a considerable improvement in the quality of the schedules of unused and sensitive material.
- 4.56 Joint training on the revised JOPI is scheduled to commence in November 2003. We have some concerns that this is to be addressed initially to police supervisors and officers in specialist roles only. However, 400 copies of the Manual of Guidance with JOPI inserts had been distributed Constabulary wide.
- 4.57 There has been recent inter-agency training on 'Evidence Gathering' and some specific areas of offending. The CPS TU Police Liaison Officer, whilst not a recognised trainer, has arranged some ad hoc disclosure training for officers. An issue of concern was the late delivery of defence statements and, additionally, that they were frequently of little value in helping to identify material that might assist the defence. The CPS does challenge the quality of defence statements, but with no noticeable improvement.

**ISSUE TO ADDRESS FOR  
THE GLOUCESTERSHIRE CONSTABULARY**

**Undertake a training needs analysis on disclosure  
for operational police officers.**

**The level of discontinuance and dismissals**

- 4.58 The rate of discontinuance is high (15.9%) when compared to the national average (12.6%). We have referred, in Chapter 2, to our concerns about some aspects of CPS discontinuance policy and its impact on narrowing the justice gap. We also have concerns about the accuracy of the CPS produced figures, due to their wrongly recording specified offences.

4.59 There is no JPM between the police and the CPS of discontinuance. The police liaison officer in the TU is collating the reasons for discontinuance (a task which the CPS could perform), although we have concerns about whether he is being passed all relevant information. This needs to be built on by a detailed analysis, jointly by the CPS and the police, of the reasons identified. This should be considered as part of our recommendation on JPM.

#### **Liaison in domestic violence cases**

4.60 The role of the police Domestic Violence Liaison Officer (DVLO) is performed within traditional office hours. DVLO resources are stretched, which results in victims, witnesses and other agencies having difficulty in contacting the DVLOs. There is an excellent relationship with Victim Support, which should be built on to allow DVLOs to become more accessible to other clients and agencies. Victims also had difficulty getting information from the courts in relation to whether their partner had been remanded in custody or released on bail.

4.61 The effectiveness of the CPS guidance on evidential gathering in domestic violence cases was not obvious in all cases, with poor standards in some. The CPS had assisted the Magistrates' Courts Committee with magistrates' training on domestic violence and this had been considered a major success.

4.62 The role of the CPS in domestic violence cases is discussed in more detail in the HMCPSI report on CPS Gloucestershire. Our findings in the joint inspection indicate that arrangements for effective communication with the victims of domestic violence could be improved.

**ISSUE TO ADDRESS FOR  
THE GLOUCESTERSHIRE CONSTABULARY**

**Improve availability to victims of a  
Domestic Violence Liaison Officer.**

#### **Forensic evidence**

4.63 The availability of forensic evidence impacts on case management. The delay in obtaining evidence is frequently the cause of ineffective hearings. The force is reliant on the Home Office Forensic Science Service (FSS) to provide this service. Whilst the majority of analysis work is undertaken by the FSS, private laboratories can also be used.

4.64 Magistrates, and some prosecutors, were generally unaware of FSS time constraints. In addition, and of more concern, some operational officers were unaware of the time taken for forensic evidence to be processed by the FSS.

- 4.65 The force has agreed timescales for the production of different types of forensic analysis. The FSS provide a maximum return date and Inspectors were advised that the target was being met. In terms of case management, however, there is clearly a break in communications, as magistrates' court time scales are frequently too tight for the provision of forensic evidence. We found poor use of the form MG6, which contains mandatory fields used to inform the CPS of any relevant information, for example delays and timescales for the provision of forensic evidence. Case management would clearly benefit from communicating the return date to the CPS, thus establishing a more appropriate adjournment period.
- 4.66 The Force Joint Police/CPS Protocol on submissions is available to all staff via the Intranet, and will shortly be the subject of a review. The force has a devolved budget for FSS submissions. Authority for submission therefore rests with the Detective Inspector in the basic command unit. There is good evidence to indicate that officers regularly consult with the FSS concerning time scales.
- 4.67 Whilst officers in specialist roles stated that they had a very good rapport with the FSS, the CPS perception was that officers generally waited until a not guilty plea was entered at court before submitting evidence for analysis. Whilst there are cost benefits, the in-built delay can have a detrimental effect on case progression. The charging pilot will address some of the issues by advising officers not to charge until forensic evidence has been obtained.
- 4.68 The FSS Liaison Officer is pro-actively looking to reduce delivery time scales and the force is exploring the possibility of reducing time scales following the discovery of DNA evidence at a crime scene. These are positive moves, but in addition, the provision of an alternative forensic service outside of the FSS should be explored.

## **5 TO ENSURE THAT CASES ARE PROGRESSED EFFICIENTLY AND EFFECTIVELY THROUGH EACH STAGE OF THE CRIMINAL JUSTICE SYSTEM, FROM ARREST TO PASSING OF SENTENCE, AND TO MINIMISE CRACKED AND INEFFECTIVE TRIALS**

### **Overview**

- 5.1 There are significant variations across the county in the rate of early guilty pleas. In addition, there is a lack of clarity between the police and the magistrates' courts about the availability of court time for early administrative and early first hearings, leading to delay between charge and first appearance.
- 5.2 In the magistrates' courts, the level of effective trials could be improved by increased usage of pre-trial review hearings. Further inter-agency work needs to be undertaken to reduce the level of cracked and ineffective trials.
- 5.3 All the agencies recognise the importance of giving the appropriate level of support to victims and witnesses, but are hampered by less than satisfactory waiting conditions at some court centres.

### ***MAGISTRATES' COURTS***

#### **Encouraging early guilty pleas**

- 5.4 Our file analysis, based on one week's finalised adult cases and one month's finalised youth cases, indicated that overall 57% of cases were disposed of at the first hearing, but this dropped to 38% for either-way offences. This finding is slightly better than the national picture. Data produced locally by the Magistrates' Courts Service indicated a significant variation between the courts in the Area. At early first hearings, the disposal rate varied from 43% in Gloucester Magistrates' Court to 80% in Cirencester Magistrates' Court. For early administrative hearings, the variation was from 8% in Gloucester to 21% in Cheltenham.
- 5.5 The Board will wish to develop strategies to improve the rate of early guilty pleas, including ensuring that defendants are aware from the outset of proceedings the benefits that flow from pleading guilty at the earliest opportunity.
- 5.6 The Board had identified that work needs to be undertaken to improve the rate of early guilty pleas. Whilst the documentation given to defendants at the point of charge included reference to the benefit of an early guilty plea, we found that custody sergeants were not aware generally of these provisions. A leaflet produced specifically by the court to explain how credit is applied for an early guilty plea was not being given to defendants when they were charged, and we found a lack of awareness by custody sergeants of the purpose of the leaflet.
- 5.7 There was a perception from defence practitioners that, in the magistrates' courts, credit was not given for an early guilty plea. We observed inconsistent approaches by magistrates to the emphasis put on whether credit had been given for an early guilty plea. In the Crown Court the fact that credit was given for an early guilty plea was stated clearly.

- 5.8 The early provision of advance information to the defence assists in the provision of early guilty pleas. Overall, the position is satisfactory, with advance information available at the first hearing. It could, however, be improved further by the inclusion of a copy of the charge sheet and the custody record.
- 5.9 Whilst primary responsibility for ensuring that defendants are aware of the credit they get for an early guilty plea rests with the Magistrates' Courts Service, the Board have rightly identified it as an aspect of performance, which they have to manage collectively. They will wish to develop appropriate strategies to encourage the provision of an early guilty plea.

#### **Early first and early administrative hearings**

- 5.10 We found that there was a lack of clarity about the availability, at one court centre, of sufficient slots to list early first and early administrative hearings. There were 96 EFH slots (or spaces in the list where the police could bail a defendant to) and 63 EAH slots weekly across the county, giving 2,544 slots per quarter. The police estimated that 1,500 to 1,800 slots were required each quarter.
- 5.11 However, despite the apparent over capacity, defendants were being bailed a number of weeks before their first hearing. In September, the police believed that the next EFH slots in some court centres (for example Stroud) were not until November, which would completely negate the benefits of the Narey process. It was not clear whether this delay was related to the plans to hold fewer courts during the run up to the amalgamation of the court administrative offices, but police and CPS staff claimed that such delays were longstanding.
- 5.12 Despite a close consideration of the operation of the UNITY computer system, which custody sergeants use to determine to what date a defendant can be bailed, we were unable to resolve the conflicting evidence. This is an issue that would benefit clearly from more detailed analysis by the police and the Magistrates' Courts Service.

**ISSUE TO ADDRESS FOR  
THE GLOUCESTERSHIRE CONSTABULARY  
AND THE MAGISTRATES' COURTS SERVICE**

**Consider the capacity of the court to list  
early first and early administrative hearings.**

#### **The scheduling of not guilty hearings**

- 5.13 If a defendant enters or indicates a not guilty plea, the case is adjourned for approximately four weeks to a listing date. Timeliness could be improved by setting the trial date when the not guilty plea is entered or indicated. This would require the CPS to have accurate witness availability at the first hearing. The agencies should consider this approach, particularly in conjunction with the operation of the CPS shadow charging scheme, which should ensure that the prosecutor has a full file at the first date of hearing in those cases where a not guilty plea is anticipated.

- 5.14 For the quarter ending June 2003, pre-trial reviews were held in only 17.7% of contested cases. Overall, in cases where a PTR was held, there were lower cracked and ineffective trial rates. The following table illustrates the comparison:

	No PTR		PTR	
Cracked	99	40.9%	18	34.6%
Ineffective	62	25.6%	10	19.2%
Effective	81	33.5%	24	46.2%
<b>TOTAL</b>	<b>242</b>	<b>100%</b>	<b>52</b>	<b>100%</b>

- 5.15 The figures indicate that there is a significantly higher level of effective trials when a PTR is held. The decision whether or not to have a pre-trial review is determined either when the plea is entered/indicated, or at the listing date. Apart from setting the trial date and determining whether there should be a pre-trial review, there is no case management at the listing date. We also observed a CPS agent undertaking a listing court. This led to delay, as they were unable to take decisions on the progress of the case. We also had concerns about the level of preparation, occasioned by late collection on the morning of the court of the files.
- 5.16 HMCPSI have identified this as an aspect for improvement in their report on CPS Gloucestershire.

### **Pre-trial reviews**

- 5.17 PTR courts are held monthly in Cheltenham and Gloucester. These courts have a heavy caseload and we were pleased to note that a core of legal advisors undertake these hearings, and that CPS prosecutors are given facility time to prepare cases for PTR. It is however important that prosecutors who conduct these hearings are both empowered, and prepared, to take decisions on cases at this stage and not defer decisions.
- 5.18 The criteria for determining whether a case should have a PTR need clarifying. Additionally, to assist consistency and clarity, we consider that there is a need to adopt a pre-trial record sheet indicating clearly what actions are required to be undertaken by each party prior to the date of trial. Overall, we found that the actions required to be carried out by each party before the next hearing were only recorded on the court file in 32% of cases.
- 5.19 The Magistrates' Courts Service employs two case progression officers whose responsibility it is to ensure that persistent offender, youth and contested cases are ready to proceed. The effectiveness of their role is hampered by the lack of a counterpart within the CPS. The CPS will wish to consider whether, with the move to co-located working with the police, resource savings can be made to allow them to appoint a case progression officer.

**ISSUE TO ADDRESS FOR  
THE CPS AND THE MAGISTRATES' COURTS SERVICE**

**Improve the processes for fixing trial dates, the operation  
of the PTR system, including the use of a PTR record sheet,  
and the use of case progression officers.**

**The failure of the defendant to attend**

- 5.20 In our file analysis of 385 cases, there were 406 adjournments, of which 38 (9.4%) were ineffective because the defendant failed to attend. Excluding effective hearings, the percentage of ineffective hearings, which were down to the defendant failing to appear, rose to 22%.
- 5.21 The Magistrates' Courts Service and the police have implemented a priority system for executing warrants with different time targets for execution, depending on priority, ranging from one to six months. Those cases involving persistent offenders or PYOs are given priority over other types of case and the warrants marked accordingly.
- 5.22 We found, however, that there was a lack of management information upon which performance against targets could be assessed and a lack of ownership within, and between, agencies. There was also a lack of awareness of the scheme amongst operational police officers.

**ISSUE TO ADDRESS FOR  
THE GLOUCESTERSHIRE CONSTABULARY  
AND THE MAGISTRATES' COURTS SERVICE**

**Monitor warrant execution performance against targets  
and improve operational police officers awareness  
of the priority system.**

**Cracked and ineffective trials**

- 5.23 We discuss in Chapter 2 overall Area performance against targets. In the magistrates' courts there is joint performance monitoring of cracked, ineffective and late vacated trials. At the end of the relevant hearing, the parties to the proceedings should agree the reason for the trial cracking, being ineffective or vacated late. It is important that there is a consensus approach to this monitoring, to ensure that all parties accept the provenance of the data.
- 5.24 The following table illustrates by category the reasons identified for cracked and ineffective trials for the quarter ending June 2003:



<b>CRACKED TRIALS</b>		
Defendant bound over previously rejected	4	3.3%
Guilty plea on alternative charge – now accepted, previously rejected	1	0.8%
Defendant bound over – first time offered	0	0%
Late plea change – guilty plea previously rejected	0	0%
Prosecution end case – other	7	5.8%
Other	10	8.3%
Guilty plea on alternative charge first time offered	9	7.5%
Prosecution end case – insufficient evidence	26	21.7%
Prosecution end case – witness absent/withdrawn	10	8.3%
Late plea change – guilty plea first time offered (including original charge)	53	44.2%
<b>Total</b>	<b>120</b>	<b>100%</b>
<b>INEFFECTIVE TRIALS</b>		
Defendant absent, not produced from custody	1	1.4%
Defence not ready	2	2.7%
Defence witness absent	2	2.7%
Prosecution witness absent – police	6	8.1%
Defendant absent – ill	4	5.4%
Prosecution not ready	3	4.1%
Prosecution not ready (disclosure problems)	4	5.4%
Prosecution witness absent – other	13	17.6%
Defendant absent – did not attend	19	25.7%
Lack of court time	9	12.2%
Over listing	0	0%
Defence not ready (disclosure problems)	0	0%
Other	11	14.9%
<b>Total</b>	<b>74</b>	<b>100%</b>

- 5.25 The LCJB has, in its Local Delivery Plan, highlighted late guilty pleas as the principal reason for cracked trials, and defendant non-attendance as the principal reason for ineffective trials.
- 5.26 We recognise that some defendants will always be reluctant to face the inevitable until the day of trial, but effective promulgation of the benefits of an early guilty plea, together with effective trial preparation by the CPS, could reduce this cause. Whilst the absence of the defendant was the principal single reason for ineffective trials, the absence of police and civilian prosecution witnesses, taken together, accounted for over a third.
- 5.27 We found that there was a lack of clarity between the police and the CPS over who was responsible for liaising with the Witness Service in those cases where there had been an identifiable difficulty in the victim or witness getting to court. This was leading to delay in making provision for the witnesses to get to court, increasing the risk of them not attending. Additionally, there was a lack of dialogue with the Witness Service about how the agencies could encourage the attendance of reluctant victims or witnesses.
- 5.28 This issue is significant, as part of the Government target to increase the number of offences brought to justice includes a reduction in the proportion of ineffective trials.

**RECOMMENDATION FOR  
THE GLOUCESTERSHIRE CONSTABULARY  
AND THE CPS**

**That agreement is reached about where responsibility lies  
for liaising with the Witness Service in those cases where  
difficulties in witness attendance are identified,  
to increase the proportion of effective trials.**

**Victims and witnesses**

- 5.29 We considered, as part of our inspection process, whether there was a supportive environment for victims and witnesses, including whether special measures for vulnerable and intimidated witnesses were applied correctly.
- 5.30 All the agencies recognised the importance of giving the appropriate level of support to victims and witnesses, but were hampered by less than satisfactory waiting conditions at some court centres, particularly Gloucester Magistrates' Court. The Board had identified as a relevant action the need to review the process of victim and witness communication and support, although no progress had been made at the time of our inspection.
- 5.31 The relationship with the Witness Service was good, although lines of communication between them and the police and CPS could be improved. The support they provided was recognised as an important contribution to providing a safe environment within court centres. We found that the Witness Service received appropriate notice of witnesses attending to give evidence in the magistrates' courts, but the position was unsatisfactory in the youth court. The early listing of trials in the youth court contributed to the lack of notice. The CPS will wish to discuss with the Witness Service ways of improving this aspect of the flow of information.

## **Sensitive cases**

- 5.32 We explored how sensitive cases, such as those involving children and young people, sexual offences and racially aggravated offences, were dealt with in the court process.
- 5.33 The most significant and consistent comments concerned the use of special measures in court. The measures, such as the giving of evidence by video link, or whilst shielded from the sight of the defendant, are designed to reduce the distress of giving evidence. There was evidence from magistrates' court staff, the Witness Service and defence advocates, that application by the CPS for special measures, whilst generally satisfactory for child witnesses, could be improved significantly in cases involving adult victims or witnesses. The timeliness of applications at both the Crown Court and the magistrates' courts was identified as an aspect of performance that needed improving.
- 5.34 There did not appear to have been any action plan or joint training when the measures were introduced, which had led to applications being made on the day of trial itself, as opposed to at the PDH or PTR. This delay might mean that necessary equipment was not available, and we were told of examples where trials had to be adjourned on the day. There is a training need for operational police officers to help them identify those witnesses who may benefit from special measures when they give evidence. Failure to identify intimidated and vulnerable witnesses at an early stage of the investigation, and to alert the CPS, could result in relevant witnesses slipping through the net.
- 5.35 The Witness Service was helpfully attempting to improve the timeliness of special measures applications and the flow of information about which measures had been ordered, by attending PDH and PTR courts.
- 5.36 The agencies had set up a Speaking up for Justice Forum, which considers, amongst other things, the protection of vulnerable and intimidated witnesses. This is a good example of inter-agency co-operation, which cuts across all stages of the process, and it is an appropriate forum to take forward the issues we have identified.
- 5.37 We were also advised that there were insufficient screens at Gloucester Magistrates' Court.
- 5.38 The Gloucester Royal Infirmary had a rape referral centre, which facilitated good victim care through effective co-operation between the crisis assistants and police liaison officers. Also, the Crown Court fixed trial dates in sensitive cases at a very early stage to reduce the uncertainty for victims and witnesses.
- 5.39 Providing the appropriate level of support for victims and witnesses is particularly important in helping to reduce the level of ineffective trials. It also assists in improving public confidence.

### **Strength**

The Speaking up for Justice Forum  
which addresses effectively victim and witness issues.

### **RECOMMENDATION FOR THE LCJB**

**That the LCJB, to assist in reducing the level of ineffective trials and increase public confidence, review and, where necessary, implement cross-agency training on:**

- \* **the identification of adult vulnerable and intimidated victims and witnesses;**
- \* **liaison arrangements between the police and the CPS; and**
- \* **the timing of special measures applications.**

### **Direct communication with the victim**

- 5.40 When the CPS changes the charge or discontinues a case they are obliged to write to the victim to explain their decision. In the more serious cases the victim may request a meeting with the CPS. Whilst we recognise that this is a CPS function, it can contribute significantly to raising public confidence. We found that the timeliness of the letters to victims was poor, and in some cases very poor, with few meeting the national target of five days. Often communication took place weeks, if not months, after the event. This contributes to the victim's uncertainty about what is happening in their case.
- 5.41 A number of victim's felt that the content and/or tone of these letters was not always experienced as helpful. We found that the quality of the letters had improved between the time of our file examination and the fieldwork phase. Almost all those considered during our visit were satisfactory.
- 5.42 HMCPSI have made an appropriate recommendation to address the issue of timeliness in their report on CPS Gloucestershire.
- 5.43 In the Crown Court there were effective procedures in place to notify victims when a defendant appealed against sentence. The aim of these procedures is to alert victims to the possibility that a defendant may be released on bail pending appeal, or have their sentence reduced. There was a lack of similar provision in the magistrates' courts. It is important that victims are informed in all such cases.

**ISSUE TO ADDRESS FOR  
THE CPS AND THE MAGISTRATES' COURTS SERVICE**

**Improve the notification to victims of when a defendant appeals  
against sentence from a decision of the magistrates' court,  
including whether granted bail pending appeal.**

***CROWN COURT***

- 5.44 The Crown Court sitting at Gloucester has limited capacity to hear cases, having only two courtrooms. The most serious cases, by law, have to be sent to the Crown Court sitting at Bristol. Additionally, any case which is expected to last two or more weeks, is transferred to Bristol. Occasionally cases will also be transferred, sometimes at short notice, to the Crown Court sitting at Swindon when that court centre has spare capacity.
- 5.45 The result of these arrangements is that the Crown Court has a manageable caseload of contested hearings. In the year ending March 2003, 208 cases were listed for trial, of which 80 cracked. This low number of contested cases enabled the court to manage its workload effectively and actively progress cases.

**Preliminary and plea and directions hearings**

- 5.46 There was a clear expectation on the part of the Crown Court that progress would be made at each hearing. To facilitate this, the police officer in charge of the case was expected to attend the PDH.
- 5.47 The police welcomed this approach, as it enabled the prosecution team to meet at an early stage, and assisted in identifying quickly any further work that needed to be undertaken. The CPS contributed to case progression by drafting indictments at short notice where the defendant indicated a guilty plea at the preliminary hearing. This also assisted the police by reducing unnecessary file preparation.
- 5.48 Additionally, the court staggered PDH's and preliminary hearings, reducing the pressure on the cell accommodation. Custody staff welcomed this responsive attitude to the well-documented problems of the Crown Court accommodation.
- 5.49 Clear directions were given at the PDH and the court had effective systems for chasing up compliance. Additionally, the court was prepared to timetable PDH's to ensure wherever possible that trial counsel could attend. All counsel were expected to be briefed fully and able to take case management decisions. We found, however, that the courts understandable wish to minimise unnecessary delay was causing tension with the CPS, who considered some of the time limits put on directions as difficult to achieve. The CPS will wish to discuss with the Resident Judge their operational constraints, against the background of the court wishing to minimise delay.

5.50 All sensitive cases were given a fixed date for trial. Where possible, in relevant cases, the trial date was fixed at the preliminary hearing. In order to achieve this, the police invested additional resources, which was achieved through efficiency gains from the introduction of UNITY. In addition to giving the parties a clear date to work to, it also enabled victims and witness to be aware at a very early stage of when they were expected to come to court.

<p style="text-align: center;"><b>Strength</b></p> <p style="text-align: center;">Crown Court case management and case progression, which ensured cases were progressed without unnecessary delay.</p>
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**Crown Court cracked and ineffective trials**

5.51 The Crown Court had recently introduced, on a national basis, the joint performance monitoring of cracked and ineffective trials, similar to that used in the magistrates’ courts, although the initial data was not available at the time of our inspection. However the court was, prior to the introduction of the joint scheme, monitoring the reasons for cracked and ineffective trials. It should be noted that the categories used by the court prior to the introduction of the joint scheme do not mirror those used in the magistrates’ courts.

5.52 The following table illustrates by category the reasons identified for cracked and ineffective trials for the year ending April 2003:

<b>CRACKED TRIALS</b>		
Prosecution accepted guilty plea to lesser charge	28	35%
Prosecution offered no evidence	15	19%
Prosecution accept defendant being bound over	0	0%
Defendant found unfit to plead	0	0%
Defendant deceased	1	1%
Defendant pleaded or changed plea to guilty	36	45%
<b>Total</b>	<b>80</b>	<b>100%</b>
<b>INEFFECTIVE TRIALS</b>		
Prosecution witness failed to attend	4	11%
Prosecution counsel failed to attend	0	0%
Prosecution failed to disclose unused evidence	0	0%
Prosecution not ready for trial	4	11%
Prosecution served late additional evidence	1	3%
Prosecution increased time estimate/insufficient time	0	0%
Defendant failed to attend	10	29%
Defendant not produced by prison	1	3%
Defendant dismissed solicitor/counsel	1	3%
Defendant ill – trial stood out	2	6%
Defence witness failed to attend	0	0%
Defence counsel failed to attend	2	6%
Defence not ready for trial	7	20%
Defence filed late alibi – prosecution not ready	0	0%
Defence counsel asked for additional prosecution witnesses	0	0%
Defence increased time estimate	0	0%
Insufficient jurors available	1	3%
Floater/backer not reached	1	3%
Trial stood out for lack of time	1	3%
No judge available	0	0%
Outstanding committals in magistrates' courts	0	0%
Outstanding committals in other Crown Court	0	0%
<b>Total</b>	<b>35</b>	<b>100%</b>

- 5.53 Although based on a significantly lower caseload than the magistrates' courts, late changes of plea to guilty and non-attendance of the defendant were, as in the magistrates' courts, identified as the principal reasons for cracked and ineffective trials. However, unlike the magistrates' courts, the non-attendance of prosecution witnesses was a minimal cause of ineffective trials.
- 5.54 There is regular discussion between the CPS and the Crown Court over the reasons for cracked and ineffective trials. The low numbers in each category allow discussion to take place on a case-by-case basis.
- 5.55 We found that there was very close liaison between the court and the police over the attendance of witnesses. Delay in responding was cited as a reason for not involving the CPS in these discussions. Responsibility for the conduct of the prosecution rests with the CPS. It is important that they are engaged in this part of the process. We have discussed the issue of the CPS having a case progression officer for magistrates' court cases, and consider that a similar role should be explored in respect of Crown Court cases.

#### **Victims and witnesses**

- 5.56 As in the magistrates' courts, the fabric of the building hindered the Crown Court in providing acceptable facilities for victims and witnesses, particularly child witnesses, although there was a separate child and vulnerable witness waiting room, and some redecoration was going on during our inspection. The use of pagers to enable young and vulnerable and intimidated witnesses to leave the Crown Court until they are required to give evidence was being implemented, although this provision had not been used by the time of our inspection.
- 5.57 Additionally, wheelchair access is extremely difficult, and had resulted in cases involving wheelchair users being transferred to the Bristol court centre. Whilst recognising the structural difficulties the court faces, this placed an additional burden on these victims and witnesses.

#### **The efficient production of prisoners at court**

- 5.58 Our observation of the prisoner escort process found that just under half (47%) of prisoners were delivered to Gloucester courts by the contract time and almost two-thirds (62%) by the start of court. Data provided by the Prisoner Escort Contractor indicates that performance in respect of Gloucester and Cheltenham Magistrates' Courts is to a reasonable level, but needed to be improved significantly in respect of Stroud Magistrates' Court. A recent extension of the opening times at HMP Eastwood Park allowed female prisoners to be picked up earlier and returned later, and it was expected that this would improve court arrival times. We include at Annex 4 additional data provided by the Prison Escort Contractor on other aspects of performance relating to the production of prisoners.



- 5.59 Generally, prisoners were ready to travel when the escort contractor arrived to pick them up in the morning, and reception procedures were efficiently concluded. However, after this stage, the procedures for putting prisoners onto the escort vans, in some parts of the local prison estate, could be improved. Delays were also caused when late changes to prisoner destinations were not effectively communicated to the escort contractor (resulting in the unnecessary attendance of escort vehicles), and when more prisoners than expected were waiting to be picked up from police stations.
- 5.60 Overall, the facilities for delivering prisoners at court were poor, particularly at the Crown Court, where the van docks were not in use. This resulted in prisoners being escorted - contrary to prison rules - in view of the public, with an attendant security risk, and preventing compliance with the escort contractor's evacuation and contingency plans. We also found that where the facilities existed, they were not always utilised effectively, particularly at Cheltenham Magistrates' Court. The problem arose principally because the most commonly used cellular vehicles were too large. The parties should have addressed this issue when the contract was let.

**ISSUE TO ADDRESS FOR  
THE PRISON ESCORT CONTRACTING SERVICE**

**Improve the arrangements for the delivery of prisoners to court centres, as a minimum to comply with the evacuation and contingency plans held by the escort contractor.**

- 5.61 Overall we found insufficient priority was given to hearing custody cases, which could result in prisoners spending unnecessary time in court cells. Court session plans stated that custody cases would be given priority from 11:00am, but this was only complied with at Gloucester Magistrates' Court. There was a tension between prioritising custody cases and dealing with large numbers of defendants on bail. Court performance targets, on the proportion of defendants to be dealt with in one hour or less, did not distinguish between custody and bail cases. The Prison Service Escort Monitor provided regular data to the JCE about delays in prisoners being called to court, but there was little incentive for courts to change their procedures. We observed custody cases not being called until 11:30, even though the four prisoners had arrived by 10.00 and legal visits had been completed by 10:20. This resulted in the list of custody cases for that day not being completed and one young offender being required to return the following day.

**ISSUE TO ADDRESS FOR  
THE MAGISTRATES' COURTS SERVICE**

**Take action to prioritise custody cases.**

5.62 The provision of access to defendants in court cells was good, although the interview facilities at some courts were not adequate. However, a significant number of defendants in custody were produced from prison for ineffective hearings, for example one defendant was brought to court to see his barrister, another one was brought when there was insufficient time to hear his case. Others were adjourned because video evidence was not available (for the second time), the defendant’s son and co-defendant had not been produced from YOI Ashfield, and because relevant reports had not been completed. Prisoners were sometimes re-remanded for pre-sentence reports that had not been completed on time. As the majority (70%) of female defendants do not receive a custodial sentence, this was likely to be affecting women disproportionately.

**Strength**  
Access to defendants in court cells.

**ISSUE TO ADDRESS FOR ALL AGENCIES**  
**Take action to reduce the number of ineffective and unnecessary productions of prisoners from prison custody.**

5.63 Arrangements between the police and the magistrates’ courts for the production of prisoners from police custody need to be clarified, in particular the criteria for determining when a case is ready for court. There was a perception by the police that the courts regularly closed the list for police custody cases early in the day. Whilst we witnessed an example of this, we also saw court staff and prosecutors consulting in the afternoon about whether additional custody cases could be taken. There is a need for the police, the court and the CPS to undertake work to determine the scale of this issue, and particularly to agree when a prisoner is deemed ready for court. In considering the issue, the agencies will wish to have regard to the decision in *R v The Clerk to the Justices, Teesside Magistrates’ Court ex parte H (a minor) QBD 2000*, which addresses the issue of cut-off times for receiving custody cases.

**ISSUE TO ADDRESS FOR THE GLOUCESTERSHIRE CONSTABULARY, CPS AND THE MAGISTRATES’ COURTS SERVICE**  
**Improve arrangement for hearing police custody cases.**

5.64 When hearings ended, most warrants of commitment were generally provided within the agreed time of one hour. Data supplied by the Prisoner Escort Contractor indicated that there had, earlier in the year, been delay in the provision of warrants from the Crown Court. However, at the time of our inspection the position had improved. The provision of placement orders by the Youth Justice Board for young offenders sentenced to custody was efficient.

## **6 TO MAKE THE BEST USE OF COURT RESOURCES TO ENSURE THAT JUSTICE IS DELIVERED EFFICIENTLY AND THAT THE NEEDS OF ALL COURT USERS ARE MET**

### **Overview**

- 6.1 We identified a number of concerns over listing practices in the magistrates' court. The Magistrates' Courts Committee (MCC) had faced significant challenges over the last two years and a response to this had been a move towards a uniform approach across the county to many aspects of the business, including listing.
- 6.2 The delay in providing the police with the result of cases was impacting on a number of inter-agency processes.
- 6.3 There was a need to improve communication between the agencies on a number of issues around the listing of cases.

### **Magistrates' courts**

- 6.4 Despite a more structured approach to many aspects of business, and the existence of county case progression and listing liaison groups, there remained significant inter-agency concerns about the current and proposed session plans (overall schedule of court sittings) and particular aspects of listing.
- 6.5 There was also a perception that the MCC was taking decisions on revising the session plan without proper consultation, so that Narey hearings would be reduced from 1 January 2004. Again, there was a divergence of views as MCC staff were clear that there had been consultation and agreement on the new session planner.
- 6.6 There was evidence that the MCC was actively trying to rationalise the location of court sittings, for example of remand courts and Saturday and Bank Holiday courts. In both cases progress had not been made – remand courts because the police cell complexes could not hold the numbers of prisoners required, and Saturday and Bank Holiday courts for reasons which remained unclear.
- 6.7 Another cause of friction was the impact of delays in court resulting (which we have referred to in Chapter 3), leading to court lists becoming unreliable. In addition, the delay meant that the adjournment notice might not have been sent to the defendant, causing further adjournments. However, by the time of the inspection, despite continuing resulting delays, court listing had improved. In addition, case completion performance had generally been better than the national average in successive surveys, with high proportions of cases being completed within the target time. The full analysis of our findings is at Annex 2.
- 6.8 There is a common theme to many of the operational issues raised in the inspection, namely poor communication. This seemed to lie at the root of:
- \* the confusion over available slots for Narey hearings;
  - \* the rationalisation of courts;

- \* consultation on session plans;
- \* the ongoing debate about cut-off times for accepting defendants from police custody, which had been properly dealt with at meetings, but which remained a source of friction;
- \* efforts to correct an imbalance in youth court business in which there were communication breakdowns between the court and the CPS, and the court and the police; and
- \* the plan to list lightly for several weeks whilst the MCC re-located its offices and cleared court resulting backlogs, which many staff from other agencies did not know about and which lacked an inter-agency recovery plan.

6.9 The LCJB will want to put in place robust mechanisms to ensure effective communication at all levels, leading to shared understandings and efforts by managers to challenge received wisdom about other agencies.

**ISSUE TO ADDRESS FOR THE LCJB**

**Improve communication on operational issues.**

**Clarify court listing/scheduling practice to all parties.**

6.10 The prison to court video remand link, sited at Stroud Magistrates' Court, was not being utilised fully. Explanations for this varied, from a lack of pro-active intervention by legal advisers, to capacity problems at the prison and an unwillingness of defence advocates to travel to the court link at Stroud. Good efforts were being made to improve the situation. The prison had received funding to allow the video suite to be used five days per week and the magistrates' court had begun a system where legal advisers had to justify not using the video link in appropriate cases. The benefits of the video link are clear, particularly to the defendant in not having to spend a lot of time in transit. We support the measures being taken to make most effective use of this technology.

**ISSUE TO ADDRESS FOR  
THE MAGISTRATES' COURTS SERVICE**

**Improve the usage of the prison to court video link.**

## **The Crown Court**

- 6.11 We discuss in detail in Chapter 5 aspects of case handling at the Crown Court.
- 6.12 The Crown Court had well-established protocols on the provision of case information to the parties, which worked well. As a small court centre, any changes, for example an ineffective trial, can have a disproportionate impact on the ability of the court to schedule other work in that courtroom at short notice. This makes it more important for firm action to reduce the cracked and ineffective trial rate to be supported by all agencies.

### **Deployment of designated caseworkers**

- 6.13 We examined arrangements to maximise the potential offered by CPS designated caseworkers (DCWs). Previous HMCPSI and HMMCSI inspection reports had recommended both agencies to explore the greater use of DCWs. However, during the inspection it was clear that there were strong, but divergent, views on how far it was possible to extend the use of DCWs and what the barriers to this were. Issues identified were:
- \* court scheduling practices, such as having Narey hearings alongside a trial court (reducing the opportunity for a crown prosecutor to supervise a DCW);
  - \* mixing EAH/EFH and remand cases, hindered more effective DCW deployment;
  - \* delays in court resulting, leading to unreliable court lists, limiting CPS decision-making on the appropriate deployment of DCWs or prosecutors;
  - \* some legal advisers failing to ensure that only appropriate cases were transferred into a DCW court on the day;
  - \* the limitation on the statutory remit of DCWs adversely affecting deployment in an area comprising smaller courthouses with a lighter workload;
  - \* the CPS had only been able to deploy one DCW for some time, and only had two DCWs in total, leading to a perception that a disproportionate revision of court schedules was being expected against a limited commitment to DCWs by the CPS; and
  - \* the court schedule was being altered from 1 January 2004 to enable a greater use of DCWs (although other court staff stated that it would actually be less DCW friendly).

6.14 Insufficient inter-agency effort had been made to reach a common understanding on this issue. This is best evidenced by a failure to streamline the prosecution of some summary cases (particularly motoring cases). Gloucestershire was a pilot area for procedures to simplify and speed up the prosecution of specified offences<sup>3</sup>, and the pilot methods were later adopted and extended in legislation<sup>4</sup>. However, despite the publication of a national joint inspection report<sup>5</sup> and a reminder to look at the issue in an HMCPSI inspection report<sup>6</sup>, the police, CPS and MCC have not adopted local procedures that would:

- \* minimise the involvement of crown prosecutors by utilising DCWs or legal advisers to present the facts and any mitigation (as appropriate);
- \* end the incorrect claiming of costs and recording of case outcomes by the CPS;
- \* correctly ensure that the police received costs for appropriate cases; and
- \* reduce adjournments and thus speed up case completion (which was poor for summary motoring cases at an average of 55 days in the MCSI case file sample, with only 42% of cases finalised at the first appearance and only 51% of cases finalised within the target of 28 days).

6.15 We found a lack of clarity on the role of each agency and the maintenance of outdated approaches, and suggest that the prosecution of specified cases is an issue to address that will require joint planning and training to resolve. This will also focus attention on the wider issue of the appropriate use of DCWs, which requires a structured approach to agree how many should be deployed and how.

**ISSUE TO ADDRESS FOR  
THE MAGISTRATES' COURTS SERVICE AND THE CPS**

**Streamline the prosecution of specified offences in line with  
the provisions of the Magistrates' Courts (Procedure) Act 1998.**

**Reach consensus on the appropriate deployment of  
designated caseworkers and adopt sitting patterns that  
give effect to this consensus.**

### **Waiting times in court**

6.16 We examined efforts to reduce waiting times on the day at both the Crown and magistrates' courts. Minimising waiting times requires inter-agency co-operation and its importance is underlined by the setting of national targets and the collection of national performance data.

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<sup>3</sup> Recommendation 35 of the Masefield Scrutiny (Administrative Burdens on the Police in the Context of the Criminal Justice System May 1995)

<sup>4</sup> Magistrates' Courts (Procedure) Act 1998

<sup>5</sup> Joint Inspection of the Implementation of s1 MC(P)A 1998 (MCSI 2000)

<sup>6</sup> Inspection report on Gloucestershire CPS Area (HMCPSI 2000)

- 6.17 Crown Court performance on the number of witnesses who waited for two hours or under is monitored twice per year. The most recent survey, for June 2003, showed that 57% of witnesses waited for two hours or under, five points above the national average of 52%. However, previous performance has fluctuated, for example in the June 2002 survey, 67% of witnesses waited for two hours or under, falling to 50% in the November 2001 survey.
- 6.18 In the magistrates' court there are separate surveys of the proportion of witnesses and defendants who wait for one hour or under. Recent performance is summarised below:

<b>DEFENDANT WAITING TIMES ON THE DAY IN GLOUCESTERSHIRE MAGISTRATES' COURTS</b>			
Survey	April 2002 (%)	October 2002 (%)	April 2003 (%)
Proportion of defendants waiting for one hour or less (performance in England & Wales in brackets)	62 (59)	64 (60)	55 (61) – Gloucestershire was joint 31 <sup>st</sup> out of 42 areas
<b>WITNESS WAITING TIMES ON THE DAY IN GLOUCESTERSHIRE MAGISTRATES' COURTS</b>			
Survey	June 2002 (%)	November 2002 (%)	June 2003 (%)
Proportion of witnesses waiting for one hour or less (performance in England & Wales in brackets)	49 (50)	38 (49)	64 (50) – Gloucestershire was 4 <sup>th</sup> out of 42 areas

- 6.19 The data indicates that overall waiting times for witnesses, at both Crown and magistrates' courts, are satisfactory. However, perversely, the principal reasons for cracked and ineffective trials can contribute to good performance in this aspect of performance. When the defendant enters a late guilty plea or fails to attend court, witnesses will have attended, but because of the outcome will have been released at an early stage.
- 6.20 We discuss in Chapter 5 our concerns over the approach to dealing with defendants in custody. There were also indications that court scheduling decisions, such as holding only a weekly youth court in Gloucester, contributed to some long lists and consequent lengthy waiting times.

- 6.21 Reducing witness waiting times has not been identified as an action point by the LCJB, although arguably it forms part of the wider public confidence agenda, as any improvement in the experience of witnesses is more likely to encourage their attendance. The witness care service level agreement appropriately encourages advocates to consider staggering witness attendance at the Crown Court, and there are systems in place to allow child witnesses to leave the Crown Court until they are required to give evidence. However, the CPS was reported to be resistant to the staggering of witness attendance in the magistrates' courts, and Witness Service staff commented that the available pagers had not been used to their knowledge. The local agencies will wish to ensure that witness attendance times are minimised.
- 6.22 Performance data indicates a more significant issue in respect of witnesses who attend, but are not called to give evidence. In the Crown Court June 2003 witness survey, 38% of witnesses did not give evidence, usefully continuing a downward trend (61% for 2001-02 and 47% for 2002-03), but still indicating that four in ten witnesses attended unnecessarily. The data from the last three magistrates' court surveys was of more concern, with the percentage of unnecessary witness attendance rising from a creditable 27% in June 2002 to 52% in November 2002 and a poor 61% in June 2003. Whilst primary responsibility for reducing unnecessary witness attendance rests with the prosecution and defence, the court can play an important role at the PTR. By active case management they can challenge whether the attendance of a witness is necessary, or if their evidence can be agreed. It follows that efforts to improve this aspect of performance will rely on measures to improve PTRs and to reduce cracked and ineffective trials, which we have commented upon in detail in Chapter 5.
- 6.23 We noted that witness waiting times in both the Crown and magistrates' courts are monitored by sampling at fixed points in the year and, particularly in the Crown Court, are subject to small sample sizes which might affect the results. We were advised that the Witness Service monitors all witness waiting times, and suggest that the statutory agencies would benefit from accessing this data to more accurately and consistently monitor performance.

**ISSUE TO ADDRESS FOR  
THE MAGISTRATES' COURTS SERVICE,  
THE COURT SERVICE AND THE CPS**

**Reduce unnecessary witness attendance.**

**Witness care before and at the hearing**

- 6.24 The inspection work of the Victim Support Standards Unit assisted the joint inspection team in consulting a wide range of Victim Support and Witness Service staff and volunteers and, more importantly, victims themselves, about their experiences. This enabled a good picture of the strengths and weaknesses of witness care to be built up (which are expanded on in Victim Support's report).
- 6.25 We found some very positive aspects of witness care, but also some significant barriers to meeting witnesses' needs for information and sensitive treatment.



- 6.26 The criminal justice agencies had agreed a joint service level agreement on witness care in 1997. However, there were indications that this did not derive from a truly strategic view of responsibilities between agencies. A revised vulnerable witness protocol had been due for adoption in July 2003, but at the time of our inspection still awaited ratification.
- 6.27 There was a lack of clarity over some responsibilities towards witnesses, which was accompanied by some ambivalence at a senior level on the extent to which agencies should provide practical assistance to witnesses when resources were limited.
- 6.28 Staff in the criminal justice agencies praised highly the work carried out by the Witness Service. Although the Witness Service did not pro-actively contact defence witnesses before the hearing, it was keen to offer help to all witnesses on the day, and had taken steps to ensure that defence advocates were aware of the availability of the service for defence witnesses. There was effective liaison between the magistrates' court case progression officers, the Witness Service and ushers. This liaison ensured that the Witness Service was well informed of expected witness numbers in the adult magistrates' court and that ushers were primed to look out for witnesses on the day and to alert the Witness Service and/or CPS of any non-attendance.
- 6.29 The practice of magistrates and Judges thanking witnesses for their attendance and explaining the reasons for any adjournments was clearly well appreciated.
- 6.30 However, barriers to good witness care included:
- \* some poor courthouse facilities for witnesses;
  - \* a reactive approach to the provision of information by the CPS and police; individual members of staff were happy to provide information if a witness could make contact with the right person, but there was not systematic pro-active provision of information, and many instances of failure to inform the witness and the Witness Service of listing changes were cited;
  - \* limitations on available information because of the delays in magistrates' court resulting mentioned above; and
  - \* a strong perception amongst witnesses that advocates were unduly hostile. Interestingly, Witness Service staff felt that those giving evidence by video link faced even more adversarial questioning. If correct, this unintended consequence might limit the benefits to witnesses of giving evidence remotely. The Resident Judge had usefully stated his intention to 'rein in' advocates if appropriate, and witnesses certainly felt that there was a need for robust management of the trial process by the judiciary in general and legal advisers.

The Area recognises that facilities could be improved and, in order to achieve this, the Magistrates' Courts Service, the Court Service and the Probation Area are undertaking a Public/Private Partnership to build new courthouses. This project is anticipated to deliver in 2007. In the short term, funding has been applied for to undertake remedial work to the existing estate.

**Strength**

Clear explanations of adjournments to victims and witnesses.

**ISSUE TO ADDRESS FOR  
THE MAGISTRATES' COURTS SERVICE,  
THE COURT SERVICE AND THE CPS**

**Improve courthouse facilities for victims and witnesses  
at both the Crown and magistrates' courts.**

**Improve alertness to inappropriate cross examination.**

**Ensure witnesses and the Witness Service are regularly  
informed/updated on case progression and outcomes.**

## **7 TO DEAL APPROPRIATELY AND CONSISTENTLY WITH THOSE WHO BREAK THE LAW, PROVIDING JUSTICE TO VICTIMS AND SOCIETY AND MAXIMISING THE OPPORTUNITIES FOR THE REFORM AND REHABILITATION OF OFFENDERS**

### **Overview**

- 7.1 Overall, there were good arrangements in place for meeting the needs of mentally disordered offenders.
- 7.2 There were a number of protocols and agreements designed to increase the protection of victims and witnesses, although we found that these were not always implemented effectively. Additionally, there did not appear to be any consistent, shared monitoring of agency performance.
- 7.3 The Probation Area and the YOS were responsible for conducting most offender assessments. Whilst Probation assessment documents were forwarded electronically to the appropriate prison establishment, there was no process to forward them to the Prison IT database system, or routinely take hard copies. YOS information did leave court buildings with the offender and was therefore available on arrival at the young offender institute.
- 7.4 Nationally, there is little linkage between community and prison based effective programme provision. This again relates mainly to the range of Probation Areas each prison has to work with and vice versa. Whilst linked provision continues to be a worthwhile objective, it did not seem to be within the gift of Gloucestershire agencies to resolve this matter. Gloucestershire Probation Area was performing very well in delivering effective programme provision.
- 7.5 Efforts to make offenders comply with the requirements of their orders appeared to be well built into practice by both probation and the YOS.

### **Dealing with mentally disordered offenders**

- 7.6 All of the criminal justice agencies had agreed procedures for providing services to mentally disordered offenders. A handbook identified the responsibilities for each partner agency, although this did not specify joint practice or interface procedures. A court diversion scheme operated, to divert those whose offending was linked with mental health issues from prosecution into treatment. A 24-hour telephone advice line supported the scheme, and the service linked with drug arrest referral workers, the local assertive outreach team and the YOS community psychiatric nurse. A consultant psychiatrist provided one session a week. A support forum for black people was available and was seen during the inspection to have been used appropriately to support the supervision of a high-risk black offender. There was good access to interpreters. Those who were not diverted were followed up in the local prison.

**Strength**

Effective arrangements for dealing with mentally disordered offenders, both at organisational and practitioner level.

- 7.7 There were tensions between the police and health services about the provision of suitable health service locations for the assessment of persons requiring examination under the provisions of s136 Mental Health Act. These assessments were being undertaken in police cells, even in cases where the person being assessed was not subject to a criminal investigation. We are aware that the police have raised their concerns about this with the health authority, but without success.

**ISSUE TO ADDRESS FOR  
THE GLOUCESTERSHIRE CONSTABULARY**

**The undertaking of Mental Health Act  
assessments in the police cells.**

**Protecting victims and witnesses**

- 7.8 There were a number of different responsibilities for the different agencies in terms of their roles with victims and witnesses.
- 7.9 The police had a system for notifying Victim Support when an offence had been reported. Overall, the referral procedure worked well, but the relevant forms could contain more information to assist Victim Support. This absence of information could delay Victim Support contact with a victim.
- 7.10 The Probation Area is required to contact victims when any offender has been sentenced to 12 months or more in prison for a sexual or violent offence. The purpose of this contact is both to inform the victim about what is happening to the offender, when they will be released etc. and, most importantly, to gain the victim's perspective to inform those involved in any release planning.
- 7.11 To comply with data protection provisions, the police contacted the victim to seek their agreement for their details to be forwarded to the Probation Area, in order to enable contact to be made. There were differing accounts of how well this process worked, and we found that it was not always effective. The Probation Area was not able to monitor whether not receiving agreement was because the victim had refused, or the notification had not been sent. The police and the Probation Area will wish to consider whether the current arrangements can be strengthened, and in particular whether the police aspect of the system should be more centralised.

**ISSUE TO ADDRESS FOR  
THE GLOUCESTERSHIRE CONSTABULARY**

**Ensure notification to both Victim Support and  
Probation Victim Enquiry Officers of victim details.**

- 7.12 The Probation Area victim contact staff used Victim Support inconsistently, albeit when they did so, they found the engagement positive, and this is also likely to be more helpful to the victim. A positive development would be to agree a more consistent arrangement and to ensure that it is followed.
- 7.13 The YOS had its own victim liaison officers who worked closely with Victim Support. However, the attendance of victims at Referral Order Panels in Gloucestershire was very low, which may have been contributed to by the significant delay in holding panel meetings.
- 7.14 The CPS is required to notify victims if a case is discontinued and to explain the reason for the decision. This system did not always work effectively, with substantial delay in some cases, which contributed to the victims' feeling of isolation.
- 7.15 When the various provisions worked effectively, victims and witnesses had a positive experience of the CJS. However, we found that too many victims still felt let down by the CJS.
- 7.16 The CPS and the police have responsibility for ensuring that, where a witness is deemed vulnerable, that they are supported throughout the court procedure. Again, there was evidence of systems being designed, but not always followed and not being effectively monitored to ensure that failings were spotted and improvements put in place.

**Ensuring timely, high quality assessment of offenders to inform sentencing and sentence management**

- 7.17 Both the Probation Area and YOS staff have national systems for the assessment of offenders' risk and need. These assessments inform both court reports, sentence plans in custody and supervision plans after release. Probation Area pre-sentence reports (PSRs) prepared for the courts to assist in sentencing were of good quality, although increased emphasis on the impact of the offence on victims would be appropriate. There was evidence that information from the assessment had been used to formulate supervision plans, but the non-arrival of pre-sentence reports in prisons meant that they could not be used to inform initial assessments in custody, although field probation officers could bring any issues from the report to later sentence planning. Probation Area staff believed that PSRs were forwarded to the prison the day after sentence as an administrative task. This differed from the experience of staff in prisons, who were clear that they rarely received PSRs. There was no monitoring or other information to clarify the situation.

**ISSUE TO ADDRESS FOR THE PROBATION AREA**

**Reduce risk, by providing essential Probation Area information about prisoners to the Prison Service in a consistent and timely manner.**

- 7.18 A key issue was the number of PSRs for adults which were not available at the required time. This is, to differing degrees, a national problem, linked with a shortfall in probation officers. The Chief Officer had circulated a prioritisation document, which rightly identified PSRs as an important area of work. However, the area's shortage of Probation Officers meant that, early in 2003, report writing responsibility could not always be immediately allocated to a probation officer. In addition, there were occasions when the CPS papers were not available within the agreed time limit of three days after request.
- 7.19 Internal Probation Area monitoring showed that, in approximately 30% of cases, the Service did not receive the CPS documentation in time, resulting in no report and the need for a further adjournment. CPS lawyers believed that the papers went to probation in every case, often straight from court. There was a clear need for joint monitoring to identify where delays were occurring.

**ISSUE TO ADDRESS FOR  
THE PROBATION AREA AND THE CPS**

**Jointly monitor the provision of the CPS package.**

- 7.20 Finally, as part of the prioritisation agreement, the area informed offenders that they would only receive one PSR appointment and that if they failed to attend without contacting the officer, a letter to this effect would be sent to court. Whilst these points were communicated in a variety of ways to the other criminal justice agencies, we found a considerable amount of criticism being made, often publicly in court about the failure to provide timely pre-sentence information.
- 7.21 The Probation Area's view was that the lack of resources was no longer the main reason for reports not being prepared and, that whilst accepting that there had been significant problems earlier in the year, by the time of the inspection the problem had reduced significantly. It was difficult to reconcile the conflicting views about this issue and again a joint approach might help clarify matters.
- 7.22 YOS staff were able to send all the necessary paperwork with the prison escort service as they had to identify the location to which the young person would be taken. ASSET forms arrived at the institution with the young person in virtually all cases. This ensured that all initial planning within the institution could be based on a sound assessment.

- 7.23 Apart from the issue of timeliness, the provision of information to court overall was good. PSRs were well received by sentencers. Specific Sentence Reports, which are brief reports prepared on the day to assist sentencing - thus avoiding an adjournment - were well used, with Gloucestershire Probation Area being one of the highest performing areas nationally in this respect.
- 7.24 For young offenders there was concern about the backlog of Referral Orders, which were being implemented as late as three months after a court appearance. This was a matter of concern for a range of reasons, including the potential impact of public confidence in the CJS. Good communications had kept all parties informed and, at the time of the inspection, plans were in hand to address this problem.

**Increasing the availability of effective community and prison based programmes**

- 7.25 Within Gloucestershire Probation Area, there was an excellent level of effective group work programme provision and the Area was achieving successful completion well above the national target. It was not, however, possible to identify how many of these completions were by people on release from prison. Often, licence periods were too short to allow a programme to be fully completed. We were impressed with the Probation Area’s domestic violence programme, which ran in conjunction with a voluntary group that supported the partners of men attending the programme. These developments were positive, although some victims considered that the system was not fully victim centred.

**Strength**

The Probation Service domestic violence programme, which contributes effectively to reducing the risk of re-offending.

- 7.26 There were no programmes for women or men ‘through the prison gate’ designed to provide follow up or relapse prevention work in the community to support programmes which had been completed in custody. The main barriers to this were that the Probation Area received people back from a large number of prisons across the country and licence periods were often too short for follow up work to be completed.
- 7.27 For young offenders, there was an effective training programme as part of the Detention and Training Order (DTO). YOS staff attended planning meetings and work was shared between the prison and the community-based team, although the transfer of young offenders without prior notice was a cause of frustration, which impacted negatively on the effectiveness of the DTO.
- 7.28 At the time of our inspection, there were significant resource difficulties in establishing effective services for drug using offenders, which resulted in a three-month waiting list before effective engagement. Work was in hand to address this issue, which reflects a national problem.

- 7.29 The area does provide Drug Treatment and Testing Orders (DTTOs), led by the Probation Area. Defendants given DTTOs were generally dealt with in a timely manner. In common with other Areas, there can be delay in the provision of support to assist drug users. The Area has to look to the local Drug Action Team to commission the necessary services.

### **Ensuring that punishments are adhered to**

- 7.30 National Standards for the Probation Area and the YOS identify the point at which an offender should be returned to court or recalled to prison, for either their behaviour or their failure to comply with the requirements of their order. Probation officers are required to identify, when an appointment has been missed, whether or not the reason given is acceptable and this must be done within a specified timescale. The supervising organisation then has to either identify a court date, or notify the Home Office about a recall to prison.
- 7.31 Much of the emphasis on ensuring that punishments are adhered to is based on seeking compliance with court orders, rather than simply returning offenders to court if they fail. Gloucestershire Probation Area identifies and allocates the first 12 appointments at the first interview, thereby ensuring that the offender is aware of this requirement. All of the requirements of the order, as well as the sanctions, are explained to the offender both before court and at the first appointment. This type of approach has been shown to improve attendance and successful completion rates.
- 7.32 For offenders subject to post-custody supervision, Gloucestershire Probation Area was meeting the required standard in 71% of relevant cases. In the remainder of the cases, there was delay in arranging a court hearing date after the defendant had breached a court order, or the defendant was allowed to miss too many appointments before action was taken.
- 7.33 Within the YOS, a number of cases which should have been returned to court but had not been, were also identified.



## **8 SECURING THE SUCCESSFUL RESETTLEMENT OF OFFENDERS, MINIMISING THE RISK OF RE-OFFENDING AND PROTECTING THE COMMUNITY FROM HARM**

### **Overview**

- 8.1 Nationally, there is an absence of inter-agency work in respect of adults sentenced to custody, and a lack of statutory supervision for prisoners sentenced to short terms of imprisonment. This was reflected in our findings. The Prison Service and the Probation Area independently completed tasks that were intended to contribute to resettlement and the reduction of re-offending, but there was a lack of collaborative working.
- 8.2 The resettlement needs of prisoners who were not subject to post-release supervision, were met where schemes or partnership projects involving community agencies were in place. Adults serving sentences of less than a year were still being released without any fixed address. An exception to this was the resettlement of juveniles who were subject to Youth Justice Board requirements for collaborative training planning between young offender institutions and the community YOS.
- 8.3 Public protection was safeguarded better where offenders were assessed as high risk of harm, both in prison and on release. The Prison Service and the Probation Area had clear processes for meeting their respective public protection responsibilities, although inter-agency collaboration on a case-by-case basis could be improved.
- 8.4 There was effective identification and supervision of active high-risk cases through the Multi-Agency Public Protection Panel (MAPPP) protocol, or in connection with the assessment of suitability for release on home detention curfew.

### **Casework information – adult offenders**

- 8.5 We have discussed in Chapter 7 the provision of information to the Prison Service by the Probation Area.
- 8.6 The prison estate obtained the convictions of defendants in a variety of ways, but none of the Gloucester prisons could access directly the Police National Computer. In the case of women, their details had to be obtained via Cardiff prison, and often, sentenced women were transferred elsewhere before information about their criminal histories arrived.
- 8.7 Subsequent sentence planning for those prisoners subject to post-release supervision in the community required the exchange of documentation at key stages of sentence. There was evidence in prison and probation files that documents were exchanged at intervals, but neither Service could be sure that the information had reached the right person as no acknowledgement followed. In HMP Gloucester, sentence plan reviews of long term prisoners were being completed, but those for short-term prisoners were sporadic. The prison was not receiving PSRs consistently and, in some cases, the Probation Area was not being told that prisoners had been transferred to another prison or that they had been released. At HMP Leyhill open prison, prisoners subject to a life sentence and other long-term prisoners experienced relatively thorough pre-release preparation. The position was less satisfactory in respect of other prisoners.

8.8 The following example describes what can happen when an offender subject to licence, but assessed as a low risk of harm in the community, is released locally. On the file of one offender, released from HMP Leyhill to live in Gloucestershire, there were clear instructions stressing the importance of involving the Gloucester Drug and Alcohol Service before release and supplying their phone number. Although the man had been offered an appointment with the prison drug team, he had failed to attend, and neither his supervising probation officer nor anyone in the prison had challenged him about this, or explored his plans for avoiding drug taking after he had been released. His offending was clearly linked to his drug use, and at the critical moment of release he received no staff contact at all. Additionally, on the day before his release, he was unaware of what he had to do under the terms of his supervision and licence requirements.

### **The local Probation Area**

8.9 Only a small proportion (approximately 10%) of the resettlement caseload of the local Probation Area was held in prisons within the county. All prisoners to be released locally on licence were allocated to a probation officer from the relevant courts and community based probation team. Resource constraints meant that low priority was given to contacting the prisoner during the early part of their sentence, except where high risk of harm had been identified.

8.10 The Prison Service and the Probation Area are required to assess the basic skills of offenders and involve them in a programme of work to improve these where appropriate. The purpose of this is to improve their employment chances and, importantly, reduce the risk of re-offending.

8.11 Both HMP Gloucester and the Probation Area were performing well in respect of this inter-agency aspect of performance. Additionally, it was intended that the member of staff in HMP Gloucester responsible for developing education and training, would consult with their counterpart in the Probation Area, which would be a sensible and productive initiative.

8.12 Some prisoners can be released early from prison, but are then subject to a curfew which requires them to be indoors at a specific address between certain times. There are national arrangements for the assessment of the suitability of addresses for home detention curfew (HDC) release, although HMP Gloucester released only 17% of those eligible. The rates of release were higher at HMP Leyhill and HMP Eastwood Park (45% and 60% respectively in the three months prior to the inspection).

**ISSUE TO ADDRESS FOR THE PRISON SERVICE**

**Increase the level of release of prisoners at HMP Gloucester eligible for Home Detention Curfew.**

### **The resettlement of adult short term prisoners**

- 8.13 An innovative project was in place to implement the South West regional Prison Service strategy for the resettlement of short-term prisoners. A range of initiatives was being developed. The long-term goal was to reduce re-offending by seven per cent over a three-year period. All the adult male prisons in the region, including HMP Gloucester, were signatories to this strategy.
- 8.14 In HMP Gloucester, all prisoners were seen within 24 hours of arrival and an assessment completed that was intended to generate referrals to the relevant agencies which could assist the prisoner. Prisoners spoken to during the inspection who had been in Gloucester for between two weeks and seven months (serving sentences of between two and eighteen months) confirmed that they had all been seen following reception, and subsequently contacted with regard to their release arrangements. Those with housing or benefit issues outstanding were arranged appointments to see someone before they left, though two prisoners released locally during the inspection were, in fact, released to no fixed abode. However, prisoners indicated that neither the personal officer scheme nor the benefits application system were effective in helping them to resettle. This system was clearly in its early stages, but was a promising initiative.
- 8.15 Arrangements to assist the resettlement of women sentenced to short terms of imprisonment, particularly those released locally, were not as effective. Assistance in arranging the payment of benefits on release was identified as an aspect of concern. Four out of ten women we spoke to within a short period of release had no address to go to, and all were anxious about finding their way back to their home areas from the prison.
- 8.16 In YOI Ashfield there were a number of young men who, because they had reached the age of 18, were subject to adult resettlement procedures rather than those of the Youth Justice Board. There was no separate probation team for this group within the establishment, although the internal YOS team did their best to meet their needs. For this group, assistance with resettlement was basic and lacked the input available for younger offenders.

### **The resettlement of male medium/long term offenders and those sentenced to life imprisonment**

- 8.17 HMP Leyhill released short, medium and long-term prisoners and those sentenced to life imprisonment (lifers) at the end of their sentences, although there was no overall policy detailing these different resettlement responsibilities depending on the type of sentence. A Lifer Unit in Prison Service Headquarters oversaw the resettlement of lifers. Procedures were well established and lifers were not released without a viable release plan. For prisoners serving fixed terms of imprisonment, there was an excellent Inmate Advice Centre. The Prison had excellent links with local employers and a sound knowledge of local skills gaps, though this favoured those being released to Bristol rather than to Gloucestershire.

## **The resettlement of juvenile offenders**

- 8.18 In ten of the 11 cases examined, details of the assessment completed by the YOS officer on the juvenile<sup>7</sup> offender were passed correctly to the prison when the young person arrived in custody. This enabled an early risk assessment to be made. YOS officers determined when juveniles left court after being given a custodial sentence, as they had to arrange where they were sent. This made the transfer of essential documentation easier than for adult prisoners.
- 8.19 When a juvenile was remanded in custody before conviction, a dedicated officer from the Gloucester YOS attended during the first week to pursue bail options before the next court appearance. After being sentenced, other YOS officers attended initial training plan meetings and subsequent reviews of those subject to Detention and Training Orders (DTOs). A dedicated accommodation officer within the YOS took responsibility for finding suitable accommodation when this was needed - though this might not be decided until close to release - and staff in YOI Ashfield were keen to have a housing advice worker located in the prison to make progress on this earlier in sentence. An Education Officer also attended with the YOS officer when the young person had previously attended a Gloucestershire school.
- 8.20 Despite Gloucestershire having both male and female facilities for the detention of young offenders nearby, at the time of the inspection most detained juveniles on the Gloucester YOS caseload were held some distance away. Their transfer from HM YOI Ashfield sometimes resulted in YOS officers attending for training plan reviews that had been cancelled, which was unacceptable. Despite this obvious blight on inter-agency work, overall, the resettlement of juveniles from Gloucestershire was a well understood and executed inter-agency enterprise.

### **ISSUE TO ADDRESS FOR YOI ASHFIELD**

**Notify Gloucester YOS officers when young offenders for whom they are responsible are moved out of the county.**

## **Services for drug misusing offenders**

- 8.21 Services were available from the point of arrest, but there was no protocol detailing inter-agency responsibilities for treatment, or the transfer of clinical information, as defendants moved through the criminal justice system. Arrest referral workers from the Gloucestershire Drug and Alcohol Service operated in all the police custody suites. They communicated with prison staff and were willing to work with defendants as a condition of bail. However, there was a lengthy waiting list for follow up treatment after the initial assessment.

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<sup>7</sup> The Prison Service refers to offenders aged 18-21 as young offenders and those below this age as juveniles. Both categories may be kept in the same prison.

8.22 Medication was available to drug users in police custody from police doctors (sometimes known as Police Surgeons), but there was no formulary governing what was prescribed, or standard practice for dispensing. Custody sergeants or cell guards administered prescribed medication, although neither group had received any guidance about this practice. There was no audit trail or means of accounting for, or securely storing, drugs prescribed but not administered when the defendant was moved. Escort staff gave prison health care staff a verbal briefing on any prisoner prescribed medication, but there was little evidence of any written information reaching prison medical records.

**RECOMMENDATION FOR  
THE GLOUCESTERSHIRE CONSTABULARY,  
THE PRISON SERVICE AND THE PRISONER ESCORT  
CONTRACTING SERVICE**

**In order to comply with safe clinical practice:**

- \* **that a protocol be developed detailing inter-agency responsibilities for the medical treatment of prisoners in custody, and the transfer of clinical information;**
- \* **that police custody staff should receive appropriate guidance in the administration of medication; and**
- \* **that there should be protocols for the safe and secure administration and storage of prescribed medication.**

**Managing the risk of dangerous and sex offenders**

8.23 This was an area of high priority for the local Probation Area. On first contact with the Probation Area, the risk of an offender causing further harm was assessed by using a national offender assessment information system (known as OASys). If the prisoner was identified as high risk at this stage, the casework was allocated to the Public Protection Team. All registered sex offenders were automatically referred. The case manager and senior probation officer reviewed all lifer, high and very high-risk cases internally, and these reviews were counter-signed by an Assistant Chief Officer. However, liaison with prison probation staff in some individual cases was poor. In addition, they rarely received from the court, when the prisoner arrived at the prison, the necessary documentation, providing full details of the offence or the age of the victim, which was necessary to determine whether the prisoner should be registered as a Schedule 1 offender from whom child visitors should be protected.

8.24 The area policy required the assigned probation officer to be actively involved in the pre-release planning for dangerous and sex offenders, but this did not appear to involve liaison with prison probation staff. Neither did the latter contact their field-based colleagues. In contrast, significant joint work was taking place between the Probation Area and the police with regard to registered sex offenders. Additional licence conditions were frequently requested to protect victims, and offenders were

reminded on first reporting after release of these conditions. Breach proceedings appeared to be prompt, though there were few such cases, most being subject to direct recall to prison rather than court proceedings.

- 8.25 Awareness of public protection amongst prison staff was patchy. In HMP Gloucester, the lead responsibility had shifted and there was no public protection policy or committee, though the establishment carried out elements of public protection work through their police liaison officer (which was about to become a full time post), and the Governor was a signatory to the MAPP protocol, and a member of the MAPP Strategy Board. In addition, the senior probation officer at HMP Gloucester regularly attends MAPP meetings, as do probation officers from other prison establishments when they are planning the release of very high-risk of harm offenders.
- 8.26 In HMP Eastwood Park, a multi-disciplinary public protection committee aimed to discuss the management and release of women identified as high-risk through all the stages of their sentence. This was good practice, but there was no representation from outside probation, police or social services and no awareness training for staff.
- 8.27 HMP Leyhill had appointed a Head of Public Protection who, in his previous role as public protection co-ordinator, had issued instructions for the identification and management of Schedule 1 offenders. This involved holding a public protection board at which the prisoner was informed, within two weeks of his arrival, of his status and any restrictions that applied. Whilst this was good practice, it was limited to the management of risk to minors and had no outside representation. Other sexual or violent offenders, of whom there were many in Leyhill, particularly among the lifer population, were not subject to the public protection board, although they were subject to risk assessment under the normal release procedures for those sentenced to life imprisonment. We consider that there should be an overall public protection policy for the establishment, which should cover all dangerous offenders released from the Prison.
- 8.28 In YOI Ashfield, thorough and effective processes existed for identifying high-risk trainees from reception, induction and sentence planning. An *'All Departments Alert Notice'* was raised and the computerised *'Alpha List'* updated daily on all high-risk trainees for access by all departments.

**Strength**

HMP YOI Ashfield's effective identification of high risk trainees.

**ISSUE TO ADDRESS FOR  
THE PRISON SERVICE AND THE PROBATION SERVICE**

**Share information about high-risk prisoners  
during imprisonment and just prior to release.**

**Improve the level of representation by outside agencies  
on prisons' internal public protection committees.**

- 8.29 Those assessed by any agency as posing a current risk of significant harm were referred to the MAPPP for assessment. If registered, the panel developed a multi-agency risk management plan that was regularly reviewed. There was no integrated IT system, but very good information sharing and much joint working. Information was shared effectively between police and probation, though not with the prisons. The Prison Service nationally was about to be included as a full third partner to the MAPP protocol, which should improve the sharing of risk information between prisons, police and probation at practitioner level. The Area Victim Support Manager and the YOS manager were members of the MAPP Strategy Board. Additionally, YOS staff attended panel meetings as necessary.

**Strength**

The quality of inter-agency contributions to the MAPPP.

- 8.30 The prisons in South Gloucestershire were part of the criminal justice system in Avon and Somerset, resulting in less effective referral to the Gloucestershire MAPP. This led to the police not always being told of high-risk releases into their area from outside.

**Protection of child visitors**

- 8.31 Arrangements for registering Schedule 1 violent or sexual offenders whose victims were children, and for implementing arrangements to protect and verify the relationship of child visitors to prisoners, were in place in all prisons, although they needed to be tightened at some establishments. Procedures were particularly good at YOI Ashfield. Overall, child visitors to Schedule 1 offenders were generally discouraged.
- 8.32 At YOI Ashfield, Schedule 1 offenders were identified at the remand stage and child visitors were verified via the YOS worker or Probation Officer. Flow chart instructions were issued to staff working in visits and a daily lunchtime briefing by the Security Manager to all visits staff referred to the day's visiting list. A closed link communication system operated between visits staff and the security department, with the public protection co-ordinator in overall charge of both departments. This provided the appropriate level of protection, and we commend this approach to other parts of the prison estate.

**Strength**

HMP YOI Ashfield's child protection procedures,  
which ensured the safety of child visitors to Schedule 1 offenders.

**ISSUE TO ADDRESS FOR THE PRISON SERVICE**

**Where not already in place, ensure approval for  
child visitors to Schedule 1 offenders involves  
an outside criminal justice agency.**



## **9 TO RESPECT THE RIGHTS OF DEFENDANTS AND TREAT THEM FAIRLY**

### **Overview**

- 9.1 We found that defendants had appropriate access to their legal representative while in custody, including after initial arrest. However, more use could be made of the video link with HMP Gloucester.
- 9.2 The Area would benefit from the introduction of a court-based bail information scheme, and more effective use of the existing prison based scheme.
- 9.3 The provision of information to defendants by magistrates in open court was good, but the standard of notices providing information in communal areas in court custody suites was poor.
- 9.4 Some aspects relating to the welfare of prisoners need to be improved, including the condition of the cell complex at Gloucester Crown Court.

### **Access to legal representation**

- 9.5 We found that defendants had appropriate access to their legal representative while in custody, including after initial arrest. However, at HMP Gloucester, meetings took place in the social visits area, because the legal visit rooms had been converted to provide the video suite. There were two soundproof video-link consultation rooms within this suite for confidential consultation between solicitors and their clients, but these were rarely used. The possibility of providing a small video booth at court centres other than Stroud (where the court video link is sited) for the use of defence solicitors to link in with the expensively refurbished, but under-used, facility in the prison, should be explored. We found that prisoners were content with the level of access they had to their legal representatives, which relied for the most part on seeing them in court or communicating by letter.
- 9.6 They would much prefer, however, to avoid the stress of journeys to court by increased usage of the video link. None of the prisoners we spoke to had been offered this facility while on remand.
- 9.7 For those arriving in prison without representation, legal services in some form were available in all prisons that received prisoners direct from the courts, but the level of provision was not consistent.

### **Bail information schemes**

- 9.8 There were no official court-based information schemes, with a dedicated bail information officer, in any of the Gloucestershire Courts. However, HMP Gloucester did run a scheme with a dedicated bail information officer. Although there were monitoring returns made to the Prison Service Headquarters, these were not used locally to assess success. There was probation-run approved premises in Gloucester with 16 beds, including some for females, which provided a facility regularly used by the local courts. When these premises were full, bail information provided by the Probation Area was based on identifying potential accommodation, which could not give the support that a bail hostel would provide. Young offenders were able to receive assistance from dedicated bail workers in the local YOS team.

## **Provision of information to defendants**

- 9.9 Overall, the provision of information to defendants by magistrates in open court was good. They were informed clearly about what was expected of them before the next hearing, and the consequences of failing to answer bail.
- 9.10 However, the standard of notices in communal areas in all the court custody suites was poor. Opportunities were missed to provide information about routines, rights, complaints procedures or coping with feelings of self-harm. There was a need to clarify which agency was responsible for ensuring that prisoners in court custody had access to the requisite information. Additionally, there is a need to clarify the use of cell call bells. Police, court custody staff and prison staff all used these for different purposes, and prisoners in the custody of these different agencies were not told in what circumstances they should use them. This illustrates a wider issue of the potential confusion that can be caused to defendants who may be subject to three separate sets of rules during a day, relating to police cells, court cells, and prison cells.
- 9.11 We found that few of the prisoners in court custody, either at the magistrates' courts or the Crown Court, had received written information about what was happening or what their rights were. They relied on their legal representatives to explain things to them and were happy with this arrangement.

**ISSUE TO ADDRESS FOR  
THE MAGISTRATES' COURTS SERVICE  
AND THE COURT SERVICE**

**Ensure notices in court custody suites inform prisoners  
of routines and procedures, including complaint procedures.**

## **Non-discriminatory treatment of defendants**

- 9.12 Within police custody suites, police were prompted by a checklist to offer interpreters if necessary, and posters were in place publicising this service. The escort contractor provided a leaflet explaining their service and this was available in six languages, but prisons had no translated material or access to interpreters while in prison. The provision of interpreters by the police was efficient. The area benefits from the close proximity of GCHQ, which can resource any language without difficulty.
- 9.13 Both Gloucester Crown Court and Cheltenham Magistrates' Court were difficult to access by the less physically able, and would not reasonably be able to comply with the Disability Discrimination Act.

## **The meeting of special needs**

- 9.14 Police, prisons and escort staff used a Prisoner Escort Record (PER) for the specific purpose of sharing essential information. We found PERs to have omitted relevant historical information, although there was generally a good level of awareness of the importance of sharing information concerning self-harm. PERs were used to note most key events in the prisoner's day, but during the inspection, an incident of violence resulting in restraint and injury was not recorded, nor was drug withdrawal noted. PERs from prisons were more accurate than those from the police.

- 9.15 Escort staff would not alter their journey plans or the mix of prisoners in vans on the basis of pre-notified risk. This happened only when ordered by the judge, or if the escorting staff had personal experience of previous difficulty with the prisoner. Adult males, women and juveniles were therefore routinely escorted together in cellular vehicles even when this involved an element of risk.

**ISSUE TO ADDRESS FOR  
THE GLOUCESTERSHIRE CONSTABULARY,  
THE PRISON SERVICE AND THE PRISONER ESCORT  
CONTRACTING SERVICE**

**Use Prisoner Escort Record forms effectively.**

**ISSUE TO ADDRESS FOR  
THE PRISON SERVICE AND THE PRISONER ESCORT  
CONTRACTING SERVICE**

**Undertake risk assessments of prisoners  
sharing cellular vehicles.**

- 9.16 Although attempts were made to separate adults from young offenders in court, this was sometimes not possible where cellular accommodation was limited. The local police assisted by holding prisoners for the court if the mix of prisoners was impossible. There was no certified maximum number of prisoners for the cells available and no restriction on the number of custody cases listed. We were told that plans had been developed to provide additional cells at Cheltenham, but there was a lack of clarity about who was responsible for taking this forward.

**The welfare of prisoners under escort and in court cells**

- 9.17 The overall length of a prisoner's day when they were produced at court was not monitored. Prisoners were regularly subject to periods of over ten hours between leaving prison in the morning and returning in the evening (including journeys of up to 2 hours without a break), after which they were processed through prison reception procedures. In some cases young prisoners fell asleep before staff on the first night unit could complete their vulnerability assessments. The closure of some prison reception offices over the luncheon period also built in unnecessary delay.
- 9.18 There were formal procedures for the care of prisoners during journeys and these were observed consistently. However, no agency had overall responsibility for the provision of at least one substantial meal a day for prisoners attending court. This meant that prisoners were barely adequately fed on the days they appeared in court, and those making repeat appearances on successive days for a long trial were particularly badly affected.

- 9.19 Arrangements for the provision of medicine to prisoners produced from prison or police custody were not consistent and many prisoners experienced symptoms of drug withdrawal during their court appearances and while in court cells.
- 9.20 We had concerns that, in a few cases, prisoners (both adult and youths) appearing in court from police cells after their initial arrest were sometimes attired in paper evidential suits and foam slippers. We also noted that a prisoner was discharged from the court so attired. Although police officers said that the release or movement of prisoners in such attire was exceptional, and only after defendants had been offered opportunities to have replacement clothing brought to them, prison reception staff confirmed this practice and said that it was not unusual for new prisoners to arrive in paper suits after a day in court.
- 9.21 We understand that, since our inspection, the escort contractors have determined that they would decline to transport prisoners attired in this way.

**ISSUES TO ADDRESS FOR  
THE PRISON SERVICE AND THE PRISONER ESCORT  
CONTRACTING SERVICE**

**Ensure prisoners are provided with one substantial hot meal  
on days when prisoners appear in court.**

**ISSUES TO ADDRESS FOR  
THE GLOUCESTERSHIRE CONSTABULARY  
AND THE PRISONER ESCORT CONTRACTING SERVICE**

**Ensure remand prisoners are given appropriate clothing.**

**The discharge of prisoners from court**

- 9.22 It came to our notice that prisoners sentenced to custody, but who were released from the court having served their sentences on remand, were not formally discharged in the same way that they would have been from prison. The practical consequence of this was that they were not issued with the discharge grant to which they were entitled.

**ISSUES TO ADDRESS FOR  
THE PRISON SERVICE AND THE PRISONER ESCORT  
CONTRACTING SERVICE**

**Ensure discharge grants are provided to eligible prisoners  
released from court custody.**

**Police and court custody suites**

- 9.23 Relationships between police and prisoners, and escort staff and prisoners in the police custody suites and court cells, were found to be good.
- 9.24 Police custody suites were of a good standard, but in contrast, the conditions of the cells in the courts were poor and safety was compromised by cell sharing, low staffing levels and poor facilities.

<p><b>Strength</b></p> <p>Positive relationships between police and prisoners and custody staff and prisoners.</p>
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- 9.25 We had significant concerns about a number of health and safety aspects in respect of the Crown Court cell area including:
  - \* a low level of decorative order, cleanliness and ventilation;
  - \* cell overcrowding (up to four persons in a cell designed for one);
  - \* the absence of a fire alarm point in the cell complex, necessitating a telephone call to raise the alarm;
  - \* inadequate affray alarms; and
  - \* inadequate heating and toilet facilities.
- 9.26 The Court Service was aware, through regularly reviews, of these deficiencies, and had identified where improvement was needed. However, a strategic decision had been made not to undertake any significant expenditure, in view of plans to build new Crown Court accommodation. The most recent security audit completed by the contract monitor noted that action had been taken in only four out of nine essential improvements identified 30 months previously. Additionally, the Departmental Fire Officer had recently recommended that a fire call point be installed in the Custodial Officers’ rest room. We recognise the problems associated with operating in such an old property, but there are short-term issues of health and safety, which require remedial action, and we make a recommendation to this effect below.
- 9.27 Intermittent flooding of the corridor between the cells and the courtrooms at Gloucester Magistrates’ Court gave rise to a number of issues, including custody cases being heard in insecure court rooms, requiring prisoners in handcuffs to be moved through public waiting areas. The police and Magistrates’ Court Committee were in dispute over responsibility for the corridor and, as a consequence, remedial work had not been completed. Both bodies will wish to resolve this issue as a matter of urgency.

- 9.28 There was no minimum staffing level or safe working practice instructions in any of the court custody areas. Safe operating procedures were either missing, or were not followed, in order to maintain the service to the courts, raising a number of security issues. Health and safety and security audits made assumptions about staffing levels, which at the time of the inspection were not being met.
- 9.29 Responsibility for cell accommodation was complex. The escort contractor was responsible for the operation of the custody facility and the court was responsible for its provision and maintenance. The situation was further complicated in the case of Gloucester Crown Court, as the Court Service were tenants in a building owned and rented to them by the County Council.
- 9.30 Lay Observers were not effective in influencing improvements in the conditions and treatment of prisoners. They had drawn attention to the poor conditions for prisoners and staff, and health and security hazards. However, these observations had not been taken up by the contract monitor and were not pursued by them in subsequent reports.
- 9.31 There are no minimum standards for maximum occupancy, safe staffing levels, prisoner separation or general standards of safety and decency in court cellular complexes, although subject to existing health and safety legislation. We recognise that this is a national issue, and not one that arises solely in this area. However, the Court Service and, in due course, the unified courts' administration will wish to address this issue. In the light of our specific findings, we make a recommendation to address the issues that arose in this inspection in respect of the Crown Court at Gloucester.

**RECOMMENDATION FOR  
THE COURT SERVICE AND THE PRISONER ESCORT  
CONTRACTING SERVICE**

**That a comprehensive risk assessment of Gloucester  
Crown Court cell accommodation be carried out to inform:**

- \* **standards for maximum occupancy, safe staffing levels,  
prisoner separation and general standards  
of safety and decency; and**
- \* **a plan for prompt remedial action in respect  
of short-term issues.**

### **Child protection**

- 9.32 In YOI Ashfield, two thirds of the young prisoners were under the age of 18 and subject to the protection of the Children Act 1989. We found a growing awareness on the part of the establishment, and the local Area Child Protection Committee (ACPC), of their mutual responsibilities for child protection. In the past, cases referred to the ACPC by the YOI had been inappropriately referred back, but this occurred less often now. At the time of the inspection there were 12 cases open, two of which involved complaints against staff.

- 9.33 However, the escort contractor had no child protection policy, or awareness of any extra responsibilities under the Children Act, for protecting children in their care. During the course of our inspection we observed an incident where a 16-year-old offender was injured, whilst being legitimately restrained by escort staff. Neither the escort or prison staff managed the incident as a child protection matter, or were aware of the need to document it in accordance with child protection procedures. We also noted that the young person's age was incorrectly recorded as 20 on monitoring forms.
- 9.34 Escort contract managers confirmed that they had no child protection procedures and treated all defendants the same, unless they were known to be vulnerable. They concurred that doctors were rarely called to cells, on the basis that serious or urgent matters were given ambulance attention and less serious matters were expected to wait until they got to prison.
- 9.35 Lay Observers were not aware of their responsibility to monitor treatment and conditions during journeys, or of contract requirements for the separation of prisoners or for the care of children. The Prison Service and Prison Escort Contracting Services will wish to satisfy themselves that Lay Observers are aware of their responsibilities in this area.

**ISSUE TO ADDRESS FOR  
THE PRISON SERVICE AND THE PRISONER ESCORT  
CONTRACTING SERVICES**

**Ensure that escort contracts specify the responsibilities  
of contractors under the Children Act 1989.**

**TERMS OF REFERENCE**

To inspect and evaluate:

- \* the effectiveness of the strategic and operational relationship between the criminal justice agencies in the Area, in particular the operation of the local Criminal Justice Board;
- \* whether the criminal justice process is managed effectively at a strategic and operational level, objectives are set and performance managed;
- \* whether timely and good quality prosecution case files are prepared;
- \* whether cases are progressed efficiently and effectively through each stage of CJS, from arrest to completion of sentence, and that cracked and ineffective trials are minimised;
- \* whether the best use of local criminal justice agencies resources is made to ensure that justice is delivered efficiently and that the needs of all court users are met;
- \* if those who break the law are dealt with appropriately and consistently, providing justice to victims and society, and maximising the opportunities for the reform and rehabilitation of offenders;
- \* if the successful resettlement and post release supervision of offenders is secured, minimising the risk of re-offending and protecting the community from harm; and
- \* whether the rights of defendants are respected and whether they are treated fairly.



**KEY FINDINGS FROM THE JOINT INSPECTION FILE ANALYSIS****File sample**

***HMMCSI*** The HMMCSI sample consisted of 385 case files dealt with by Cheltenham, Cirencester, Gloucester and Stroud Magistrates' Courts. The sample comprised all adult criminal cases completed during the week commencing 6 January 2003, all youth criminal cases completed during the period 16 December 2002 to 11 January 2003, and all adult and youth criminal cases committed, sent or transferred to the Crown Court during the period 16 December 2002 to 11 January 2003.

The sample contained 37 cases committed to Gloucester Crown Court, which were analysed through to their completion in Gloucester Crown Court. In addition, one case in respect of the breach of a CPO was committed for sentence and tracked through to completion to the Crown Court.

Broken down, the total sample is made up of 345 adult cases and 40 youth cases (12 of which had been identified as persistent young offenders). In all except one of the cases followed through to the Crown Court, the defendant was an adult.

***HMCPST*** HMCPST selected 89 cases dealt with by Cheltenham, Cirencester, Gloucester and Stroud Magistrates' Courts. We were able to collect data on 33 of these cases through to their completion in Gloucester Crown Court.

This sample is made up of 85 adult cases and four youth cases (none of which had been identified as a persistent young offender). In all but one of the cases followed through to the Crown Court, the defendant was an adult.

## MAGISTRATES' COURT

**Table 1** - magistrates' courts' file sample comprising of one week's completed criminal adult cases and one week's completed criminal youth cases, showing comparison to Time Interval Survey (TIS) published by the magistrates' courts administration division. Figures in brackets are national performance; Gloucestershire MCC figures are taken from Time Elapsed Reports (TER) dated 1 July 2003.

<b>ALL CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within target	No. of defendants in survey
March 2002 TIS	39 (34)	48% (54%)	68% (75%)	229
Sept. 2002 TIS	30 (32)	59% (56%)	77% (75%)	202
March 2003 TIS	19 (33)	64% (56%)	82% (75%)	318
HMMCSI survey	34	62%	73%	342
<b>INDICTABLE AND EITHER WAY CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within 56 days	No. of defendants in survey
March 2002 TIS	69 (56)	16% (27%)	62% (67%)	61
June 2002 TIS	38 (54)	31% (28%)	72% (67%)	81
Sept. 2002 TIS	36 (54)	42% (30%)	76% (66%)	72
Dec. 2002 TIS	40 (54)	32% (29%)	69% (66%)	77
March 2003 TIS	28 (57)	36% (29%)	82% (67%)	56
HMMCSI survey	51	38%	67%	79
<b>SUMMARY NON-MOTORING CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within 28 days	No. of defendants in survey
March 2002 TIS	15 (21)	71% (70%)	84% (80%)	62
Sept. 2002 TIS	61 (20)	35% (72%)	55% (80%)	20
March 2003 TIS	13 (21)	84% (72%)	90% (81%)	122
HMMCSI survey	10	87%	90%	154
<b>SUMMARY MOTORING CASES</b>				
March 2002 TIS	36 (28)	54% (60%)	63% (76%)	106
Sept. 2002 TIS	20 (29)	75% (60%)	81% (76%)	110
March 2003 TIS	21 (26)	59% (61%)	76% (77%)	140
HMMCSI survey	54	43%	52%	109

**Table 2** - magistrates' courts' file sample comprising of one week's completed criminal adult cases, including any cases committed, sent or transferred to the Crown Court during that period, showing comparison to Time Elapsed Reports (TER) dated 1 July 2003 provided by the magistrates' courts administration division.

<b>ALL ADULT CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within target	No. of defendants in survey
March 2002 TER	40	50%	-	216
Sept. 2002 TER	31	60%	-	192
March 2003 TER	19	66%	-	301
HMMCSI survey	35	62%	71%	321
<b>INDICTABLE AND EITHER WAY ADULT CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within 56 days	No. of defendants in survey
Dec. 2002 TER	41	34%	68%	71
June 2003 TER	42	30%	74%	54
HMMCSI survey	54	39%	63%	70
<b>SUMMARY NON-MOTORING ADULT CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within 28 days	No. of defendants in survey
MCSI survey	10	89%	90%	144
<b>SUMMARY MOTORING ADULT CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within 28 days	No. of defendants in survey
HMMCSI survey	55	42%	51%	107

**Table 3** - magistrates' courts' file sample comprising of four week's completed criminal youth cases, including any cases committed, sent or transferred to the Crown Court during that period.

<b>ALL YOUTH CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within target	No. of defendants in survey
HMMCSI survey	35	35%	70%	40
<b>INDICTABLE AND EITHER WAY YOUTH CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within 56 days	No. of defendants in survey
HMMCSI survey	35	22%	84%	18
<b>SUMMARY NON-MOTORING YOUTH CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within 28 days	No. of defendants in survey
HMMCSI survey	35	44%	56%	16
<b>SUMMARY MOTORING YOUTH CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within 28 days	No. of defendants in survey
HMMCSI survey	35	50%	67%	6

**Table 4** - magistrates' courts' file sample comprising of one week's completed criminal adult cases and four week's completed criminal youth cases and including four week's of cases committed, sent or transferred to the Crown Court.

<b>ALL CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within target	No. of defendants in survey
HMMCSI survey	34	57%	73%	385
<b>INDICTABLE AND EITHER WAY CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within 56 days	No. of defendants in survey
HMMCSI survey	44	33%	72%	112
<b>SUMMARY NON-MOTORING CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within 28 days	No. of defendants in survey
HMMCSI survey	12	84%	87%	160
<b>SUMMARY MOTORING CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within 28 days	No. of defendants in survey
HMMCSI survey	54	42%	52%	113

**Table 5** - magistrates' courts' file sample comprising of all files selected by HMCPSI.

<b>ALL CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within target	No. of defendants in survey
HMCPSI survey	76	20%	42%	89
<b>INDICTABLE AND EITHER WAY CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within 56 days	No. of defendants in survey
HMCPSI survey	79	22%	48%	58
<b>SUMMARY NON-MOTORING CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within 28 days	No. of defendants in survey
HMCPSI survey	73	13%	26%	23
<b>SUMMARY MOTORING CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within 28 days	No. of defendants in survey
HMCPSI survey	67	25%	38%	8

**Table 6** - magistrates' courts' file sample comprising of all adult files selected by HMCPSI.

<b>ALL ADULT CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within target	No. of defendants in survey
HMCPSI survey	75	20%	42%	85
<b>INDICTABLE AND EITHER ADULT WAY CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within 56 days	No. of defendants in survey
HMCPSI survey	77	22%	50%	54
<b>SUMMARY NON-MOTORING ADULT CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within 28 days	No. of defendants in survey
HMCPSI survey	73	13%	26%	23
<b>SUMMARY MOTORING ADULT CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within 28 days	No. of defendants in survey
HMCPSI survey	67	25%	38%	8

**Table 7** - magistrates' courts' file sample comprising of all youth files selected by HMCPSI.

<b>ALL YOUTH CASES WERE INDICTABLE ONLY OR EITHER WAY CASES</b>				
	Average no. of days from first listing to completion	Cases finalised at first appearance	Cases completed within target	No. of defendants in survey
HMCPSI survey	100	25%	25%	4

## Adjournment Analysis – HMMCSI

**Table 8** - magistrates' courts' file sample comprising of one week's adult and one week's youth completed criminal cases and showing comparison to consolidated data from 30 MCSI inspections completed between September 2000 and July 2003.

	Total adjournments for reason specified		HMMCSI comparison	
<b>Standard Procedural Adjournments</b>	<b>57%</b>		<b>56%</b>	
To prepare for pre-trial review	11	6%		
To prepare for trial	65	35%		
For pre-sentence report	25	13%		
For other reports to be filed (not probation)	0	0%		
Because one of the parties was ill	3	2%		
For defendant to produce motoring documents	14	7%		
To serve concise witness statements	15	8%		
For committal (for trial, sentence or appeal)	16	9%		
For defendant to be informed that s/he faces disqualification from driving	25	13%		
For the case to be dealt with at same time as other cases involving the defendant or to tie in with co-accused	6	3%		
For a full file after unexpected not guilty plea	8	4%		
Miscellaneous	0	0%		
<b>Subtotals</b>	<b>188</b>	<b>100%</b>		
<b>Ineffective Hearings</b>	<b>43%</b>		<b>44%</b>	
<b>Defendant did not attend</b>				
Defendant failed to attend	1	1%		
Defendant failed to attend without giving a satisfactory explanation	32	22%		
<b>Subtotals</b>	<b>33</b>	<b>23%</b>	<b>4,122</b>	<b>28%</b>
<b>Defence – other reasons</b>				
To take further instructions	14	10%		
Defendant had not applied for right to representation	0	0%		
Advance information had not been requested	0	0%		
Committal papers received but not considered	0	0%		
Advance information received but not considered	1	1%		
Defence needed to make enquiries	7	5%		
For defence to review other evidence	0	0%		
For defence to consider unused material	0	0%		
To review tape or video evidence	4	3%		
<b>Subtotals</b>	<b>26</b>	<b>18%</b>	<b>3,853</b>	<b>26%</b>



	Total adjournments for reason specified		HMMCSI comparison	
<b>Court</b>				
Details of previous driving convictions not available	2	1%		
Application for right to representation not processed	0	0%		
The defendant was not made aware of an adjourned hearing	4	3%		
The court had not requested production of a prisoner	0	0%		
Insufficient court time	8	6%		
<b>Subtotals</b>	<b>14</b>	<b>10%</b>	<b>1,135</b>	<b>8%</b>
<b>Prosecution</b>				
The CPS needed to make further enquiries	9	6%		
The CPS were unable to produce the file in court	6	4%		
The CPS needed to consider whether the charge against the defendant should be changed	8	6%		
The CPS had not provided advance information on time	3	2%		
The CPS needed to review other evidence	0	0%		
For the CPS to consider whether to continue with the case	5	3%		
The CPS did not provide committal papers on time	1	1%		
The defendant was not made aware of date of hearing as a defective summons was issued (police blame)	1	1%		
The police needed to make further enquiries	19	13%		
The police had not provided advance information on time	1	1%		
The police had not served concise witness statements (S9) on time	2	1%		
The summons had not been served on the defendant by the police	2	1%		
<b>Subtotals</b>	<b>57</b>	<b>40%</b>	<b>3,613</b>	<b>24%</b>
<b>Third party</b>				
A witness did not attend court (in the case of Gloucestershire this relates to a civilian witness)	1	1%		
<b>Subtotals</b>	<b>1</b>	<b>1%</b>	<b>92</b>	<b>1%</b>
<b>Probation Area</b>				
A previously requested pre-sentence report had not been prepared on time (probation area NOT to blame)	3	2%		
A previously requested pre-sentence report had not been prepared on time (probation area to blame)	0	0%		
<b>Subtotals</b>	<b>3</b>	<b>2%</b>	<b>85</b>	<b>1%</b>

	Total adjournments for reason specified		HMMCSI comparison	
<b>Prison Service/Prisoner Escort</b>				
Prisoner Escort and Custody Service failed to produce prisoner	0	0%		
<b>Subtotals</b>	<b>0</b>	<b>0%</b>	<b>13</b>	<b>0%</b>
<b>More than one party</b>				
Defendant not made aware of hearing/issued with defective summons	0	0%		
For prosecution and defence to liaise	0	0%		
<b>Subtotals</b>	<b>0</b>	<b>0%</b>	<b>591</b>	<b>4%</b>
<b>Miscellaneous</b>				
Other miscellaneous reasons	4	3%		
Lack of special needs/measures/facilities including interpreters	0	0%		
Unable to identify the reason for adjournment	5	3%		
<b>Subtotals</b>	<b>9</b>	<b>6%</b>		

## Adjournment Analysis – HMMCSI

**Table 9** – all magistrates’ courts’ files sampled by HMMCSI.

	Total adjournments for reason specified	
<b>Standard Procedural Adjournments</b>	<b>57%</b>	
To prepare for pre-trial review	12	5%
To prepare for trial	87	37%
For pre-sentence report	30	13%
For other reports to be filed (not probation)	0	0%
Because one of the parties was ill	6	3%
For defendant to produce motoring documents	15	6%
To serve concise witness statements	15	6%
For committal (for trial, sentence or appeal)	21	9%
For defendant to be informed that s/he faces disqualification from driving	25	11%
For the case to be dealt with at same time as other cases involving the defendant or to tie in with co-accused	10	4%
For a full file after unexpected not guilty plea	12	5%
Miscellaneous	0	0%
<b>Subtotals</b>	<b>233</b>	<b>100%</b>
<b>Ineffective Hearings</b>	<b>43%</b>	
<b>Defendant did not attend</b>		
Defendant failed to attend	1	1%
Defendant failed to attend without giving a satisfactory explanation	37	21%
<b>Subtotals</b>	<b>38</b>	<b>22%</b>
<b>Defence - other reasons</b>		
To take further instructions	19	11%
Defendant had not applied for right to representation	0	0%
Advance information had not been requested	0	0%
Committal papers received but not considered	0	0%
Advance information received but not considered	1	1%
Defence needed to make enquiries	7	4%
For defence to review other evidence	0	0%
For defence to consider unused material	0	0%
To review tape or video evidence	6	3%
<b>Subtotals</b>	<b>33</b>	<b>19%</b>

	Total adjournments for reason specified	
<b>Court</b>		
Details of previous driving convictions not available	2	1%
Application for right to representation not processed	0	0%
The defendant was not made aware of an adjourned hearing	4	2%
The court had not requested production of a prisoner	0	0%
Insufficient court time	8	5%
<b>Subtotals</b>	<b>14</b>	<b>8%</b>
<b>Prosecution</b>		
The CPS needed to make further enquiries	14	8%
The CPS were unable to produce the file in court	10	6%
The CPS needed to consider whether the charge against the defendant should be changed	10	6%
The CPS had not provided advance information on time	3	2%
The CPS needed to review other evidence	0	0%
For the CPS to consider whether to continue with the case	5	3%
The CPS did not provide committal papers on time	1	1%
The defendant was not made aware of date of hearing as a defective summons was issued (police blame)	1	1%
The police needed to make further enquiries	19	11%
The police had not provided advance information on time	1	1%
The police had not served concise witness statements (S9) on time	2	1%
The summons had not been served on the defendant by the police	2	1%
<b>Subtotals</b>	<b>68</b>	<b>39%</b>
<b>Third party</b>		
A witness did not attend court	1	1%
<b>Subtotals</b>	<b>1</b>	<b>1%</b>
<b>Probation Area</b>		
A previously requested pre-sentence report had not been prepared on time (probation area NOT to blame)	3	2%
A previously requested pre-sentence report had not been prepared on time (probation area to blame)	0	0%
<b>Subtotals</b>	<b>3</b>	<b>2%</b>

	Total adjournments for reason specified	
<b>Prison Service/Prisoner Escort</b>		
Prisoner Escort and Custody Service failed to produce prisoner	0	0%
<b>Subtotals</b>	<b>0</b>	<b>0%</b>
<b>More than one party</b>		
Defendant not made aware of hearing/issued with defective summons	0	0%
For prosecution and defence to liaise	0	0%
<b>Subtotals</b>	<b>0</b>	<b>0%</b>
<b>Miscellaneous</b>		
Other miscellaneous reasons	8	5%
Lack of special needs/measures/facilities including interpreters	0	0%
Unable to identify the reason for adjournment	8	5%
<b>Subtotals</b>	<b>16</b>	<b>9%</b>

## Adjournment Analysis – HMCPSI

**Table 10** - magistrates' courts' file sample selected by HMCPSI.

	Total adjournments for reason specified	
<b>Standard Procedural Adjournments</b>	<b>58%</b>	
To prepare for pre-trial review	7	5%
To prepare for trial	63	45%
For pre-sentence report	7	5%
For other reports to be filed (not probation)	2	1%
Because one of the parties was ill	10	7%
For defendant to produce motoring documents	0	0%
To serve concise witness statements	0	0%
For committal (for trial, sentence or appeal)	30	21%
For defendant to be informed that s/he faces disqualification from driving	0	0%
For the case to be dealt with at same time as other cases involving the defendant or to tie in with co-accused	9	6%
For a full file after unexpected not guilty plea	11	8%
Miscellaneous	1	1%
<b>Subtotals</b>	<b>140</b>	<b>100%</b>
<b>Ineffective Hearings</b>	<b>42%</b>	
<b>Defendant did not attend</b>		
Defendant failed to attend	0	0%
Defendant failed to attend without giving a satisfactory explanation	15	15%
<b>Subtotals</b>	<b>15</b>	<b>15%</b>
<b>Defence - other reasons</b>		
To take further instructions	13	13%
Defendant had not applied for right to representation	0	0%
Advance information had not been requested	0	0%
Committal papers received but not considered	0	0%
Advance information received but not considered	1	1%
Defence needed to make enquiries	5	5%
For defence to review other evidence	0	0%
For defence to consider unused material	0	0%
To review tape or video evidence	2	2%
<b>Subtotals</b>	<b>21</b>	<b>21%</b>

	Total adjournments for reason specified	
<b>Court</b>		
Details of previous driving convictions not available	0	0%
Application for right to representation not processed	0	0%
The defendant was not made aware of an adjourned hearing	2	2%
The court had not requested production of a prisoner	0	0%
Insufficient court time	1	1%
<b>Subtotals</b>	<b>3</b>	<b>3%</b>
<b>Prosecution</b>		
The CPS needed to make further enquiries	8	8%
The CPS were unable to produce the file in court	2	2%
The CPS needed to consider whether the charge against the defendant should be changed	6	6%
The CPS had not provided advance information on time	1	1%
The CPS needed to review other evidence	1	1%
For the CPS to consider whether to continue with the case	4	4%
The CPS did not provide committal papers on time	2	2%
The defendant was not made aware of date of hearing as a defective summons was issued (police blame)	1	1%
The police needed to make further enquiries	7	7%
The police had not provided advance information on time	2	2%
The police had not served concise witness statements (S9) on time	0	0%
The summons had not been served on the defendant by the police	0	0%
<b>Subtotals</b>	<b>34</b>	<b>34%</b>
<b>Third party</b>		
A witness did not attend court	0	0%
<b>Subtotals</b>	<b>0</b>	<b>0%</b>
<b>Probation Area</b>		
A previously requested pre-sentence report had not been prepared on time (probation area NOT to blame)	3	3%
A previously requested pre-sentence report had not been prepared on time (probation area to blame)	3	3%
<b>Subtotals</b>	<b>6</b>	<b>6%</b>

	Total adjournments for reason specified	
<b>Prison Service/Prisoner Escort</b>		
Prisoner Escort and Custody Service failed to produce prisoner	0	0%
<b>Subtotals</b>	<b>0</b>	<b>0%</b>
<b>More than one party</b>		
Defendant not made aware of hearing/issued with defective summons	0	0%
For prosecution and defence to liaise	0	0%
<b>Subtotals</b>	<b>0</b>	<b>0%</b>
<b>Miscellaneous</b>		
Other miscellaneous reasons	14	14%
Lack of special needs/measures/facilities including interpreters	0	0%
Unable to identify the reason for adjournment	7	7%
<b>Subtotals</b>	<b>21</b>	<b>21%</b>

## Findings – Crown Court

### HMMCSI and HMCPSI sample

**Table 11** – Crown Court file sample.

<b>ALL CASES</b>			
	Average no. of days from committal to disposal	Cases disposed of at first hearing	No. of defendants in survey
HMMCSI survey	67	37%	38
<b>ALL CASES</b>			
	Average no. of days from committal to disposal	Cases disposed of at first hearing	No. of defendants in survey
HMCPSI survey	144	6%	33



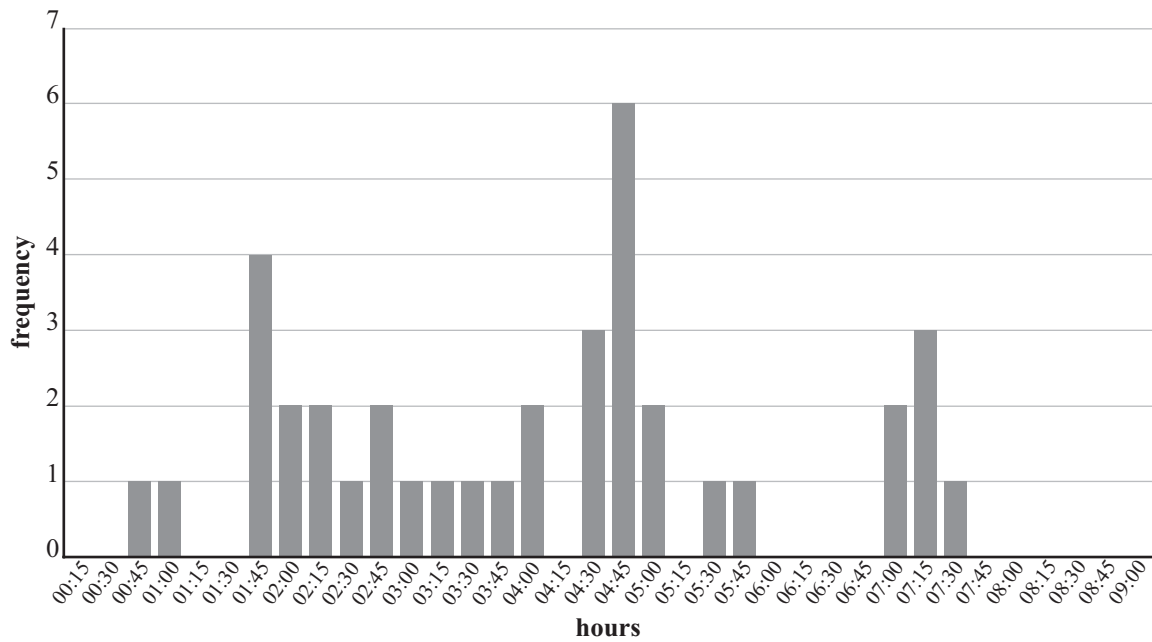
## JOINT PERFORMANCE MONITORING DATA

JOINT PERFORMANCE MONITORING (JPM) - FULL FILES									
	2001/02			2002/03			% Change from 2001-02 to 2002-03		
Performance Indicator	Adult	Youth	All Files	Adult	Youth	All Files	Adult	Youth	All Files
% of files satisfactory/sufficient to proceed	82.8%	81.6%	82.2%	87.6%	97.6%	87.6%	+4.8%	+16%	+5.4%
% of files insufficient to proceed	17.2%	18.4%	17.8%	12.4%	2.4%	12.4%	-4.8%	-16%	-5.4%
% of files sent to CPS within time limit	71.2%	58.8%	65%	71.5%	56.1%	71.5%	+0.3%	-2.7%	+6.5%

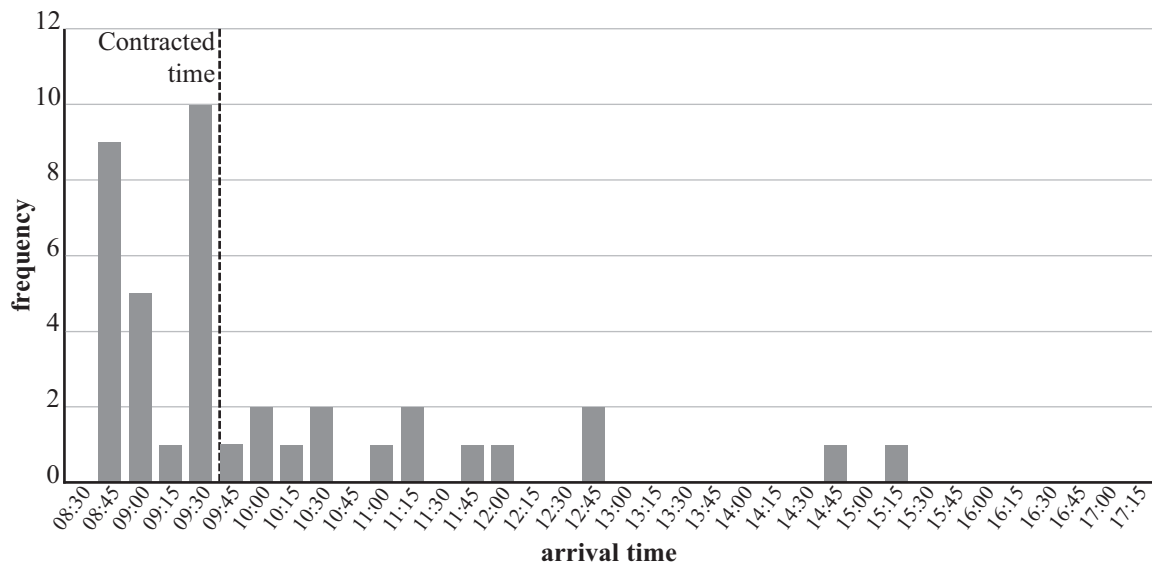
**PRISONER ESCORT CONTRACTOR DATA**

**Reliance data relating to Gloucester Crown Court 6.1.03 to 18.1.03**

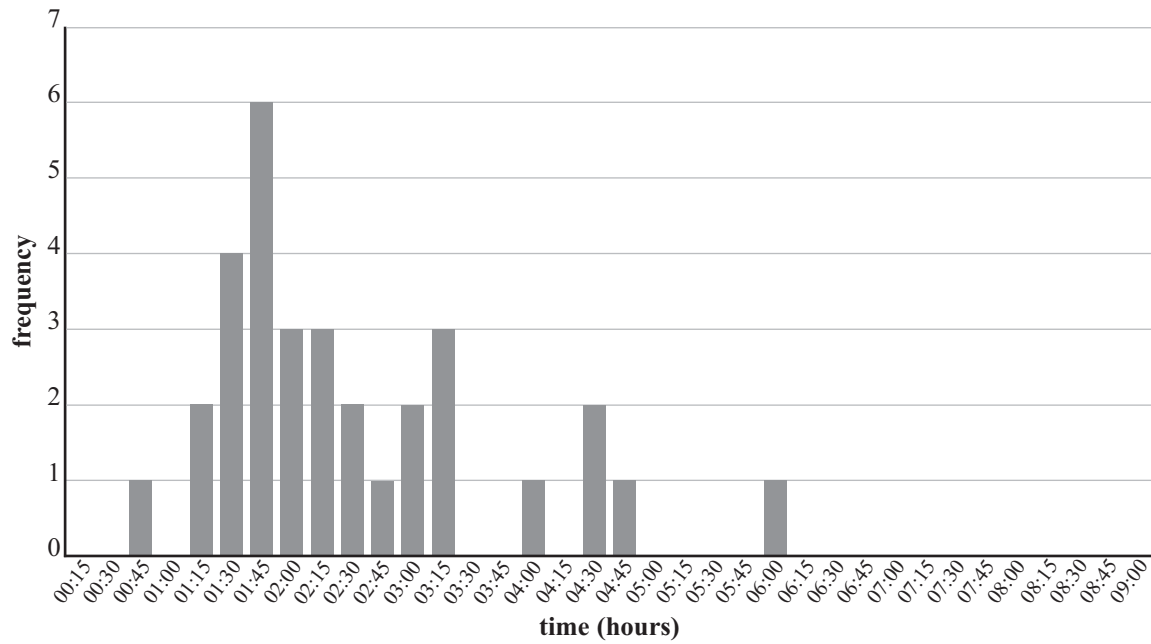
**Time prisoners spend at Gloucester Crown Court**



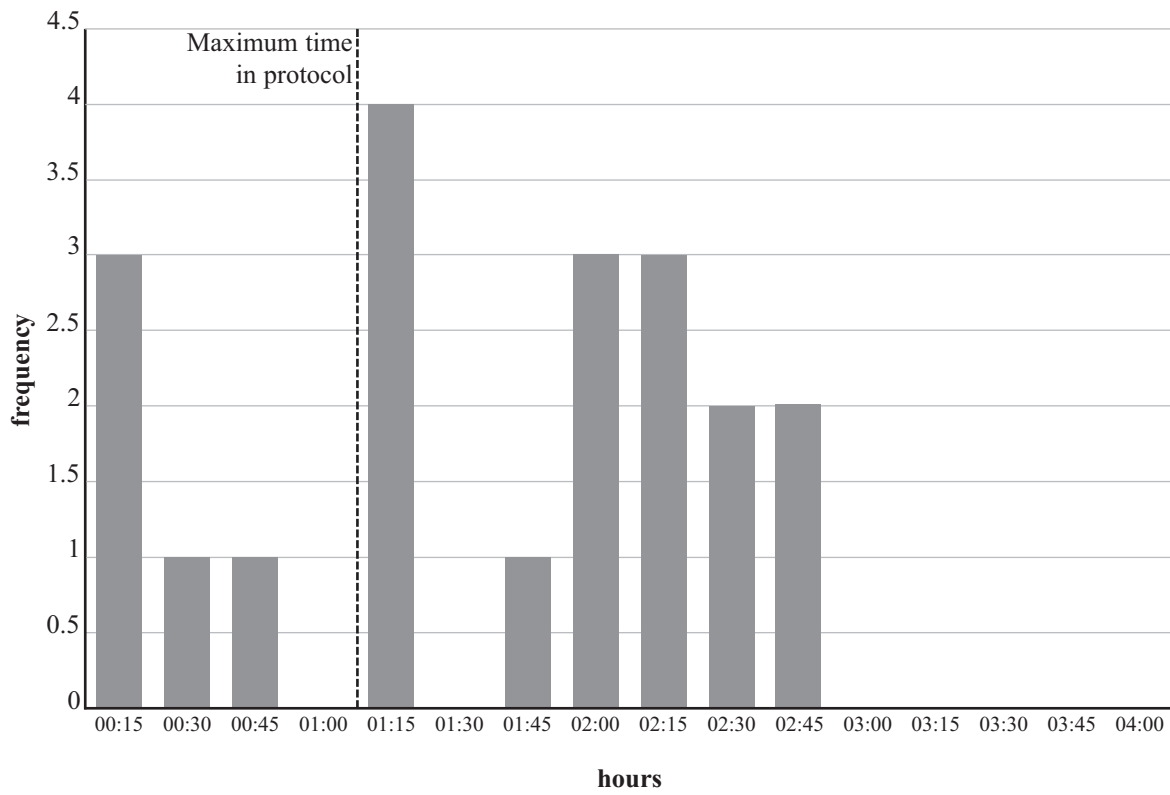
**Prisoner arrival times at Gloucester Crown Court**



### Prisoner waiting time before appearance at Gloucester Crown Court

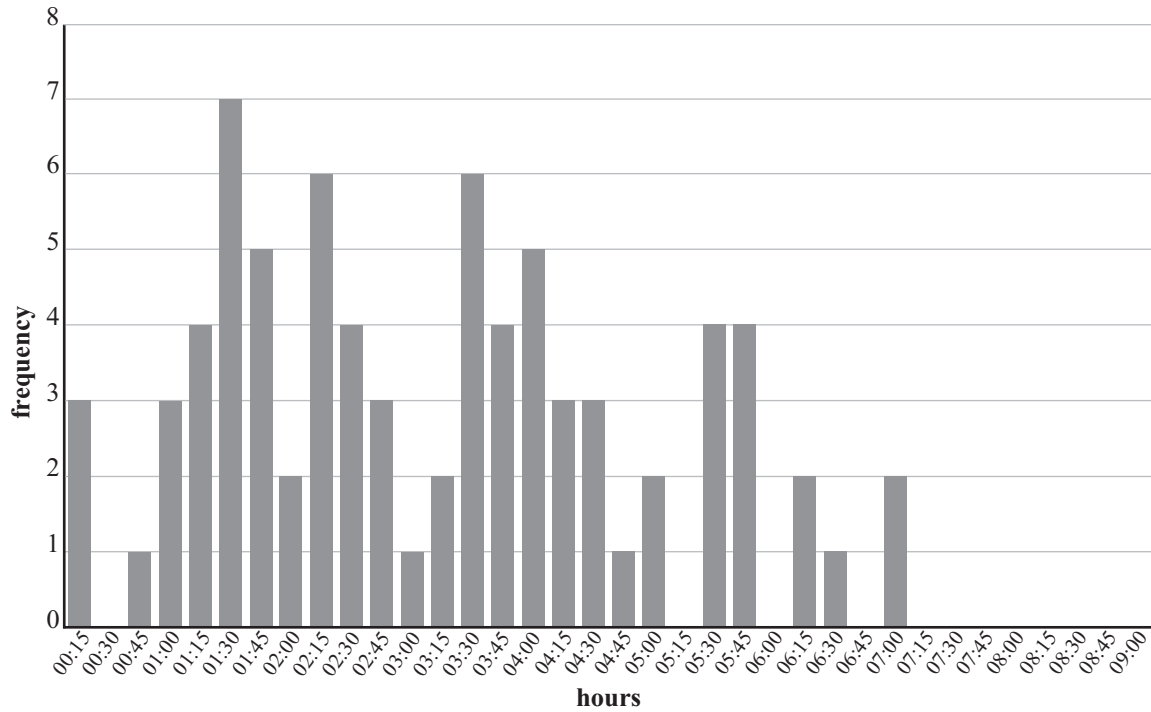


### Time taken to provide warrant after hearing at Gloucester Crown Court

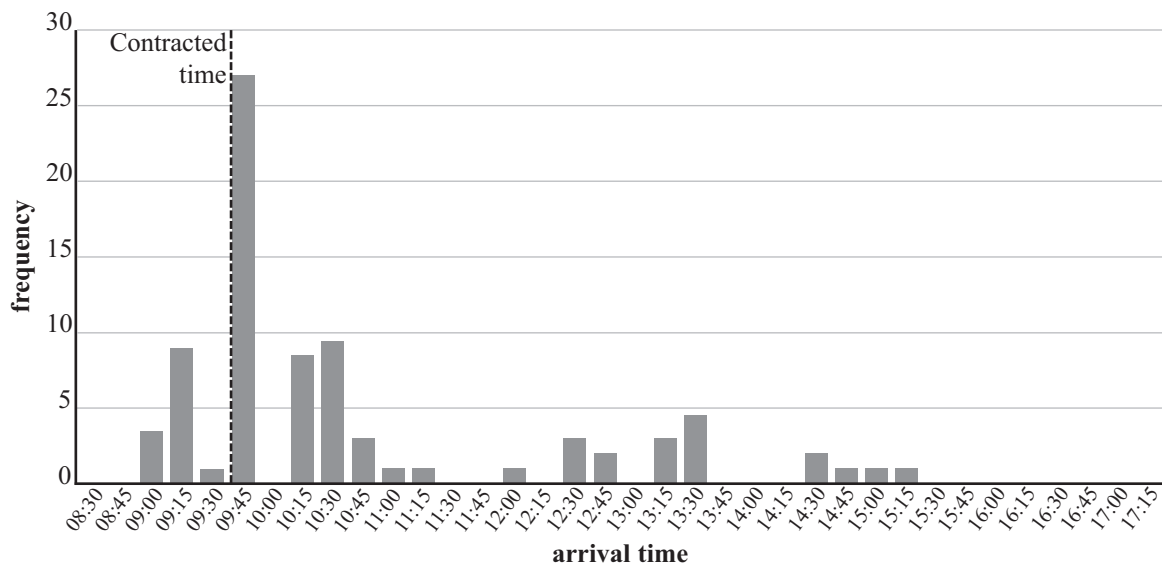


## Reliance data relating to Cheltenham Magistrates' Court 6.1.03 to 18.1.03

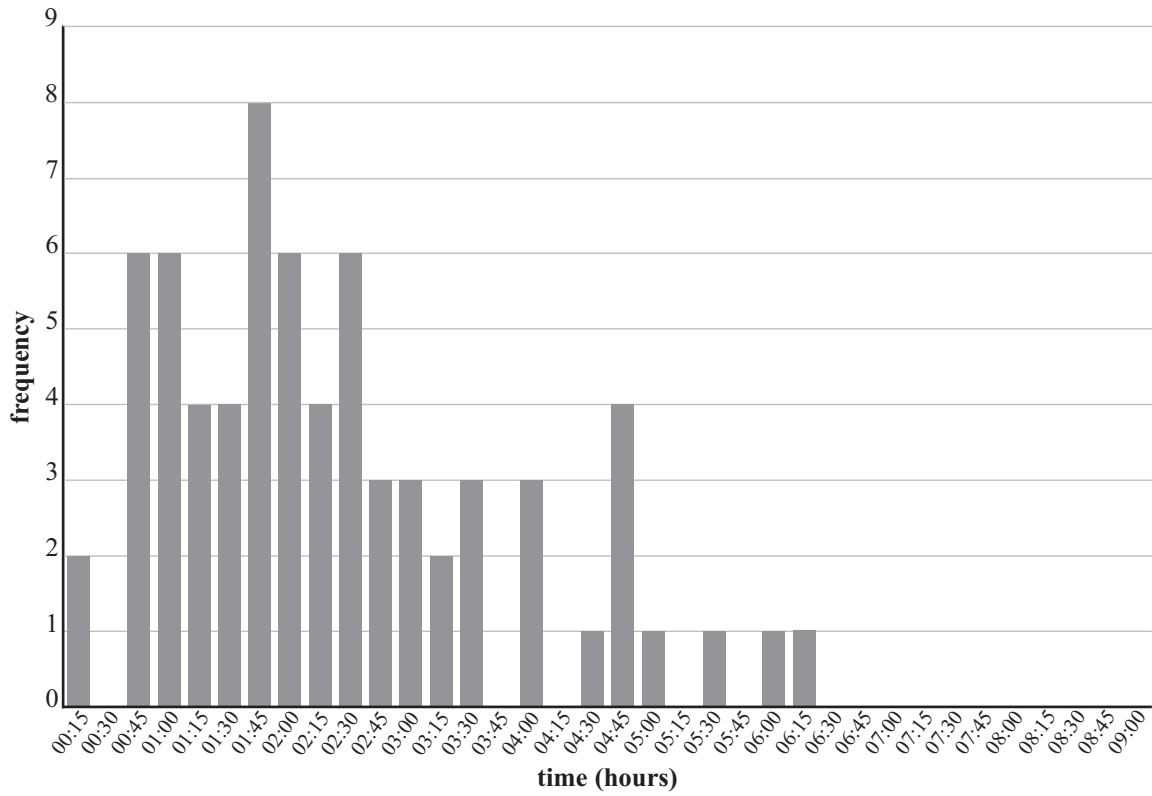
### Time prisoners spend at Cheltenham Magistrates' Court



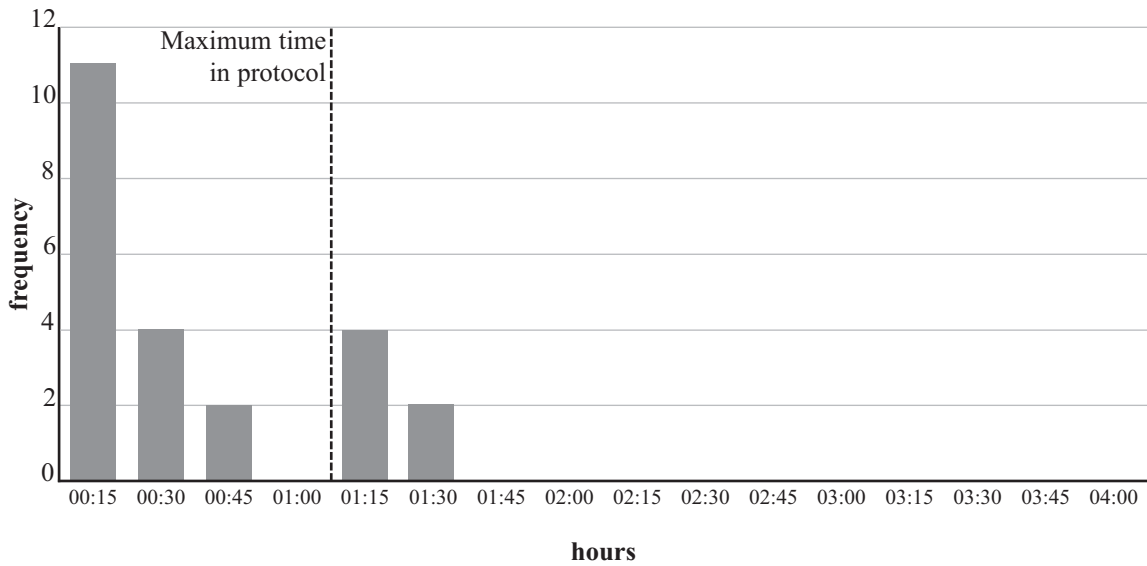
### Prisoner arrival times at Cheltenham Magistrates' Court



**Prisoner waiting time before appearance at Cheltenham Magistrates' Court**

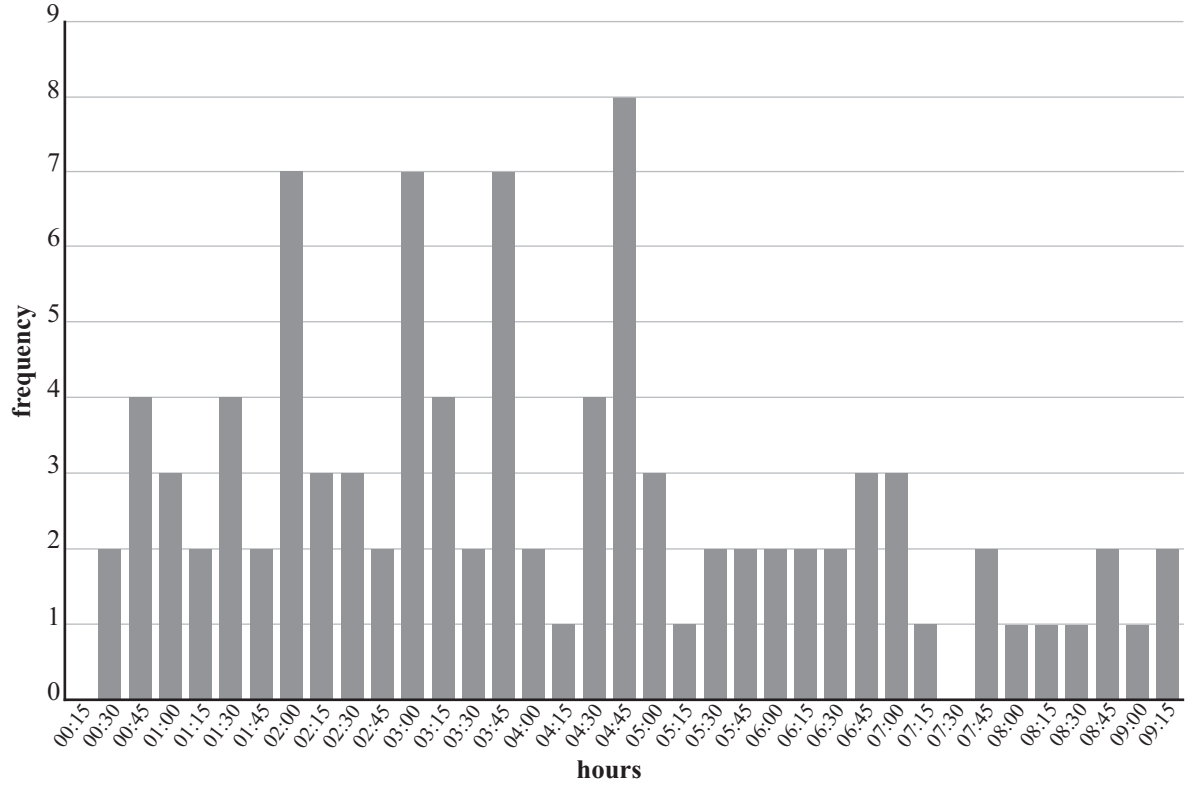


**Time taken to provide warrant after hearing at Cheltenham Magistrates' Court**

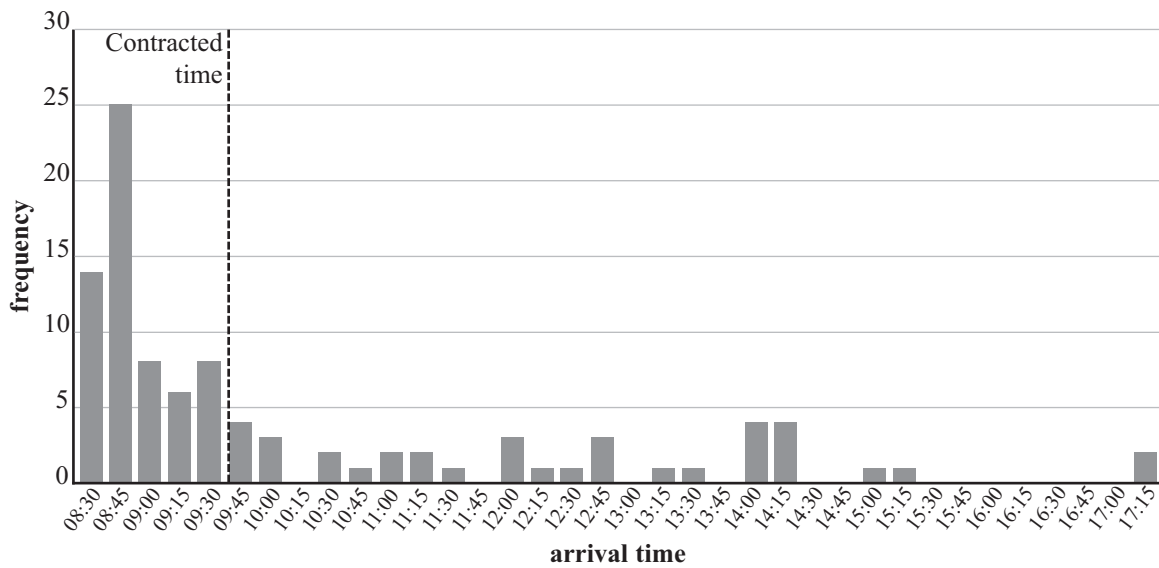


# Reliance data relating to Gloucester Magistrates' Court 6.1.03 to 18.1.03

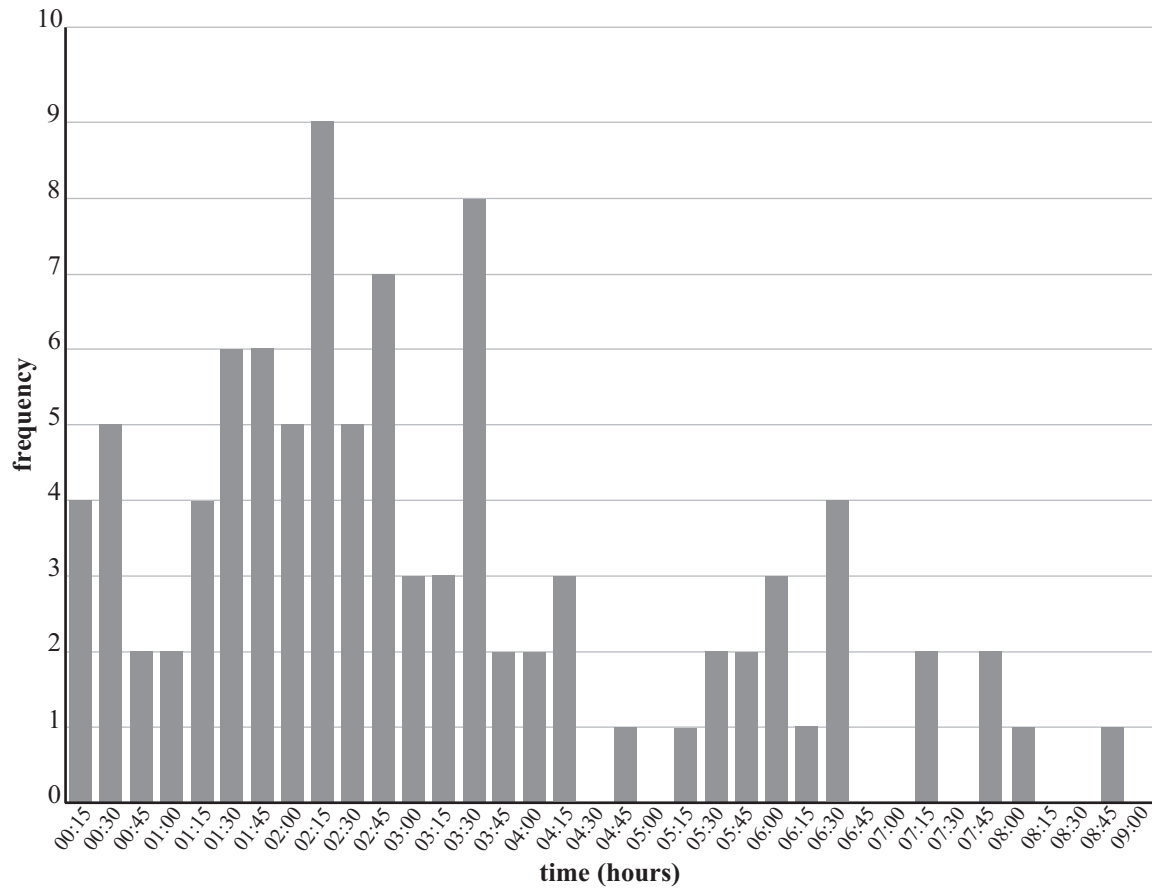
## Time prisoners spend at Gloucester Magistrates' Court



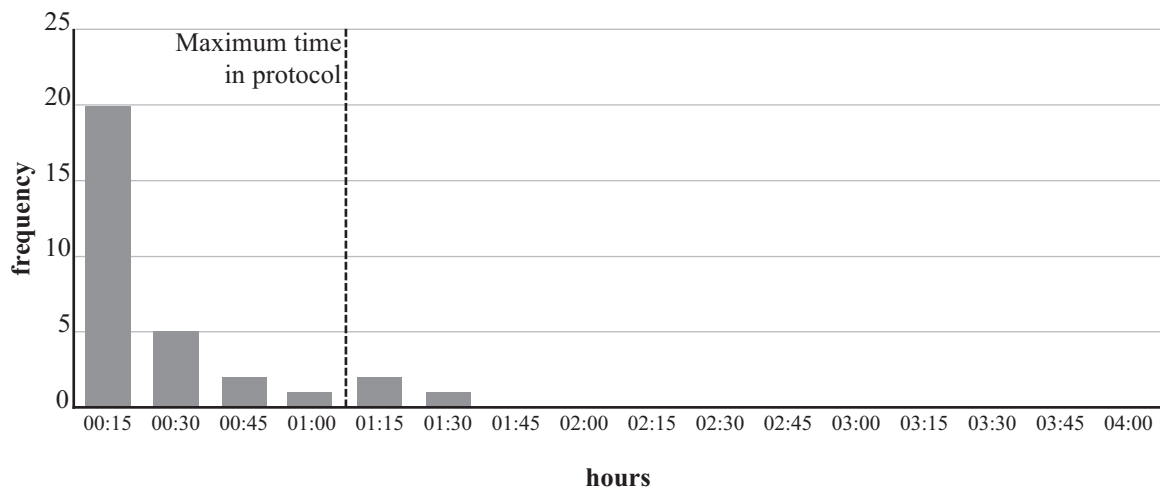
## Prisoner arrival times at Gloucester Magistrates' Court



### Prisoner waiting time before appearance at Gloucester Magistrates' Court

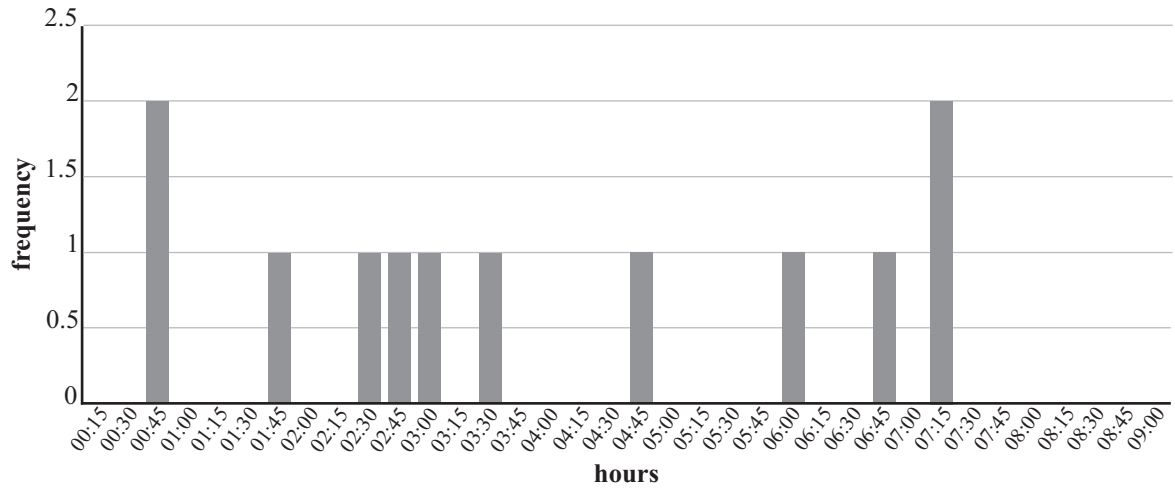


### Time taken to provide warrant after hearing at Gloucester Magistrates' Court

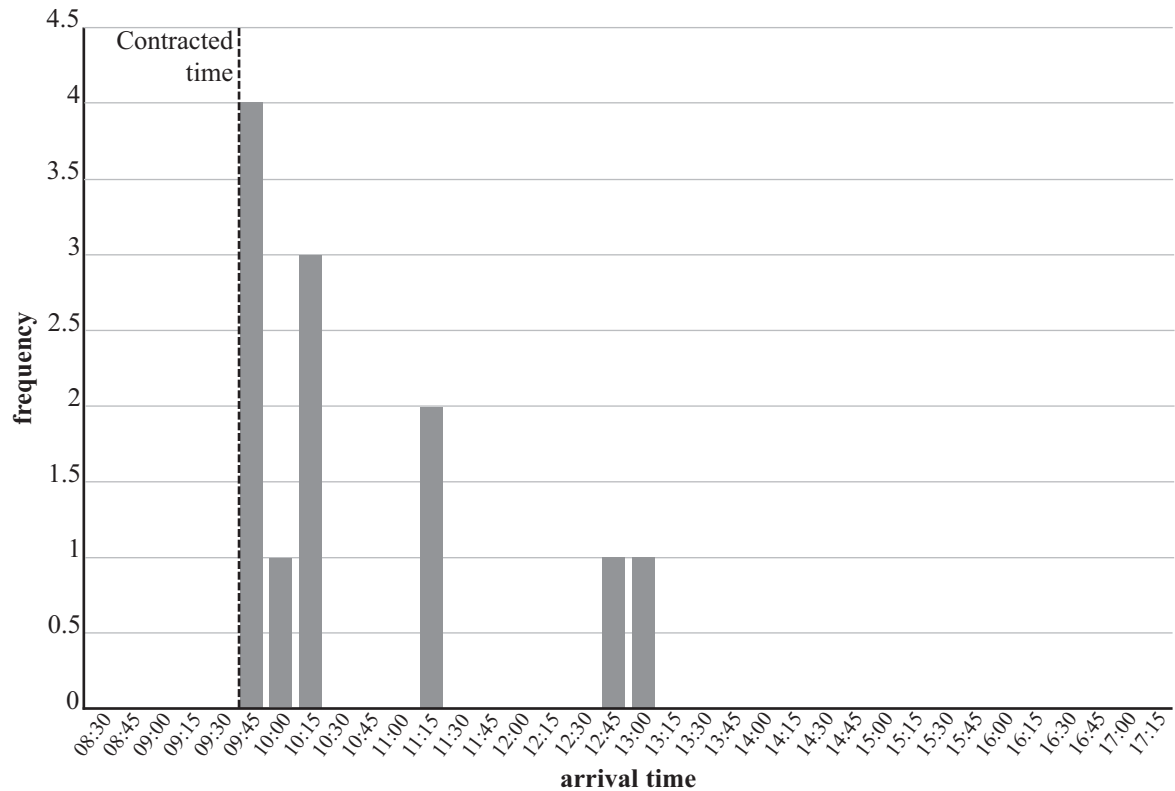


## Reliance data relating to Stroud Magistrates' Court 6.1.03 to 18.1.03

### Time prisoners spend at Stroud Magistrates' Court

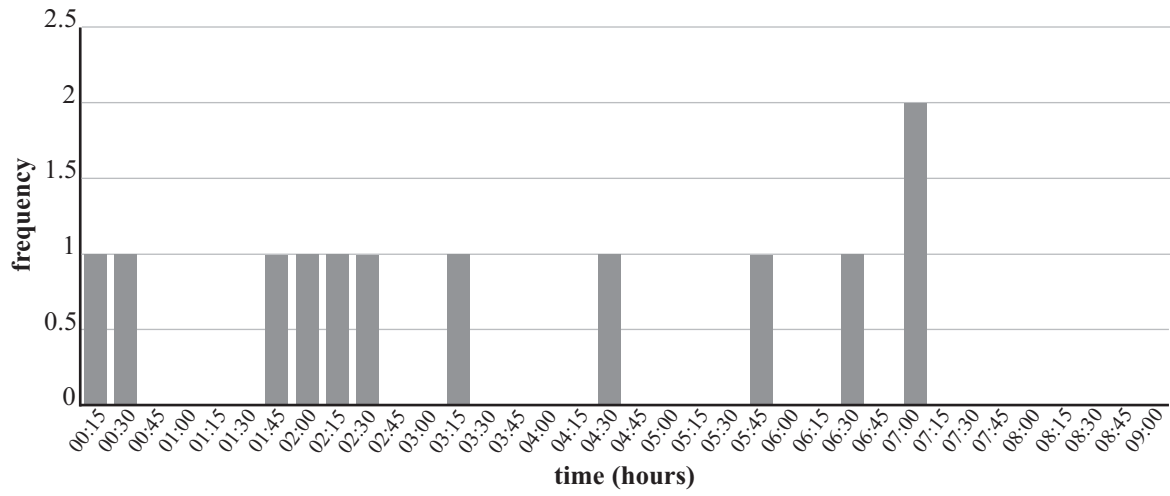


### Prisoner arrival times at Stroud Magistrates' Court





### Prisoner waiting times at Stroud Magistrates' Court



**LIST OF THOSE WHO ASSISTED IN OUR INSPECTION**

His Honour Judge Tabor QC

**Chairman of the Magistrates' Courts Committee**

Mr C Freshney

**Magistrates**

Mr J Dew, Chair of the Cirencester Bench

Mrs M Garstang, Chair of the Gloucester Bench

Mrs S Imlah, Chair of the Cheltenham Bench

Mrs G Lunn, Chair of the South Gloucestershire Bench

**Counsel**

Mr D Tait

Mr S Morgan

Mr P Blair

**Defence Solicitors**

Mr S Young

Ms C Malvern-White

Mrs G Ogden, Public Defender Service

Mr G Daniel

**Victim Support**

Mr B Farmer, Gloucestershire Victim Support

Mr R Lacey

**Witness Service**

Ms L Harper

**Local Crime and Disorder Partnership**

Mrs P Dabb, Crime and Disorder Partnership Gloucester

Mr T Gladding, Crime and Disorder Partnership Cheltenham

**Community Groups**

Mrs A MacRae, Gloucestershire Race Equality Council

Mrs L Burns, Domestic Violence Intervention project

Additionally we thank the victims, witnesses and prisoners who kindly gave up their time to attend focus groups.



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