

**Joint Inspection of effective case building by the police and CPS**

**Information about the inspection - for publication**

**Background**

The work carried out by HM Crown Prosecution Service Inspectorate and HM Inspectorate of Constabulary and Fire and Rescue Services over a number of years has shown that there is room to improve the standard of case building by police forces and CPS Areas. A constant theme in inspection reports, recently repeated in the HMCPSI Area Inspection Programme reports of all 14 CPS Areas, is the importance and impact of the relationship between CPS and the police. Various pan-CPS and police bodies are in place to facilitate this relationship. In January 2022, Prosecution Team Performance Meetings (PTPMs) were replaced with Joint Operational Improvement Meetings (JOIMs). Their aim is to identify joint priority areas for focused activity to drive improvement in case work and share good practice.

Initiatives such as the National Disclosure Improvement Plan and joint police/CPS rape action plan demonstrate the importance both organisations place on joint working to rectify issues in the highest priority areas. The effectiveness of both organisations working optimally together to deliver stronger cases and a better service to those involved in the Criminal Justice System is accepted to be of significant importance.

**Inspection aims**

The inspection aims to assess the culture and communication between the police and CPS in building case files, including police and CPS Area teamwork, such as strategic and operational liaison and standard setting, data sharing, and the effectiveness of joint operational improvement meetings. We will then consider how to make impactful recommendations for improvements, and identify strengths and aspects of good practice. The inspection will review either way and indictable only offences that are investigated by non-specialist police units, and will focus on the communication and culture of each organisation.

We will look forward from the first point of contact between the police and CPS (which will in most cases be the request for charging advice) to the plea hearing; in magistrates’ courts cases this will usually be the first hearing (1HE), and in Crown Court cases, it will be the plea and trial preparation hearing (PTPH). The inspection will exclude rape and serious sexual offences (RASSO) and cases that are so serious that they require to be dealt with by Complex Casework Units (CCUs) in Areas and the national casework divisions. CCUs and the police specialist teams which send cases to CCUs will, however, be approached to provide evidence about partnership working.

The technical aspects of communications between the police and CPS, for example, which software police forces use to build and share files, whether forces use a two-way interface, and the impact of the Common Platform are all outside the scope of this inspection but may be considered for future inspection activity. The inspection will comment if it becomes apparent that different systems and IT processes are impacting on the effectiveness of communication and/or case building.

This inspection will not consider compliance with duties in relation to unused material other than compliance with the requirement for the police to supply schedules and material in accordance with the sixth edition of the Director’s Guidance on Charging (DG6) and the duty on the prosecution to make initial disclosure in advance of the plea hearing in cases where a not guilty plea is anticipated. The quality of disclosure decisions is not within the remit of this inspection.

**The inspection question**

How can police forces and CPS Areas improve culture, communication and partnership work on case building in either way and indictable only casework to deliver stronger cases, a better product for the court and defence, and a better service to victims, witnesses and the public?

**Inspection criteria**

The aim of the inspection is to answer the following questions:

1. Does each agency deliver the most effective and proportionate service to each other in the charging process for either way and indictable only cases?
2. Do police forces comply with the Director’s Guidance on Charging (6th edition) (DG6) and the national file standards (NFS) for the type of case they submit for a charging advice?
3. Are there systems in place in the police to ensure there is effective investigation, supervision and gate-keeping or other quality assurance of case files before they are submitted for charging advice?
4. Are CPS Areas’ triages of police file submissions effective?
5. Do CPS Areas use feedback mechanisms effectively to report any lack of compliance with DG6 and NFS?
6. Are CPS Area action plans being used appropriately to build stronger cases? Are actions relevant, clearly expressed and proportionate, and are target dates realistic?
7. Are police forces addressing actions set in action plans effectively?
8. Have the interests of victims, witnesses and the public been addressed in the charging process?
9. Timeliness in the charging process: are there delays in the charging process in either or both agencies impacting on effective case building (e.g., evidence becoming unavailable, the expiry of summary time limits)?
10. Is there good communication between the parties to facilitate strong case building?
11. Is there effective partnership working on an operational level to build strong cases?
12. Are either way and indictable only cases prepared effectively for the first court hearing by the police and CPS Areas?
13. Are accurate assessments being made by police forces and by CPS Areas of whether a case is a guilty anticipated plea (GAP) case or a not guilty anticipated plea (NGAP) case?
14. Do police forces submit the file after charge in compliance with the timescales set for cases?
15. How effective are police forces at supplying material requested in an action plan set when charge is authorised?
16. Do CPS Areas review cases in good time?
17. Do CPS Areas identify any remedial work needed or any omissions from any action plan set when charge is authorised, and do they task police forces to carry out additional work or rectify deficiencies in good time for the first hearing?
18. Are there effective processes and clear communication between the police and CPS to address key issues to ensure progress can be made at first hearing?
19. Are there agreed escalation processes and are they used effectively?
20. Are the requirements and processes for redaction clearly understood and implemented effectively?
21. Does the file bundle prepared for the defence for the first hearing include accurate information about the prosecution case, with sufficient information to enable the defence to take instructions and give appropriate advice to their client, or for an unrepresented defendant to know what the case against them is?
22. Is there engagement with the defence before the first hearing, and is it effective?
23. Have the interests of victims, witnesses and the public been addressed when preparing for the first hearing?
24. Has the preparation by the police and CPS ensured that the prosecution is able to make the relevant applications at sentencing in GAP hearings, and if a guilty plea is entered on an NGAP case?
25. Are the police and CPS effective and efficient at the first hearing in either way magistrates’ court cases?
26. Do police forces brigade cases into the right courtroom for the first hearing?
27. Do any omissions or inaccuracies in the information provided to the court affect the effectiveness of the first hearing?
28. What factors in the case bundle for the defence impact the most on the plea entered at the first hearing in magistrates’ courts?
29. Are there identifiable factors or themes which feature in cases that are expected to be a guilty plea (GAP) and where a not guilty plea is entered?
30. Are there identifiable factors or themes which feature in cases that are expected to be a not guilty plea (NGAP) and where a guilty plea is entered?
31. Are cases are moved from one courtroom to another on receipt of a plea other than that anticipated? Does this cause delay? What is the impact on the prosecutor(s) in those courtrooms?
32. Have the interests of victims, witnesses and the public been addressed by the police and CPS at the first hearing?
33. Are the police and CPS effective and efficient at the plea and trial preparation hearing (PTPH) in Crown Court cases?
34. Do any omissions or inaccuracies in the information provided to the court affect the effectiveness of the first hearing?
35. What factors in the prosecution case bundle for the defence impact most on the plea entered at the PTPH?
36. Are there identifiable factors or themes which feature in cases that are expected to be a guilty plea at PTPH and where a not guilty plea is entered?
37. Are there identifiable factors or themes which feature in cases that are expected to be a not guilty plea at PTPH and where a guilty plea is entered?
38. Have the interests of victims, witnesses and the public been addressed by the police and CPS at the PTPH?

1. What partnership arrangements are in place between the CPS and police to build stronger cases and how effective are they?
2. Do police forces and CPS Areas have robust quality assurance of the standard of their delivery to each other and other service users?
3. Do the processes in place to exchange information facilitate effective communication to build strong cases?
4. Is there an effective culture of shared responsibility and effective joint working at operational and strategic levels?
5. Are escalation processes or other mechanisms in place for police forces and CPS Areas to hold each other to account on individual cases, are they fit for purpose, and are they used effectively and robustly?
6. What measures do police forces and CPS Areas use to assess the strength of prosecution team case building? (For example, DG6 compliance, number of triages or charging consultations, number of hearings per case, timely guilty pleas?)
7. How effectively are data and other evidence used to drive improvements in case building in the CPS, in the police, and jointly?
8. Are there differences in the partnership arrangements in CPS Areas and police forces where case building is stronger and in places where is it weaker?
9. How do any differences impact on case building?
10. What are the most significant aspects of police and CPS teamwork that are working well and not working well?
11. Are there efficiencies and better outcomes that can be achieved by improving partnership working? What are the impacts of stronger and weaker police and CPS case building on each other, and on other agencies, the defence, victims, witnesses, and the public?
12. What is the impact where there are inefficiencies in the charging process (question 1 above)?
13. What is the impact where cases are not prepared effectively in advance of the first hearing (question 2 above)?
14. What is the impact where cases are not progressed effectively at the first hearing in the magistrates’ courts (question 3 above)?
15. What is the impact where cases are not progressed effectively at the plea and trial preparation hearing in the Crown Court (question 4 above)?
16. Are there other efficiencies or improved outcomes that could be achieved by better police and CPS case building?

**Police force and CPS Area selection**

Phase 1

The first Area and police forces to be visited have been chosen to include where charging pilots are running with early signs of positive progress, or where changes to gatekeeping arrangements appear to be delivering benefits. We will consider what lessons can be shared nationally.

Phase 2

The other Areas and police forces have been chosen to give a balance of metropolitan, urban and rural areas, and a range of compliance with the national file standard, as recorded in HMCPSI and Home Office data.

**Inspection methodology**

File examination

We will examine 20 files from each of the six nominated CPS Areas (ten cases from each of the two chosen police forces per Area), making a total of 120 files from across England and Wales.

The examination of cases will be carried out jointly, with HMCPSI and HMICFRS reading the case files of the CPS and police whilst in discussion with each other. During file examination, HMCPSI inspectors will not share screens or otherwise allow access to or sight of the case management system and its contents to HMICFRS inspectors, and vice versa. Inspectors from HMCPSI and HMICFRS will, however, discuss their findings based on what they have seen on the police or CPS systems, and will produce a shared file record sheet and an agreed set of answers to the file examination question set. In accordance with HMCPSI’s data retention policy, the file record sheets will be destroyed by the day before publication of the report. The data will be published (without identifying reference numbers or defendants’ names) alongside the report.

Surveys

We plan to seek evidence from surveys of some staff in the CPS and police nationally. The questions will relate to the working relationship between each organisation on casefile building. The staff surveyed will be:

* CPS Area Complex Casework Units (CCUs) and the specialist police teams whose work is dealt with in CCUs; this is to understand better the relationships in more serious cases, and to derive any good practice or strengths that could inform case building in volume crime.
* Frontline police officers preparing files for either way and indictable only prosecutions.
* Police case builders, criminal justice unit managers, gatekeepers and any others involved in managing case building and assessing the anticipated plea. This will include offices or staff who supervise and sign off MG3s prior to submission to the CPS for charging advice.
* CPS operational delivery staff involved in managing triage, charging delivery and preparation for the first hearing at the magistrates’ court and the plea and trial preparation hearing (PTPH) in the Crown Court.
* CPS prosecutors involved in charging delivery, preparation for the first hearing and advocacy at the hearing.

Interviews and focus groups

We plan to conduct interviews and focus groups with key police and CPS Area staff involved in case file building. These will include:

* Frontline police officers preparing files for either way and indictable only prosecutions.
* Police case builders, CJU managers, gatekeepers and any others involved in managing case building and assessing the anticipated plea. This will include offices or staff who supervise and sign off MG3s prior to submission to the CPS for charging advice.
* CPS operational delivery staff involved in managing triage, charging delivery and preparation for the first hearing at the magistrates’ court and the plea and trial preparation hearing (PTPH) in the Crown Court.
* CPS prosecutors involved in charging delivery, preparation for the first hearing and advocacy at the hearing.
* Police and CPS Area staff involved in partnership working at operational and strategic levels, including those attending joint operational improvement meetings, charging boards, disclosure boards and local criminal justice boards LCJBs.

Other fieldwork

We intend to carry out observations of live police file building in police stations and live charging in CPS Areas in order to get a real time picture of any barriers faced by staff in each organisation and to assess opportunities for improved communication.

We plan to hold workshops to bring together police and CPS staff to discuss anonymised case studies. The aim of these is to seek evidence from practitioners as to the issues with partnership working and use their expertise to identify possible resolutions. We intend to hold workshops for various staff roles, such as police officers investigating crime and CPS lawyers; police gatekeepers and case builders with CPS operational delivery and legal staff; operational managers in the police and CPS; and police and CPS strategic managers.

**Proposed inspection timetable**

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| Activity | Date |
| Development and setting up the inspection | April/May 2023 |
| Survey distribution | May 2023 |
| Phase one fieldwork | June/July 2023 |
| Analysis of initial data (no fieldwork) | August 2023 |
| Phase two fieldwork | September to first week of December 2023 |
| Judgements and emerging findings  | December 2023/January 2024 |
| Report writing | February/March 2024 |
| Report QA and publication:  | Spring 2024 |