

# **HM CROWN PROSECUTION SERVICE INSPECTORATE**

## **INSPECTION OF CPS DURHAM**

### **EXECUTIVE SUMMARY**

#### **Introduction**

1. This is the report of the Crown Prosecution Service Inspectorate about CPS Durham. The CPS is a national service, but operates on a decentralised basis with each of its 42 Areas led by a Chief Crown Prosecutor (CCP) who enjoys substantial autonomy.
2. The inspection was carried out during a period of extensive change for the CPS both nationally and in Durham. Initiatives to reduce delay in the criminal justice system have been introduced to give effect to the recommendations contained within the Review of Delays in the Criminal Justice System (the Narey report). The Area's reorganisation into functional units, rather than geographical ones, to take forward the recommendations of the review of the CPS (the Glidewell Report), was in a transitional stage.
3. The report focuses mainly on the quality of casework decision-making and casework handling, but also extends to all matters which go to support the casework process. The Inspectorate examines all aspects of Area performance, and the report covers a number of management and operational issues.

#### **The inspection of CPS Durham**

4. Before visiting the Area, the team of inspectors examined a total of 250 case files. It also analysed management information supplied by the Area and by CPS headquarters. During the on-site phase, the team included a lay inspector nominated by the Citizens Advice Bureaux. It interviewed CPS staff of all levels, representatives of other criminal justice agencies, members of the judiciary and criminal practitioners. Finally, the team observed 19 advocates including CPS prosecutors, a designated caseworker, agents in the magistrates' courts and counsel in the Crown Court.

#### **Main findings of the Inspectorate**

5. The Area has many experienced and capable staff committed to providing a high quality service at a time of considerable change. Relationships with local criminal justice system partners are excellent. There is a strong commitment to bringing about improvements to the local criminal justice system through a partnership approach and the CCP plays a leading role. A number of commendable initiatives have been pursued and the inspectors found many good practices worthy of

praise. The Area has also piloted national initiatives for deploying lawyers in police stations and for the development of information technology.

6. Performance is fundamentally sound. There are many aspects that are positively good but two problems have contributed to a recent dip in performance. They are the adoption of a revised case management system that has proved problematic coupled with less than anticipated savings in lawyer time from the Narey reforms. The Area has also experienced a significant rise in caseload.
7. The principal concern of the inspectors is the Area's case management system that delays actions on cases until seven days before the pending appearance. Most of the critical comments flow from its use. Late decision-making and inadequate preparation has created additional work. Inspectors were pleased to note that work had already begun to analyse office systems and to effect the necessary improvements as a matter of urgency.
8. Durham is a rural Area and its magistrates' courts are spread throughout the county. A substantial drain is placed on CPS resources in covering them. The time spent by lawyers at court centres has increased due to recent changes. This has added to the pressure to achieve quality and timeliness. Stress has increased, morale has been affected and the Area has suffered the dip in performance referred to above. There are communication problems caused by lawyers not being available in the office. Some progress has been made in negotiating listing arrangements with the magistrates' courts that better utilise CPS resources. Inspectors believe that there is much more that can be achieved in this regard. If CPS efficiency is improved, the benefits can flow on both sides.

### **Specific findings**

9. Advice – the quality of pre-charge advice to the police is good, although some explanations could be fuller. Timeliness of written advice is poor. The Area needs to introduce systems for ensuring that advice is provided by the due date. .
10. Review – the quality of initial review is good. The inspectors agreed with the decisions made by reviewing lawyers or designated caseworkers in 86 of 87 cases (98.9%) in the general file sample. The timeliness of continuing review, in order to determine whether prosecution remains the appropriate course, needs to be improved. The case management system delays actions on cases until seven days before the pending appearance. At initial review, prosecutors often have incomplete information or insufficient time to thoroughly consider the case. Files are not then reviewed properly until a very late stage. This leads to late decision-making. Charging levels are generally correct, although action to remedy incorrect charging is not always timely. The overall quality of review endorsements is disappointing and requires attention. Progress in expediting youth cases has been good.

11. Case preparation – implementation of the Narey arrangements was successful through close inter-agency co-operation. However, the anticipated Narey benefit of reducing the time spent by lawyers in court has not been realised. Centralisation of first appearance courts has reduced the number of sessions but they are heavily listed and prosecutors spend all day at the police station and court centre. This has had a negative impact on the timeliness and quality of preparation in the more difficult and contested cases.
12. The disclosure of unused material is being addressed through joint initiatives with the police. Inspectors identified specific areas for attention to ensure that all aspects of the prosecution's duties of disclosure are undertaken scrupulously. A consistent summary trial system has been devised that should work well once the problems caused by late-decision-making have been overcome. The overall standard of instructions to counsel is unsatisfactory. Inspectors received considerable praise for the performance of caseworkers in the Crown Court.
13. Advocacy – the overall standard of advocacy is satisfactory. Inspectors saw several good examples. There were also some occasions, however, when inspectors considered that the quality of presentation could have been enhanced by more thorough preparation. Positive steps have been taken to ease the introduction of new agents.
14. Management and operational issues
  - The Area has attained Investors in People (IiP) status and progress towards implementation of the Glidewell proposals is at an advanced stage.
  - Area finances appear to have been managed carefully. They were under budget for both running and prosecution costs in 1999/2000.
  - There is an appropriate level of consultation with staff before important decisions are taken.
  - There has been careful recording of activity, notably work under the lawyers in police stations scheme. Additional resources were used to recruit three lawyers and a caseworker.
  - Stress has increased as a result of the increasing caseload and the pressures on lawyer time. The AMT has devised a strategy to reduce it. A number of potential stress reduction measures were considered and some have been implemented.

- Considerable effort has gone into re-negotiating listing arrangements but they are still wasteful of CPS resources. Lawyers' time in the office is very limited which has a negative impact upon the overall quality and timeliness of case preparation and decision-making. The problem is self-perpetuating in that this generates further delay, unnecessary adjournments and heavier lists. Listing arrangements should be developed that utilise CPS resources better.

### **Commendations and identification of good practice**

15. The Inspectorate commended several aspects of the Area's work as good practice. These included the development of a local intranet to improve communications and of computer programs to ease administrative and case preparation tasks, the introduction of measures to combat stress amongst staff and the pursuit of initiatives designed to improve the experiences of victims and witnesses.

### **Recommendations and suggestions**

16. Inspectors made 17 recommendations, identifying those aspects of performance where it is felt improvements should be made. The recommendations cover: the monitoring of the quality and timeliness of advice; the recording of advice given by telephone; the quality and timeliness of continuing review; the quality of review endorsements; the analysis of adverse cases; the recording of advance information and pre-sentence report packages; the disclosure of unused material; securing information from the police about delay in the preparation of files; communication with counsel at the Crown Court; the monitoring of custody time limits; the quality of file endorsements made by prosecutors at court; the monitoring of advocacy; improving the case management system and the negotiation of better court listing arrangements.
17. In addition, the report makes six suggestions identifying aspects of performance in respect of which local managers will wish to consider taking action. The relevant areas are: the allocation of pre-charge advice; compliance with the agreement between the CPS and police on the provision of advice; the monitoring of decisions about bail; the review endorsements of designated caseworkers; the restrictions in respect of the types of case that it is permissible for designated caseworkers to deal with and the recording of plea and directions hearings.
18. The full text of the report may be obtained from the Combined Administrative Unit at HMCPS Inspectorate (telephone 020 7210 1197).