

THE INSPECTORATE'S REPORT ON CPS DURHAM

REPORT 10/00

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PREFACE

HM Crown Prosecution Service Inspectorate (HMCPSI) has now commenced a new cycle of inspections based on the 42 Area structure adopted by the Crown Prosecution Service (CPS) on 1 April 1999. The CPS remains a national service but operating on a decentralised basis with each Area managed by a Chief Crown Prosecutor (CCP) who enjoys substantial autonomy within the terms of a framework document governing relationships between CPS headquarters and the Areas.

The CPS is also taking forward a programme of further change to give effect to the recommendations contained in the Review of Delay in the Criminal Justice System (the Narey report). These, amongst other changes, introduced a new system for the preparation and submission of files and prosecution of defendants. Before 1 November 1999, most defendants were charged and then bailed to a court hearing about a month later and were prosecuted by Crown prosecutors. Under the new system, defendants are bailed to the next available court sitting. Some straightforward cases, involving anticipated guilty pleas, are prosecuted by designated caseworkers (DCWs). They are not lawyers but experienced caseworkers who have received special training. We discuss the effect of the new arrangements in more detail in our report, where we refer to “the Narey initiative”.

The CPS is also to reorganise itself on a functional, rather than geographical, basis along lines recommended in the Review of the CPS by Sir Iain Glidewell (the Glidewell report). This will involve a transition from the existing Branch structure to one based on Criminal Justice Units (CJUs), which will work in close co-operation with the police to support the majority of the casework in the magistrates’ courts, and Trial Units, which will concentrate on cases which are destined for, or have reached, the Crown Court.

These changes alone would have required significant adaptation of the Inspectorate's methodology. The Glidewell report, however, also contained recommendations that there should be a stronger independent element in the Inspectorate and that it should have a wider remit. The Government, in its response to the Glidewell report, decided to place the Crown Prosecution Service Inspectorate on an independent statutory basis and the necessary legislation (The Crown Service Inspectorate Act 2000) has now been enacted. It was implemented on 1 October. The changes within the Inspectorate necessary to adapt it to the revised structure of the CPS, and its own revised role, can be summarised:

- * inspections will, in future, be based on a two-year cycle, rather than the four-year cycle of the previous Branch based inspection programme. This change is specifically at the request of the Director of Public Prosecutions (DPP) and the Chief Executive of the CPS. The new structure of the CPS is unusual in having 42 CCPs, each reporting to the DPP/Chief Executive, with no intermediate tier of management. The inspection process will therefore be a major source of assurance for them as to the quality of casework and the overall performance in CPS Areas.

- * the inspection process will continue to focus mainly on the quality of casework decision-making and casework handling, but will in future extend to all matters which go to support the casework process. In effect, the Inspectorate will examine all aspects of Area performance basing its work on 12 non-legal themes, in addition to the existing legal themes.
- * the Inspectorate will no longer constitute a unit within the CPS itself, but will be a self contained independent organisation assuming responsibility for the publication of its own reports.

Notwithstanding these changes, the fundamental purpose of the Inspectorate will remain unchanged: to promote the efficiency and effectiveness of the CPS through a process of inspection and evaluation; the provision of advice; and the identification and promotion of good practice.

There will be a number of consequential changes to the manner in which inspections are conducted - the most obvious being the unit of inspection which is now the CPS Area, rather than the Branch. There will be some increase in staffing to accommodate the shorter inspection cycle. We will also be broadening the range of skills and experience within our teams of inspectors. Three inspectors have recently been recruited to concentrate on the business management aspects of our remit and will shortly be in post. They will bring with them specialist skills in the fields of management, human and financial resources and corporate planning. This report has been written without the benefit of those additional skills, and future reports are likely to cover some of the ground contained within our expanded remit in greater depth.

The Chief Inspector is also developing, at the specific request of the Attorney-General, the role of lay inspectors. We seek to bring a new perspective to our work by involving informed members of the public in the inspection process. They will look at the way in which the CPS relates to the public, through its dealings with victims and witnesses, external communication and liaison, its handling of complaints and its interpretation of the public interest test contained in the Code for Crown Prosecutors. We are grateful in this context for the co-operation we are receiving in developing this initiative from Victim Support, Citizens Advice Bureaux and the National Association for the Care and Resettlement of Offenders.

Another change in our methodology relates to the phases of the inspection process. We shall, in future, visit the relevant CPS Area much earlier in the inspection timetable for a preliminary meeting with the CCP and the Area Business Manager (ABM), together with members of their management team. We hope that this will enable us to focus each inspection more accurately on the needs of the particular Area. We have also split our on-site phase into two distinct parts. The first is to meet local representatives of criminal justice agencies and criminal practitioners in order to gather their informed views about the work of the CPS. During this phase, we will also observe the presentation of cases in court and the functions that support this, including the role of the CPS in relation to victims and witnesses. Following a period of evaluation, the second phase will concentrate on meeting members of the CPS and observing their work in the office.

Even so, the inspection process must continue to evolve to adapt itself to changes both within the CPS and in the wider criminal justice system. Our methodology will need to be kept under review. We would expect our findings to change over the next two years. Those Areas which we visit early in the cycle will be at something of a disadvantage in that the extensive change process will in effect still in progress. Towards the end of the cycle, we expect Areas to have “bedded in” to a much greater extent to the new 42 Area CPS structure, and to the proposed system of working within functional rather than geographical units. Our reports will retain a common approach, but we shall endeavour to ensure that they accurately reflect the different characteristics to be found in the CPS Areas in terms of size, make-up (metropolitan or rural) and the nature of the cases being handled. Each report will address issues of ongoing general concern and relevance - for example, the handling of cases involving offences of particular sensitivity or with aggravating features such as child abuse or racially motivated offences. We will also consider diversity issues generally and the operation of youth justice.

In our reports, we will comment on good practice and make suggestions or recommendations where performance needs to be improved. The distinction between recommendations and suggestions lies in the degree of priority that the Inspectorate considers should attach to the proposals, with those matters meriting highest priority forming the basis of recommendations.

INTRODUCTION

- 1.1 CPS Durham was one of the original 31 Areas created when the Service was established in 1986. Following a national restructuring in 1993, it was amalgamated with Cumbria, Cleveland, Northumbria and Teeside to form one of 13 larger Areas. In April 1999 they were once again separated as part of Government policy that criminal justice agencies should, so far as practicable, be structured on 42 co-terminous areas.
- 1.2 The Area is currently undergoing an internal reorganisation resulting from the implementation of the recommendations of the Glidewell report. There will be a trials unit (dealing with committals and Crown Court casework) and two criminal justice units (dealing with magistrates' courts casework) – one for North Durham and one for South Durham/Darlington.
- 1.3 CPSI inspected the former Durham Branch in 1998 during the previous Branch-based inspection programme. We will refer to the previous report as our 1998 report.

Staffing and structure

- 1.4 On 1 August 2000, the Area employed the equivalent of 56.5 full time staff: the CCP and 23 other prosecutors; the ABM; three designated caseworkers (DCWs): 22.5 other caseworkers; and six administrative staff who work in the Area secretariat.
- 1.5 The Area deals with cases at the Chester-le-Street, Darlington, Derwentside (Consett), Durham, Easington (Peterlee), Sedgefield (Newton Aycliffe), Teesdale and Wear Valley (Bishop Auckland) Magistrates' Courts and at the Crown Court sitting at Durham, Newcastle-upon-Tyne and Teesside.

Caseload

- 1.6 The Area handled 16,961 cases in the magistrates' courts in the year ending 30 June 2000. In a further 643 cases, advice was given to the police before charge.
- 1.7 The caseload profile is similar to the national pattern:

	Durham	National Average
Summary offences	53.3%	55.1%
Either way and indictable only	43%	40.3%

- 1.8 The Area handled 1,367 cases in the Crown Court, of which 72.9% were committals for trial, and the remaining 27.1% appeals or committals for sentence.

Information technology

- 1.9 The Area is well served by IT. Its internal e-mail network and direct connection to the police network underpin and enhance many of the casework and communication systems that we observed during our visit. In this respect, it is well ahead of most CPS Areas. Through its link to the police system, CPS staff have access to electronic versions of case files and are able to review statements and records of interview on screen. They can also amend and generate their own witness and exhibit lists.
- 1.10 A senior lawyer was assigned to oversee development of the Area's IT systems. Several programs have been developed in-house and were demonstrated to us. They save time and resources in administration and case preparation. Documents can be created quickly from templates with minimal effort. Spreadsheets measure, monitor and analyse performance automatically. Databases have been used successfully to ease administrative tasks and to assimilate and cross-reference large quantities of information gathered in particularly complex cases. We were impressed.
- 1.11 Generally, the comments that we received with regard to the IT initiatives were very positive. There is some anxiety amongst staff, however, about whether national initiatives might result in a system being imposed in future that is not as advanced as the one now used locally. We found also that there are those who question whether certain tasks might be better performed using more traditional methods. We are satisfied, however, that this reflects limitations in the current systems, rather than any unwillingness to embrace the new technology.

The inspection process

- 1.12 Our methodology combined examination of 250 finalised cases and interviews with members of CPS staff at all levels, criminal law practitioners and local representatives of the criminal justice agencies. Details of the file sample are at Annex 1, key statistics and charts are at Annex 2 and a list of individuals from whom we received comments is at Annex 3. The team carried out extensive observations of the performance of advocates in both magistrates' courts and the Crown Court.
- 1.13 The core team of five inspectors carried out its on-site work between 14 and 18 August and between 29 August and 1 September 2000. The team was joined for part of the inspection by the Chief Inspector.
- 1.14 The lay inspector for this inspection was Jennifer Hall, who was nominated by the Citizens Advice Bureaux. The role of the lay inspector is described in the preface. She scrutinised the public interest decisions in a number of cases and reviewed files that had been the subject of complaints from members of the public. She also visited the Crown Court at Durham and had the opportunity to speak to a witness attending a trial. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been incorporated into the report as a whole, rather than separately reported. She gave her time on a purely voluntary basis, and the Chief Inspector is grateful for her effort and assistance.

Overview

- 1.15 The Area has much to be proud of. It has pursued a number of commendable initiatives, internally and in partnership with other criminal justice agencies. It piloted the CPS national initiatives for deploying lawyers in police stations and for the development of information technology.
- 1.16 Planning for change is well advanced and the CCP is highly regarded for his drive and commitment. He has played a leading role in establishing and maintaining successful inter-agency liaison. Local representatives of other criminal justice agencies were quick to praise the experience and expertise of the Area's staff. They described its most senior lawyers and caseworkers as of the highest calibre.
- 1.17 We have serious concerns, however, about the case management system adopted that delays actions on cases until seven days before the pending appearance. This gives us the impression of a 'fire-fighting' approach. It does not reward good performance by the police in fulfilling their obligations in timely fashion and means that the professional obligation to respond promptly to correspondence is not always met.
- 1.18 The Area moved from file ownership to the action date system as a result of the introduction of Narey fast-track procedures and the expectation that targets would not be met with lawyers spending so much time out of the office.
- 1.19 Most of the critical comments that we make in this report flow from the operation of the Area's case management system. We highlight the specific difficulties that it has caused in the ensuing sections and have, in context, made several recommendations and suggestions as to how they may be overcome. There is no doubt, however, that the current case management system undermines the Area's overall performance significantly and that it must be replaced as a matter of urgency. We therefore take the unusual course of setting out in full in this overview the terms of the relevant recommendation which is that:
- “the CCP should initiate an immediate plan of action to clear backlogs of work and re-establish an ability to deal with incoming files and correspondence in a timely and professional manner.” (see paragraph 6.11)
- 1.20 We are pleased to note that a prosecution team leader (PTL) has been assigned to carry out a detailed review of office systems and that the intention is to return to a system of file ownership.
- 1.21 We comment on individual aspects of the Area's performance at relevant sections of the report. But the following table draws together key statistical information about the Area's performance particularly in relation to targets that have been set nationally in support of the Service's objectives, and in relation to Government targets.

TABLE OF PERFORMANCE AGAINST TARGETS

CPS Performance Targets	National Target 1999-2000	National Outcome 1999-2000	Durham Target 1999-2000	Durham Outcome 1999-2000
<p>Objective: To deal with prosecution cases in a timely and efficient manner in partnership with other agencies</p> <p>% of advance information sent within agreed timescales</p> <p>% of committals sent to defence within agreed timescales</p> <p>% of briefs delivered to Counsel within agreed timescales</p>	83%	86.6%	82%	85.5%
<p>Objective: To ensure that the charges proceeded with are appropriate to the evidence and to the seriousness of the offending by consistent, fair and independent review</p> <p>% of cases dismissed on a submission of no case to answer which are attributable to failures in the review process</p> <p>% of non-jury acquittals in the Crown Court which are attributable to failure in the review process</p>	AA	0.01%		0.03%
<p>Objective: To meet the needs of victims and witnesses in the CJS in co-operation with other agencies</p> <p>% of witness expenses paid within 10 days</p> <p>% of complaints replied to within 10 days</p>	87%	87.7%	91%	63.2%
<p>Improved productivity</p> <p>% of total undisputed invoices paid within 30 days</p>	100%	97.1%	100%	96.1%
<p>GOVERNMENT TARGETS</p> <p>Youth Justice To halve the time from arrest to sentence for persistent young offenders from 142 days to 71 days by 31 March 2002</p> <p>Sickness Reduce sickness absence from the 1998/99 baseline figure of 10.8 days per member of staff</p>		108		87
<p>CITIZENS CHARTER COMMITMENT</p> <p>% of MPs' correspondence replied to within 15 days</p>	BB	10.2		7.3
<p>% of MPs' correspondence replied to within 15 days</p>	100%	94.2%		Nil Return

** denotes performance of Service Centre and is not specific to Area

AA The CPS constantly seeks to improve its performance and to reduce the % of these cases, but had no national target in 1999-2000

BB The Civil Service has overall targets of reducing absence through sickness and these are set at 20% by 2001 and 30% by 2003

1.22 The CPS does not have targets in relation to percentages of conviction. The information is collected and we set it out for comparison purposes.

	CPS Durham outcome 1999-2000	National outcome 1999-2000
Conviction rate in magistrates' courts	98.3%	98.3%
Conviction rate in Crown Court	93.4%	88.6%

Structure of this report

1.23 Our scrutiny of casework focuses on all main themes: provision of pre-charge advice; the review of evidence and application of the Code for Crown Prosecutors; case preparation; and case presentation. Chapters 2 to 5 examine each of those issues. We set out in relation to each theme what we were looking for and our findings. Chapter 6 looks at management and operational issues.

PROVIDING ADVICE

General

- 2.1 The provision of pre-charge advice to the police is a modest but important aspect of CPS casework. The performance indicators for the Area show that, in the year ending 30 June 2000, pre-charge advice was provided in 643 cases (3.7% of the caseload compared with the national average of 3.6%).
- 2.2 Our inspection was concerned primarily with the quality and timeliness of the advice provided. We also examined the arrangements between the CPS and the police for ensuring that the right cases are being submitted for advice and that advice informally given is properly recorded. It is important that CPS resources are focused on those cases which most require them. Care is needed to ensure that excess caution, or other factors, do not lead to the submission of cases where the decision can properly be taken by the police without assistance. Conversely, the police should be positively encouraged to seek assistance in those cases where legal or evidential considerations arise at an early stage and may influence the later handling of the case. Sometimes it may be appropriate for the CPS to bring in counsel at an earlier stage than normal.
- 2.3 Until recently, the Area had pursued an advanced and successful initiative for placing CPS lawyers in police stations (LAPS) to advise the police before charge. This accounted for a high proportion of the advice cases mentioned at paragraph 2.1 above. It began as a national pilot scheme at Darlington and was developed to the extent that the Area had, until recently, lawyers in designated offices at six police stations throughout the county. They were supported by computer network links to the police and to the main CPS office. This initiative has meant that the Area's figures for providing pre-charge advice have, in recent years, been consistently high. The scheme is regarded as having provided considerable resource savings for the CPS and police, in preventing inappropriate prosecutions and problematical cases caused by incorrect charging at the outset.
- 2.4 Recent implementation of the Narey fast-track procedures has brought with it other commitments and the Area is currently unable to operate the LAPS scheme. Prosecutors are available at two police stations associated with the two Narey first appearance courts (see paragraph 4.5) to deal with pre-charge advice but only once review of Narey files is completed. In practice, time is limited and very little pre-charge advice is provided. This has led to a dramatic reduction in the number of cases in which pre-charge advice is provided.

Quality of advice

- 2.5 The quality of advice is good. We examined 10 cases in which written advice had been provided and did not disagree with any decision about the evidence or public interest. In three cases, however, the explanation could have been fuller. Brief and unhelpful standard phrases were used. Ensuring that the reasons for advice are given enables the police to apply general principles in subsequent cases. It also assists in explaining decisions to victims.

- 2.6 The police clearly value the advice that they receive. We were told that it is constructive and helpful. In serious or difficult cases, a lawyer is often assigned to the case before charge and will see it through to conclusion.

Timeliness of advice

- 2.7 The CPS nationally has agreed with the police service a time guideline for dealing with requests for advice from the police of no more than two weeks from the receipt of an adequate file. Timeliness of written advice is poor and, as a result, the police rarely seek it. It was provided within 14 days in only four of the ten cases that we examined.
- 2.8 The Area does not employ any formal system for monitoring the timeliness of advice or for ensuring that it is provided by the due date. It is left to the police to make their own enquiries if it is particularly late.

Allocation and monitoring

- 2.9 Generally, advice cases are not allocated to specific individuals. The PTLs will usually advise, although they sometimes allocate cases to other lawyers. Appropriate cases are allocated to specialists, for example, those alleging child abuse.
- 2.10 Advice cases raise some of the more difficult issues that prosecutors are required to consider. Provided that cases are allocated in accordance with the necessary experience and expertise, it is important for all lawyers to be given the opportunity to develop their skills.
- 2.11 The quality of written advice is not formally monitored. We were told that advice cases are sometimes discussed within the office and that informal ‘second opinions’ are taken. If the advice is disputed and there is dissatisfaction with the lawyer's explanation, the police will speak to the PTL.
- 2.12 Improvements in timeliness should increase the frequency of requests for written advice. Area managers will wish to ensure that they see enough examples to assure its quality.

Appropriateness of requests for advice

- 2.13 The Area has agreed a protocol with the police in respect of advice cases. It sets out the circumstances in which advice should be sought and agreed timescales. We have already commented upon poor timeliness by the CPS.
- 2.14 We were told that the police, generally, abide by the agreement and that most advice requests are appropriate. We did not find any inappropriate requests in our sample of ten cases. However, some advice requests appear to lawyers to relate to fairly straightforward decisions that the police could make themselves, but which may prove contentious. Whilst there may be circumstances where the reference is justified because the decision is likely to command greater public confidence if it is seen to be based on independent legal advice, such cases are likely to be relatively rare.

- 2.15 By contrast, the effective withdrawal of LAPS means that there are now a lot of cases that are charged when previously the police would have sought advice about whether the evidence was sufficient. Some of these cases should not be pursued or are charged wrongly. This causes additional work for the CPS and police. It is important that the police should seek advice in appropriate cases. The Area will wish to review its protocol with the police in the light of the phasing out of LAPS to ensure that it continues to meet the changing circumstances.
- 2.16 We suggest that, where possible, the PTLs should allocate written requests for advice evenly to prosecutors.**
- 2.17 We recommend that the CCP should introduce arrangements for monitoring the quality (especially the adequacy and clarity of explanations) and timeliness of written advice.**
- 2.18 We suggest that the CCP should approach the police with a view to reviewing the written agreement on the provision of advice in the light of changed circumstances; and securing better compliance.**

Recording of informal advice

- 2.19 There are circumstances where informal advice may be appropriate, usually in relation to specific points of law and procedure. We are concerned to find that prosecutors advise the police by telephone whether a case should proceed without sight of the file. This seems to be unnecessary given the IT available. Doing so carries a high risk as it allows the opportunity for evidence to be missed and for misunderstandings to occur.
- 2.20 There is a system for recording advice given informally. Under LAPS, a form was completed at the time of advising. Advice given over the telephone should be recorded in the same way. We found, however, that the system is not always observed.
- 2.21 Proper recording of informal advice is essential if the Area is to receive adequate resources. If a written record is linked to any subsequent prosecution file, it can be checked whether the advice has been followed. The case can also be allocated appropriately, avoiding duplication of effort and the danger that a different prosecutor may take a different view.
- 2.22 We recommend that the CCP should ensure that where advice is given by telephone it is recorded and linked, where appropriate, with the resultant prosecution file.**

Advice from counsel

- 2.23 The Area's lawyers have considerable experience and expertise and it is rare for advice from counsel to be required before charge. It does occur, however, if there is a particularly sensitive or delicate case. One barrister told us that he is sometimes asked to advise after committal in very serious cases, on a legal or tactical point or relating to the disclosure of unused material.
- 2.24 We are satisfied that the Area refers only appropriate cases to counsel for advice.

REVIEWING CASES

Introduction

- 3.1 We examined the quality and timeliness of the decision-making at the various stages in the progress of the cases within our file sample and some that featured in our court observations and on-site work. Prosecutors are required to take all such decisions in accordance with the principles set out in the Code for Crown Prosecutors (the Code) promulgated by the DPP under Section 10 of the Prosecution of Offences Act 1985. The most fundamental aspect of the Code is the twin criteria for the institution or continuation of proceedings: first, there must be sufficient evidence to afford a realistic prospect of conviction; secondly, the circumstances must be such that a prosecution would be in the public interest. Apart from the Code there is also specific guidance relating to other issues such as mode of trial.
- 3.2 The decision whether to institute criminal proceedings rests, other than in exceptional circumstances, with the police albeit they may seek advice from the CPS before taking the decision. Following the institution of proceedings, the police submit a file to the Crown Prosecution Service which should be subject to an initial review to see whether it should be accepted for prosecution. In some cases this may lead to a decision to terminate the proceedings at the outset. Where a case proceeds, it must be subject to continuous review. The initial assessment may have an element of provisionality about it, especially if it occurs before the police have concluded and submitted the report of an investigation; the evidential position or surrounding circumstances may change during the life of any case and the CPS must respond quickly and positively to review the case again and reassess it.
- 3.3 Our file sample covered the full range of cases but focused especially on certain categories of case which consistently attract a high degree of public interest (eg. discontinued cases) or those which have proved problematic and may therefore hold important information about the quality of decision-making. We usually refer to the latter as “adverse cases”. They fall into four broad categories namely cases:
- (i) discharged by magistrates following consideration of evidence and a ruling that it is insufficient to justify committal to the Crown Court;
 - (ii) where all charges are dismissed on the basis that there is no case to answer at the conclusion of the prosecution case in a summary trial;
 - (iii) where a trial judge at the Crown Court orders that an acquittal should be entered following a decision by the prosecution prior to the calling of evidence or the empanelling of a jury that the case should not proceed; and

- (iv) where a trial judge in Crown Court proceedings rules, following the commencement of the evidence, that it is insufficient for the Crown to proceed and directs the jury to acquit.
- 3.4 We try to assess whether the outcome of adverse cases reflects a deficiency in the initial decision to prosecute or whether it is attributable to a change in the evidential position or other circumstances. We also consider at what point the likelihood of an adverse outcome became foreseeable and whether CPS staff identified and responded in a timely fashion to those changed circumstances so that any necessary termination took place at the earliest appropriate moment. Although the public interest requires that offenders be prosecuted fairly and firmly, it is also important to avoid continued unnecessary public expenditure on prosecutions which have ceased to be viable.
- 3.5 Our inspection process examines not only the substantive decision whether to prosecute but also a number of ancillary decisions eg. whether or not to oppose bail. Other issues considered are the extent to which the police succeed in identifying the correct charge at the outset and, if not, how effective prosecutors are in making timely rectification; the handling of particularly sensitive categories of offence; how effective the Area is in ensuring that lessons from cases with adverse outcomes are shared with all lawyers; and the soundness of its systems for recording (or endorsing) decisions on files and the reasons.
- 3.6 Assessing the quality of legal decision-making is difficult. Decisions frequently turn on legal or evidential issues which are essentially matters of professional judgment. It frequently occurs that different lawyers do, for perfectly proper reasons, take different views in relation to the same case. Our assessments in relation to quality of decision-making therefore consider whether the decision taken was one which was properly open to a reasonable prosecutor having regard to the principles set out in the Code for Crown Prosecutors and other relevant guidance. A statement that we disagree with a decision therefore means that we consider it was wrong in principle; we do not “disagree” merely because inspectors might have come to a different conclusion.
- 3.7 Against this background, we set out our findings.

Quality and timeliness of initial review

- 3.8 Generally, the quality of initial review is good. Senior police officers told us that CPS lawyers have been very good in major inquiries. They have assisted in constructing and managing the case from the outset and had considerable input.
- 3.9 Inspectors examined a random sample of 87 cases. They considered that in 86 (98.9%), the decision to proceed was a reasonable one having regard to the evidential requirements of the Code. They did not disagree with the public interest assessment in any case in the sample.

- 3.10 Timeliness of initial review is not a cause of concern since the implementation of the Narey initiative. Almost all files are reviewed at police stations as soon as they are received.

Continuing review

- 3.11 The shortened timescales of Narey procedures sometimes means that prosecutors have insufficient information or time to carry out a thorough review before the first hearing. Initial review may therefore be limited and have a high degree of provisionality. We have highlighted our concern about the case management system. It delays actions on cases until seven days before the pending appearance. Often, therefore, the opportunity to consider cases in any detail does not arise until shortly before the subsequent hearing. By that stage, it may be too late to remedy deficiencies.
- 3.12 Representatives of other criminal justice agencies were critical of the lack of case ownership and said that the response by the CPS to material developments should be better. We were given several examples of late decision-making. In our sample of terminated cases, we found that the proportion in which the decision to terminate had been taken within 14 days of initial review was significantly below the overall average seen generally for Areas inspected during this Area inspection programme.
- 3.13 Area managers have, quite properly, encouraged prosecutors to adopt a robust approach in appropriate cases. Local practitioners, however, told us that there is inconsistency. Some prosecutors are perceived as clearly objective and independent from the police, whereas others seem less willing to take a strong yet correct decision that might be unpopular with the police or complainant.
- 3.14 It is our firm view that the case management system currently adopted by the Area does not support timely and robust decision-making. It is inappropriate for prosecutors to discontinue, or reduce the level of charge, at initial review on the basis of incomplete information or if there has been insufficient time for a thorough consideration of the case. If files are not reviewed properly until a very late stage, problematical cases may by then have gathered a momentum that is far more difficult to arrest.
- 3.15 Procedures should ensure that a thorough review is carried out at the earliest opportunity and that material developments effecting the viability of the prosecution or level of charge are considered in timely fashion.
- 3.16 **We recommend that the CCP should implement an effective system to ensure that;**
- **prosecutors review cases effectively and expeditiously; and that**
 - **there is continuity of case ownership wherever possible.**
- 3.17 **We recommend that the CCP and PTLs should effectively monitor initial and continuing review decisions.**

Selection of the appropriate charge and charging standards

- 3.18 The initial police charge was correct in 69 (79.3%) of our random sample of 87 cases. The CPS correctly amended the charge in 15 of the other 18. The reasons for amendment were mixed. We did not find any evidence of downgrading. The level of charge was increased in almost as many cases as it was reduced.
- 3.19 Representatives of other criminal justice agencies told us that, generally, charging levels are correct. There is often delay, however, before overcharging by the police is corrected. This is again symptomatic of the Area's unsatisfactory case management system delaying necessary action.
- 3.20 The CPS and the police have nationally agreed charging standards for assaults, public order offences and some driving offences. They were correctly applied by the CPS in all relevant cases.

Discontinuance

- 3.21 In the year to June 2000, the Area's discontinuance rate (8.9%) was significantly below the national average of (12.3%).
- 3.22 The Area submitted 100 files in this sample. Thirty-five of these were incorrectly categorised. We therefore analysed 65 cases.
- 3.23 The reasons for discontinuance are set out in the table below:

Terminated for evidential reasons Total = 24		Terminated for public interest reasons Total = 12		Prosecution unable to proceed Total = 18		Driving documents produced at court Total = 4		Other Total = 7
Legal element missing	14	Nominal penalty	6	Victim refuses to give evidence	15			
Identification difficulties	3	Caution appropriate	3	Absence of police witnesses	2			
Conflict of evidence	4	Loss/harm either rectified and/or very minor	3	Offence taken into consideration elsewhere	0			
Unreliability of witness	2	Genuine mistake/misunderstanding	0	Victim fails to attend court	1			
Inadmissible evidence	1	Effect on victim's health	0					
		Effect on defendant's health	0					

- 3.24 The principal evidential reasons for termination were “essential legal element missing” and “conflict of evidence”. This might support our findings about the limitations of initial review and delayed full review. In the “unable to proceed” category, there was a high incidence of victim retraction but a low incidence of victims failing to attend trials unexpectedly.
- 3.25 We disagreed with the decision to terminate in only one of the 65 cases (1.5%). In that case, it was decided that it was not in the public interest to prosecute a youth offender who had committed another offence shortly after receiving a conditional discharge. We considered that the case should have continued.
- 3.26 The police were consulted in 52 of the 65 cases (80%) and in only one objected to the proposal to discontinue. That case was appropriately terminated. The ASU inspectors told us that the level of consultation is good, as is the quality of explanations provided. Discussions take place and representations are made prior to the final decision.
- 3.27 Only 30 cases in our sample (46.2%) were terminated by formal notice under Section 23 of the Prosecution of Offences Act 1985. More timely continuing review would have improved that figure. Defence solicitors and magistrates confirmed that discontinuance often occurs at a late stage, sometimes very close to or on the day of trial.
- 3.28 Several magistrates said that they are not always given reasons when cases are dropped at court and would like more information. A brief explanation of the reasons why proceedings are dropped is courteous to the court and provides assurance that the decision is appropriate.

Bail

- 3.29 Local practitioners said that some lawyers are robust and independent on questions of bail but others hesitate to disagree with the police. They found it difficult to recall any case in which the CPS had not followed the police request to oppose bail. Some magistrates spoke of cases in which the prosecutor had acknowledged that the application for remand in custody was weak but had nevertheless pursued it.
- 3.30 There has been an issue between the CPS and the police about the quality of initial remand files. This has been discussed and is being addressed. Lawyers said that they often lack sufficient information when requests for remand in custody are made. A defence solicitor confirmed that the information in support of bail objections is often very sparse.
- 3.31 Centralisation of remand cases has made it more difficult to seek additional information before the application is made. It is difficult for a prosecutor to depart from the police view when he is not in possession of the full facts. This may explain their initial reluctance to disagree with the request. During our court observations, however, we saw cases in which bail was opposed on what appeared to us to be tenuous grounds.

3.32 We suggest that the PTLs should monitor decisions by prosecutors on custody, bail and bail conditions to ensure that they are well-informed, objective and independent.

3.33 The Bail (Amendment) Act 1993 allows the prosecution to appeal to the Crown Court against a decision by magistrates to grant bail. We did not see any examples of such an appeal in our file sample or when we visited courts in the Area. We were told, however, that prosecutors use the provisions of the Act in appropriate cases.

Mode of trial

3.34 The correct approach to determining whether cases should be dealt with in the magistrates' court or the Crown Court had been adopted in all of the 45 relevant cases that we examined. Prosecutors took account of the guidelines promulgated by the Lord Chief Justice. However, the reasons for decisions were recorded on the file in only 35 cases (77.8%).

3.35 Magistrates told us that mode of trial representations are fair, realistic and sensible. The necessary information is invariably provided. However, they also said that there are some cases in which the prosecutor does not indicate a particular view about the appropriate venue. The prosecution should always assist the court by making its position clear.

Adverse outcomes in the magistrates' courts and the Crown Court

3.36 Overall, the Area's performance in avoiding adverse outcomes is better than that seen in the CPS nationally. However, Areas must also identify those adverse findings where the outcome is attributable to a failure in the review process. On its own analysis for the year to 31 March 2000, Durham's performance compared less favourably with the national picture. It was assessed that 0.03% of cases dismissed on a submission of no case to answer in the magistrates' courts and 1.39% of non-jury acquittals in the Crown Court were attributable to failures in the review process, compared to national figures of 0.01% and 0.7% respectively (see paragraph 1.21). We examined 18 files and our findings are set out below. We considered that three adverse outcomes were attributable to a failure in the review process (16.7%).

Magistrates' court: findings of no case to answer in summary trials

3.37 In the 12 months ending 30 June 2000, 31 cases were dismissed at the close of the prosecution case in the magistrates' courts. This represents 0.2% of the Area's cases, which is identical to the national figure for the same period.

3.38 We examined four recent cases in this category and did not find any in which the evidential flaws were such that, in our view, the case should have been discontinued. We also did not see any cases where the adverse result was reasonably foreseeable.

Judge ordered and judge directed acquittals

- 3.39 In the 12 months ending 30 June 2000, 90 cases were not proceeded with in the Crown Court. The majority of these were stopped by the judge at the request of the prosecution before the jury had been sworn (judge ordered acquittals). This represents 9% of the Area's cases compared with 11.3% nationally.
- 3.40 We examined 12 recent judge ordered acquittals. We disagreed with the decision to prosecute in one of them. In two cases, we considered that the reasons for the acquittal were reasonably foreseeable and, therefore, appropriate action should have been taken at an earlier stage. Both cases were allowed to proceed to the Crown Court when they should have been discontinued at an earlier stage.
- 3.41 In the same period, there were 15 cases in which the judge directed an acquittal after the trial had started. This represents 1.7% of the Area's caseload against the national average of 2.3%.
- 3.42 We examined two recent judge directed acquittals and agreed with the original decision to prosecute in both. In neither was the adverse result foreseeable.

Review endorsements

- 3.43 We saw, in our file sample, a number of cases in which the initial review endorsement provided a full and careful analysis of the relevant issues. However, we also saw too many where there was little or no evidence of the thought processes involved. In some cases, it appeared that the prosecutor had some reservations at initial review. We did not always then find a subsequent review endorsement to indicate whether those reservations had been addressed.
- 3.44 Whilst we commend those responsible for the fuller endorsements that we saw, the overall picture is disappointing. Relevant evidential factors were recorded at initial review in only 54 of the 87 random sample cases examined (62.1%). Public interest factors were noted in 49 (56.3%).
- 3.45 Inspectorate reports have consistently emphasised the importance of review endorsements and how they can save unnecessary effort on the part of others who are subsequently required to handle the file.
- 3.46 We recommend that prosecutors should make full records on the files of initial and continuing reviews, decisions and the reasons for those decisions and that the PTLs should effectively monitor the quality of those records.
- 3.47 Cases that are listed to first appear in an Early First Hearing (EFH) are often reviewed initially by a designated caseworker (DCW). On those occasions, it is they who will complete the review log. We found several cases in our sample in which the review log had been used inappropriately by DCWs to set out in full the outline to be presented to the magistrates, rather than to record the salient evidential and public interest issues.

- 3.48 We suggest that the CCP should provide guidance to the DCWs in respect of initial review endorsements to ensure that they properly record decisions and the reasons for those decisions.**

Learning from experience

- 3.49 Whilst many adverse findings are unavoidable, there are some from which valuable lessons can be learned. The quality of casework decision-making can only be improved if staff are informed about how similar problems can be avoided in subsequent cases.
- 3.50 Following our 1998 report, in which we recommended that the reviewing prosecutor should contribute to the analysis of failed cases, the Area adopted a formal system of adverse case reporting. In all such cases, a report was compiled that required contributions from the caseworker, prosecutor, PTL and CCP. This was found to be unwieldy and difficult to manage.
- 3.51 Under the current Area system, adverse cases do not always generate a report. The ABM sees them all and considers whether there is a lesson to be learned. If so, he will require a report. If there is a problem case, the CCP is notified.
- 3.52 We are not convinced that the ABM will always possess the necessary information to make an accurate assessment of whether there is a learning point, without input from those who prepared the case, were present at court or involved in any discussions with the police or counsel.
- 3.53 In our view, a key element for an effective system of this nature is that those with the most valuable information to contribute about why a case has failed should participate in the analysis. That may include some, but not necessarily all, of those mentioned in paragraph 3.50 above.
- 3.54 The main office is open plan and difficult cases are often discussed. Adverse outcomes, however, are not raised at team meetings if it would involve or imply criticism of any individual. Lawyers told us that they do not tend to see the results of Crown Court cases whether they are positive or negative. They would welcome more feedback.
- 3.55 We have commended, in other Inspectorate reports, efforts that have been made to communicate important learning points through, for example, casework bulletins. These can be helpful in highlighting areas for improvement without causing embarrassment for individuals or attributing blame. Durham has the added advantage of an efficient internal e-mail system to ease dissemination.
- 3.56 We recommend that the CCP should ensure that all relevant staff contribute to the careful analysis of failed cases, that managers identify any trends and that the lessons learnt are discussed and shared for the benefit of the Area.**

Sensitive and aggravated offences

- 3.57 The CPS nationally recognises that certain types of offence require particular care and attention in handling because they are of a sensitive nature. The principal categories are cases involving child abuse, domestic violence and offences with a racial motive. The Area has special procedures to deal with these cases.
- 3.58 The Area has specialists who deal with child abuse cases and cases involving child witnesses. The CCP has been careful to ensure that there are sufficient numbers of staff with the appropriate training and experience. Liaison with the police specialists is good and all agencies are aware of relevant protocols. We examined a number of child abuse cases in our sample and found that they were sensitively and professionally handled.
- 3.59 Our evidence about the Area's performance in domestic violence cases is mixed. If the victim decides that they do not wish to proceed, prosecutors have to balance the wider public interest in continuing against the wishes of the victim. Some local practitioners told us that the prosecutors are robust and pursue domestic violence cases with vigour. Others suggested that there is almost a 'straightjacket' approach and that there is little individual assessment of highly relevant factors such as a defendant's previous good character and the possibility of reconciliation. However, we examined 19 domestic violence cases in our random file sample and did not disagree with the decision to continue in any of them. Our inspection caused us to note the modest number of domestic violence cases shown in the CPS register when compared with our observations in court and during file examination. It seems likely that the new Narey arrangements may cause files to be overlooked for the purpose of the register when cases are dealt with at first hearing on the basis of an expedited file. Area managers will wish to explore this possibility more fully.
- 3.60 The Area deals with comparatively few racially motivated offences, although their numbers are increasing. It has appointed an experienced caseworker to monitor such cases. Consistency is achieved in that the CCP considers all such cases after they have been finalised. The PTLs have also been requested to look closely at them. The CCP has an active role as a member of the local Ethnic Communities Liaison Group.
- 3.61 While on-site, we received details of an impressive training initiative planned for all Area staff. It will adopt thought-provoking methods to raise awareness about race issues before delivering important training on matters of law and evidence. We commend this welcome initiative.

Youth justice

- 3.62 Progress has been good at expediting youth cases and, in particular, those involving persistent young offenders (PYOs). An Area Youth Justice co-ordinator was appointed and a joint action plan has been drafted and issued to all members of the youth justice sub-group of the local Trials Issues Group (TIG). The contents have been communicated to staff, as have initiatives relating to PYOs.

- 3.63 The Government target is of halving the time between arrest and sentence for PYOs from 142 to 71 days. In 1999, the average time in dealing with PYOs in Durham was 87 days. Although this remains above the Government's target, it is significantly below the national average of 108 days. It is anticipated that the figure for 2000 will be lower. For the first quarter of 2000, the average was 85 days, compared with 96 days nationally. We commend the Area for its contribution to this achievement and its continuing efforts to reduce the period even further.

Correspondence

- 3.64 A major concern to defence solicitors is the failure to respond to letters. It is felt that the attitude to correspondence is court hearing driven. We were told that requests for further review are often ignored or looked at very close to the hearing. This has contributed to the lateness of discontinuance and late alterations to charges.
- 3.65 Failure to reply, and delay in replying, to correspondence is a serious matter. It creates a poor impression. The Area will wish to urgently improve its performance in this respect. We have already commented on the inadequacies of the case management system and recommended that more effective procedures should be implemented as soon as possible.

PREPARING CASES

General

- 4.1 Good quality decision-making is of limited value if the subsequent handling of cases is not thorough and professional. In this section of our report we consider the performance of the Area in relation to specific stages in the progress of cases, from institution of proceedings through to their conclusion. Some aspects of case handling relate only to cases in the Crown Court, whilst some relate to both. They range from the provision of advance information through compliance with prosecution obligations in relation to disclosure, committal preparation, quality of indictments, instructions to counsel, arrangements for PDH hearings and the presence of the CPS in the Crown Court.

Narey and fast-tracked cases

- 4.2 Under the Narey initiative the initial hearing takes one of two forms. The Early First Hearing (EFH) deals mainly with straightforward cases where a guilty plea is anticipated. These may be prosecuted by a DCW. The Early Administrative Hearing (EAH) deals with cases which are more complex or where a trial is expected. Lawyers prosecute these hearings.
- 4.3 We found, during our visit, that DCWs are sometimes requested to deal with cases that do not fall within their remit.
- 4.4 **We suggest that the CCP should remind CPS staff and representatives of other local criminal justice agencies of the restrictions in respect of the type of case that it is permissible for the DCWs to deal with.**
- 4.5 The local implementation of Narey was successful through close inter-agency co-operation. One of the purposes of the scheme, in addition to expediting cases, was to reduce the number of court sessions dealt with by the lawyers, who then have more time in the office to concentrate on more difficult cases. This advantage, however, has not been realised. The first appearance courts in Durham were centralised, because this was advantageous to a number of agencies including the courts and Group 4 who are responsible for prisoner escort. For the CPS, it has the effect of permitting efficient DCW deployment. Centralisation has reduced the overall number of court sessions but they are heavily listed and prosecutors inevitably spend all morning preparing at the police station and the rest of the day at the court centre.
- 4.6 Previously, prosecutors spent some of their own time at home preparing cases for the next mornings court. Under Narey, the files only become available for review in the morning before the first hearing that afternoon. The effect, in Durham, therefore appears to be to put greater pressure on lawyer time, rather than increase the time spent by lawyers in the office. This has had a negative impact on the timeliness and quality of preparation in the more difficult and contested cases.

Advance information

- 4.7 The provision of advance information is a legal requirement in either-way cases, but in practice occurs frequently in summary cases. A beneficial effect of the procedure in Narey cases is that the police provide a copy of the relevant material, so that it can be served at the first hearing, although some cases continue to be dealt with outside these procedures.
- 4.8 The CPS guideline for the service of advance information is within seven days of receipt of the file and notification of the defence solicitor. We found that the material had been served in a timely manner in 36 (78.3%) out of 46 either-way cases where we could establish when material was served. We did not find any such indication in the other 14 cases.
- 4.9 The appropriate material was supplied in the 18 cases where we could tell what had been served. We could not tell in 42. Area staff told us that the package is reviewed and checked by a lawyer at court. Inappropriate items are removed but a record is not kept of what items have been served. The same is true in respect of packages served on the Probation Service to inform pre-sentence reports.
- 4.10 Without an adequate record, the Area cannot monitor the quality of the packages. It cannot determine whether additional evidence should be served or deal properly with any issues arising as to the timeliness or completeness of the information supplied.
- 4.11 We recommend that the CCP should ensure that advance information and PSR packages are accompanied by dated notices identifying the documents served and on whom, and that copies of the notices are retained on the file.**

Disclosure of unused material: overview

- 4.12 Although we found significant deficiencies in relation to both primary and secondary disclosure, Durham's performance is broadly comparable to that found generally within CPS. The Area has recognised the need for improvement and has formed a joint working group with the police. It is trying to improve consistency and has implemented joint training.

Primary disclosure

- 4.13 The police provided unused material schedules in 72 out of 77 relevant cases in the magistrates' courts trials and Crown Court file sample (93.5%). Service of the disclosure letter and schedule of non-sensitive material on the defence was timely in 68 of the 71 cases in which it was possible to tell (95.8%).
- 4.14 There has been concern about the quality of schedules from the police. Descriptions of individual items were not always adequate. Heavy reliance was placed on them, however, as it is not the usual practice for lawyers to seek copies of the material. The working group has addressed this by introducing a pro-forma schedule. This provides a typed list of numerous items of potential unused material. The quality of description is assured and the disclosure officer marks the items that are relevant in the particular case.

- 4.15 The working group will, no doubt, continue to monitor the effectiveness of this initiative. We found that including a lengthy and detailed schedule on which only a few items were relevant sometimes caused confusion. We saw several cases in which the disclosure officer, CPS lawyer or both had clearly had difficulty in completing the form correctly.

Secondary disclosure

- 4.16 We did not see any cases in our file examination in which we could say that secondary disclosure had been carried out incorrectly. There were, however, several in which we were unable to find the appropriate documentation in order to make an assessment. In all relevant cases, where we could tell, a proper decision had been taken after service of the defence statement about whether there was further unused material that might assist the defence. We saw only one case in which we considered that secondary disclosure was not timely.

Handling of sensitive material

- 4.17 The Area has been pro-active in providing training for its staff and the police on sensitive material, for example, in respect of the handling of informant information. We commend their approach. We were told that joint performance has improved considerably in recent times as a result. Our findings suggest, however, that there is still progress to be made.
- 4.18 The police should notify the CPS of material that it considers to be sensitive or confirm that they do not have any such material. The police failed to deal with this issue in five of the 77 relevant cases that we examined (6.5%). We found evidence that prosecutors gave proper consideration to whether items were sensitive material in only 13 out of 21 cases (61.9%) where it was an issue.
- 4.19 We were told of cases in which it appeared clear from the circumstances that there was some sensitive material in the hands of the police, for example where there had been a co-ordinated operation, but that its existence was not acknowledged on any schedule. The prosecutor did not make appropriate enquiries and the existence of the material was not revealed until a very late stage. This caused unnecessary delay and, on some occasions, led to withdrawal of the proceedings.
- 4.20 We saw a number of cases, in our sample, in which the disclosure officer had merely entered “nothing to disclose” on the sensitive material schedule (MG6D). This endorsement is ambiguous and inappropriate. It could mean that the police do not hold any sensitive unused material or that there is such material and the disclosure officer has pre-judged matters that it is for the prosecutor to determine.
- 4.21 We recommend that the CCP should continue to encourage the police to disclose to the CPS the existence of sensitive unused material at the earliest opportunity and to ensure that prosecutors record that they have considered sensitive material, their decisions and the reasons for those decisions.**

Third party material

- 4.22 A joint agency protocol governs the way in which Social Services' records are handled. We were told that, in almost every relevant case, the procedures work very well.

Generally

- 4.23 Most of the issues raised were covered in the Inspectorate's report on the Review of the Disclosure of Unused Material (Thematic Report 2/2000). We are pleased to note and encourage the efforts that have been made by the joint working group to address our recommendations in that report. We have, however, identified aspects of performance in relation to the Area's handling of unused material where improvements need to be made and identify them in the following recommendation so that the working group can take our views into account.

- 4.24 We recommend that the CCP and PTLs should take action to improve the Area's handling of unused material. In particular, lawyers should:**

- * require clear and comprehensive descriptions of items in the MG6C schedules from the police;**
- * show greater willingness to call for and inspect material rather than rely on assessment by the police; and**
- * ensure that procedures in relation to secondary disclosure are properly documented and that copies of relevant correspondence are attached to files.**

Summary trial preparation and pre-trial reviews

- 4.25 In order to achieve a consistent summary trial process, the Area introduced a separate summary trial unit. Lawyers were assigned exclusively to their preparation. Practitioner groups from the relevant agencies were set up to analyse processes and agree a standard procedure across the county.
- 4.26 Under this procedure, all matters appertaining to the trial are dealt with together and a single package is sent to the defence solicitor. Those witnesses whose attendance is required are agreed at a pre-trial review (PTR) and the prosecutor endorses the relevant form to initiate warning.
- 4.27 We found that, if operated as intended, the system works well in practice. The problems that prevent it operating successfully are caused by late decision-making. We were told that PTRs are losing effectiveness, partly because the police and CPS are not always able to prepare their case in time. That is the inevitable consequence of the unsatisfactory case management system about which we have already commented adversely.

- 4.28 Entry of a not guilty plea in the magistrates' courts generates an adjournment for PTR and a request for the police to supply a full file by a specific date. A reminder is not issued, however, if the file is not delivered by that date. Not unreasonably, the view is taken that it is a matter for the police to ensure timely delivery of full files and their performance is monitored as part of joint performance management (JPM).
- 4.29 We see the argument but it reflects a rather narrow approach. Errors can occur in any organisation and we would expect a collective wish to minimise the risk of cases failing. Moreover, the difficulty in adopting such an approach is that where the full file is not received by the next hearing, or is received too late for the necessary CPS action, the prosecutor may have to explain to the court why the case cannot proceed. The court will then have to consider whether to grant an adjournment, or determine the appropriate length of adjournment. If the prosecutor is only able to say that the police have not delivered the full file, at all or in time, the court will know nothing of the reasons for the delay. If there is an acceptable explanation for the delay, it should be put before the court so that an informed decision can be taken.
- 4.30 The position is identical in respect of full files that are required for committal proceedings. We do not see any reason why a standard e-mail cannot be generated reminding the police that the file is now overdue and requiring prompt delivery and an explanation for the delay. This would mean that prosecutors are better informed and more able to assist the court.
- 4.31 We recommend that the CCP should implement an effective system to ensure that the police are notified and encouraged to supply an explanation in cases where a full file is required and has not been delivered by the due date.**

Committal preparation

- 4.32 The CPS nationally has set a target of serving committal papers on the defence within 14 days of receiving the complete file from the police when the defendant is on bail, and within ten days if the defendant is in custody. Area performance figures for the year ending 31 March 2000 show that 68.7% of committal papers were served within the national guidelines. This figure was 8.3% below the Area target of 77% but exceeded the national average by 6%. We found that service of committal papers was timely in 27 out of 37 cases (73%) that we examined where it was possible to tell.
- 4.33 Local practitioners said that committal papers are usually served late and sometimes on the day of the hearing. These findings are not necessarily inconsistent. Where the CPS receives the full file less than 14 days (bail cases) or ten days (custody cases) before the hearing, service of committal papers may meet the CPS target even though it occurs on the day of the hearing. Lawyers told us that committal files are not always complete and in good order when received from the police.

- 4.34 The Area's arrangements for committal preparation have gone through a period of transition. When experienced Crown Court caseworkers were appointed as DCWs, responsibility was transferred from caseworkers to lawyers. Although clearly the way forward, in terms of implementing the Glidewell proposals and creating a Trials Unit, problems were created in that the lawyers were not seeing a corresponding reduction in court attendance to devote time to this additional task. The HCAs have now been situated with the Crown Court caseworkers and carry out a high degree of committal preparation.
- 4.35 Prosecuting counsel told us that the quality of committal bundles is mixed. Often, the prosecutor has 'patched-up' the case, rather than actively sought to improve it through a considered analysis of its strengths and weaknesses. Necessary remedial work is not always carried out. This appears to be another example of the deficiencies of the Area's case management system. It does not necessarily allow sufficient time for proper thorough case preparation.

Instructions to counsel

- 4.36 The overall standard of instructions to counsel is unsatisfactory.
- 4.37 Counsel told us that it varies in accordance with the individual who has prepared them but, generally, the quality is disappointing. We considered that only 11 out of 34 sets of instructions to counsel (32.3%) that we examined were of an acceptable standard or better.
- 4.38 It is important that instructions to counsel should contain a summary of the case sufficient to enable counsel to assimilate the key facts and issues quickly. An adequate summary was present in only eight sets of instructions (23.5%). In some cases, we found that lawyers had prepared an acceptable summary but that it had not then been transferred to the brief by the typists.
- 4.39 Counsel should also be properly instructed about the acceptability of any pleas which can be reasonably anticipated. This is important since the reviewing lawyer is unlikely to be present at the Crown Court and unnecessary delay may be occasioned whilst instructions are sought. Performance in this respect is somewhat better. Appropriate instructions were contained in 18 of 20 relevant cases in our file sample.
- 4.40 We recommend that the PTLs should monitor the content of instructions to counsel to ensure that they contain an accurate summary of the case, identify and address the issues and, where applicable, address the acceptability of pleas.**
- 4.41 The CPS has agreed with the Bar that briefs will be delivered to counsel within 14 days of committal (21 days in some more serious cases). We were told that timeliness is generally acceptable but that some briefs are delivered late or on the day of hearing. In the year ending 31 March 2000, the Area set itself a target of delivering briefs within the guidelines in 70% of cases. It succeeded in 67.7% and was 3.4% below the national average of 71.1%. We found that instructions to counsel were delivered in accordance with the guidelines in 17 of 31 cases (54.8%) that we examined where it was possible to tell.

Quality of indictments

4.42 We found that the quality of indictments is good. We examined 42 relevant cases and were satisfied that the indictment reflected the gravity of offending and allowed clear presentation in all but one. The indictment had been amended in 10 (23.8%). We agree with the assessment of local practitioners that, in the main, amendments tend to be stylistic or cosmetic.

Selection of counsel

4.43 Counsel are graded into four categories ranging from the least experienced to those who can deal with the most serious, sensitive and complex cases.

4.44 The Area is usually able to instruct counsel of appropriate experience. Problems have arisen when instructions are returned late and it has been necessary to accept a replacement of lesser ability.

4.45 Monitoring of the performance of counsel has been informal. The CCP is currently negotiating more formal procedures for regrading. He has also proposed formal monitoring in accordance with the CPS national advocacy standards. In return, barristers will be expected to provide feedback on the quality of their instructions.

4.46 We commend this initiative. It should ensure that managers have objective and reliable information about the performance of counsel and will assist in securing the necessary improvements in the quality of instructions.

Returned briefs

4.47 When a case is passed from counsel originally instructed to a different counsel, this is referred to as a “returned brief”. The reasons for this occurring are many and varied, and frequently beyond the control of counsel or the CPS.

4.48 The degree of importance of continuity in any particular case depends on its nature and seriousness. A relatively high rate of returned briefs need not necessarily be a serious concern, provided that returns are timely and to counsel of appropriate calibre.

4.49 The Area covers three different Crown Court centres sitting at Durham, Teesside and Newcastle-upon-Tyne and, as a result, has to spread its work thinly amongst local chambers. It does not rely heavily upon any particular set. The perception of Area managers is that this does not engender any particular sense of loyalty and that the level of returned briefs is too high.

4.50 Where we could ascertain it in our file sample, we found that 24 (66.7%) of 36 counsel originally instructed appeared at the PDH; 16 (55.2%) of those originally instructed in 29 contested cases appeared at the Crown Court trial. Whilst there is clearly room for improvement, this level of continuity is better than the overall picture emerging for all Areas inspected thus far during the current Area inspection programme.

4.51 Nevertheless, the CCP will wish to ensure continuing dialogue with chambers and robust monitoring to ensure that briefs are in fact returned at the earliest opportunity, and to counsel of suitable calibre.

Plea and directions hearings (PDHs)

4.52 The recording of PDHs is inconsistent. In some cases, the file jacket is endorsed with full details of the hearing whereas in others, cross-reference is made to the completed PDH questionnaire within the file. Whilst not favouring either practice, we feel that good file management requires a consistent approach.

4.53 We were told that PDH orders for prosecution action are becoming more common and that they are generally complied with. We saw relatively few instances of such orders being recorded on the files that we examined. Where an order was recorded, we did not always find a further endorsement to indicate whether timely compliance had been achieved.

4.54 It is axiomatic that there should be timely compliance with directions given at PDH. The steps taken should also be properly recorded.

4.55 We suggest that the CCP should take steps to ensure that PDHs are recorded in a consistent manner and that a proper record is made of any directions and compliance. Where compliance is not possible, a full explanation should be readily available.

CPS in the Crown Court

4.56 We received considerable praise for the performance of caseworkers in the Crown Court. We were told that they are under a lot of pressure but are always very helpful. They are particularly valued by prosecuting counsel for their experience and knowledge of Crown Court matters. We were impressed, during our examination of Crown Court cases, by the quality of their correspondence with the defence and of their notes of evidence.

4.57 Prosecuting counsel told us that they often experience some difficulty in making contact with a CPS lawyer when they require an urgent decision. We share their concern. We were told of cases that were either delayed significantly or adjourned because there were no lawyers in the office or contact could only be made with voicemail.

4.58 The Area is better placed than most to discuss cases with counsel who is holding the file at the Crown Court. It has the shared electronic file system. This allows lawyers in the office to consider the evidence on computer screen, and print it out if necessary, rather than take a difficult decision based on a brief synopsis given over the telephone.

4.59 We recommend that the CCP should review communications procedures to ensure that prosecutors are able, when called upon, to discuss cases with counsel at the Crown Court and take prompt informed decisions.

Custody time limits

- 4.60 Custody time limit provisions regulate the length of time during which an accused may be remanded in custody. Failure to monitor the time limits, and, where appropriate, to make an application to extend them, may result in a defendant being released on bail who should otherwise remain in custody.
- 4.61 We examined ten cases that were subject to a custody time limit. Five of those related to proceedings in the Crown Court as well as in the magistrates' courts. The expiry date was clearly marked on the front of the file in nine of the ten magistrates' courts cases examined and in all of the Crown Court cases.
- 4.62 The expiry date had been correctly calculated in all cases. However, in one magistrates' courts case, the expiry date did not appear on the file at all, although it was clear the defendant was in custody. It was unclear whether the file had been monitored for the purposes of custody time limits in the magistrates' courts but the time limits were monitored when the case reached the Crown Court. This particular case required an extension to the expiry date at the Crown Court. However, the new expiry date noted on the file was not clear and we did not find any evidence of the new date having been monitored.
- 4.63 In October 1999 CPS Management Audit Services (MAS) produced guidelines which, whilst not prescriptive, set out good practice in relation to custody time limits. Whilst the Durham system included some of the features set out in the guidelines, some important aspects were missing. There did not appear to be any one person with overall responsibility for the management of the custody time limit systems. The MAS guidelines recommend that either a lawyer or caseworker check, for all files, the accuracy of the expiry date initially calculated by administrative staff. This was not in place in Durham.
- 4.64 The MAS guidelines suggest a duplicate system as a back up to monitor time limits. The Area uses a diary to record and monitor review and expiry dates and although the SCOPE computer tracking system monitors the dates, staff do not use the print outs produced by the system. The Area reported, however, that it had had no problems relying on the diary system to monitor expiry dates.
- 4.65 In order to identify and highlight cases in which a custody time limit applies, the Area uses a pink sheet which is attached to magistrates' courts files. Crown Court files are identified by having the expiry and review dates noted on the front.
- 4.66 Particular staff are nominated to monitor the review and expiry dates. However there is no management check on the system to ensure that all necessary work has been completed. Once a file reaches the review date, it is retrieved and checked to ensure that the time limit still applies. It is a requirement that a lawyer takes a decision as to the appropriateness of making an application to extend. In Durham this decision is often left until the case comes to court for an extension, the notices to apply for an extension

having been sent out earlier. This process is inefficient and the decision should be taken before notices to apply for an extension are sent. The Area treats Crown Court cases differently in that most are considered by a lawyer before the application to extend is sent out.

- 4.67 Cases in which a time limit no longer applies, either because the defendant has been granted bail or has pleaded guilty, are not always removed from the monitoring system when the change in status occurs. This creates unnecessary work in retrieving and checking these files when the review date is reached.
- 4.68 We examined four magistrates' court cases in which an extension to the custody time limit was necessary. Notices should be served on the court at least two days before the date of application to extend the expiry date. In two cases, the notice had only been served on the day before the application was to be made. In one case, this was as a result of an application arranged for a week earlier not having been made. None of the files examined had instructions for the prosecutor in court to apply for an extension and it appears that the prosecutor on this occasion had missed the fact that an extension was necessary. We saw three Crown Court cases in which an extension was necessary. The notices were served in good time in all three but we were concerned that there may be some misunderstanding as to the length of notice required in the Crown Court. In only one of both the Crown Court and magistrates' courts cases examined was it apparent from the file that appropriate action had been taken to monitor the extended expiry date.
- 4.69 Accurate and detailed file endorsements are essential in cases involving defendants in custody. In the files that we examined, the endorsements relating to custody time limits were generally acceptable with only two Crown Court files having endorsements that were not satisfactory.
- 4.70 We recommend that the CCP should review the custody time limit systems within the Area in the light of the MAS guidance to identify any aspects of good practice that may be incorporated into Area systems.**

File endorsements and file management

- 4.71 The standard of file endorsements, by in-house prosecutors and agents, is variable. During our file examination, we saw many that were legible and thorough but we also saw some that were illegible, unclear or lacked sufficient detail. The proportion of cases in which the magistrates' courts endorsements provided a clear and comprehensive record of case progress was disappointing.
- 4.72 During our visit, we were told of a problem in relation to recording the venue for subsequent hearings. Because of centralised listing, magistrates' courts cases are not necessarily adjourned to the same court centre. It is vital, therefore, that the prosecutor endorses at which court centre the next hearing is to take place. This is not always done. We were also told that it is not always recorded whether the defendant is in custody or on bail.

- 4.73 Inadequate recording causes unnecessary additional work. It can lead to misunderstanding or failure to take necessary action. Despite having been raised at several team meetings, it remains a problem.
- 4.74 **We recommend that the PTLs should monitor the quality of file endorsements made by prosecutors in court to ensure that they record fully and accurately the information necessary for the subsequent processing of the case in the office.**
- 4.75 It is important to be able to find information in a file quickly and easily. Generally, magistrates' courts files are in good order. The position is not quite as satisfactory in respect of Crown Court files. In 12 out of 42 (28.6%) that we examined, we found that the contents were not located in a logical sequence.

PRESENTING CASES

Advocacy standards

- 5.1 Advocacy and case presentation in the courts is the public's opportunity to see representatives of the CPS and assess the performance of those who prosecute on their behalf. It is the most visible function of the CPS and its quality has to be assured. Any assessment must be measured against fixed standards and the inspection team used the CPS national standards of advocacy.
- 5.2 The standards identify several key areas of advocacy in respect of which performance is to be assessed. They are professional ethics; planning and preparation; courtroom etiquette; rules of evidence; rules of court procedure; presentational skills; and case presentation. In a proportion of the cases that we observed, some of these categories were not relevant or could not be assessed. Nevertheless, wherever possible, every advocate observed by the inspection team was assessed against each of the seven categories.
- 5.3 During our inspection we observed a total of 19 advocates including designated caseworkers, CPS lawyers, solicitor agents and counsel.

The quality of advocacy in the magistrates' courts

- 5.4 We visited six magistrates' courts that are served by the Area and observed eight CPS lawyer advocates.
- 5.5 Most local practitioners told us that the overall quality is good. Certain individuals were said to be extremely good. There is a high degree of seniority and experience and it is rare for the performance of a CPS lawyer to be less than satisfactory.
- 5.6 Generally, our observations confirmed this view. Five CPS lawyer advocates appeared entirely competent in every respect (72.7%). One was considered to be above average. We observed two advocates, however, whose performance on the day was less than competent in some respects. We would have liked to see a greater proportion displaying above average skills, but opportunities to shine were often limited by the nature of the proceedings observed.
- 5.7 Examples of good advocacy included that of a prosecutor in a youth court able to resist a robust defence application for separate trials of similar charges with a persuasive legal argument. We saw several advocates whose experience and thorough preparation allowed them to address the magistrates at length on difficult issues without direct reference to their file.
- 5.8 On the occasions where we were less impressed, it was because applications lacked structure or because factual presentations were ponderous and meandering. This suggests inadequate preparation. We also saw more than one advocate whose court etiquette was unsatisfactory in that they sometimes addressed the magistrates from a seated position.

Designated caseworkers

- 5.9 The Area has three DCWs. Their performance was praised. We were told consistently that they are sound and competent.
- 5.10 We observed one DCW presenting cases at EFHs in the magistrates' courts. The cases were straightforward but each presentation of the facts was concise, fluent and well prepared. In one case, the DCW rose after the mitigation to quite properly point out that the defendant's account amounted to a statutory defence to the charge and that the magistrates should, therefore, consider whether the plea was equivocal.

Agents

- 5.11 In the past, the Area has restricted its use of agents to a small pool of experienced individuals. Feedback on their performance has been good. In recent times, however, the net has widened and assuring the appropriate quality has become more difficult.
- 5.12 Other court users told us the more experienced agents do the bulk of the work and they are very competent. Some of the newer agents have not yet reached the same standards and a preference was expressed for the experience and continuity of CPS advocates.
- 5.13 We observed eight agents presenting cases in the magistrates' courts. We saw some dealing authoritatively and efficiently with their cases. However, we also saw some whose performance should have been better, in terms of the level of preparation and familiarity with CPS files.
- 5.14 The Area has taken positive steps to ease the introduction of new agents by supplying an information pack and offering a visit to the office to discuss relevant matters. This is clearly a beneficial practice and is to be commended.

The quality of advocacy in the Crown Court

- 5.15 The overall quality of prosecuting counsel is good. We did not find any evidence of disparity, of experience or ability, between those appearing to prosecute and the defence. We were told that, in most cases, the CPS has access to a broad band of experienced counsel capable of doing a thorough and professional job. This positive view was confirmed by our observations.
- 5.16 We were particularly impressed by the performance of one prosecuting counsel who displayed considerable technical knowledge in a complex case of computer fraud.

Higher Court Advocates

- 5.17 There are two HCAs in the Area, although one has only recently been appointed. Representatives of other criminal justice agencies told us that they are very capable and that their knowledge of the files assists the smooth running of proceedings.
- 5.18 The CCP would like to increase and extend the use of the HCAs. This has been restricted by their need to assist with magistrates' courts work, for example in committal preparation, in order to address the difficulties that we have highlighted in earlier sections of this report. A difficult balance has to be achieved between developing their Crown Court expertise while, at the same time, ensuring that the Area is able to carry out its core business with the necessary degree of timeliness and quality.

Monitoring advocacy standards

- 5.19 We consider that regular and effective monitoring of prosecutors is essential. Effective monitoring reinforces good performance and identifies training needs where performance can be improved.
- 5.20 Whilst generally the quality of case presentation is good, we found that there is room for improvement. The Area does not formally monitor advocacy in the magistrates' courts. We were told that the CCP, when attending a court centre for a meeting, sits in the back of court and observes advocates. We consider that the PTLs should also take advantage of similar opportunities.
- 5.21 It is important to ensure that there is regular and effective monitoring of prosecutors and that immediate constructive feedback is given. This applies equally to CPS lawyers, DCWs and agents.
- 5.22 We recommend that the PTLs should ensure that they take advantage of opportunities for monitoring the performance of CPS lawyers, DCWs and agents appearing for the prosecution in the magistrates' courts and that immediate feedback is given to the advocates concerned.**

MANAGEMENT ISSUES

Management of the Area

- 6.1 Nationally the CPS has given significant autonomy to the local CCPs and the period since April 1999 has been transitional. A considerable amount of planning and implementation has been required. A lot has been achieved in Durham through close and successful liaison with local criminal justice system (CJS) partners. The Area has achieved “Investors in People” (IiP) status. Progress towards implementation of the Glidewell proposals was at an advanced stage but was then held up by national issues.
- 6.2 The Area is assisted by a Business Centre, which is located in Newcastle, and is a common service for certain administration matters in relation to Durham, Cleveland, Cumbria and Northumbria. The quality of assistance has been high. A systems audit was given as a specific example. There has been some dissatisfaction within the Area, however, about the timeliness with which assistance has been provided.
- 6.3 The Area Management Team (AMT), which comprises the CCP, ABM and three PTLs, meets regularly. As well as monitoring progress towards achievement of national performance targets and taking an overview of Area spending, it discusses a whole range of management issues of current local and national concern.
- 6.4 AMT minutes are circulated. Although staff do not always get the opportunity to consider them, there is a general feeling that there is an appropriate level of consultation before important decisions are taken. The Area Sounding Board (ASB) is considered useful and meets on an ad hoc basis. It has resolved several health and safety issues. The agenda is distributed in advance. The atmosphere is said to be relaxed and members report back to colleagues.
- 6.5 The Area Business Plan follows the national format and highlights the excellent relationships between local CJS partners. It reflects the concept of all agencies within the local criminal justice system working together to reduce crime and protect the public. Generally, members of staff said that they had been given sufficient opportunity to contribute to the plan.
- 6.6 We have highlighted from the outset our serious concerns about the Area’s case management system. The move from file ownership to a seven-day action date system followed the introduction of Narey fast-track procedures and was fuelled by the expectation that targets would not be met with lawyers spending so much time out of the office.

- 6.7 Under the current system, cases that are adjourned with the need for the CPS and/or police to carry out necessary action are not referred directly to a lawyer. Instead, the files are placed in an action cabinet. If a full file is required, it is requested immediately but if it is then received more than seven days before the next hearing it will be put in the action cabinet. Seven days before the subsequent hearing, the files are taken out and put in an urgent action tray for lawyers in the office that day to either carry out or request the necessary action.
- 6.8 This system often leaves insufficient time for proper consultation with the police. It does not facilitate timely decision-making or thorough case preparation. Lack of file ownership duplicates effort as actions are often allocated to a different lawyer to the initial reviewer. The benefits of prior knowledge are lost and a conflicting view may be taken about how a case should be handled. This creates uncertainty for others with an interest in the case. Priority is given to urgent cases rewarding any inefficiency on the part of the police. Constant ‘fire-fighting’ means that late files command greater and more immediate attention than those that are submitted on time and are of acceptable quality. Correspondence is not always answered promptly because it is merely attached to the file in the action drawer until seven days before the next hearing. Defence solicitors gave us examples of cases in which they had sent a series of letters to the CPS without receiving any response.
- 6.9 We have highlighted, in the relevant sections of this report, a number of casework problems that appear to us to flow directly from the operation of the Area’s inefficient case management system. Drawing them together, to illustrate its negative overall impact, we found that it:
- * does not ensure that the police are provided with timely advice;
 - * delays the remedying of incorrect charging;
 - * delays the discontinuance of cases that should not proceed;
 - * reduces the quality and timeliness of continuing review;
 - * reduces the quality of case preparation for PTRs, summary trials and committals; and
 - * gives rise to an unacceptable level of performance in relation to responding to correspondence.
- 6.10 Area managers have recognised the weaknesses. A PTL has been assigned to carry out a detailed review of office systems and the intention is to return to a system of file ownership. We are left in no doubt, however, that the current case management system undermines the Area’s overall performance significantly and that it must be replaced as a matter of urgency.

- 6.11 We recommend that the CCP should initiate an immediate plan of action to clear backlogs of work and re-establish an ability to deal with incoming files and correspondence in a timely and professional manner.**

Internal communications

- 6.12 Communications are a mixture of meetings, written information and e-mails. Office meetings are convened if particular problems arise. The Area has established an intranet, providing an e-mail link for all staff. This is a valuable facility and has improved the flow of information within the office.
- 6.13 The Area has recently introduced ‘touchstone’ meetings that are held at nine o’clock each morning. All managers briefly exchange information about what is going well and any problems that have arisen. The information is then disseminated to colleagues. This assists in ensuring that staff are kept up to date with the latest developments.
- 6.14 Some concerns about communications were, however, expressed by staff. We were told that queries raised at ASB meetings are not always answered and that the frequency of team meetings has lapsed from once a week to about twice a month due to pressure of work.
- 6.15 The lapsing of team meetings is not necessarily significant, provided that they are held with reasonable regularity and are effective. A number of issues have been resolved at such meetings. We were told, however, that team meetings are becoming less effective and that, on occasions, they have been merely opened and adjourned as there were insufficient numbers of lawyers in the office at the time. This can seem unsatisfactory for other members of staff present who may wish to raise legitimate and pressing matters for discussion.

Management of financial resources

- 6.16 The Area has benefited from careful recording of activity, notably work under the LAPS scheme and by raising awareness of the principles of activity based costing (ABC). This enabled it to establish its case for additional resources. These were used to recruit three lawyers and a caseworker. At the same time, however, they lost the services of an experienced lawyer to cover a temporary PTL vacancy in another Area. That lawyer will shortly return.
- 6.17 There are no major concerns that resources are unfairly distributed within the Area.

Management of human resources

- 6.18 The Area is split into two teams covering the North and South of the county respectively. In addition, there is a Crown Court section comprised of caseworkers and the two HCAs.
- 6.19 Generally, the Area's staff are very experienced. They enjoy good and long-standing relationships with their counterparts within other criminal justice agencies. This is a significant factor in maintaining the excellent level of liaison, which we comment upon later in this report.
- 6.20 Staff morale, however, is described as poor because of the volume and pressure of work. Nevertheless, we found that they are very supportive of each other and the CCP. Stress has increased within the Area as a result of the increasing caseload. The AMT has responded by implementing a stress strategy to reduce it. A number of potential stress reduction measures were considered and some implemented. At the time of our visit, an experiment was taking place in which incoming telephone calls were limited at particular times to allow staff to benefit from a stress-free opportunity to work without interruption. Reaction to this, both internally and externally, had been mixed but substantially adverse and it seemed likely to be abandoned. Other measures, however, have been more successful. A stress counsellor has recently visited the office to speak to staff and will return in order to raise awareness. In addition, managers meet briefly each morning to identify any matters that require urgent attention. We commend this pro-active approach towards reducing stress.
- 6.21 The Government has set targets to reduce sick absence by 20% by 2001 and 30% by 2003. The CPS has set national targets of reducing absence to 8.5 and 7.4 working days respectively. For the year ending 31 March 2000, the average number of days sick absence per Area employee was 7.3 days. This is below the national average of 10.2 days. The recently published CPS Staff Survey and Stress Audit (SSSA) showed that 23% of Area staff considered themselves to be suffering high levels of stress, 58% were moderately stressed and 19% felt their stress level was low. This profile is broadly similar to the national averages of 23%, 62% and 15.5% respectively.
- 6.22 We have highlighted, elsewhere in this report, problems caused by lack of continuity and file ownership. It duplicates work, in review and in preparation for court. The Area has attempted to achieve a degree of continuity in court coverage, so prosecutors should have already seen the majority of adjourned cases in their court list. This has not been altogether successful thus far but has now been put in the hands of the PTLs to manage. It is an approach that carries with it obvious advantages and we encourage them in their efforts.
- 6.23 Lawyers told us that, generally, they are out of the office at the police stations and court centres for four full days per week. This means that they find it difficult to keep up with review and case preparation.

- 6.24 Although considerable effort has gone into re-negotiating listing arrangements, we are far from convinced that they best utilise CPS resources. During our court observations, we saw quite lengthy periods of inactivity. This increased the time necessary for the prosecutor to attend the court centre. The principal cause of delay appears to be the system of block listing in which individual defendants are given a specific time slot to attend. We saw several instances of defendants being adjourned to a slot after 3pm on the next hearing date. This practice guarantees a late finish for the prosecutor, however quickly and efficiently he is able to deal with his cases.
- 6.25 The fact that the lawyers' time in the office is so limited undoubtedly has a negative impact upon the overall quality and timeliness of case preparation and decision-making. The problem is self-perpetuating in that initial delay and ineffective review generates further delay, unnecessary adjournments and heavier lists. There could be mutual advantage to the CPS and magistrates' courts if listing arrangements could be developed which utilised CPS resources better.
- 6.26 We recommend that the CCP should continue to negotiate with the Justices' Chief Executive to achieve magistrates' court listing practices that better utilise CPS resources.**
- 6.27 Two senior lawyers have been assigned to specific projects and are, therefore, to a large extent unavailable for review work and court coverage. The Area view is that the long-term overall benefits, for example the development of IT and review of office systems, will outweigh the short-term disadvantages.
- 6.28 We found that there is a division of opinion on this policy. Some members of staff take the view that the Area cannot afford the luxury of having two of its most senior lawyers in largely non-operational roles, at a time when it is under considerable pressure to deliver its core business to the appropriate standard. Others differ, suggesting that the Area has already seen the benefits of this work and will be more efficient in the future as a result. The CCP will, no doubt, wish to ensure that the overall gains expected to arise from these projects are communicated fully and widely.

Performance appraisal

- 6.29 Performance appraisal is an important aspect of individual staff development and essential to the achievement of Area and national CPS objectives. Line managers complete an annual appraisal report in respect of each of their staff. At the same time, a forward job plan (FJP) is agreed which sets individual objectives for the next appraisal period. All staff have FJPs which should be designed to encourage individual development. Some jobholders feel that the process is somewhat meaningless and that their FJPs are artificial.

- 6.30 It is important that this exercise is completed promptly and the target date for 1999/2000 was 31 May. The Area completed and returned to headquarters 48 of its 53 performance appraisal reports by the target date (91%). This compares very favourably with the national average of 60%. Staff should receive at least one interim appraisal review during the year, which provides the opportunity to discuss current performance and to revise FJPs, if necessary. We found that, due to pressure of work, staff are appraised only at the end of the year.
- 6.31 It is an essential part of the appraisal process that staff are continually appraised, and FJPs are regularly reviewed, to ensure that objectives always assist development of the individual. This is something which Area managers will wish to have particular regard to in the current appraisal period.

Training

- 6.32 It is clear that the Area has placed a high priority upon training. Joint training with the police is extensive. We were given several examples of initiatives covering such topics as unused material, domestic violence and warrants of further detention.
- 6.33 In order to achieve IiP status, a working group was formed and devised a training package for each grade. There is also a training database which has helped to identify needs.
- 6.34 The general view of Area staff is that there are more training opportunities than there have been previously, although one or two felt that training did not cater sufficiently for their individual needs.

Health and safety

- 6.35 The Area has addressed several health and safety issues. We have mentioned its measures designed to reduce stress. A manual handling training course was provided for all staff in response to concerns about lifting and carrying large quantities of files. Late finishes at one court centre meant that prosecutors had to walk back to a multi-storey car park in darkness. An agreement was reached that the court would not sit beyond 5.30pm.

Victims and witnesses

- 6.36 Representatives of both the Witness Service and Victim Support said that relationships with the Area are very good. It is felt that the approach of the CPS has improved considerably in recent years. Any problems can be raised informally and resolved before they become serious. If victims are dissatisfied about the way that a case has been handled, prosecutors offer to meet them with a representative of Victim Support present. Victim Support volunteers attended training sessions at the CPS office to learn about the work that they do.

- 6.37 The CCP is currently working together with representatives of other agencies to devise a process map. This will seek to identify the information that victims require and from whom. Priorities will be set for different types of information and the amount of information that it is possible to provide might vary with resources. These negotiations will form the basis of a deliverable service level agreement. This seems an excellent initiative and we wish it every success.
- 6.38 We were pleased to be told that prosecutors usually request time to speak to witnesses and explain developments in the case, for example if a trial cannot proceed or if charges are reduced or dropped. We were also told that Crown Court caseworkers adopt a constructive and pro-active approach towards dealing with prosecution witnesses. They seek to ensure that difficulties are minimised and encourage counsel to keep witnesses informed.
- 6.39 Some concerns were expressed, however, about the negative impact of late decision-making. Those working closely with victims and witnesses said that cases should be reviewed more thoroughly at an earlier stage of preparation. That would reduce the number that are dropped or reduced at court without any apparent change to the strength of the evidence. This is distressing for victims and builds up unjustified expectations. It appears to us to be a further example of the Area's performance dipping below the high level to which it aspires through failings in the quality and timeliness of continuing review.
- 6.40 We had the opportunity, during our visit, to speak to a witness who attended Durham Crown Court for a trial. His experience had not been an entirely satisfactory one. This was the fourth occasion that he had attended. He had been informed that the case was listed as a 'floater' but it had not been explained to him that this meant that the case would not necessarily proceed. The start of the trial was delayed by legal argument and he estimated that he had waited for five hours in the Witness Service building.

External communication and liaison

- 6.41 The Area has established excellent relationships with its partners in the local criminal justice community. There are numerous multi-agency fora, at different levels, each with a specific and clearly defined remit. The impression gained, upon speaking to senior managers in the other agencies, is that there is a strong commitment to bringing about improvements to the local criminal justice system through a partnership approach and that the CCP plays a leading role.
- 6.42 The ABM and PTLs also fulfil important roles in local liaison, as does the senior lawyer assigned to oversee the development of IT initiatives. Local practitioners praised their contribution and commitment.
- 6.43 The CCP meets with the heads of local barristers' chambers, although this has not borne the same degree of fruit as other liaison arrangements.

- 6.44 Contact by the CCP with the Chief Constable is both formal and informal. We were told that many issues are resolved outside formal meetings and that, generally, a lot of progress has been made. Discussions are full, constructive, frank and open.
- 6.45 Defence solicitors find senior prosecutors to be very approachable, if they have any problems or complaints. CPS staff are seen as hard-working and co-operative.
- 6.46 A good and positive rapport is also enjoyed with representatives of the magistrates' courts service. We were told that there is a great willingness, on both sides, to perform at a higher level.
- 6.47 Packages of information are supplied to the Probation Service to assist in the preparation of pre-sentence reports. For the most part, the system works well. The CCP is said to be very active and works hard to move matters forward. He has assisted the Public Protection Strategy Group by supplying valuable advice about human rights implications.
- 6.48 We commend the Area for its committed and energetic attitude towards achieving the undoubted long-term benefits of successful inter-agency liaison. This is not just an impressionistic view. It reflects the universally consistent views we received. Inevitably, such a heavy commitment places a significant drain on resources in the short-term. The CCP will wish to ensure that an appropriate balance is maintained between pursuing the long-term benefits of liaison and continuing to deliver a satisfactory level of performance in respect of CPS core business.

Joint performance management

- 6.49 The CPS and police undertake joint performance management (JPM) on a number of issues. These include monitoring the quality and timeliness of submission of police files and identifying the reasons why cases are terminated. Locally, JPM has been used successfully to identify a trend of witness retraction and the reasons have been explored. The scheme requires prosecutors to complete TQ forms and return them to the police with their comments on whether police files are timely and of acceptable quality. There have been problems in respect of this monitoring.
- 6.50 A national amendment has removed the need to complete forms in a large number of cases and monitoring is now undertaken on an exception basis. This reduces the burden and should make JPM easier to operate. In the first months of exception reporting, however, too few forms were returned and some of those that were contained insufficient detail. The police did not always attach TQ forms to relevant files and prosecutors did not always complete them correctly or at all. This meant that managers had insufficient information to carry out any meaningful joint analysis. We are pleased to note that the system was reviewed and that necessary action was taken on both sides. It is now believed that these problems have been remedied.

Security

- 6.51 Staff do not always wear their security passes and we found that the combinations on some door locks had not changed since our last visit in 1998. The clear desk policy is in operation. Five years ago, the office was attacked and had a fire. Since then, a storeroom has been built and each lawyer has a shelf therein. That room is locked at the end of the day's business.

Accommodation

- 6.52 The Area office appears adequate for staff numbers following expansion last year. Generally, it provides a pleasant working atmosphere. It is largely open plan, which is not to the liking of all staff. In means, however, that they are able to discuss each other's cases and, therefore, assists the sharing of experience.
- 6.53 We were told that the office is sometimes uncomfortably hot in the summer, despite the purchase of an air-conditioning unit and a number of fans. One part of the office also gets particularly cold in winter requiring additional heating.
- 6.54 The Area has the use of designated offices at six local police stations. They are locked and inaccessible to the police. Each is fitted with a networked computer and was used for advising the police under the LAPS system. At present, four of those offices are not in use following implementation of Narey and withdrawal of LAPS.

Equality

- 6.55 Ethnic minority groups represent 0.6% of the local population. Durham does not have any members of staff from an ethnic minority. It has, however, taken positive steps to assess racial awareness needs and deliver appropriate training to raise it. The Area is pursuing an action plan on race, equality and diversity issues. It is attached as an annex to the Area Business Plan for ease of reference.
- 6.56 In two recent recruitment exercises, ethnic minorities were targeted in local newspapers. It was later discovered that the publications used were not necessarily those read by those targeted. The Area has learned from this. Advice on recruitment will in future be taken from the local Racial Equality Council and the Ethnic Minority Liaison Committee.
- 6.57 The CPS video on Equality and Diversity has been shown to almost all staff.

Performance indicators

- 6.58 Prior to the recent recruitment of new staff, Area managers had justified confidence in the accuracy of performance indicators. Suitable training was provided to existing staff but the recent intake has not yet received it. All staff have, however, been given a coloured laminated chart to assist them in recording finalisation codes correctly.

- 6.59 Accurate casework information is vital, not only in presenting a proper record of Area performance, but in assessing expenditure required to deal with Area casework. The Inspectorate's recently published report on the Thematic Review of Performance Indicator Compliance and Case Outcomes is likely to provide some assistance to the Area in ensuring accuracy of its performance data.

Handling of complaints

- 6.60 There are national time guidelines for dealing with complaints. Complaints should be acknowledged within three working days and a substantive response sent within ten. In the year ending 31 March 2000, the Area responded to 63.2% of complaints within ten days. This is well below the national average of 87.7%.
- 6.61 The perception of local practitioners is that the Area is constructive in its approach to complaints. In casework matters, the lawyer involved in the case prepares a detailed background report. The CCP then considers that report and prepares the response. He may discuss the issues with the lawyer if necessary
- 6.62 Occasional feedback is given on any lessons to be learned from complaints in team meetings but more often it is done informally.
- 6.63 We examined the complaints register during our visit. The majority of complaints we saw were handled in a professional and suitable manner. Responses were sympathetic and thorough. In some cases, however, there appeared to have been significant delay in responding to the complaints and there was evidence that there had been difficulty in tracing relevant files and information.

CONCLUSIONS, GOOD PRACTICE, RECOMMENDATIONS AND SUGGESTIONS

Conclusions

- 7.1 The performance of CPS Durham 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. It has also experienced a significant rise in caseload. The Area has many experienced and capable staff committed to providing a high quality service at a time of considerable change. It has led the way nationally in exploring the benefits of placing CPS lawyers in police stations and using IT to its full advantage. A commendable level of drive and commitment has been shown towards achieving the fruits of better liaison with other agencies. Substantial progress has been made through close inter-agency co-operation.
- 7.2 The CCP and his management team have adopted a thoughtful approach to making the best of their resources. We found many things that are worthy of praise, in terms of good practices and in the harnessing of the benefits to be gained from the introduction of new technology. Not being content with merely using the technology available to it, the Area has developed it to great advantage.
- 7.3 We have highlighted our concerns about the case management system. Most of our critical comments stem from its use. It has been a common thread throughout this report. We are satisfied that the Area managers are fully aware of the deficiencies that we have highlighted. We are pleased to note that work has already begun to analyse office systems and to effect the necessary improvements as a matter of urgency.
- 7.4 Although the Area is better resourced than it was, the benefits have been masked by the need to train new staff members and to contend with an unexpected and significant increase in case receipts. We believe that the problems caused by the current case management system are self-generating. Late decision-making and inadequate preparation has created additional work. We expect matters to improve considerably when that system has been reviewed and revised and once the new recruits have found their feet.
- 7.5 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's performance has dipped. 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. We are convinced that there is much more that can be achieved in this regard. If CPS efficiency is improved, the benefits can flow on both sides.

Good Practice

- 7.6 It is appropriate that we draw attention to those Area practices or initiatives that deserve to be commended.
- 7.7 **Information technology** (paragraph 1.9) – the development and use of an intranet together with connection to the police network to improve communications. This allows access to electronic versions of case files and review of evidence on screen.
- 7.8 **Information technology** (paragraph 1.10) – the development and use of programs designed to ease case administration and case preparation. Documents can be created from templates with minimal effort, spreadsheets can measure and analyse performance and databases manage and filter large quantities of information gathered in particularly complex cases.
- 7.9 **Racial incident cases** (paragraph 3.60) – consistency is achieved in that the CCP considers all such cases after they have been finalised. The PTLs have been requested to look closely at them. The CCP also has an active role as a member of the local Ethnic Communities Liaison Group.
- 7.10 **Racial incident cases** (paragraph 3.61) – a training initiative that will adopt thought-provoking methods of raising awareness about race issues before delivering important training on matters of law and evidence.
- 7.11 **Sensitive material** (paragraph 4.17) - the Area has been pro-active in providing training for its staff and the police on sensitive material. Joint performance has improved considerably in recent times as a result.
- 7.12 **Monitoring of counsel** (paragraph 4.45) - the CCP has proposed formal monitoring of the Bar in accordance with the CPS national advocacy standards. In return, barristers will be expected to provide feedback on the quality of their instructions.
- 7.13 **Agents** (paragraph 5.14) - the Area has taken positive steps to ease the introduction of new agents by supplying an information pack and offering a visit to the office to discuss relevant matters.
- 7.14 **Stress** (paragraph 6.20) - a number of possible stress reduction measures were considered. A stress counsellor has recently visited the office to speak to staff and will return in order to raise awareness. In addition, managers meet briefly each morning to identify any matters that require urgent attention.
- 7.15 **Training** (paragraph 6.32) - joint training with the police has been extensive covering such topics as unused material, domestic violence and warrants of further detention.

- 7.16 **Victims and witnesses** (paragraph 6.36) - if victims are dissatisfied about the way that a case has been handled, prosecutors offer to meet them with a representative of Victim Support present.
- 7.17 **Victims and witnesses** (paragraph 6.36) - Victim Support volunteers attended training sessions at the Area office to learn about the work of the CPS.

Recommendations and suggestions

- 7.18 The distinction between recommendations and suggestions lies in the degree of priority that the Inspectorate considers should attach to its proposals. Those meriting highest priority form the basis of recommendations.
- 7.19 With a view to improving Area performance, we make the following recommendations:
- 1 that the CCP should introduce arrangements for monitoring the quality (especially the adequacy and clarity of explanations) and timeliness of written advice (paragraph 2.17);
 - 2 that the CCP should ensure that where advice is given by telephone it is recorded and linked, where appropriate, with the resultant prosecution file (paragraph 2.22);
 - 3 that the CCP should implement an effective system to ensure that;
 - * prosecutors review cases effectively and expeditiously; and that
 - * there is continuity of case ownership wherever possible (paragraph 3.16);
 - 4 that the CCP and PTLs should effectively monitor initial and continuing review decisions (paragraph 3.17);
 - 5 that prosecutors should make full records on the files of initial and continuing reviews, decisions and the reasons for those decisions and that the PTLs should effectively monitor the quality of those records (paragraph 3.46);
 - 6 that the CCP should ensure that all relevant staff contribute to the careful analysis of failed cases, that managers identify any trends and that the lessons learnt are discussed and shared for the benefit of the Area (paragraph 3.56);
 - 7 that the CCP should ensure that advance information and PSR packages are accompanied by dated notices identifying the documents served and on whom, and that copies of the notices are retained on the file (paragraph 4.11);
 - 8 that the CCP should continue to encourage the police to disclose to the CPS the existence of sensitive unused material at the earliest opportunity and to ensure that prosecutors record that they have considered sensitive material, their decisions and the reasons for those decisions (paragraph 4.21);

- 9 that the CCP and PTLs should take action to improve the Area's handling of unused material. In particular, lawyers should:
 - * require clear and comprehensive descriptions of items in the MG6C schedules from the police;
 - * show greater willingness to call for and inspect material rather than rely on assessment by the police; and
 - * ensure that procedures in relation to secondary disclosure are properly documented and that copies of relevant correspondence are attached to files (paragraph 4.24);
- 10 that the CCP should implement an effective system to ensure that the police are notified and encouraged to supply an explanation in cases where a full file is required and has not been delivered by the due date (paragraph 4.31);
- 11 that the PTLs should monitor the content of instructions to counsel to ensure that they contain an accurate summary of the case, identify and address the issues and, where applicable, address the acceptability of pleas (paragraph 4.40);
- 12 that the CCP should review communications procedures to ensure that prosecutors are able, when called upon, to discuss cases with counsel at the Crown Court and take prompt informed decisions (paragraph 4.59);
- 13 that the CCP should review the custody time limit systems within the Area in the light of the MAS guidance to identify any aspects of good practice that may be incorporated into Area systems (paragraph 4.70);
- 14 that the PTLs should monitor the quality of file endorsements made by prosecutors in court to ensure that they record fully and accurately the information necessary for the subsequent processing of the case in the office (paragraph 4.74);
- 15 that the PTLs should ensure that they take advantage of opportunities for monitoring the performance of CPS lawyers, DCWs and agents appearing for the prosecution in the magistrates' courts and that immediate feedback is given to the advocates concerned (paragraph 5.22);
- 16 that the CCP should initiate an immediate plan of action to clear the backlogs of work and re-establish an ability to deal with incoming files and correspondence in a timely and professional manner (paragraph 6.11);
- 17 that the CCP should continue to negotiate with the Justices' Chief Executive to achieve magistrates' court listing practices that better utilise CPS resources (paragraph 6.26);

7.20 We also make the following suggestions:

- 1 that, where possible, the PTLs should allocate written requests for advice evenly to prosecutors (paragraph 2.16);
- 2 that the CCP should approach the police with a view to reviewing the written agreement on the provision of advice in the light of changed circumstances; and securing better compliance (paragraph 2.18);
- 3 that the PTLs should monitor decisions by prosecutors on custody, bail and bail conditions to ensure that they are well-informed, objective and independent (paragraph 3.32);
- 4 that the CCP should provide guidance to the DCWs in respect of initial review endorsements to ensure that they properly record decisions and the reasons for those decisions (paragraph 3.48);
- 5 that the CCP should remind CPS staff and representatives of other local criminal justice agencies of the restrictions in respect of the type of case that it is permissible for the DCWs to deal with (paragraph 4.4);
- 6 that the CCP should take steps to ensure that PDHs are recorded in a consistent manner and that a proper record is made of any directions and compliance. Where compliance is not possible, a full explanation should be readily available (paragraph 4.55);

KEY STATISTICS

- 8.1 The charts in Annex 2 set out the key statistics about the Area's casework in the magistrates' courts and in the Crown Court for the year ending 30 June 2000.

EXTERNAL CONSULTATION

- 9.1 Annex 3 is a list of the local representatives of criminal justice agencies who assisted in our inspection.

**TOTAL NUMBER OF FILES EXAMINED FOR
CPS DURHAM**

File Category	Total Number of Files
Advice Cases	10
Custody Time Limit Cases	10
Committals Discharged	0
Judge Directed Acquittals	2
Judge Ordered Acquittals	12
Plea Before Venue	10
Magistrates' Court Lost Half Time	4
Random Sample	92
Terminated Cases	25
Traffic	10
Terminated Cases (One Month)	65
Appeals Against Conviction	10

ANNEX 2

Table for chart 1

Types of case	Durham		42 Areas	
	Number	Percentage	Number	Percentage
Advice	643	3.7	51,204	3.6
Summary motoring	4,812	27.3	525,410	36.9
Summary non-motoring	4,572	26.0	258,848	18.2
Either way & indictable	7,577	43.0	574,567	40.3
Other proceedings	1	0.0	14,007	1.0
Total	17,605	100	1,424,036	100

Table for chart 2
Completed cases

	Durham		42 Areas	
	Number	Percentage	Number	Percentage
Hearings	13,300	78.4	992,486	73.0
Discontinuances	1,512	8.9	167,672	12.3
Committals	1,145	6.8	85,896	6.3
Other disposals	1,004	5.9	112,771	8.3
Total	16,961	100	1,358,825	100

Table for chart 3
Case results

	Durham		42 Areas	
	Number	Percentage	Number	Percentage
Guilty pleas	11,262	84.5	818,889	82.2
Proofs in absence	1,314	9.9	118,627	11.9
Convictions after trial	522	3.9	42,385	4.3
Acquittals: after trial	198	1.5	14,979	1.5
Acquittals: no case to answer	31	0.2	1,710	0.2
Total	13,327	100	996,590	100

Table for chart 4
Types of case

	Durham		42 Areas	
	Number	Percentage	Number	Percentage
Indictable only	357	26.1	28,167	22.6
Either way: defence election	141	10.3	18,466	14.8
Either way: magistrates' direction	499	36.5	40,472	32.5
Summary: appeals; committals for sentence	370	27.1	37,377	30.0
Total	1,367	100	124,482	100

Table for chart 5
Completed cases

	Durham		42 Areas	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	885	88.8	74,307	85.3
Cases not proceeded with	90	9.0	9,846	11.3
Bind overs	17	1.7	1,493	1.7
Other disposals	5	0.5	1,459	1.7
Total	997	100	87,105	100

Table for chart 6
Case results

	Durham		42 Areas	
	Number	Percentage	Number	Percentage
Guilty pleas	759	84.5	55,582	73.4
Convictions after trial	75	8.4	11,579	15.3
Jury acquittals	49	5.5	6,774	8.9
Judge directed acquittals	15	1.7	1,763	2.3
Total	898	100	75,698	100

Chart 1: Magistrates' Court - Types of case

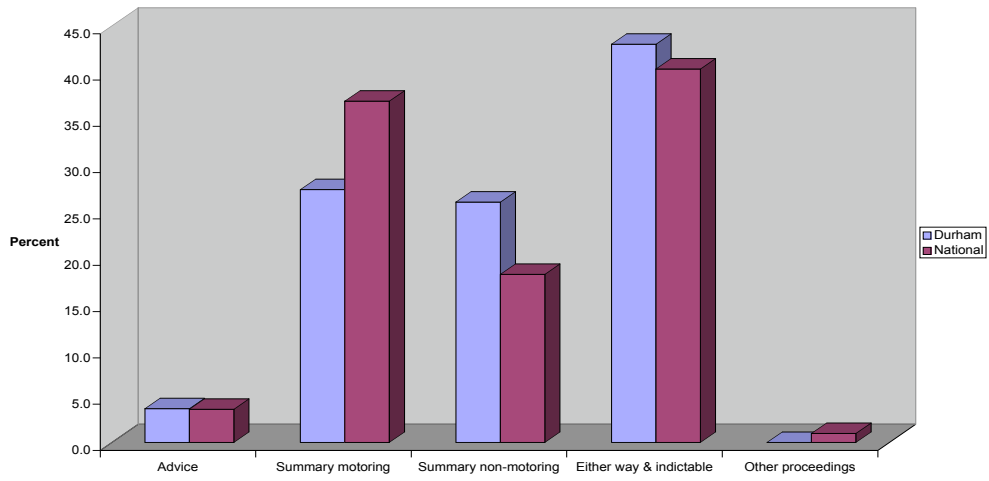


Chart 2: Magistrates' Court - Completed cases

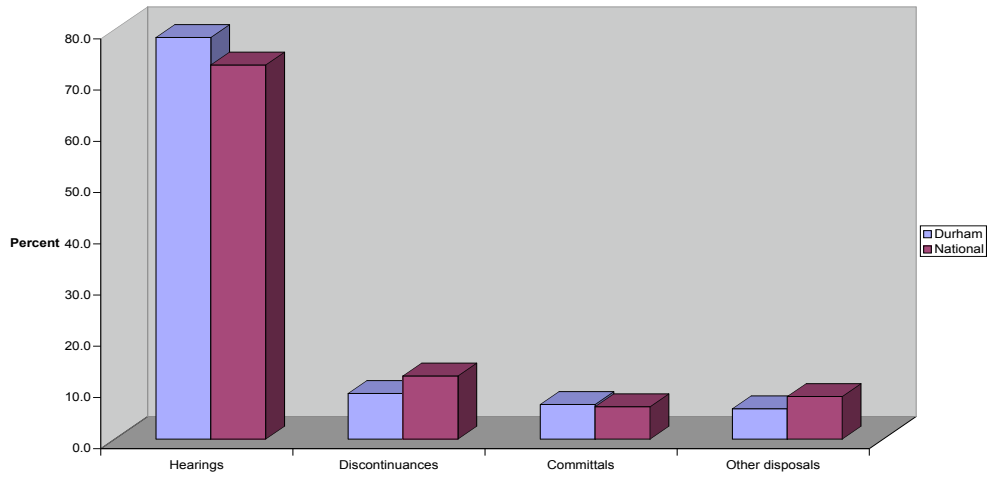


Chart 3: Magistrates' Court - Case results

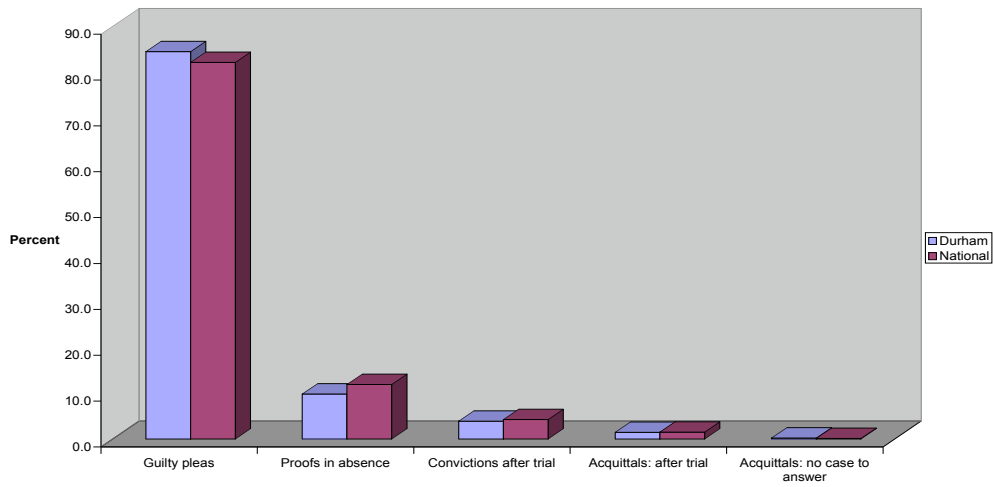


Chart 4: Crown Court - Caseload

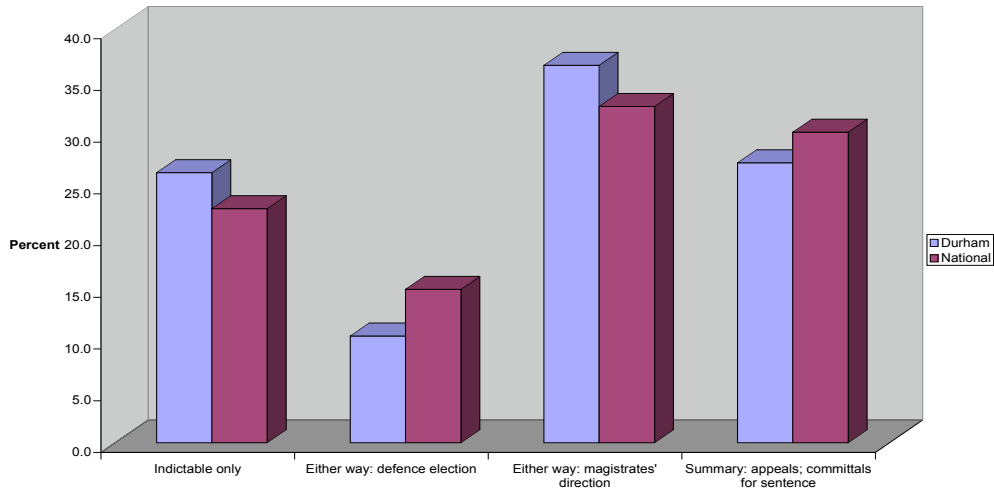


Chart 5: Crown Court - Completed cases

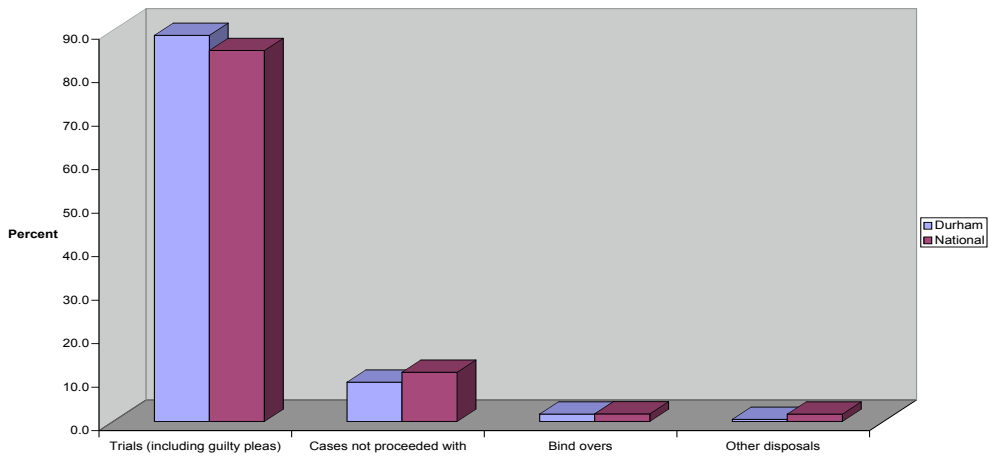
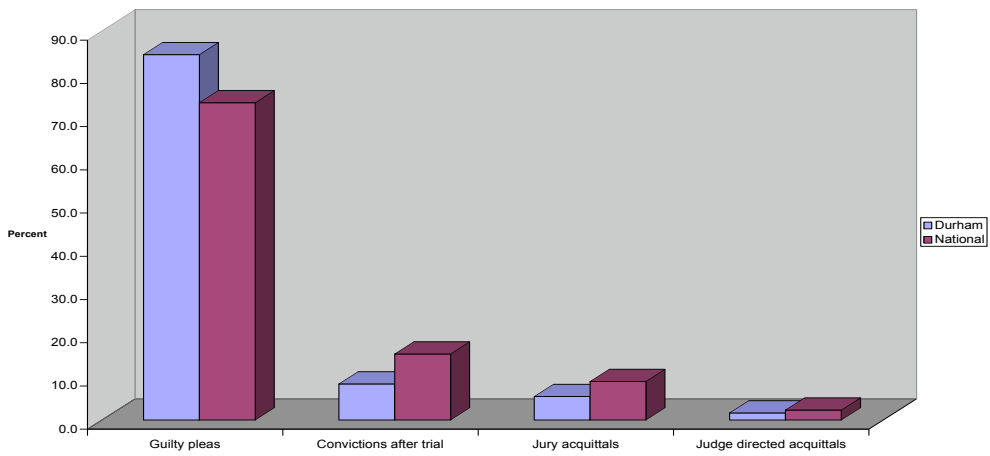


Chart 6: Crown Court - Case results



**LIST OF LOCAL REPRESENTATIVES OF CRIMINAL JUSTICE AGENCIES
WHO ASSISTED US IN OUR INSPECTION**

Judge

His Honour Judge P Fox QC
His Honour Judge D Orde QC

Crown Court

Miss E Yates, Court Manager, Teesside Combined Court Centre
Miss Z Danby, Court Service, Teesside Combined Court Centre
Miss S Wood, Court Service, Teesside Combined Court Centre

Magistrates' Court

Mr A Rudd, Chairman of the Magistrates' Courts' Committee, Darlington Magistrates' Court
Mr R Whitehouse, Justices' Chief Executive, Durham Magistrates' Court
Mr K Parker JP, Chester-le-Street
Mr A Maughan JP, Derwentside
Mr B Ingleby JP, Durham
Mr R Trotter JP, Teesdale and Wear Valley
Mr J Bulmer JP, Sedgefield
Mr D Irwin JP, Darlington
Mr W Greenwood JP, Easington
Mr B Jones, Court Administrator, Chester-le-Street Magistrates' Court

Police

Mr G E Hedges QPM, Chief Constable, Durham Constabulary
Mr P T Garvin, Deputy Chief Constable
Superintendent M Banks, Head of Criminal Justice Department, Durham Constabulary
Inspector N Redhead
Inspector D Hogan
Inspector P Gee
Inspector D Heckles
Inspector M Lowery
Inspector P Robinson

Defence Solicitors

Mr D Bradley

Mr T Jones

Counsel

Mr A Marron QC

Mr P Crayton

Mr R Elsey

Probation Service

Mrs P McPhee

Youth Offending Team

Mr C Reed

Victim Support

Mr C Chatterton

Witness Service

Mrs T Ranson

HM CROWN PROSECUTION SERVICE INSPECTORATE

Statement of purpose

To promote the efficiency and effectiveness of the Crown Prosecution Service through a process of inspection and evaluation; the provision of advice; and the identification and promotion of good practice.

Aims

- 1 To inspect and evaluate the quality of casework decisions and the quality of casework decision-making processes in the Crown Prosecution Service.
- 2 To report on how casework is dealt with in the Crown Prosecution Service in a way which encourages improvements in the quality of that casework.
- 3 To report on other aspects of Crown Prosecution Service where they impact on casework.
- 4 To carry out separate reviews of particular topics which affect casework or the casework process. We call these thematic reviews.
- 5 To give advice to the Director of Public Prosecutions on the quality of casework decisions and casework decision-making processes of the Crown Prosecution Service and other aspects of performance touching on these issues.
- 6 To recommend how to improve the quality of casework and related performance in the Crown Prosecution Service.
- 7 To identify and promote good practice.
- 8 To work with other inspectorates to improve the efficiency and effectiveness of the criminal justice system.
- 9 To promote people's awareness of us throughout the criminal justice system so they can trust our findings.