

CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS NORTHUMBRIA

EXECUTIVE SUMMARY

Introduction

1. This is the fifth report of Crown Prosecution Service Inspectorate in the new cycle of inspections based on the 42 Area structure adopted by the CPS on 1 April 1999. The CPS is a national service, but operates on a decentralised basis with each Area led by a Chief Crown Prosecutor who enjoys substantial autonomy.
2. Northumbria is among the largest of the CPS Areas. It has three Branches. Tyneside Branch covers courts at Blaydon, Gateshead, Newcastle upon Tyne and the Youth Court at Gosforth. Northumberland Branch covers courts at Alnwick, Bedlington, Berwick upon Tweed, Hexham and North Shields. Wearside Branch covers courts at Houghton le Spring, South Shields and Sunderland. It employs the equivalent of 186.6 full time staff. In the year ending 31 March 2000, the Area dealt with cases involving 53,878 defendants in the magistrates' courts and 4,194 defendants in the Crown Court. It provided advice to the police before charge in respect of another 1,620 defendants.
3. The Area deals with a relatively high number of serious cases. Indictable only cases for the year ending 31 March 2000 are, at 29.8% of the Area's caseload significantly above the national average of 22.3%. Summary motoring cases are well below the national average (24% against 36.7%). Other summary offences, which include some public order offences and assaults, are, at 28.2%, well above the national average of 18.4%.
4. During the last 12 months, Northumbria CPS has undergone an intensive programme of change as a result of implementation of the recommendations of the Glidewell Report. Both the CCP and the ABM were new to the Area when they took up their posts in April 1999. Northumberland and Wearside Branches have reorganised into separate Trial, Criminal Justice and Youth Units. Tyneside Branch, which, at the time of our inspection, comprised a Youth Unit and two others serving Newcastle upon Tyne and Gateshead Magistrates' Courts, will adopt the same structure once necessary internal alterations to the Branch accommodation have been made.
5. In the past few years, the Area has taken a lead role in piloting a number of important national initiatives. The most recent has been the implementation of the Narey recommendation that certain cases in the magistrates' courts should be prosecuted by Designated Caseworkers (DCWs). Following full implementation of this initiative nationally, the Area is now piloting the next phase in respect of indictable only

offences being sent to the Crown Court without formal committal proceedings. The Area has coped well in dealing with these initiatives, and handling the process of change brought about by Glidewell.

6. At the time of our inspection, Northumberland Branch had just completed a local pilot initiative involving the use of a single file in each case shared by the Branch and the police. The police retained the file and Branch lawyers attended at police stations to carry out all necessary review work. However, the increased absence of lawyers from the Branch office, had a detrimental effect on other work and the initiative has now been virtually abandoned.

The inspection process

7. Before visiting the Area, the team of inspectors examined a total of 529 cases drawn from all three Branches. The team visited the Area for a total of three weeks during April and May 2000. It interviewed staff from the Area Secretariat and the regional Business centre as well as staff of all levels from the three Branches. The team also spoke to local representatives of other criminal justice agencies in the Area and observed 27 advocates, including CPS lawyers, DCWs and agents, in the magistrates' courts and nine counsel prosecuting on behalf of CPS in the Crown Court. The team was assisted, during the on-site phase by a lay inspector who looked specifically at the public interest element of casework decisions, the handling of complaints and the treatment of victims and witnesses.

The main findings of the Inspectorate

8. The Area is generally well managed though there is a recognition that internal communications still need to be improved, despite efforts already made to address this issue.
9. Staff are experienced and dedicated. Morale has been affected by the continuing change process within the CPS but staff continue to work well with and support each other. They have long enjoyed the respect of their partners in the criminal justice system who admire them for their professionalism and commitment.
10. Casework is generally handled well although the quality of review work was not always properly evidenced in file endorsements. Some files showed a lack of continuing case management. In some, problems identified at an early stage of review were not thoroughly or expeditiously addressed. Although Area staff are keenly aware of the importance of disclosing unused material to the defence, the disclosure procedure was not always fully recorded on files and there were concerns that some decisions were made with insufficient detail about the nature of particular material. There are some significant differences in the quality of instructions to counsel in Crown Court cases, and the overall standard needs to be improved.

11. We commend the Area in the way it handles youth cases, and in particular, the efforts it has made, in conjunction with other agencies, in striving to achieve the Government's target to reduce the time taken to deal with persistent young offenders. The Area time in such cases of 80 days from arrest to sentence is above the target of 71 but well below the national average of 106 days and places the Area fourth in England and Wales. Those Areas with a lower time are smaller and have a more rural composition than Northumbria.

Specific Findings

Advice

12. The quality of advice is good but considerable improvement is needed in respect of timely provision of advice.

Review

13. The overall quality of review is good and the large majority of decisions are correct. Some cases, however, were accepted for prosecution although the papers submitted did not contain sufficient information to make a properly informed decision. Cases proceed on the appropriate charges and prosecutors make correct decisions on mode of trial and bail. The standard of continuing review requires attention, however, and there needs to be a more robust approach to decision-making. In particular, inspectors were concerned that some decisions did not demonstrate the appropriate degree of independence and there was sometimes a reluctance to discontinue proceedings if the police wished to proceed. The proportion of adverse cases in the Crown Court (judge ordered and judge directed acquittals) is close to the national average, though there were some wide variations in performance of individual Branches. Reports on such cases need to be more detailed and lessons learned from them should be more widely promulgated within the Area. The Area needs to improve its performance in linking correspondence to case files and in replying to letters promptly. Some responses to correspondence were given up to two months after the original letter and, sometimes, after two or three reminders had been sent.

Case Preparation

14. The implementation of the Narey recommendations relating to the charging and bailing of defendants to early court hearings has meant that advance information is provided promptly though the Area needs to work with the police to improve the quality. Some attention needs to be paid to the way in which unused material is handled and the way in which actions are recorded. In some cases, prosecutors need to take a more thorough approach to satisfy themselves that the nature of particular material does not require it to be disclosed. Preparation of trials in the magistrates' courts was handled well although the Area needs to work with other agencies to make pre-trial reviews more effective in cutting down the number of trials not proceeded with. Preparation of cases for committal to the Crown Court was undertaken equally

well though considerable efforts can be made to improve the timeliness of service of committal papers. A number of pre-sentence reports (PSRs) are being prepared by the Probation Service without their having details of the prosecution case to balance the recommendations on sentencing. A recent change in the procedure for supplying PSR disclosure for magistrates' courts cases has led to a significant improvement in the situation but the proportion of such reports in Crown Court cases remains high. The reason is not entirely clear but Area managers will wish to work together with Probation Service senior managers to secure similar improvements.

Case Presentation

15. The Area's advocates are generally competent; some are very good. There was praise for the standard of case presentation by DCWs, although the Area needs to look at ways in which they, and Higher Court Advocates in the Crown Court, can be used more effectively. In some cases, pressure of work caused CPS advocates to appear insufficiently prepared.

Management issues

16. The Area Management team works well together and is particularly effective in liaison and discussion with other criminal justice agencies in efforts to improve overall efficiency. Improvements have been made in the way the Area deals with victims and witnesses, especially in sensitive cases though some prosecutors need to have a more consistent approach. Senior Area managers maintain a high profile within the local criminal justice system. Some recent initiatives have improved internal communication but there is still work to be done to give staff confidence and assurance about the current changes to the Area and Branch structure. The Area has a relatively low ethnic minority population which is reflected in the make-up of Area staff. Efforts to recruit staff from ethnic minority groups have not been as successful as hoped, despite Area initiatives. Nevertheless, the Area demonstrates an awareness of equality issues. There are some inaccuracies in the Area's performance indicators and some informal advice provided to the police may still not be recorded. Overall, complaints are investigated thoroughly and responded to appropriately and promptly.

Commendations and good practice

17. The Inspectorate commended nine aspects of Area performance as good practice. These included the assignment of a prosecutor to serious and complex cases at an early stage of proceedings to liaise with and provide advice to the police; the publication of "Casework News"; the handling of cases involving persistent young offenders; dealing with third party material in child abuse cases; attendance of the Area Special Casework Lawyer in the Crown Court; the familiarisation programme for agents in the magistrates' courts; and Area Information Points.

Recommendations and suggestions

18. The Inspectors made 20 recommendations in respects of those aspects of performance where they felt improvement should be a priority. These related to monitoring the quality and timely provision of advice to the police; allocating review files and monitoring review decisions; content of initial files; allocation of prosecution files; the standard of review endorsements; adverse case reporting; responses to correspondence; the quality of advance information and adoption of a consistent approach in summary only cases; disclosure of unused material; pre-trial reviews; monitoring the quality of instructions to counsel and case summaries for the Crown Court; plea and directions hearings; custody time limits; file endorsements and file management, communications; monitoring of staff performance; joint performance monitoring; equality and diversity awareness; and accuracy of PIs.
19. The report identifies six other aspects of performance in which Area managers will wish to take action. These included guidelines on the submission of cases for advice; court listing and file ownership; early assignment of caseworkers to Crown Court cases; the submission of committal files; checking of agents' files; provision of desktop instructions.
20. The full text of the report may be obtained from the Combined Administration Unit at CPS Inspectorate (telephone 020 7210 1197).

CPS Inspectorate
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