

North Yorkshire Criminal Justice Area

Report of the joint inspection

by

**HMIC
HMCP
HMMCSI
HMI Prisons
HMI Probation
and
Victim Support Quality Standards
Department**

carried out during

November 2004

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Chief Inspectors' Foreword

In 2003 the Chief Inspectors of the five criminal justice inspectorates – *HM Inspectorate of Constabulary (HMIC)*; *HM Crown Prosecution Service Inspectorate (HMCPPI)*; *HM Magistrates' Courts Service Inspectorate (HM MCSI)*; *HM Inspectorate of Prisons*; *HM Inspectorate of Probation* – decided to conduct a series of joint inspections looking at individual criminal justice areas. HMCPPI led the pilot joint inspection in Gloucestershire and also the second in Surrey. This, the third joint inspection, was carried out in the North Yorkshire criminal justice area and was led by HM MCSI. As before, Victim Support Quality Standards Department (VSQSD) was invited to take part.

The aim of joint inspection was to look at how the local Criminal Justice Agencies were working together to meet the needs of all court users, especially victims and witnesses. While looking at the achievement of all joint government objectives for the criminal justice system, Inspectors paid special attention to the efforts the Local Criminal Justice Board (LCJB) was making to improve public confidence in the criminal justice system. Unlike the pilot inspection of Gloucestershire, in North Yorkshire we focused mainly on issues up to the point of sentence. However, without inspecting offender management itself, some post-sentence issues – which impact on public confidence or other related PSA objectives – were reviewed.

In North Yorkshire recorded crime is falling and the number of offenders brought to justice is increasing. It seems perverse therefore that, based on evidence from the British Crime Survey, the level of public confidence in the criminal justice system in North Yorkshire is below the average in England and Wales and not improving. The role of the North Yorkshire LCJB is to bring together the chief officers of key agencies and provide better co-ordinated and more cohesive working arrangements within the criminal justice system. Part of its aim is to increase the level of public confidence. We find that the LCJB has not communicated effectively with the public about its criminal justice concerns. Our central recommendation is that the LCJB should give greater priority to improving public confidence in the criminal justice system, although we have also made suggestions in some other areas where performance needs to be improved.

In terms of the measured performance of the criminal justice system in North Yorkshire, we found that many of the improvements were attributable to the actions of individual agencies rather than to joint endeavour. In its early days the role of the LCJB was more to react to the consequences of individual agency action, than to manage this proactively. However, this report finds that the Board is beginning to take a more strategic approach and this is undoubtedly starting to contribute to improved inter-agency understanding and performance.


We agree with the Board's own assessment that its sub-groups have not been sufficiently motivated or accountable for delivery, and we support the new structure of three area action groups to carry forward and implement the Board's objectives.

This LCJB is one of the few to have co-opted a representative of Victim Support onto the Board. This is evidence of a commitment to improve services to victims and witnesses. Treatment of victims and witnesses, once in the system, is generally good, but there are problems in identifying and referring victims to the correct agencies and keeping them informed. The new Witness Care Unit should address these issues.

It is important to ensure that, in the drive to improve effectiveness and efficiency in the criminal justice system, the proper consideration of defendants' rights is still addressed. The LCJB may wish to consider how best to take account of the defence perspective, perhaps by liaising more closely with local defence lawyers.

There has been little progress in engaging with the small proportion of black and minority ethnic (BME) and traveller communities to encourage the reporting of hate crime or to consult with them on criminal justice matters. There has also been no effective monitoring of hate crime statistics or of outcomes for BME defendants. These are areas where the Board will wish to make progress under its public confidence target.

On the basis of this inspection, we judge that the LCJB – after 18 months in operation – is beginning to achieve its purpose in breaking down the barriers between criminal justice organisations and promoting joint working. A list of the recommendations and other suggested actions is included in the summary of Findings and Recommendations below.

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Introduction

In 2003 the Chief Inspectors of the five criminal justice inspectorates decided to conduct a series of joint inspections looking at individual criminal justice areas. HMCPSI led the pilot joint inspection in Gloucestershire and also the second in Surrey. The third joint inspection was carried out in the North Yorkshire criminal justice area and was led by HMMCSI. In the third inspection a slightly different methodology was adopted (details of the methodology are at Annex C).

The purpose of this area joint inspection was to look at how the local criminal justice agencies (CJAs) were working together. It was decided to inspect and evaluate:

- ◆ how the CJAs in North Yorkshire work effectively together and with other stakeholders, such as Victim Support, Youth Offending Teams and Crime Reduction Partnerships, to:
 - meet the needs of all court users, especially victims and witnesses
 - deliver against Public Service Agreement (PSA) objectives generally and, in particular, the public confidence PSA objective: **“Improve the level of public confidence in the Criminal Justice System, including increasing that of ethnic minority communities, and increasing year on year satisfaction of victims and witnesses, whilst respecting the rights of defendants.”**
- ◆ the effectiveness of the North Yorkshire LCJB in delivering PSA objectives
- ◆ the effectiveness of the strategic and operational relationships between the CJAs and of their management of the criminal justice process in delivering PSA objectives.

An effective way of doing this was to assess how well the newly formed Local Criminal Justice Board (LCJB) was performing. In particular, Inspectors focused on how well the local CJAs were contributing to the delivery of the PSA objectives, in particular the public confidence objective.

The inspection focused for the most part on the criminal justice process up to the point of sentence. Offender management was not a key issue in the inspection, except in relation to the inter-agency management of high risk and repeat offenders, which can impact on public confidence.

The inspection team looked at four main issues and set out criteria against which performance was judged. These form the chapter headings of this report:

- 1 **Leadership** – by which we mean that the LCJB provides effective leadership and coherent strategic management of the criminal justice process, including joint management of performance, to deliver PSA objectives
- 2 **Victims and Witnesses** are treated well and kept informed, through good inter-agency co-operation
- 3 **Black and minority ethnic communities’ confidence** in the criminal justice system (CJS) is promoted by coherent LCJB action
- 4 **Communication with the public; community and staff engagement** – the LCJB communicates effectively with the public to promote increased confidence in the CJS; it involves its local community and responds to public concerns; and staff are committed to helping the LCJB deliver PSA objectives
- 5 Finally, to ensure that - in the process of delivering their PSA objectives - the local CJAs did not overlook the demands of justice, Inspectors also carried out some checks to ensure that **the rights of defendants are respected.**

At the time of the inspection the Crown Court was not subject to a statutory inspection regime¹. The Chief Inspectors are therefore grateful for the permission from the Senior Presiding Judge and the Chief Executive of the Court Service that the administration at the Crown Court in York (the only Crown Court in North Yorkshire) be included in this joint inspection. It should be noted that a significant number of Crown Court cases are referred to Crown Courts outside North Yorkshire (such as Leeds and Teesside), because York Crown Court does not have the capacity to hear all the cases that arise within the area. Once referred to another Crown Court, such cases are outside the scope of this inspection.

¹ The newly unified HM Courts Service (HMCS), which includes the Crown Court, is subject to statutory inspection from April 2005 by HM Inspectorate of Court Administration, the successor to HMMCSI.

Summary of Findings and Recommendations

Findings

Chapter 1 – Leadership

North Yorkshire Local Criminal Justice Board (LCJB) has set the framework for improved co-operation and joint working between the criminal justice agencies (CJAs) in North Yorkshire. Performance against most PSA objectives is sound, although the LCJB is not able to show that its Public Confidence Delivery Plan is improving public confidence in the criminal justice system. After a slow start, there is growing evidence that the LCJB is beginning, directly and indirectly, to set a joint working culture and drive forward work on a whole range of joint initiatives. The revised LCJB structure has the potential to promote future joint working more rigorously, at the same time introducing some much needed accountability.

Chapter 2 – Victims and Witnesses

North Yorkshire LCJB is conscious of victims' and witnesses' needs. Victims and witnesses are generally treated well by the individual CJAs, within the constraints of the existing court estate. There are some gaps in information passed to victims (and to Victim Support), but these should be addressed by the new Witness Care Unit. The systems and structures for referring victims of more serious crimes, including the full range of domestic violence cases, to support agencies are not fully effective. The agencies are performing well in relation to the percentage of ineffective trials and discontinuances and dismissals.

Chapter 3 – Black and minority ethnic communities' confidence

While there is good work done within individual agencies, the LCJB Race Issues, Equality and Diversity sub-group is not effective. It does not know the extent of hate crime or how to reach communities affected by it. There is no data on criminal justice outcomes by ethnicity. Attempts to make progress in these areas have been frustrated by inconsistent membership of the sub-group and poor follow-up of agreed actions. The review of the sub-group and better monitoring by the Board has the potential to improve delivery under the revised area strategic plan.

Chapter 4 – Communication with the public; community and staff engagement

While positive work is undertaken by individual agencies, the LCJB has been slow to develop a co-ordinated strategy for communicating, consulting and engaging with staff and the wider community. In particular there has been limited contact with Crime and Disorder Reduction Partnerships. The LCJB does not coherently promote in the media clear and transparent messages about the levels of crime in the area or the work of its members. Staff working within the CJAs have limited awareness of the LCJB and its aims and objectives. There is little LCJB-driven inter-agency training.

Chapter 5 – Rights of defendants are respected

The rights of defendants are not a priority for the LCJB, and the Board is not currently kept informed of issues from the perspective of defendants. Defendants in custody generally experience safe and secure conditions, though there are some issues concerning their rights. The Board has no overview of the effectiveness or value for money of the drug arrest referral schemes or care of mentally disordered offenders.

Recommendation 1

That the LCJB focus on improving public confidence in the criminal justice system in North Yorkshire

Suggested actions 1-6 below are designed to support the successful implementation of Recommendation 1. However, Inspectors accept that exactly how this is done should be left to the LCJB to determine, according to the resources available and locally determined priorities.

Suggested actions as part of Recommendation 1:

- 1 That the LCJB:
 - ◆ *include all members of the Board in the revision and planned merger of the NTJG and the Public Confidence Plans for 2005/06*
 - ◆ *hold accountable the Confidence Delivery and Race Issues, Equality & Diversity Groups for the implementation of their responsibilities within the Delivery Plan for 2005/06.*
- 2 That the LCJB include in the revised Strategic Plan:
 - ◆ prioritised aims and objectives
 - ◆ realistic, achievable and measurable targetsand ensure it is linked to agency, sub-group and CJAG business/action plans.
- 3 That the LCJB facilitate improved treatment and satisfaction of victims and witnesses by:
 - ◆ *early identification of victims, witnesses and their individual needs*
 - ◆ *prompt referrals to the appropriate support agencies*
 - ◆ *effective use of the new MG11 form*
 - ◆ *greater use of victim personal statements.*
- 4 That the LCJB facilitate improved treatment and satisfaction of victims and witnesses by taking any actions it can to reduce trial delays and ineffective trials in York.

(As part of this suggested action the LCJB should also ensure that delays in hearing community sentence breach warrants in York magistrates' court are kept to a minimum – see paragraph 1.15).
- 5 That the LCJB, as part of its current strategic review, prioritise its plans to promote the confidence of BME communities in the CJS, including:
 - ◆ *taking appropriate steps to strengthen links with BME communities*
 - ◆ *providing support for BME victims and witnesses*
 - ◆ *monitoring the level of hate crimes and criminal justice outcomes by ethnicity.*

6 That the LCJB:

- ◆ *implement its communication strategy*
- ◆ *be clear whether it wishes to promote itself or promote its work through the individual CJAs*
- ◆ *appoint a Communications Officer*
- ◆ *audit existing contacts/links for consultation*
- ◆ *continue efforts to engage with CDRPs and the wider community through consultation group(s)*
- ◆ *audit/monitor inter-agency training – looking for opportunities for effective joint training.*

Recommendation 2

That HM Courts Service (HMCS), as part of its overall estates strategy, ensure adequate facilities are provided for all victims, witnesses, defendants and court users whose cases are dealt with at the criminal courts in York.

Recommendation 3

That North Yorkshire Magistrates' Court Committee (NYMCC) take urgent steps to ensure that defendants in custody at Pickering magistrates' courts are held in a decent, safe and secure environment.

NYMCC was informed of the full details of the findings and this recommendation on 5 November 2004. Inspectors have been assured that this recommendation has been carried out and that the temporary cells in Pickering have not been used since 3 December 2004. Cases from Scarborough are currently being heard at Bridlington magistrates' courts by the kind permission of Humberside Magistrates' Court Committee.

Further suggested actions

A That HMCS:

- ◆ *in liaison with PECS, improve the safety and security of defendants in custody and, to respect their dignity, take reasonable measures to ensure defendants in transit to and from its courthouses in York and Selby are kept safe, secure and out of public view*
- ◆ *ensure defendants in the secure dock in York magistrates' courts are able to hear and take part in the proceedings*
- ◆ *ensure that defendants in custody in York Crown Court can seek confidential advice in private*

B That the LCJB, in liaison with the Prison Service/PECS, monitor the use of the prison/court video links and, where possible, consider the ways to improve the uptake of court/prison video links.

C That the LCJB inform itself about systems and quality of:

- ◆ *services provided for mentally disordered offenders (MDOs)*
- ◆ *drug arrest referral schemes.*

Context and local background

- 1 North Yorkshire is geographically one of the largest criminal justice areas in England and Wales covering 7,770 square kilometres from Selby in the south to Richmond in the north, including the unitary authority of York. As well as 72 kilometres of coastline, the area has two National Parks, the North York Moors and the Yorkshire Dales. The economy is based primarily on agriculture and tourism. Earnings are above the regional average and approximately 94% of the national figure, whilst average house prices across the whole area are below the national average. With a population of about 750,000 North Yorkshire, compared to the national picture, has a lower than average number of young people and a higher than average number of people aged 75 or over. In 2003/04 levels of crime were lower in North Yorkshire than the average for England & Wales, with violent crime being one-third lower than the national average².
- 2 The area has seven district councils and one unitary authority for the City of York. The county's resident minority ethnic communities are currently estimated at 1.3% with people of Chinese, Indian and Pakistani origin being the three largest communities. There is also a distinct Bangladeshi community located in York. The outlying areas in the north and west of the county may look to neighbouring large cities such as Middlesbrough and Leeds for jobs, shopping and entertainment.
- 3 The LCJB was formed in April 2003 and to date it has been chaired by the Chief Crown Prosecutor. The Deputy Chair, the Chief Constable, will take over the chair in April 2005. The agencies represented on the LCJB are the CPS, Court Service, magistrates' courts service, police, probation and prison services, the youth offending teams and, more recently, North Yorkshire Victim Support/Witness Service. The LCJB has three sub-groups looking at:
 - ◆ Joint Performance
 - ◆ Race Issues, Equality and Diversity (RIED)
 - ◆ Confidence Delivery Group (until April 2004 called the Public Confidence Group³).

The LCJB produced a Narrowing the Justice Gap Delivery Plan for the year 2003/04 and a Public Confidence Delivery Plan covering the period December 2003 to March 2005. After a year, the Board reviewed its structure and operation. It decided to:

- ◆ merge its two delivery plans
- ◆ review the membership of the three sub-groups and rename the Public Confidence Group, the Confidence Delivery Group to reflect the fact it also deals with engagement of staff and external stakeholders
- ◆ set up three area groups, called Criminal Justice Area Groups (CJAGs), based on the three police Area Command Units (ACUs) across the county (East, Central and West). The purpose of the CJAGs is to improve joint performance at the operational level, leaving the three sub-groups a greater strategic role.

² In 2003/04, North Yorkshire had 95 recorded offences per 1000 of the population, as opposed to 113 in England & Wales; total violent offences were 14 per 1000 of population against a national average of 21 (source: *Crime in England & Wales 2003/2004*, Home Office).

³ For the sake of clarity this group is referred to throughout as the Confidence Delivery Group, before and after the name change in April 2004.

4 The large geographical area, with population unevenly spread and limited public transport in outlying rural areas, presents special challenges to shire LCJBs like North Yorkshire. The disparate nature of the area is exemplified by the fact that the agencies forming the LCJB do not have common structures with matching operational boundaries across the county. Other lack of commonality issues include:

- ◆ the headquarters of the police are at Newby Wiske, a small village outside Northallerton, thirty or so miles north of York
- ◆ of the two Youth Offending Teams (YOTs), one is in an isolated location south of Easingwold
- ◆ Probation central office is at Northallerton
- ◆ Victim Support has its administrative office in Harrogate
- ◆ the Magistrates' Courts Committee has its headquarters at Easingwold
- ◆ only CPS and one YOT have their central offices in York
- ◆ the Crown Court and prison service are organised into (different) regions, which include other criminal justice areas, and are managed from offices outside North Yorkshire.

In addition there are eight local authorities, of which one is a unitary authority, resulting in eight Crime and Disorder Reductions Partnerships (CDRPs), as well as the local health authorities and numerous voluntary organisations, which all have important roles to play in the criminal justice system.

5 While the complex nature of the criminal justice system is not unique to North Yorkshire, it is useful to record the diverse nature of the system, which the LCJB is trying to manage. The lack of geographical co-terminosity within partner agencies is further complicated by issues outside the control of CJAs. For example, the LCJB is not a statutory body and it cannot hold member agencies to account. The LCJB does not, therefore, hold funds itself and it relies on annual government grants (in the case of North Yorkshire, held for the LCJB by the police), which make planning for longer periods problematic. It has to achieve progress by influencing and negotiating, with the result that communication, including listening and engaging with local representative bodies and the public, is a key role and responsibility.

Chapter 1: Leadership

In this chapter we are looking at the extent to which the LCJB provides effective leadership and coherent strategic management of the criminal justice process, including joint management of performance, to deliver PSA objectives.

Overall assessment

North Yorkshire LCJB has set the framework for improved co-operation and joint working between the criminal justice agencies in North Yorkshire. Performance against most PSA objectives is sound, although the LCJB is not able to show that its Public Confidence Delivery Plan is improving public confidence in the criminal justice system. After a slow start, there is growing evidence that the LCJB is beginning, directly and indirectly, to set a joint working culture and drive forward work on a whole range of joint initiatives. The revised LCJB structure has the potential to promote future joint working more rigorously, at the same time introducing some much needed accountability.

Effective joint working

- 1.1 In April 2003 the Government set up 42 Local Criminal Justice Boards (LCJBs), supported by the National Criminal Justice Board (NCJB). Their purpose was to assist in delivering the PSA objectives by removing barriers to joint working and focusing on particular areas of performance. Inspectors found that the LCJB in North Yorkshire was beginning to carry out both of these roles and that, on the evidence of this joint inspection, LCJBs are a positive force in improving the service delivered to users of the CJS. While Inspectors found no dramatic step change in performance as a direct result of the creation of the LCJB, there is evidence of a general improvement in joint working across the area. The inspection findings bear out a comment by one senior officer that, *“We have broken down some of the old silo mentality. Agencies can and do frequently discuss issues on an inter-agency basis. Examples of good co-operation are the implementation of the charging pilot and the planning for [the national] No Witness, No Justice and Effective Trial Management Programmes.”* Virtually all interviewees commented on increased joint working between criminal justice agencies and pointed to a growing culture of improved co-operation. It was noteworthy, when discussing problems concerning performance, that staff rarely blamed other agencies but rather gave positive examples of joint work aimed at overcoming the difficulties (see, for example, details about updating information on offenders at paragraph 1.15).
- 1.2 Against this background of increased co-operation between agencies Inspectors found that, in most areas, performance amongst the North Yorkshire CJAs is around, or better than, the England & Wales average performance, with most PSA targets being met (see Annex D).
- 1.3 After its first year in April 2004, the Board members made the sensible decision to review their progress and agreed that delivery of their objectives could be improved. As a result, the structure of the Board’s sub-groups was revised, the CJAGs were created, and a representative of Victim Support was co-opted on to the Board as a non-voting member, to ensure the views of victims and witnesses were taken into account. This constructive review of its operation contributed to the LCJB’s realistic self-assessment of its progress⁴ and was an important step in enabling the LCJB to focus more effectively on future delivery of its objectives.

⁴ Produced for the joint inspection.

- 1.4 Inspectors found, as did the Board members in their strategic review, that during its first year the sub-groups, especially those looking at Confidence Delivery and Race Issues, Equality and Diversity (RIED), were not sufficiently focused: these groups lacked consistent membership; actions were not followed up and the Board did not monitor sub-group progress with sufficient rigour. The new structure should ensure better accountability in future.
- 1.5 Inspectors found that one reason for the lack of progress in delivering the LCJB's objectives more effectively was the lack of a secretariat for the new Board. Inspectors accept that, when it was first set up, the exact role of the LCJB was not clear and it took time to settle in. Furthermore, a secretariat is an expense and the LCJB did not have a budget to support such a team. At the start the only assistance to the Chair of the LCJB was a Performance Officer appointed by, and on secondment from, the Home Office and some part time secretarial support. The Performance Officer acted as the secretariat for the LCJB, which detracted from her performance role (see paragraph 1.20). Just before the inspection an LCJB Business Manager was appointed together with a (new) Performance Officer. A decision has been taken in principle to appoint a Communications Officer (see paragraph 4.3). Together this team should enable the LCJB to pursue its objectives more rigorously. Inspectors understand the reasons for the delay in forming a secretariat given the budget uncertainties, but nevertheless feel earlier focus on this vital area of support would have assisted in delivery of even better performance.
- 1.6 Bringing together the disparate bodies within the CJS to deliver improved performance is a challenge that all LCJBs face. In addition, member agencies of the LCJB do not have complete control over the entire criminal justice process and its outcomes; other organisations, for example health & social services and education authorities, also play important roles (see Context paragraph 5).
- 1.7 An example of the complexities of the system is supplied by the struggle to implement the government's new scheme for reducing re-offending, the prolific and other priority offender (PPO) strategy⁵. Since the issues raised relate to community safety, the main responsibility for implementation of this scheme was routed through the Government Offices for the Region to the Crime and Disorder Reduction Partnerships (CDRPs)⁶, of which North Yorkshire has eight. While individual agencies, such as the police, had good local operational contacts within the various CDRPs, there were no effective strategic links between the CDRPs and the LCJB, despite their key, inextricably linked, roles in delivering criminal justice and community safety. The LCJB recognised this lack of contact and co-operation and it tried, at first unsuccessfully, to liaise with the CDRPs to develop the PPO scheme. In order to meet government timescales, the police took the lead on this issue to be able to introduce the 'catch & convict' elements of the scheme by the target date. Some delay was caused by difficulties in bringing together the CDRPs and persuading them that, to be viable, the scheme should be based on the three ACUs and not divided into eight much smaller units. The 'rehabilitate & resettlement' aspects of the scheme were less well developed at the time of the inspection, although planning was under way, particularly within elements of the prison service.

⁵ The strategy aims to manage priority and prolific offenders from 'prevent & deter' to 'catch & convict' and finally through to the 'rehabilitate & resettle' stage. Priority offenders are those who are assessed as presenting a risk to society and include those crimes identified locally as a priority, which may include, for example, domestic burglary, vehicle and violent crime.

⁶ CDRPs are made up of representatives of local councils and police as well as health, education, social services and other agencies and were established within the Crime and Disorder Act 1998 to take responsibility for ensuring community safety. They are based on district or unitary authority boundaries.

- 1.8 Inspectors found that the LCJB should have been more pro-active in forging links with the CDRPs and other local bodies. The Office for Criminal Justice Reform is currently encouraging LCJB's to improve their links with CDRPs, especially in relation to the PPO strategy. The police authority is actively seeking to bring local Chief Officers and Chief Executives together to look at a range of shared strategic issues, not just those related to criminal justice, and this may help to improve co-operation.

Bringing more offenders to justice

- 1.9 One of the first acts of the LCJB was to prepare a strategy for crime reduction across the area. The resulting Narrowing the Justice Gap (NTJG) Delivery Plan for 2003/04 had a series of objectives, including:
- ◆ reducing persistent offending, including persistent young offenders
 - ◆ improving case quality
 - ◆ improving trial effectiveness
 - ◆ dealing with cases in a timely manner.
- 1.10 The LCJB sub-group with responsibility for these aspects – the Joint Performance Management (JPM) sub-group – has been more adept than other sub-groups in monitoring progress and taking effective action. Even though a formal NTJG plan was not developed for 2004/05, the LCJB regularly receives reports from the JPM group indicating progress against the various revised targets set. The LCJB has been successful, in the main, in meeting its targets in this area.
- 1.11 The national target for 2003/04 was to increase by 5% the number of offenders brought to justice (OBTJ)⁷. For the year 2004/05 a more challenging target of 11% was set. Figure 1 shows that the LCJB easily exceeded the 2003/04 target. Members of the LCJB attributed much of the increase in OBTJ to a North Yorkshire police initiative *Operation Delivery*. This operation was initially planned and implemented by the police without LCJB involvement. However, recognising the impact that increased arrests were having on the criminal justice process, as the operation evolved later planning did involve other LCJB members.

⁷ An offence is said to have been brought to justice where an offender has been cautioned, convicted, issued with a penalty notice, received a formal warning for possession of cannabis, or had an offence taken into consideration by the court, for a crime that has been recorded by the police (source: NCJB).

Figure 1 North Yorkshire percentage increase in the offenders brought to justice during the year to August 2004 (Source: LCJB)

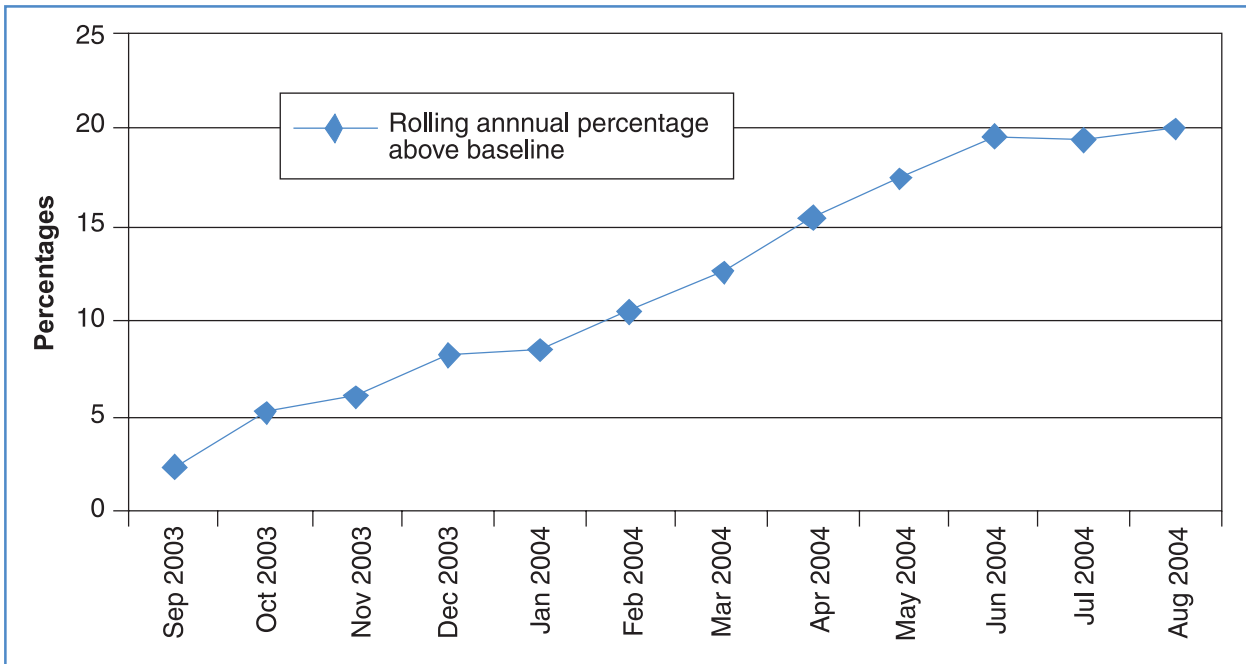
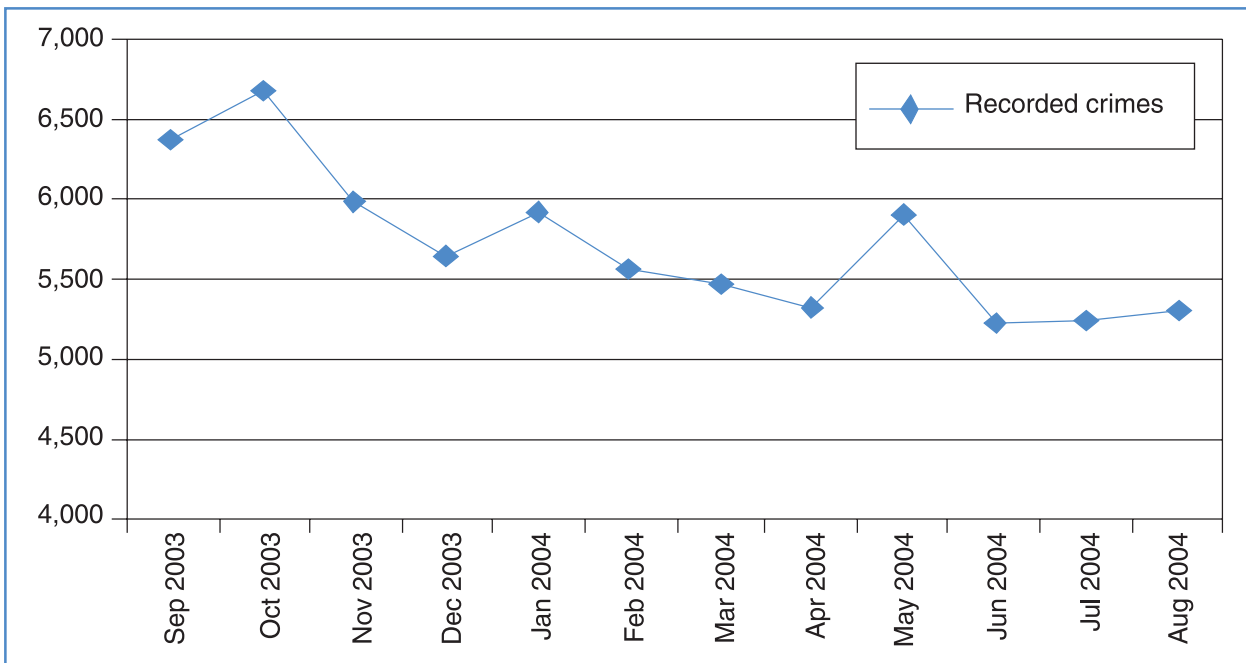
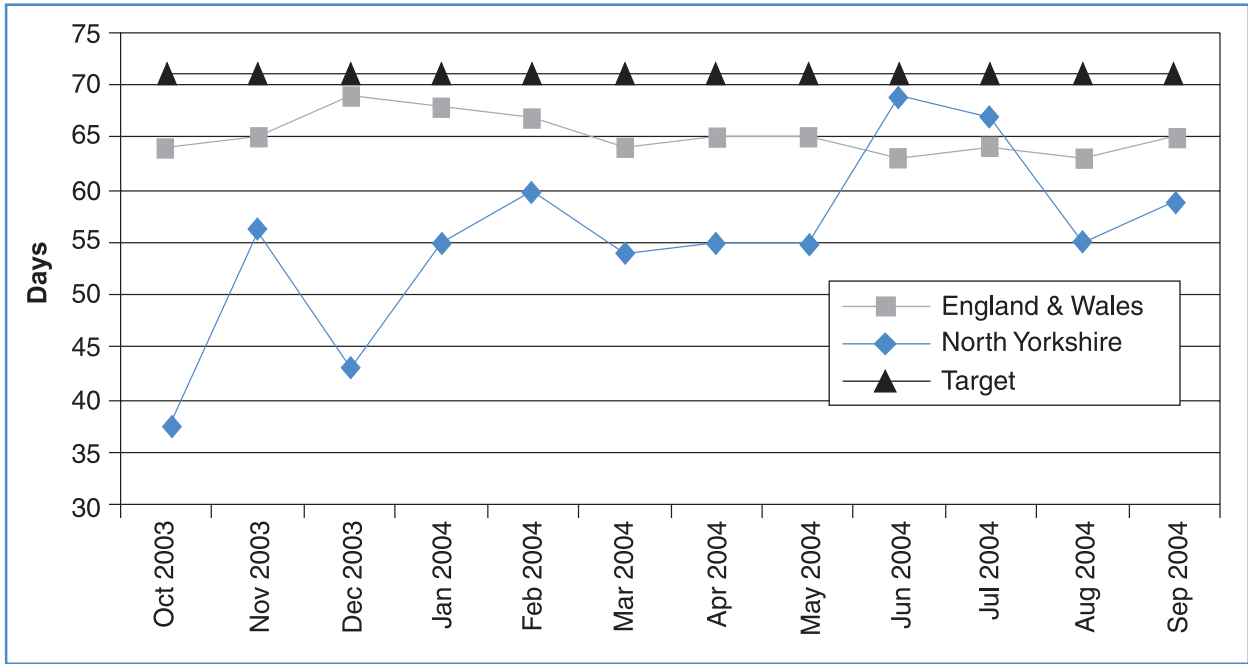


Figure 2 Recorded Crimes in North Yorkshire in the year up to August 2004 (Source: LCJB)



1.12 The LCJB recognises that it will be harder to reach the more demanding national 2004/05 OBTJ target of 11%, particularly as the number of recorded crimes in North Yorkshire over the same period has fallen steeply by 17% (see Figure 2). Another problem that all LCJBs face in this area is the delay in obtaining up-to-date OBTJ figures from the centre (see paragraph 1.21).

Figure 3 Time taken to complete PYO cases in all criminal courts in North Yorkshire in the year to September 2004 – lower is better (Source: LCJB)



1.13 Another key measure of performance is the length of time taken to process persistent young offender (PYO) cases. The government target, that PYO cases should be dealt with in the magistrates’ and Crown Courts within 71 days, has consistently been achieved in North Yorkshire. Figure 3 demonstrates there has been variable performance over the year to September 2004, and this can be a feature of smaller areas which can be adversely affected by one or two cases. Nevertheless, the overall trend is well within the government target. The LCJB is aware of this trend and the newly created CJAGs are looking at performance in this area.

Increasing public confidence in the criminal justice system

1.14 North Yorkshire is a relatively low crime area and there has been an increase, since Operation Delivery in October 2003, in bringing offenders to justice (see paragraph 1.11). Bringing more offenders to justice and reducing crime are specific areas that impact directly and indirectly on public confidence. Despite the improved performance in North Yorkshire, the LCJB has not been successful in increasing public confidence in the CJS (see table 1). Nationally, public confidence is measured by certain questions in the British Crime Survey (BCS). BCS data for North Yorkshire shows those questioned have less confidence in the local criminal justice system than the average response across England & Wales. At the time of the inspection the LCJB considered that it was unlikely to deliver its local public confidence targets even though they are not challenging, apart from the first target relating to bringing people to justice.

*Survey of public opinion showing confidence in the CJS in North Yorkshire
(Source LCJB and British Crime Survey⁸)*

Public confidence in the criminal justice system in North Yorkshire					
	E&W baseline March 03	North Yorkshire baseline March 03	E&W average rolling year to	North Yorkshire rolling year to Sept 04	North Yorkshire target 2003/06 Sept 04
Effective in bringing people to justice	39%	38%	42%	39%	44%
Meets the needs of victims	30%	27%	34%	29%	30%
Respects the rights of defendants and treats them fairly	77%	78%	78%	78%	77%
Deals with cases promptly and efficiently	36%	33%	39%	31%	34%
Effective in reducing crime	31%	31%	37%	32%	31%
Effective in dealing with young people accused of crime	21%	15%	26%	21%	16%
Figures in bold are those where North Yorkshire met or exceeded the E&W average and their own targets.					

1.15 In addition to bringing more offenders to justice and reducing crime, Inspectors selected a number of other areas for review that also impact, directly or indirectly, on public confidence. These included the effective enforcement of penalties; the management of high risk offenders in the community after release; the availability of up-to date information about convictions; and whether trials go ahead as planned (the last item is reported on in chapter 2: Victims and Witnesses):

⁸ Note about the significance of the BCS data: The Confidence and Victims Unit, Office for Criminal Justice Reform states that the above data for North Yorkshire is robust, although it plans to increase the sample size from c. 600 to c.1000 to improve the robustness and reliability of the results.

Enforcement of sentences

Inspectors did not look in detail at post-sentence issues but were satisfied that there was available to the judiciary the full range of statutory sentences, including community sentences. Effective enforcement was measured by:

- ◆ the fine payment rate⁹
- ◆ the issue of warrants for breaches of community penalties¹⁰

Both measures for North Yorkshire indicate the county was one of the best performing areas in England and Wales, with performance consistently well above the national average, with the exception of September 2004 when the payment rate fell close to the national average. The good payment rate is evidence, for example, of effective co-operation between the courts and the police in issuing and serving fines warrants. However, Inspectors were concerned in York that, while the probation service took prompt action to issue breach warrants, the delays before the cases were heard before the magistrates' court were too long (see the suggested action after paragraph 2.19).

High-risk offenders in the community

Another area that can have an effect on public confidence is the management of high-risk offenders in the community. Inspectors were satisfied that Multi Agency Public Protection Arrangements (MAPPA) involving YOTs, police, prison and probation services were effectively identifying and managing high risk offenders. Although there had been a presentation by MAPPA to the LCJB, and members from relevant agencies sit on both the LCJB and the MAPPA strategic board, there is room for closer strategic liaison led by probation and the police, given the potential for adverse impact on public confidence.

Information on offenders and their convictions is up to date

The accuracy and speed at which the Police National Computer (PNC) is kept up to date came into national focus after the Soham murders and the subsequent Bichard Report. Prior to this, although the courts in North Yorkshire had a good record of producing court results promptly, there had been long backlogs in entering this information onto PNC and – in this respect – North Yorkshire police were one of the poorer performers in the country. This is an issue that the police and magistrates' courts had tried in the past to tackle but never produced a satisfactory solution. Inspectors found that the current high profile of this work, with the existence of the LCJB acting as a facilitator, ensured that the courts and police redoubled their efforts to address this issue. At the time of the inspection the link from the magistrates' courts' EQUIS computer to the PNC bureau had improved data input rates from a very low base to 62% within target. Plans to improve the direct computer links should improve this performance further. Both police and courts staff pointed out that they have different targets for court resulting¹¹, which are not complementary. The NCJB may wish to review the processes to make sure the targets are better aligned.

⁹ The amount of financial penalties paid into court as a percentage of the new amounts imposed.

¹⁰ A measure of how promptly action is taken against an offender after a community sentence order is breached.

¹¹ Magistrates' courts – 100% within three working days of the hearing; Police – 90% within seven calendar days of the hearing. Thus, if the magistrates' courts period includes a weekend or bank holiday, the police may have two days or less to enter the data to meet their target.

- 1.16 Inspectors found that the Public Confidence Delivery Plan promised positive initiatives, which should, if implemented, begin to improve public confidence. However, the plan, although sound, was too ambitious for one of the smaller criminal justice areas, containing too many resource intensive proposals. The Confidence Delivery sub-group charged with responsibility for delivering the plan did not prioritise, suffered from inconsistent membership, lack of follow-through of agreed actions and insufficient monitoring by the main Board. Although there have been initiatives within all the agencies and groups (such as the long-standing *Magistrates in the Community* project and the strong links between HMP Askham Grange and the Council for Voluntary Services), Inspectors found little progress had been made in improving public confidence as a result of any actions instigated or co-ordinated by the LCJB. Furthermore, the LCJB did not have in place any effective way of measuring the impact its planned actions might have on confidence, apart from the BCS survey. The Confidence Delivery Plan contained objectives, the achievement of which – as accepted by the sub-group – could not be easily monitored, although an attempt has been made to monitor the satisfaction of victims and witnesses (see paragraph 2.1).
- 1.17 Inspectors accept that improving public confidence is complex and that there is no easy answer. Almost anything that a criminal justice agency does may impact on the public and affect confidence, sometimes in perverse ways. In addition, confidence can be affected by news reports about crime issues from outside the area, over which this LCJB has no control. Nevertheless, Inspectors consider that, since the LCJB has made so little progress in the area of public confidence to date, over the next year or so it should focus on this area as a main priority.

Recommendation 1:

That the LCJB focus on improving public confidence in the criminal justice system in North Yorkshire.

- 1.18 Many of the suggestions for action throughout this report are designed to support the successful implementation of Recommendation 1. However, Inspectors accept that exactly how this is done should be left to the LCJB to determine according to the resources available and locally determined priorities.
- 1.19 The LCJB decided in March 2004 that the Narrowing the Justice Gap Plan and the Confidence Delivery Plans should be merged. Not all the senior officers interviewed were aware of the decision to merge these plans. In merging the plans and prioritising actions for next year, all members of the Board should be involved so that their agencies' contributions, objectives and involvement can be fully reflected in the scheme. This new LCJB strategic plan should make it clear which sub-groups (or individuals) have responsibility for delivery, to avoid the lack of progress that marred implementation of the earlier plans. From April 2005 the Chief Constable will chair the LCJB. One of the sub-groups is chaired by the police, as are the three CJAGs. The Business Manager is a police officer on secondment and LCJB secretariat staff are on the police payroll. Provided they are sensitive this should not lead to police domination of the Board, but other LCJB members should ensure they continue to play a full part.

Suggested action 1, as part of Recommendation 1: That the LCJB:

- ◆ *include all members of the Board in the revision and planned merger of the NTJG and the Public Confidence Plans for 2005/06.*
- ◆ *hold accountable the Confidence Delivery and Race Issues, Equality & Diversity¹² Groups for the implementation of their responsibilities within the Delivery Plan for 2005/06.*

¹² See paragraph 3.3.

Managing performance

1.20 While there are some good examples of inter-agency performance management, sponsored by the LCJB – for example the inter-agency work on updating PNC (see paragraph 1.15) and reducing ineffective trials (see paragraph 2.15) – senior officers interviewed agreed that performance management at the LCJB level could be improved. For example:

- ◆ the Confidence Delivery sub-group recognized that progress towards, or achievement of, some objectives set out in the Public Confidence Delivery plan could not be easily measured
- ◆ actions agreed by the Confidence Delivery and the RIED sub-groups were not effectively followed up or monitored by the groups or the Board
- ◆ the Board and sub-groups were remote from operational performance (this gap should be remedied by the three new CJAGs)
- ◆ the Home Office appointed Performance Officer for the area acted more as a secretary for the LCJB and was only able to devote a small part of her time to performance management. A new Performance Officer started work during the inspection.

1.21 Other issues affecting the ability of the LCJB to manage performance include the long delay before OBTJ figures are published. In the case of this ‘data lag’, the LCJB has developed a proxy measure for performance, based on the number of sanction detections¹³. It is suggested that the NCJB seek ways to improve the speed at which key performance information, such as OBTJ figures, is supplied to LCJBs.

1.22 It is not clear to Inspectors exactly how the strategic and business plans of each agency relate to the NTJG and Confidence Delivery Plans. In devising the new, merged strategic plan the LCJB has an opportunity to link aims, objectives and targets with the individual agency plans and also ensure that the sub-groups and CJAGs can monitor targets that are consistent with agency priorities.

Suggested action 2, as part of Recommendation 1: That the LCJB include in the revised Strategic Plan:

- ◆ *prioritised aims and objectives*
- ◆ *realistic, achievable and measurable targets*

and ensure it is linked to agency, sub-group and CJAG business/action plans.

¹³ A sanction detection is one in which a person was charged, reported for summons, cautioned or issued with a fixed penalty notice, or the offence was taken into consideration by a court (source: iQuanta – National Police Statistics).

Chapter 2: Victims and Witnesses

In this chapter, we are looking to see the extent to which victims and witnesses are treated well and kept informed, through good inter-agency co-operation.

Overall assessment

North Yorkshire LCJB is conscious of victims' and witnesses' needs. Victims and witnesses are generally treated well by the individual criminal justice agencies, within the constraints of the existing court estate. There are some gaps in information passed to victims (and to Victim Support), but these should be addressed by the new Witness Care Unit. The systems and structures for referring victims of more serious crimes, including the full range of domestic violence cases, to support agencies are not fully effective. The agencies are performing well in relation to the percentage of ineffective trials and discontinuances and dismissals.

An in-depth study of the experiences of victims and witnesses can be found in the report published by Victim Support Quality and Standards Department (VSQSD) – Services to Victims and Witnesses in North Yorkshire – which draws on findings from this inspection. VSQSD also carried out an internal inspection of Victim Support North Yorkshire in parallel to the joint inspection. This section summarises issues of particular relevance to the LCJB: more detailed evidence can be found in the VSQSD report.

Victims and witnesses are kept informed and treated well

- 2.1 As stated at paragraph 1.3, the decision to co-opt a member of Victim Support North Yorkshire (VSNY) on to the LCJB is indicative of the importance given to this issue. Inspectors found that the inclusion of the manager of VSNY on the Board was not a token gesture, but evidence of a real desire amongst Board members to ensure the views of victims and witnesses were considered during its discussions and planning. Another example of this was the commissioning of a survey of victims' and witnesses' satisfaction (which had only produced an interim report at the time of the inspection). Conversely, Inspectors found that the thorough Protocol for Confidence of Victims and Witnesses had yet to be finally agreed.
- 2.2 Despite the commitment to victims and witnesses at the strategic level, Inspectors found that there were gaps in the treatment of victims and witnesses. There were failures in referring victims and witnesses to the appropriate service and problems in keeping them informed of the progress of their cases. With regard to the referral of victims by the police to Victim Support, more serious crimes including the full range of domestic violence (DV) cases¹⁴ were not being referred. For example, Inspectors came across instances of rape cases where victims themselves contacted Victim Support, without there having been any referral from the police. Victim Support also gave examples of finding out about serious cases from local news reports. It is acknowledged that the police have in place family liaison officers (FLOs), who provide a valuable service, but there may be communication gaps between the services provided by Victim Support and the FLOs. Victim Support is involved in FLO training, which should help to address this issue.

¹⁴ In the case of domestic violence cases, York accounted for a high proportion of the referrals: it is unlikely the surrounding areas have a markedly lower rate of DV cases.

- 2.3 It was suggested to Inspectors that the failure to refer victims by the police might be because there are so many different groups that can provide support, that a busy officer may fail to contact any of them. If this is the case, the police may want to consider an automatic referral to Victim Support, which can then use its expertise to determine referral to the most appropriate support group, e.g. relating to race, homophobic or DV issues. This would benefit both victims and the police.
- 2.4 Witnesses' referrals also caused problems. The CPS supplies LWAC forms¹⁵ detailing witnesses' needs to the Witness Service in a comparatively high number of cases. But many of these come with little or no information about the witness, so the Witness Service has no way of judging what assistance, if any, is required. The problem is either because the police, when first interviewing witnesses, fail to ask them to agree to a subsequent referral, or because there is a failure in the system itself. The North Yorkshire police, in liaison with Victim Support, have improved the MG11 form¹⁶, which should assist in obtaining agreement for referral to the Witness Service and better information at an early stage – for example, it contains a presumption there will be a referral to Victim Support unless the victim specifically declines.
- 2.5 Provision is made for the police to take Victim Personal Statements (VPS) but the LCJB accepts in its self assessment they are 'not always completed' and Inspectors found that VPS are used in few cases – for example, a group of senior magistrates had no experience of them. The revised MG11 has a detachable, pre-printed VPS proforma. A training package is being developed, to tie in with the introduction of the Witness Care Unit, to raise the awareness amongst police officers of VPS, victim and witness needs' assessments and special measures. The LCJB will need to monitor the outcomes of this training to ensure that the service for victims and witnesses improves and, for example, there is a wider availability of VPS.
- 2.6 There were complaints from some victims that, after initial contact with police, they heard nothing further about their cases, especially about the outcome of bail applications or final results.
- 2.7 Vulnerable and intimidated witnesses (VIW) are entitled to benefit from special measures, such as using a video link to give evidence. VIWs need to be identified well in advance so that the courts can make the necessary arrangements. However, only about 50% of VIWs are referred by the police to the Witness Service and the information, required by the CPS from the police for special needs applications, was not always accurate. The Witnesses Service is monitoring this poor referral rate and is reporting back to the police on a monthly basis. There is a lack of integration of victim and witnesses issues. For example, the Protocol on Serious Sexual Offences fails to address victims' needs and training of police by Victim Support omitted to address witness issues. Once these have been identified, however, the courts are supportive of VIW special needs.

Suggested action 3, as part of Recommendation 1: That the LCJB facilitate improved treatment and satisfaction of victims and witnesses by:

- ◆ *early identification of victims, witnesses and their individual needs*
- ◆ *prompt referrals to the appropriate support agencies*
- ◆ *effective use of the new MG11 form*
- ◆ *greater use of victim personal statements.*

¹⁵ List of Witnesses to Attend Court – LWAC.

¹⁶ The form the police fill in when taking a witness statement.

- 2.8 Not all victims and witnesses were unhappy – the two case studies below (based on accounts given to the Inspectors) show two contrasting experiences:

Case Study A

A was the victim of a serious sexual assault. She reported it to the police at the time and was examined by a police doctor, but at that stage felt she could not cope with a prosecution. It was two weeks before she was referred to Victim Support, who visited her the next day. She decided to press charges. The defendant, D, was arrested, appeared in court soon after, pleaded guilty, was bailed and the case was adjourned for six weeks – A only learned about this from the local newspaper. Her Victim Support volunteer contacted the police, but they had no information. Two weeks later D breached bail and was re-arrested and A found out through a friend. He was bailed again and A did not know about this until she saw D in the street. She phoned the police contact number she had been given, but they still had no information about the case. Soon after this A received a phone message that she would be needed in court to give evidence, before sentencing, about the circumstances of the offence and its impact on her; the letter confirming this was not posted but only given to her ten days later, when she saw a police officer by chance. Up to this point no consideration had been given to her vulnerable status, but, after intervention by Victim Support, she was given the use of screens in court and completed a VPS.

Case Study B

B was found unconscious by a police officer. *“The officer was outstanding and visited me in hospital and kept in contact with me on a weekly basis. He kept me posted as to the progress of the case, for which I was very grateful.”* B was referred within days of the assault to Victim Support, who helped him recover his confidence. A police family liaison officer was appointed who kept B informed of the arrest of his suspected assailant, whether bail was granted and the ‘not guilty’ plea. B was given two months notice of his court appearance. He attended a pre-trial visit with the help of the Witness Service. He found a pre-trial meeting with the CPS prosecutor reassuring. The trial proceeded on the date fixed. B was asked if he needed special measures, but decided he didn’t. After the trial the Witness Service informed him of the outcome – a conviction. After the case B said *‘It was vital for me to face my attacker. I am so grateful for all the moral and practical support to help me see this through.’*

- 2.9 Case study A is an example of almost everything that can go wrong in a case. To the credit of the LCJB, it reviewed this incident in the Confidence Delivery sub-group to see what lessons could be learned. The case study is now being used to train police FLOs and the Witness Care Team at the new WCU (see below) to help them understand the victim’s perspective and experience. Case study B shows that, once properly identified and in the system, victims and witnesses can be well supported by staff in all the relevant agencies working together effectively.
- 2.10 The LCJB is playing a leading role in the development of the WCU, which is a joint unit being established with the assistance of *No Witness, No Justice* project funding from the Home Office. Inspectors are encouraged that it is proposed the WCU will take over responsibility for liaison with witnesses from the point of charge, and not just from the ‘not guilty’ plea. Inspectors are of the view that the WCU has the potential for addressing the omissions referred to above. Victims and witnesses from BME communities have special needs which should be addressed, for example by providing support from among people of their own ethnic background as they go through the process (see suggested action at paragraph 3.3).

- 2.11 Inspectors found there is generally good communication between the Witness Service and the courts. Court staff and volunteers from the Witness Service provide a good service to victims and witnesses across the county. Outside York, court buildings provide adequate accommodation for victims and witnesses.
- 2.12 In York, both the Crown Court and magistrates' courts are old buildings, which are no longer fit for purpose. They do not have sufficient accommodation for the workload and have limited access and facilities for people with disabilities. Waiting areas are inadequate, particularly for witnesses waiting for long periods. Inspectors acknowledge that – within the constraints of these old buildings – all reasonable efforts have been made to provide improved facilities. Plans to build a new courthouse in York have been under discussion for many years and the new HMCS management is developing plans for a PFI bid for a new court centre in York.

Recommendation 2:

That HM Courts Service, as part of its overall estates strategy, ensure adequate facilities are provided for all victims, witnesses, defendants and court users whose cases are dealt with at the criminal courts in York.

- 2.13 Inspectors consider the need for a new courthouse in York is urgent, although they accept that the new HMCS will have other pressing demands on its building budget. If the courthouse is planned in a central location the opportunity ought not to be lost (without delaying the planning process) to liaise with other agencies, such as the police, YOTs and probation, to check if the CJS would benefit from associated offices within or adjacent to the new complex. A new combined criminal courthouse in York, for example, with more courtrooms providing greater flexibility, may also help to address some of the issues described below.

Trials go ahead on the planned date

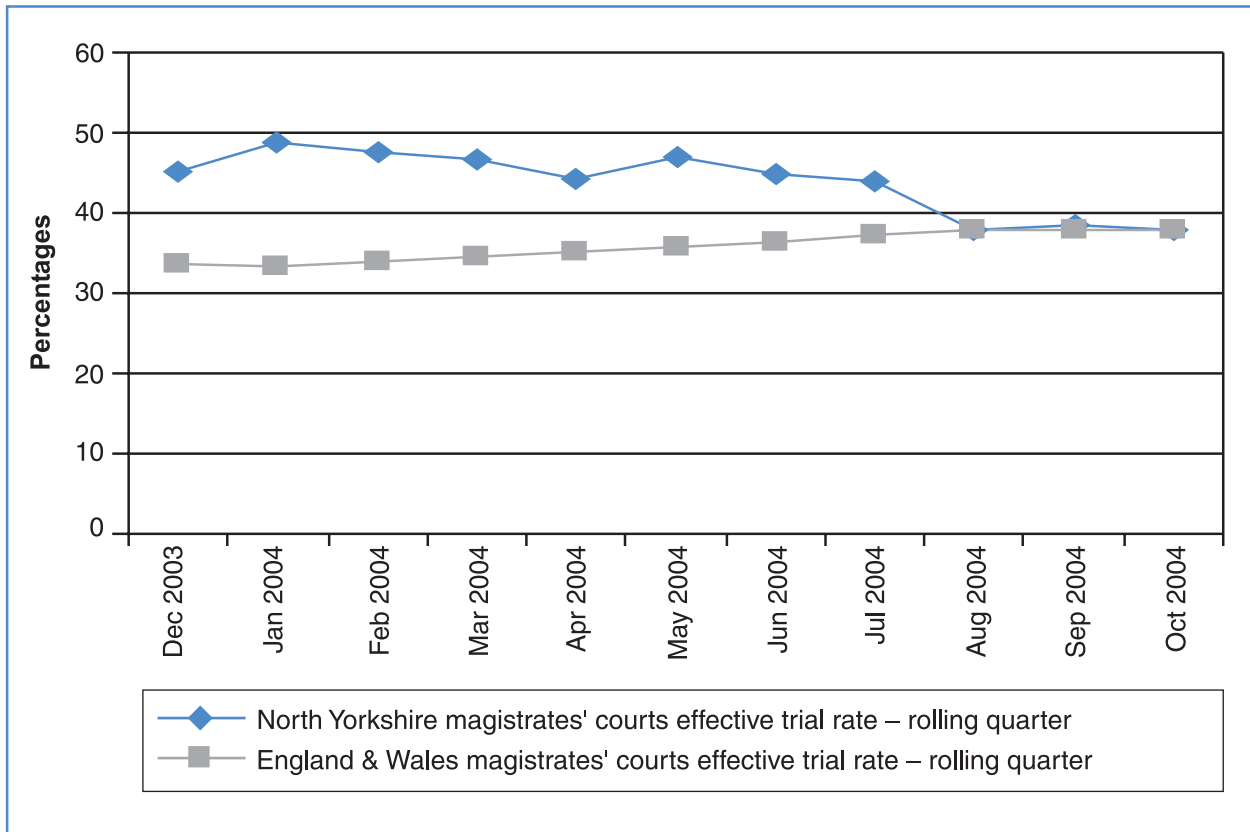
- 2.14 Victims and witnesses want their cases dealt with promptly. Unnecessary attendance at trials (e.g. due to a 'cracked trial'¹⁷), unplanned adjournments (e.g. due to an 'ineffective trial'¹⁸) and long waiting times for trial dates undermine their confidence in the CJS.
- 2.15 The LCJB has taken a strategic lead in trying to ensure that trials go ahead as planned. Through good joint working, the effective trial rate in the magistrates' courts in North Yorkshire has in the past been consistently better than the average in England & Wales, although the recent trend has been one of deteriorating performance (see Figure 4). As recognised in the LCJB's self-assessment, the proportion of cracked trials has recently dipped below the national average.

¹⁷ A cracked trial is a trial that does not go ahead because a result is achieved – the most common example is that the defendant pleads guilty on the day of the trial. While this does bring the case to a conclusion, it may have put the victim and witnesses under a great deal of unnecessary stress, even more so if the case is dropped, and cracked trials should be avoided if at all possible for this reason.

¹⁸ An ineffective trial is a trial that cannot proceed on the day fixed – for example because the defendant does not appear, witnesses are missing, the case (for prosecution or defence) is not ready or the court is over listed. This is a particularly stressful outcome for victims and witnesses (and defendants, if the delay is not their fault), because a new date for the trial has to be fixed, often months later.

2.16 While the other magistrates' courts in North Yorkshire have a low rate of ineffective trials, York magistrates' court performs poorly in this area. The LCJB is aware of this issue and is taking steps to encourage CJAs to commit sufficient resources to ensure proper preparation for pre-trial reviews and for trials. The national *Effective Trial Management Programme* (sponsored by the NCJB) should also contribute to improved performance, when it is introduced in North Yorkshire.

Figure 4 The effective trial rate in the magistrates' courts in North Yorkshire in the period up to October 2004 – higher is better (source LCJB)



2.17 In the Crown Court, through good inter-agency working, the effective trial rate has improved from a low point in February-April 2004 (see Figure 5). Because of its heavy and increasing workload, the Crown Court each week plans to start more cases than it has capacity for – on the basis that, in the past, many of these cases did not proceed on the day. However, because more cases are now ready to proceed, trials that are double-booked have to be adjourned – and are recorded as ineffective – because of lack of courtroom availability, resulting in an increase in *both* effective and ineffective trials (see Figures 5 & 6). The LCJB identified that one-third of ineffective trials in the second quarter of 2003/04 were ineffective due to lack of court time. This problem is exacerbated in a small courthouse like York Crown Court, with only two courtrooms, as there is limited flexibility to move cases between courtrooms.

Figure 5 The effective trial rate in York Crown Court in the period to October 2004 – higher is better (source LCJB)

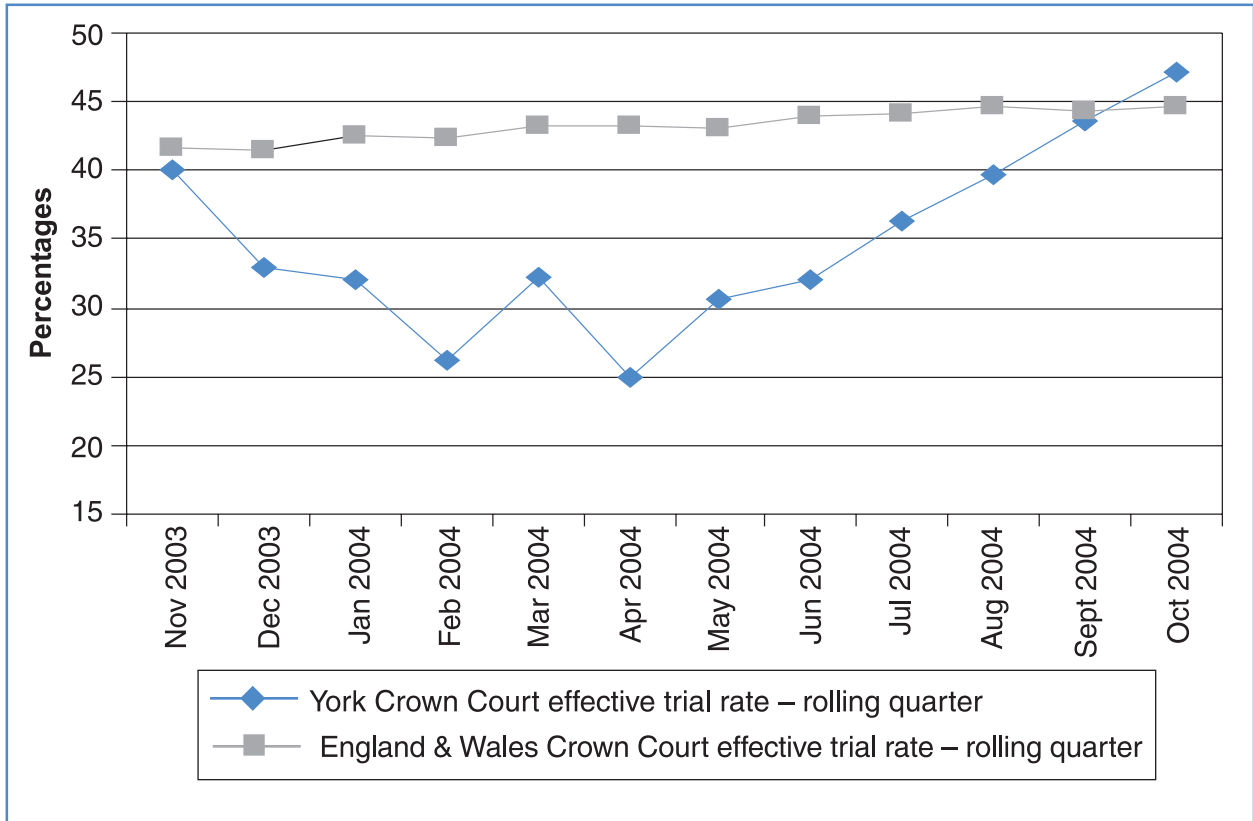
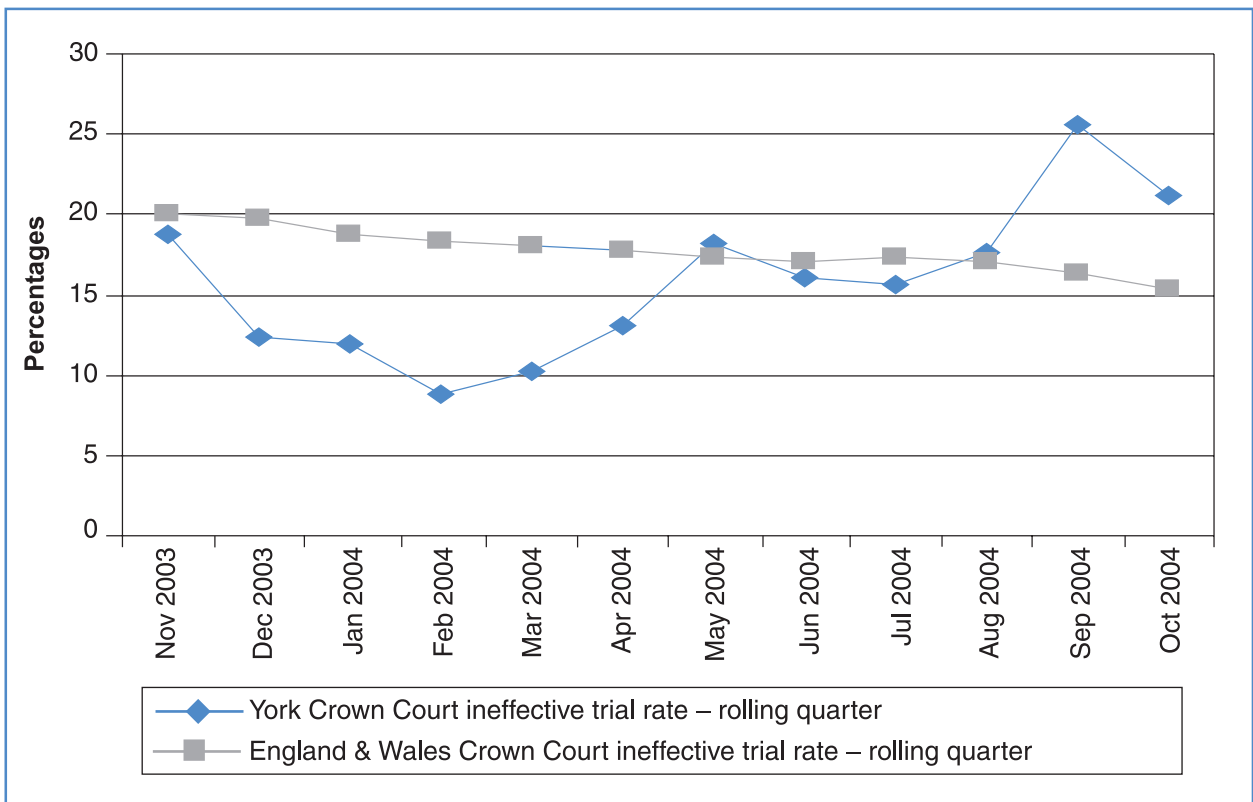


Figure 6 The ineffective trial rate in York Crown Court in the period to October 2004 – lower is better (source LCJB)



Cases dealt with within a reasonable time

2.18 In most courts in the area, Inspectors found that cases are completed within a reasonable time. However, good performance elsewhere masks long delays in getting trial dates at York magistrates' courts. At the time of the inspection in November 2004, trials were being fixed for May and June 2005. All concerned considered these delays unacceptable, with the potential for undermining confidence in the system. The temporary closure of Scarborough magistrates' court for refurbishment, for 18 months or so, may also impinge on the good performance outside York. In order to tackle the trial backlog and to improve the effectiveness of pre-trial reviews in York, the NYMCC has arranged for a series of temporary District Judges (Magistrates' Courts) to hear all types of cases at York. Inspectors support the appointment of a full-time DJ to the area.

2.19 The LCJB may wish to take a more holistic approach to victims and witness issues. For example, it may wish to look beyond issues about treatment and information, which have been delegated to the Confidence Delivery group, and include cracked and ineffective trials and other process issues, all of which can adversely affect victims' and witnesses' experiences.

Suggested action 4, as part of Recommendation 1: That the LCJB facilitate improved treatment and satisfaction of victims and witnesses by taking any actions it can to reduce trial delays and ineffective trials in York.

As part of this suggested action the LCJB should also ensure that delays in hearing community sentence breach warrants in York Magistrates' Court are kept to a minimum (see paragraph 1.15).

2.20 Low discontinuance and dismissal rates reflect good performance on the part of the police and CPS in effective charging and prosecution¹⁹. Evidence from the CPS indicates that the pre-charge advice initiative has contributed to the low discontinuance rate. There is acceptance by the CPS that the Direct Communication with Victims scheme, to explain to victims why their cases have been discontinued, could be improved. But Inspectors were also told of instances where prosecutors had attended victims' homes in more sensitive cases. Positive action is taken by the CPS and the police to learn lessons from adverse outcomes.

¹⁹ For example, at the end of September 2004 the annual discontinuance rate in North Yorkshire was 11% (better than the national average of 13.1%), although there was deterioration in performance in the last quarter (July-Sept 2004).

Chapter 3: Black and minority ethnic (BME) communities

In this chapter we are looking at the extent to which BME communities' confidence in the CJS is promoted by coherent LCJB action.

Overall assessment

While there is good work done within individual agencies, the LCJB Race Issues, Equality and Diversity sub-group is not effective. It does not know the extent of hate crime or how to reach communities affected by it. There is no data on criminal justice outcomes by ethnicity. Attempts to make progress in these areas have been frustrated by inconsistent membership of the sub-group and poor follow-up of agreed actions. The review of the sub-group and better monitoring by the Board have the potential to improve delivery under the revised area strategic plan.

3.1 The proportion of BME communities in North Yorkshire is low – the 2001 census figures show that only 1.3% of the population of North Yorkshire is from BME communities. Inspectors saw evidence of commitment and good work in relation to race issues within individual agencies, but these had not been audited and co-ordinated by the LCJB. The Board created the Race Issues, Equality and Diversity (RIED) sub-group which commissioned some potentially promising joint work, such as:

- ◆ the review of domestic violence cases from a BME perspective
- ◆ the proposed DVD on rural racism in North Yorkshire, designed to assist in training CJA staff.

However, these have yet to deliver any benefit. It was not clear to Inspectors what steps were being taken to follow up the brief domestic violence report, and external funds for the DVD on rural racism project have yet to be raised. Inspectors were given various estimates for the total cost of this project, ranging from £40k to £120k, and the timescale of the project was not clear. While this is an interesting proposal, the LCJB should be absolutely clear, before proceeding, that the benefits will justify the expenditure of public money and staff resources, when other more basic capacity issues remain to be addressed (see paragraphs 3.2 and 3.3).

3.2 Sound proposals to address BME issues are included in the Public Confidence Delivery Plan, but senior officers and Inspectors found it hard to identify priorities and any achievements. Whilst the CPS records prosecutions with a race element, it was unclear what happens to this information, and it does not appear that it is being scrutinised by the RIED sub-group. No data is collected on the outcomes of criminal cases based on ethnicity. While Inspectors accept that this statistical deficiency is not unique to North Yorkshire, the LCJB needs good information about the impact of crime on BME communities and the treatment of BME defendants by the CJS in order to retain the confidence of these communities to report crime, to act as witnesses, and to assist with the support of BME offenders. In its self-assessment, the LCJB accepts that *“more work needs to be undertaken to increase public confidence in reporting hate crimes”*.

3.3 Good BME links – or work within individual agencies, such as the CPS focus on raising awareness of, and tackling, hate crime in a rural context – is not routinely shared with other agencies and there is little evidence of effective work at an inter-agency level. Like the Confidence Delivery group, the work of the RIED sub-group faltered, suffering from inconsistent

membership and poor follow-through of actions (see suggested action 1 at paragraph 1.19). In particular, Inspectors found a lack of capacity in terms of community groups and agencies representing BME communities in North Yorkshire, and a subsequent over-reliance on the advice of the small Race Equality Council (REC) in York, whose single member commented on all the Race Equality Schemes of the main CJAs, and consistently attends the RIED group, often in the absence of representatives from the agencies themselves. Given the level of resource, this detracts from the ability of the REC to provide other services, particularly to BME communities. While the funding of local groups is not the responsibility of the LCJB, the Board may wish to consider some level of recompense for the work freely provided, currently on the basis of goodwill alone.

Suggested action 5, as part of Recommendation 1: That the LCJB, as part of its current strategic review, prioritise its plans to promote the confidence of BME communities in the criminal justice system, including:

- ◆ *taking appropriate steps to strengthen links with BME communities*
- ◆ *providing support for BME victims and witnesses*
- ◆ *monitoring the level of hate crimes and criminal justice outcomes by ethnicity.*

Chapter 4: Communication with the public; community and staff engagement

In this chapter we assess the extent to which the LCJB communicates effectively with the public to promote increased confidence in the CJS; involves its local community and responds to public concerns; and staff are committed to helping the LCJB deliver PSA objectives.

Overall assessment

While positive work is undertaken by individual agencies, the LCJB has been slow to develop a co-ordinated strategy for communicating, consulting and engaging with staff and the wider community. In particular, there has been limited contact with Crime and Disorder Reduction Partnerships. The LCJB does not coherently promote in the media clear and transparent messages about the levels of crime in the area or the work of its members. Staff working within the CJAs have limited awareness of the LCJB and its aims and objectives. There is little inter-agency training driven by the LCJB.

Effective communication with the public

- 4.1 Senior officers accept that in North Yorkshire public confidence in criminal justice is low, even though recorded crime is falling and more offenders are being brought to justice. It is, therefore, both reasonable and important for the LCJB to promote clear and transparent messages about the levels of crime in the area and the successes of the CJAs in reducing crime. Given that public confidence in the CJS is a PSA objective, the Board has given insufficient priority to coherent 'joined-up' communication and engagement with the public. A minor example is the North Yorkshire section of the *CJS Online* website, which is not regularly kept up to date but which does have the potential to keep the public, opinion formers and news media informed.
- 4.2 Good work goes on within individual agencies – for example, the contacts made by the CPS communications officer and the *Magistrates in the Community* project. These good external links could be built on if shared more pro-actively with other agencies.
- 4.3 At the time of the inspection a decision had been made to appoint a Communications Officer, but recruitment was delayed pending completion of suitable accommodation, located so as to secure a better field of candidates. This appointment now needs to be given priority. A Communications Strategy was prepared shortly before the inspection, but there was no evidence that this strategy was being implemented and, in the absence of a Communications Officer, it is hard to see how this could be done effectively. As part of this strategy, the LCJB needs to decide whether it should promote itself or whether it would be better to co-ordinate the efforts of member agencies to publicise their work, and communicate with and listen to the concerns of the public.
- 4.4 Some limited co-ordinated steps are just beginning to be taken:
 - ◆ The LCJB has decided to set up a 'sounding board' – a panel of local opinion formers chaired by the Resident Judge – who can be drawn on to give advice for example on draft plans and policies. Inspectors understand the LCJB is considering including representatives of the defence on this panel to augment limited links in this area.

- ◆ The police are taking the lead on setting up a county-wide group to bring together a wide range of agencies involved in criminal justice, which group includes the CDRPs, health authorities, etc. The first meeting of this group took place at the end of the inspection period (see paragraph 1.9).

Links with CDRPs and awareness of local communities' main concerns

- 4.5 As stated above, the LCJB has belatedly begun to develop links with the eight CDRPs in the county, mainly because of the need to set up the PPO scheme (see paragraph 1.7). While individual agencies have links with a wide range of agencies and community groups across the county, these links are not shared between agencies, audited or known and exploited at LCJB level. At the time of the inspection an audit of all the groups that LCJB members sit on was being undertaken, but the results were not available. As part of this inspection, Inspectors met representatives of various groups – for example, dealing with women's, gay and lesbian issues – but none of these groups was aware of the LCJB or its role.
- 4.6 One example of an initiative that is attempting to reach out to the community and reduce concerns is the *Alliance Against Violence*. The police-led project, backed by the LCJB, addresses the fear of violent, disorderly and anti-social behaviour. Utilising the National Intelligence Model (NIM), the initiative is seeking partners in each of the three ACUs to collaborate in identifying problem areas, sharing intelligence and developing solutions, such as Anti Social Behaviour Orders. Inspectors commend projects like this that reach out to the community and which have the potential for improving communication with the public, confidence and reducing crime. However, at the time of the inspection it was too early to gauge what effect this initiative will have on public confidence.

Staff awareness of LCJB aims & objectives and inter-agency engagement

- 4.7 Few staff members of any of the CJAs below senior management are aware of the LCJB and its aims. Inspectors accept that not all staff need to know in detail about the LCJB, provided they are aware of how their agency's aims and objectives contribute to LCJB objectives. Inspectors found that although there has, in the past, been some inter-agency training, it is ad hoc and not co-ordinated by the LCJB. This may already be changing as joint training is planned in relation to the PPO scheme and the WCU, co-ordinated by the LCJB. Inspectors are of the view that there are many opportunities for inter-agency training, offering value for money and promoting joint working.

Suggested action 6, as part of Recommendation 1: That the LCJB:

- ◆ *implement its communication strategy*
- ◆ *be clear whether it wishes to promote itself or promote its work through the individual criminal justice agencies*
- ◆ *appoint a Communications Officer*
- ◆ *audit existing contacts/links for consultation*
- ◆ *continue efforts to engage with CDRPs and the wider community through consultation group(s)*
- ◆ *audit/monitor inter-agency training – looking for opportunities for effective joint training.*

Chapter 5: Defendants' rights

In this chapter we look at the extent to which the LCJB and member CJAs, in seeking to deliver the PSA objectives, respect the rights of defendants.

Overall assessment

The rights of defendants are not a priority for the LCJB, and the Board is not currently kept informed of issues from the perspective of defendants. Defendants in custody generally experience safe and secure conditions, though there are some issues concerning their rights. The Board has no overview of the effectiveness or value for money of the drug arrest referral schemes or care of mentally disordered offenders.

Respect for individual defendants' rights

- 5.1 Inspectors did not review defendants' rights in depth, but looked at a strategic level to check that defendants' rights were given due precedence by agencies, while under pressure to deliver government targets. The findings set out below indicate only where we found areas for concern. Subject to these findings, Inspectors found that there are systems in place to ensure the rights of defendants are respected. However, the rights of defendants is not an area that the LCJB has actively considered, although it has proposed to include defence lawyers on some of the LCJB sub-groups and the sounding board (see paragraph 4.4).
- 5.2 Generally, defendants in custody experience safe, secure and decent conditions in the courthouses in North Yorkshire. However, Inspectors had serious concerns about conditions in the temporary cells at Pickering magistrates' courts.
- 5.3 At the time of the inspection, the magistrates' courts in Scarborough were being renovated and could not be used for hearings. The work is due to last for 18 months or more. Cases, including custody matters, were transferred from Scarborough to Pickering magistrates' courts, which at that time was no longer normally used, except for the occasional trial. Temporary cells (needed because Pickering had insufficient cell accommodation) were constructed, in consultation with the Prisoner Escort and Custody Services (PECS), a division of the Home Office. Inspectors found that safety, security and decency for defendants in custody in the temporary cells at Pickering were seriously inadequate and did not meet minimum standards. For example, the four temporary cubicles were cramped - being only 33 inches wide — and, in the view of Inspectors, too restricted for holding defendants. The toilet facilities were also inadequate. Full details of all the deficiencies were provided to the MCC during the inspection and are included in a confidential annex²⁰ to this report.

²⁰ These findings are included in a confidential annex because it is not in the public interest to release details relating to the safety and security of defendants in custody.

Recommendation 3:

That North Yorkshire Magistrates' Court Committee (NY MCC) take urgent steps to ensure that defendants in custody at Pickering magistrates' courts are held in a decent, safe and secure environment.

NYMCC was informed of the full details of the findings and this recommendation on 5 November 2004. Inspectors have been assured that this recommendation has been carried out and that the temporary cells in Pickering have not been used since 3 December 2004. Cases from Scarborough are currently being heard at Bridlington magistrates' courts by the kind permission of Humberside Magistrates' Court Committee.

- 5.4 Inspectors also have concerns about the procedures for prisoners disembarking from prison vans in transit to and from the York and Selby magistrates' courts and York Crown Court. For reasons concerning safety and security, full details are given in the confidential annex.
- 5.5 In York magistrates' court there is insufficient amplification to allow defendants in the secure dock to take a full part in proceedings. In York Crown Court the facilities for defendants in custody to consult with their lawyers do not allow for confidentiality.
- 5.6 Video links with prisons have been installed in the York and Harrogate magistrates' courts to enable short administrative hearings to be heard over the link and avoid the cost and stresses of the journey to and from the court in a prison van. In Harrogate the link was used for 26%, and in York for 36%, of eligible cases²¹. In each case it is a judicial decision whether to use the video link. However, the LCJB should monitor the use of these links to check they are providing value for money and delivering the savings and benefits that are intended for prisons, escort contractors, courts and prisoners.
- 5.7 During the inspection, data about the timely delivery of prisoners to court under the new prisoner escort contract was not available. Some defence solicitors and others interviewed did, however, complain about late delivery of prisoners. HMCS may wish to liaise with PECS to check that the contractual delivery times are being met.

Suggested actions

That HMCS:

- ◆ *in liaison with PECS, improve the safety and security of defendants in custody and, to respect their dignity, take reasonable measures to ensure defendants in transit to and from its courthouses in York and Selby are kept safe, secure and out of public view*
- ◆ *ensure defendants in the secure dock in York magistrates' courts are able to hear and take part in the proceedings*
- ◆ *ensure that defendants in custody in York Crown Court can seek confidential advice in private.*

That the LCJB, in liaison with Prison Service/PECS, monitor the use of the prison/court video links and, where possible, consider ways to improve the uptake of court/prison video links.

²¹ Data for the period October 2003 to March 2004 (source PECS).

Care of mentally disordered offenders and drug users

5.8 Services to mentally disordered offenders (MDOs) are provided by primary health care trusts and are not primarily the responsibility of the LCJB. Nevertheless, Inspectors found that the LCJB has given little attention to, and has limited knowledge of, services for MDOs and the quality and effectiveness of the outcomes. For example, at the strategic level there is uncertainty about the availability of community psychiatric nurses and some of those interviewed expressed concerns about the services available for disturbed young offenders. Whilst drug referral schemes are in place, the LCJB has limited oversight of their effectiveness. Different schemes operate across the region. For example, in Harrogate drug workers do not have access to defendants in the police cells, while in Scarborough and Northallerton there is access and sharing of information. With the advent of the new Drug Intervention Programme a more consistent approach should be developed, under the strategic oversight of the Drug Action Team and LCJB. Given that drug users and MDOs form a significant proportion of the offenders within the CJS, Inspectors consider, at a strategic level, the LCJB should monitor the services provided and the outcomes more closely to ensure that the public money spent on these services is contributing to the achievement of PSA objectives.

Suggested action

That the LCJB inform itself about systems and quality of:

- ◆ *services provided for MDOs*
- ◆ *drug arrest referral schemes.*

Annex A

NYLCJB's response to the Recommendations

The North Yorkshire Criminal Justice Board welcomes the joint inspection of the criminal justice area. The inspection report provides an independent assessment of our performance at an early stage in the development of the Board's working practices and provides a baseline for our future planning.

We are pleased that the report recognises the good working relationships between the criminal justice agencies within the county and the strong performance in many aspects of our working, particularly in relation to bringing offenders to justice and the effectiveness of the court processes.

Notwithstanding these strong areas of performance, the report highlights the fact that public confidence in the criminal justice system in North Yorkshire is lower than the national average. This is an anomaly which needs to be addressed, and we will take forward the report's recommendations and suggestions for improving public confidence levels as a major part of our workplan for the coming year.

Robert Turnbull

North Yorkshire Chief Crown Prosecutor

Chair of the Board

Annex B

Terms of reference

The terms of reference for this joint inspection were:

To inspect and evaluate:

- ◆ how the criminal justice agencies in North Yorkshire work effectively together and with other stakeholders, such as Victim Support, Youth Offending Teams and Crime Reduction Partnerships, to
 - meet the needs of all court users, especially victims and witnesses
 - deliver against PSA objectives generally and, in particular, the public confidence PSA objective:
“Improve the level of public confidence in the Criminal Justice System, including increasing that of ethnic minority communities, and increasing year on year satisfaction of victims and witnesses, whilst respecting the rights of defendants.”
- ◆ the effectiveness of the North Yorkshire LCJB in delivering PSA objectives
- ◆ the effectiveness of the strategic and operational relationships between the CJAs and of their management of the criminal justice process in delivering PSA objectives.

The inspection will generally focus on issues up to the point of sentence. However, without inspecting offender management itself, some post-sentence issues which impact on public confidence or other related PSA objectives will be inspected.

Annex C

Methodology

This inspection was based on the principles formulated by the Office of Public Service Reform (OPSR) for the inspection of public services, to which we are fully committed, namely:

“Public services inspection should:

- a) pursue the purpose of improvement*
- b) focus on outcomes*
- c) take a user perspective*
- d) be proportionate to risk*
- e) encourage self-assessment by managers*
- f) use impartial evidence, wherever possible*
- g) disclose the criteria used for judgement*
- h) be open about the processes involved*
- i) have regard to value for money, including that of the inspecting body*
- j) continually learn from experience.”*

The inspection, under advice from the Project Steering Group, devised an inspection framework (see *the Introduction*). The LCJB Secretariat and the individual agencies were asked to produce briefing materials in advance of the inspection. The team reviewed performance data on the area. The LCJB was also asked to produce a self-assessment of its progress to date. A questionnaire was sent out to defence lawyers to assess their views on aspects of agency performance (unfortunately the responses were too few to be statistically significant and, therefore, were not used in this report).

One week was spent interviewing staff of the various CJAs and others, such as members of the judiciary. The team then developed a series of hypotheses about performance in North Yorkshire, based on the LCJB's self-assessment, performance data, briefing material and interviews. In the second week senior officers of all the LCJB member agencies were interviewed. They were able to comment on the hypotheses and, where relevant, provide further information. The team then met for two days to reach its judgements, recommendations and further suggestions and these were fed back to the LCJB at a meeting in early December 2004.

The draft report was submitted to the LCJB for comments on factual accuracy during the publication process and it has approved the draft. The LCJB was invited to prepare a response to the Recommendations, which is included as Annex A to this report.

Of the Inspectorates taking part in this pilot joint inspection, only one (Victim Support), carried out a full inspection of its agency (the full Victim Support Quality & Standards Department report will be published separately at www.victimsupport.org.uk).

HMCPSI undertook a follow up progress review of its inspection, carried out in September 2003.

We will continue to evaluate the joint inspection process to ensure that it meets the OPSR objectives.

Annex D

Performance information – PSA targets and performance

Narrowing the Justice Gap – summary of performance in North Yorkshire

North Yorkshire PSA Targets and Performance				
Offences brought to justice	Target 2003/04	Qtr ending Jan 2004	Qtr ending April 2004	Target 2004/05
	5% <i>(increase over March 2002 baseline of 12,332)</i>	+ 8.4%	+ 15.5%	11% <i>(increase over March 2002 baseline)</i>
Rate of ineffective trials	Target 2003/04	Qtr ending May 2004	Qtr ending August 2004	Target 2004/05
<i>Magistrates' Courts</i>	31%	17.4%	21.7%	19%
<i>Crown Court</i>	20%	17.4%	15.6%	16%
Effective in bringing criminals to justice (public confidence)	Baseline y/e March 2003	Qtr ending March 2004	Qtr ending June 2004	Target 2003/06
	38%	37%	38%	44%
Fine Enforcement	E&W average 2003/04	Year 2003/04	Qtr ending June 2004	E&W average June 2004
	74%*	98%*	106%*	81%*
Persistent Young Offenders	National target	Month of Oct 2003	Month of Sept 2004	E&W average month of Sept 2004
	71 days	37 days*	59 days*	65 days*

(sources: all from North Yorkshire LCJB, except data marked * is from Magistrates' Courts Business Returns, DCA)

Annex E

Participating inspectorates and team members

Inspectorates and Inspectors involved

HM Inspectorate of Constabulary (HMIC); HM Crown Prosecution Service Inspectorate (HMCPPI); HM Magistrates' Courts Service Inspectorate (HMMCSI); HM Inspectorate of Prisons; HM Inspectorate of Probation; with Victim Support Quality Standards Department (VSQSD)

Project steering group

Stella Dixon HMMCSI (Chair); Kate Flannery HMIC; Jerry Hyde HMCPPI; Alan MacDonald HMI Probation; Nigel Newcomen HMI Prisons; Colin Smith HMMCSI (Quality Assurance role)

Working group members (for part or all of the inspection)

Kika Bowen HMMCSI; John Curry HMIC; Fiona Ford VSQSD; Derek Gibbs HMCPPI; Mark Harris V S Q S D ;
Di Hurtley HMCPPI; Monica Lloyd HMI Prisons; John McCall HMMCSI; Bridget McEvilly HMI Prisons; Graham Meadows HMIC; John Peacock HMMCSI; Penny Rickards HMMCSI; Peter Simmonds HMIC; Andy Smith HMI Probation; Roger Statham HMI Probation; Pamela Yoofoo HMCPPI

Joint Inspection Secretariat (project support)

Martin Edgerton and Simon Heath

Inspection support

Diane Brooks HMMCSI

Publications team

Lori Buckley & Tim Paviour HMMCSI

Annex F

Acknowledgements

We are most grateful to representatives of local community groups, senior magistrates and His Honour Judge Hoffman, Resident Judge York Crown Court, who gave up their time to speak to members of the working group.

We would like to thank the staff of all the criminal justice agencies in North Yorkshire who met with Inspectors and assisted in this joint inspection. In particular, we are very grateful to Jeff McKeown, the LCJB Business Manager, and those in each agency who acted as liaison officers during the inspection helping to arrange interviews, collect briefing materials, etc.