



Stop The Drift

A focus on 21st-century criminal justice

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Executive summary

The Criminal Justice System (CJS) has been the focus of much criticism over the years, and only 41% of the public are confident that it is effective.¹ Criticisms have tended to outweigh solutions.

There is no single agency or person in charge of the CJS and therefore no single leader who can authorise change, promise delivery and be held to account. As a consequence there is no 'silver bullet' that will deal with these problems overnight; but in our report we have highlighted issues which, if tackled vigorously, could increase public confidence, improve accountability and save money.

The budget cuts required of the CJS are unprecedented. By 2014/15, in real terms, the Ministry of Justice budget will be cut by 23%, the Crown Prosecution service by 25% and the central Government grant to the police by 20%. Working practices will need to change; waste must be eliminated and the current processes for dealing with cases must be simplified. There will not be enough people or money in the system to maintain the current workload without reform. The opportunity to change must now be grabbed with both hands.

Be clear about what cases ought to enter the CJS

We have looked at the rising number of offenders who are dealt with outside the criminal courts. There has been a 135% increase in cautions, penalty notices for disorder and warnings in a 5-year period: nearly half of the 1.3 million cases solved by the police in 2008/09 were dealt with in this way. This increase has been accompanied by a substantial growth in restorative justice approaches and community resolutions.

There are encouraging signs that some of these alternatives increase victim satisfaction, but police forces vary in their use of them. We think that the public should be better informed about their effectiveness and whether they are being used in the right way for the right reasons. This would help to eliminate any sense of injustice about different treatments in different places. It could be achieved by placing greater emphasis on identifying how well each alternative works to reduce harm to the public, prevent re-offending, secure victim satisfaction and deliver value for money. This need not be prescriptive, bureaucratic, or fetter the discretion of police officers, but greater transparency is needed if they are to achieve widespread legitimacy in communities.

Regulate growth in the CJS

The CJS is not a clearly identifiable system but a set of independent component parts that have developed in a fragmented way. Total spending by CJS agencies has

¹ 2009/10 British Crime Survey.

been calculated at around £23 billion for 2008/09. Police expenditure in 2010/11 will account for £13.7 billion, of which its contribution to the CJS bill is about £3 billion.

The CJS has grown in the absence of any systematic control. In the last 15 years there have been at least 14 pieces of legislation that have added to the process. We drew a map setting out the various stages from arrest to final disposal at court. Very quickly we uncovered around 1,000 different steps to deal with a simple domestic burglary, 70 rubbing points (where it was difficult to make progress because one agency/practitioner required information from another), and at least seven occasions on which data had to be transferred. Scores of people were involved.

All this activity has the effect of slowing down the process. When this is replicated across thousands of cases and combined with the impact of less money, it risks (1) paralysis of the system, or (2) removing more police officers (and no doubt others) from the public in order to cope with the process.

This is unacceptable.

The national interagency Operations Board, which is chaired by the Ministry of Justice and coordinates CJS activity, must take a determined approach to regulating and then reducing growth in the CJS: otherwise, it will continue to grow. This could be achieved by recognising that current CJS activity could be viewed as one process, owned by all the agencies and implemented through collective leadership, with simplicity and fairness at its core. A swift audit of the end-to-end process with a shared objective to reduce bureaucracy would be a constructive start and an encouragement to police officers and practitioners across the system.

Remove waste

The majority of defendants plead guilty (67%), but 41% do so late in the day, when large quantities of paperwork have been prepared and duplicated by agencies, the hearing has been scheduled and victims and witnesses have arrived in court to give evidence. A conservative estimate of the cost of this additional nugatory work is in the region of £150 million. The money saved by a 25% reduction in late guilty pleas could fund Victim Support for one year.

There is no obvious formula that could encourage the guilty to plead guilty in advance of the preparation for a full trial, and great care needs to be taken to ensure that the process is fair. More work needs to be done but our research suggests that the process of reducing late guilty pleas could be started by getting defendants to court quickly (preferably within 24 hours of charge or arrest); making sure that information provided to a prosecutor is focused to an agreed standard; and recognising that not all cases will be perfect and that firm case management will be required in court from the first appearance. Drifting into layers of activity without appreciating the impact across the CJS will compromise that opportunity.

Make the most of attempts to innovate

We looked at a case study in London where MPS and CPS staff are co-located and cases are dealt with at a police station linked to a court via a TV – a ‘virtual court’.

The learning from this venture exposed all the challenges that the CJS faces across the country: there is no cost/benefit data which all agencies can use; and no single leader can authorise and deliver change. Nonetheless, £16 million pounds of cashable savings over a 10-year period have been identified.

Effective work force integration and compatible IT systems are essential; but the single most important aspect of the virtual court programme was the fact that two agencies (the MPS and CPS) pooled resources to make this happen, thus making the most of public money through economies of scale. Pooling resources in this way could realise £70 million across the country. But the scale of the challenge should not be underestimated.

The virtual court received a mixed reception when we spoke to people on the ground, and more work is underway to evaluate its effectiveness. However, we did find a case where the defendant was charged with shoplifting at 15.45 and sentenced over the virtual court two hours later.

The challenge lies in replicating this kind of approach quickly across thousands of cases.

Introduction

1. The *2009/10 British Crime Survey* found that only 41% of the public were either 'very' or 'fairly' confident that the Criminal Justice System (CJS) as a whole was effective.
2. There is no single definition of the CJS and the word 'system' is misleading. The term is most often used to describe the working arrangements across criminal justice agencies, in which the Police Service plays an integral role by detecting crime, collecting information and evidence, and bringing offenders to court.
3. Total spending by the CJS agencies was calculated at around £23 billion for 2008/09.² This includes £3 billion spent by police – more than 20% of the total policing budget in England and Wales in 2009/10.³ In 2009 there were an estimated 325,000 people working in the CJS (excluding those from the voluntary sector). This is nearly four times the number currently employed by Microsoft Global.
4. In 2009/10, 985,000 of the cases investigated by the police were finalised in the criminal courts in England and Wales.⁴ The processes for taking each case from arrest to final hearing in a courtroom involve many people. The most important are members of the public – defendants, victims, witnesses or jurors – but many others have significant roles, including police officers and staff, prosecution and defence lawyers, judges, magistrates and court administrators, prison and probation officers, as well as non-CJS professionals such as doctors, social workers and forensic scientists.
5. There are three Government departments concerned with criminal justice: the Home Office, the Ministry of Justice and the Attorney General's Office. In addition to voluntary sector contributors, such as Victim Support and the Witness Service, at least eight organisations are involved in managing work in and arising from the CJS:
 - Police
 - Courts
 - Crown Prosecution Service (CPS)
 - Probation
 - Prisons
 - Youth Justice Board for England and Wales
 - Legal Services Commission (including publicly funded defence practitioners)
 - Criminal Injuries Compensation Authority.

² This is the total annual expenditure for the CJS agencies specified in para 5.

³ This £3 billion is the total spending by all forces on: custody and case preparation (£1.068 billion); investigation (£1.452 billion); and investigation support (£479 million). Figures provided by the Police Objective Analysis 2009/10. Note: This is the first year of data collection; data has been confirmed by forces but is still subject of validation by CIPFA.

⁴ CPS Data. The figure excludes finalisation by other agencies, which are relatively small in number.

6. Managing the business of criminal justice is a substantial undertaking, and upholding the principles of fairness and transparency, which are fundamental to public confidence, is vital.
7. We have concentrated on the vast bulk of day-to-day cases within the CJS. Very serious crimes, which account for around 4% of all cases,⁵ are managed differently. We could not address every issue but we tried to identify key areas that might be used as levers for change.
8. We start with a fundamental and topical question facing all police officers: should they use their discretion to deal with crime without resorting to the courts? There are some areas of crime where neither the public nor police officers would welcome a dilution of the 'traditional' police role in putting offenders before the courts. However, police officers enjoy wide discretion on the ground when assessing situations.

⁵ Indictable only offences. CPS Data.

Be clear about what cases ought to enter the CJS

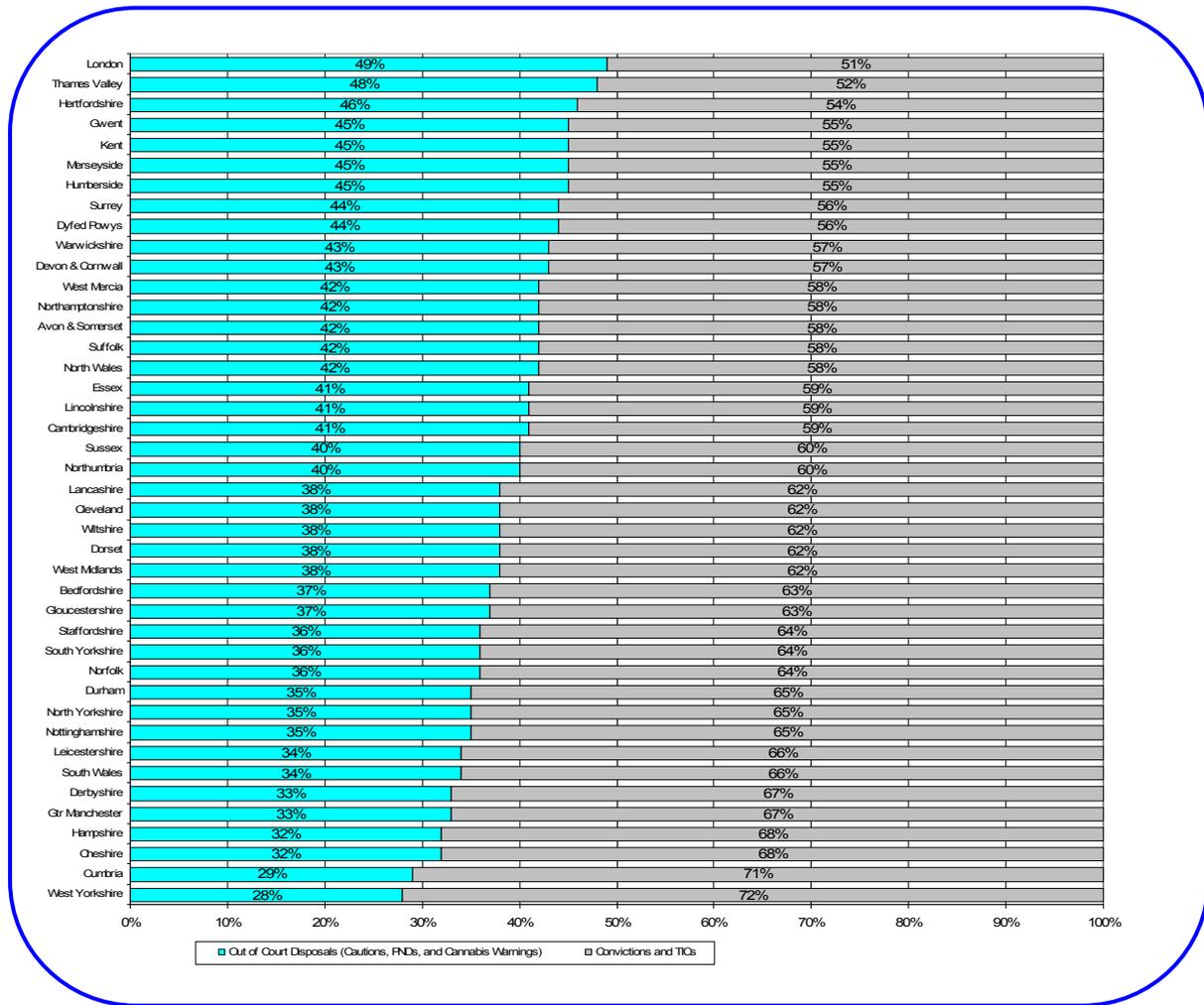
9. Offenders must never be allowed to believe that they are immune from the criminal law or that their acts will have no consequence. But that does not mean that every crime must find its way into the court.
10. The concept of some crimes being dealt with outside a court is an established part of CJS policy at national level. It has long been recognised, for instance, that it is better for young people to be diverted from the CJS where possible, in order to prevent early criminalisation.
11. We have not conducted a study of all the options available to police officers – a more detailed report by HMIC and Her Majesty's CPS Inspectorate will be published at the beginning of next year – but we have taken the opportunity to highlight a broader issue about transparency and public confidence, particularly as CJS agencies prepare for widespread cuts.
12. Police officers have always exercised discretion in dealing with reports and incidents. This does not always make for easy choices.
13. Discretion, of course, is not unfettered. We know that the requirement to detect crime has been seen as an important symbol of police performance and that there has been a 14% increase in arrests in the last 10 years, with a significant proportion in the categories of criminal damage and 'other' offences where so-called low-level offending is grouped.⁶
14. In fact, in 2008/09, more than 1.3 million of the crimes reported to police were solved by them,⁷ and of those nearly half were dealt with by some kind of disposal outside the court system. This was an increase of 135% over a five-year period.⁸ These methods of dealing with offenders outside the formal CJS arrangements are often given the shorthand description of 'diversion' or 'out-of-court disposals'.
15. However, the percentage of out-of-court disposals used by individual forces in 2008/09 varied from 28% to 49%, as shown in Figure 1 below.

⁶ There was a 14% increase in arrests for notifiable offences across all offence categories. The sharp increase in arrests coincides with the introduction of the Serious and Organised Crime Act 2005, which allows an officer to arrest for any offence provided necessity criteria are met.

⁷ In 2008/09, 1,335,800 crimes were detected whereby a person responsible for the offence was identified and dealt with (*Criminal Statistics England and Wales 2008/09*, published January 2010).

⁸ *Criminal Statistics England and Wales 2008/09* (published January 2010).

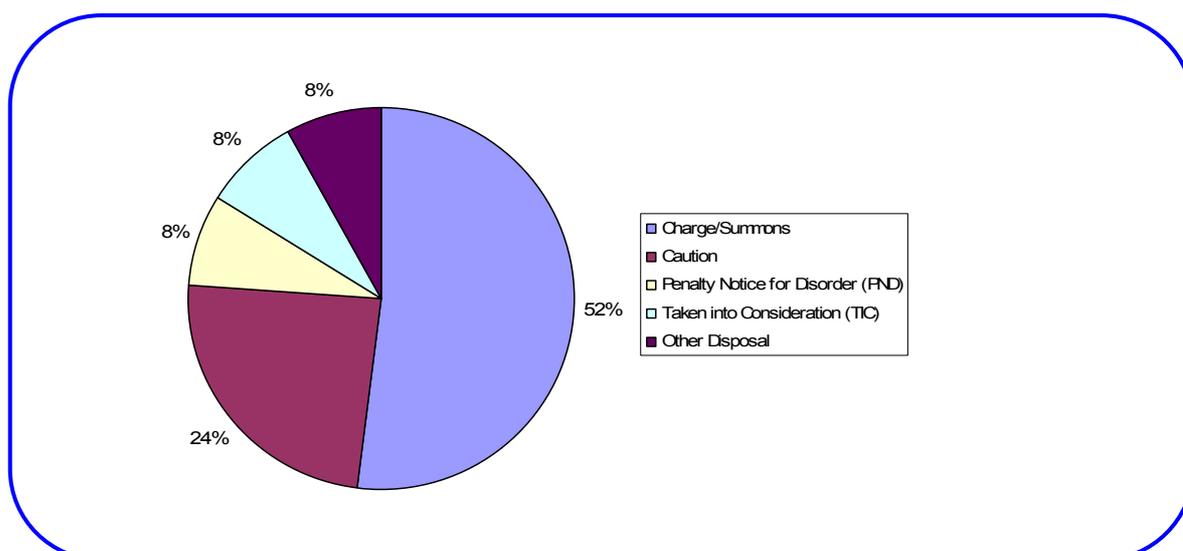
Figure 1: Offences brought to justice, % by disposal by CJS area, 2008/09⁹



16. We have also broken down the ways in which offenders are dealt with outside the court system, usually for low-level offending. Most of the disposals are dealt with by the police, but conditional cautions are handled by the CPS. We have illustrated the breakdown in Figure 2, and set out the definitions in para 17.

⁹ Criminal Statistics England and Wales 2008/09 (published January 2010).

Figure 2: Percentage breakdown of disposals for Detected Crime (2008/09)¹⁰



17. Definitions:

- **Cautions:** a **simple caution** is a formal warning from a police officer where the offender admits guilt, such as for simple shoplifting; a **conditional caution** is a caution with conditions attached by the CPS to tackle offending behaviour (criminal damage is the most common offence related to this). Failure to comply with the conditions will usually result in prosecution for the original offence.
- **Penalty notice for disorder (PND):** offenders pay a fixed penalty of £50 or £80 to discharge their liability for an offence. Most PNDs are issued for offences such as causing alarm, harassment or distress, being drunk and disorderly, and theft under £200;
- **Taken into Consideration:** an offence admitted, but not charged, which is 'taken into consideration' by the court when the offender is sentenced. This avoids a multiplicity of charges.
- **Other Disposal:** the majority of these relate to formal warnings from a police officer for simple possession of cannabis.

18. Some argue, however, that out-of-court disposals lack the transparency that public hearings in court provide. This view was echoed by the Justice Select Committee:¹¹

The growth in the number of out of court disposals represents a fundamental change to our concept of criminal justice and raises a number of concerns about consistency and transparency in the application of punishment.

¹⁰ *Criminal Statistics England and Wales 2008/09* (published January 2010).

¹¹ House of Commons Justice Select Committee (August 2009).

19. The data set out in Figure 2 does not include the number of times informal action was taken, for example a warning given on the street, or other action that does not count for recording purposes at national level.¹² There has been an increasing reliance on some types of informal method as alternatives to the CJS. Many forces are using restorative or reparative justice approaches (or similar), in which offenders put right the wrong by, for example, repairing any damage they have caused or apologising to the victim. These approaches provide the victim with early recompense and involve them in finding a solution to the problem raised by the offence.
20. There is evidence that these alternative and informal methods improve victim satisfaction. An Ipsos MORI survey in 2006 found that pre-court disposals focusing on the rehabilitation of the offenders were the most favoured by the public,¹³ and local police findings support this.¹⁴ West Midlands Police, for example, have conducted nearly 7,000 'community resolutions' since April 2010 year and report a high level of satisfaction from victims of so-called low-level crime.
21. The following is an extract from the West Midlands Police website:
- Victims tell us that they prefer a faster and more effective solution to their complaint rather than taking the matter to court, and community resolutions allow us to do that. They put the needs of the victim first – they are asked what outcome they would like to see, so they become part of the solution. This could include a simple apology, an offer of compensation or a promise to clear up any graffiti or criminal damage.*
22. The terminology used to describe how offenders or offending is managed outside the formal court process is confusing. The terms 'out-of-court disposals', 'diversions' and 'alternatives' may be part of the problem. They can be interpreted as a purely pragmatic arrangement that falls short of 'proper' court-based justice. In the current economic climate there is a risk that the use of out-of-court disposals, diversions and other alternatives will be seen by the public solely as a cost-cutting exercise. There may also be accusations of unequal treatment based on the force areas in which victims live – 'postcode justice' – and the public are more likely to accept this view if there is limited information available to them about the effectiveness of these methods in dealing with offenders and offending in communities.
23. Early, effective ways of dealing with perpetrators of 'less serious' offences outside the formal CJS environment are important tools for police officers. There is no one-size-fits-all approach, as local priorities and concerns must be taken into account. However, currently there is no collective agreement about the best or most cost-effective combination of methods for dealing with offenders and crimes that works successfully at local level, and this can lead to public concern.

¹² Recorded crime does not include non-notifiable offences such as arrests for breach of the peace, drunk and disorderly and arrests under S.136 Mental Health Act 1983.

¹³ Ipsos MORI, *Public Attitudes to Alternatives to Prosecution* (April 2006).

¹⁴ www.west-midlands.police.uk

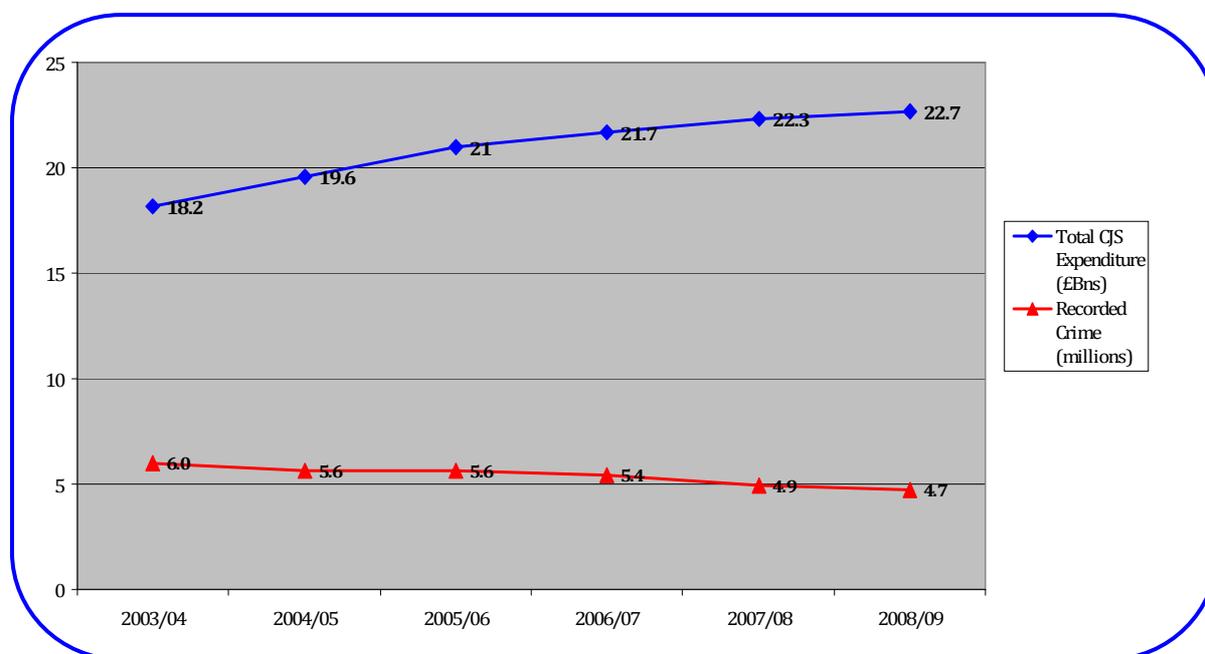
24. A coherent set of common sense principles for dealing with offenders and offending outside the CJS would go some way to maintaining and improving public confidence. The challenge for the police is to convince the public that dealing with offenders outside the CJS is effective and proportionate to the harm caused, by transparently applying a 'what works' approach to their work in **protecting the public from harm, preventing re-offending, securing the confidence of victims and delivering value for money.**

The growth phenomenon

Increased activity

25. Since 2003/04, CJS costs have increased and crime overall has fallen.

Figure 3: Comparison of CJS costs and the crime rate (2003–09)¹⁵



26. The process for taking a suspect through the CJS (from arrest to the final court outcome) has become increasingly complex and bureaucratic. In the last 15 years, there have been 14 major new pieces of legislation that have a direct impact on criminal justice procedures, and many more that have introduced new offences to the statute books. Some had a widespread impact, such as the disclosure regime; others are more rarely encountered, such as the requirement for convictions in European countries to be taken into account in domestic proceedings.¹⁶ The overall impact has been multiple layers of requirements. Put simply, more tasks have to be completed to get the previously relatively straightforward job done.¹⁷

27. Many of the processes apply to straightforward cases as well as the more complex. It is estimated that over one-third of all cases in magistrates' courts are non-imprisonable, the majority involving traffic offences relating to documents and record-keeping. Although we did not focus on the types of criminal cases entering the CJS, we ask whether dealing with more traffic offences outside the current CJS arrangements would not save significant amounts of time and money

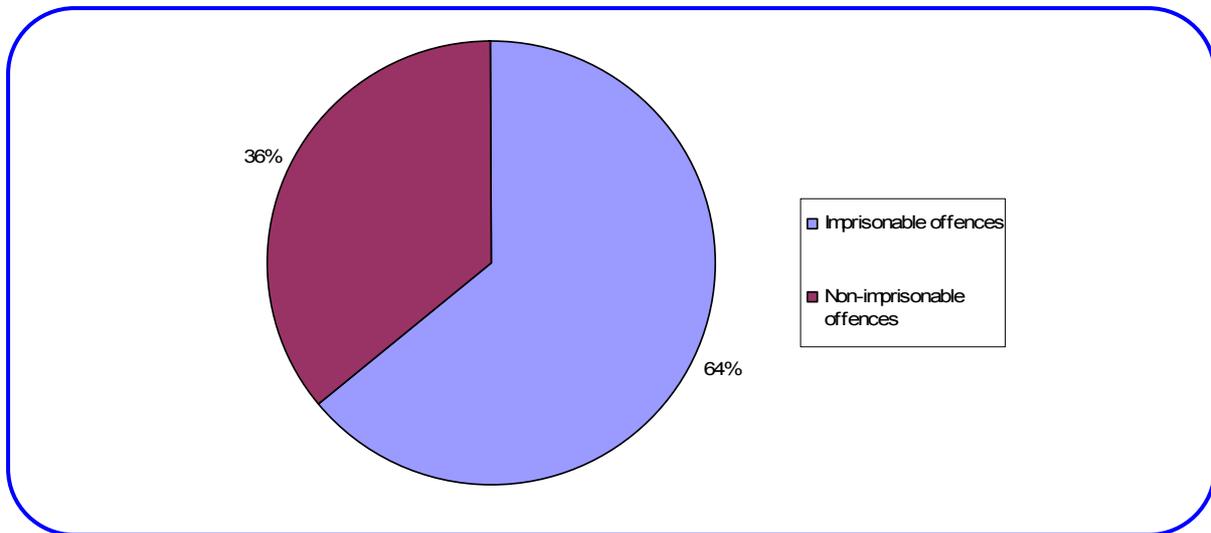
¹⁵ Total costs of the CJS, as defined in para 5 above.

¹⁶ Coroners and Justice Act 2009.

¹⁷ As set out in our report *Valuing the Police*, available from www.hmic.gov.uk.

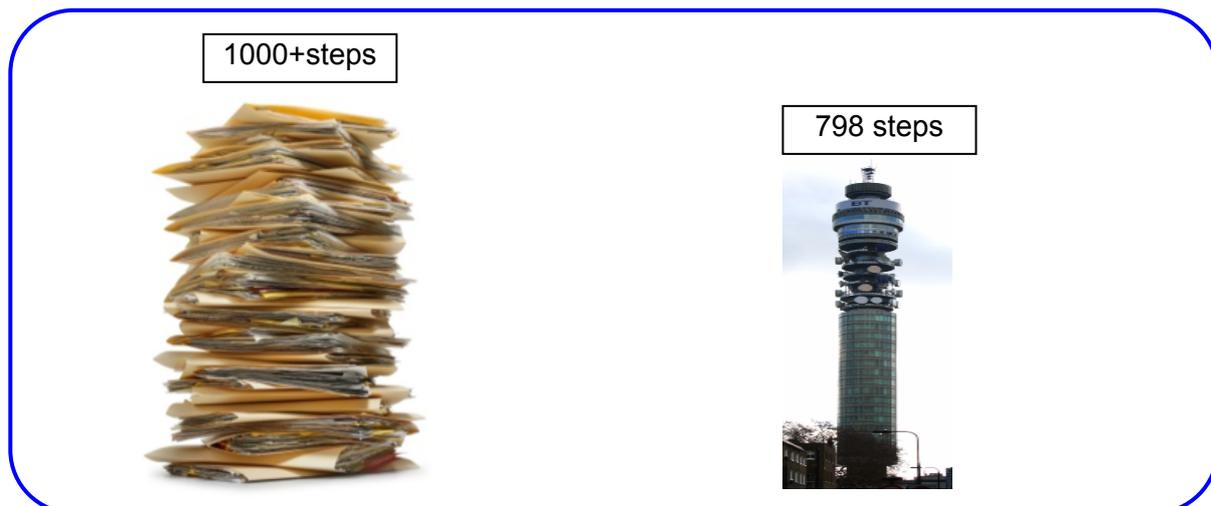
(provided that problems of poor driving and bad drivers were dealt with and not ignored).

Figure 4: Estimated percentage of non-imprisonable cases dealt with in magistrates' courts (2008/09)¹⁸



28. We looked at the experiences of people operating the system on the ground to get a better understanding of costs. The 'map' at Annex A charts the process from arrest to final outcome, identifying key decision points and areas of greatest inefficiency. In a typical domestic burglary case, we found around 1,000 steps¹⁹ (more steps than the London Post Office Tower), nearly 70 rubbing points (i.e. where one part of the system is dependent on another part), and seven stages where data is transferred from one agency to another. This process had the potential – often, unfortunately, fulfilled – to interrupt the smooth flow of cases, causing delay and additional cost.

Figure 5: Steps in the CJS versus the Post Office Tower



¹⁸ CPS Data.

¹⁹ Activities and form-filling, as outlined in Annex A.

29. There is a flurry of activity at the beginning of the process, when a suspect is taken into custody, because of the time restrictions imposed by legislation. Our reality testing showed that police officers and staff had to take more than 500 'steps' in the process during a 10-hour detention. Many involved working with other agencies, and there is clear potential for improvements in communications and timeliness wherever police, CPS and courts interact.

No system control

30. Faced with increased requirements, deadlines and guidance, the police and CJS agencies have tried, together and individually, to design systems and practices to comply with new demands. These changes often occurred rapidly, without an effective sequence, causing fragmentation as they developed. When we mapped the end-to-end process we found:

- **Delays in availability of professional support or advice to detainees**
The time spent waiting for lawyers, doctors, appropriate adults and interpreters varies considerably across forces. At times, these delays had an impact on the welfare of the detainee. Our research also demonstrated that they added many hours to the time people spent in police custody, significantly increasing the costs of detention.
- **A one-size-fits-all approach**
Systems have become rigid and formulaic, failing in some instances to differentiate the varying needs of people involved. For instance, the Victims' Code introduced in 2006 sets out 31 obligations on the police and CPS (listed at Annex B) to provide victims of crime with information. These requirements leave very little room for a flexible, proportionate response (i.e. for offering most information to victims with greater need and recognising the limited 'needs' of those who may only want to report a loss for insurance purposes).
- **A lack of clarity about information required to progress cases**
The plethora of guidance has led to a culture of bureaucracy and too much information being prepared or demanded in cases. We have found two common types of problem. The first relates to risk aversion. Surplus paperwork is generated, which is not directly connected to the key evidential issues that are obvious at the start of the case, 'just in case' it is needed later on in the process. The second problem is the volume of work prepared for trials which do not take place.
- **Incompatible information technology**
The critical transfer of information between agencies is hampered by lack of integrated IT systems, leading to a reliance on paper and often lengthy travel requirements to ensure that the right papers get to the right person at the right time. A simple case of shoplifting can generate six or more copies of the case file (for the police, CPS, defence, courts, probation and advocates).

31. Without effective and coordinated control of the many individual systems, there is a risk that the CJS will continue to concentrate its energy on satisfying the demands of current processes rather than look at what can be done to streamline activity.

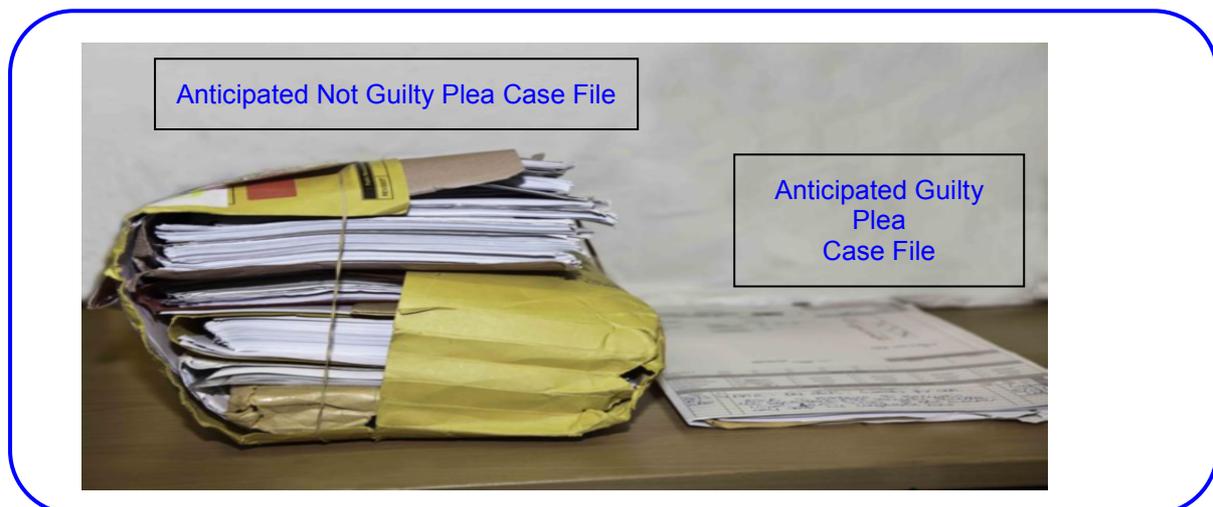
Hidden waste in the system

32. The way to remove paperwork from the CJS is to reduce the number of steps in the process and/or reduce the number of times information has to be written down or compiled for different purposes. This can be achieved by ensuring it is entered at an early stage into a fit-for-purpose IT system, to which all agencies have appropriate access. The public might regard this as straightforward common sense. The Police Service and other agencies have struggled for years to simplify the system in this way.
33. The number of reports produced on bureaucracy and related issues (we counted at least six in the last ten years) is testimony to the fact that these problems are difficult to solve.
34. One of the most important decisions affecting the CJS is that of the member of the public who decides to report a crime. Whether a crime is reported at all will depend on a range of issues: a sense of public duty; the seriousness of the incident and its impact on the victim, fears for personal safety or the safety of friends and family; the need for a reference number for an insurance claim; and the confidence that if it is reported something will happen within a reasonable period of time. This expectation, however, may not be realised because an arrest that leads to a prosecution in court can trigger a bewildering number of events when viewed through the lens of a victim of crime.
35. From arrest to final disposal, police officers, lawyers and ultimately courts take decisions that affect the entry, progress and speed of a case through the CJS. At each decision point, information (usually written) is required for different purposes, including internal quality assurance and supervisory arrangements, communication between agencies, as well as for more formal processes such as a criminal trial. Our research showed that too much paperwork was being collated too early 'just in case' it was required at a later stage. More often than not it was not required, and so the time and effort expended on collecting and presenting such information was wasteful.
36. In addition, because of the lack of integrated IT support, information is still converted into various formats. For example:
 - a note in an officer's notebook may need to be presented as a witness statement;
 - a synopsis or a transcript may be required of a tape or video-recorded interview;
 - the case against the defendant may need to be transferred to a form to describe the criminal charges that are proposed;
 - forensic evidence and the expert analysis may need to be converted to compatible statements for the file of evidence; and
 - evidence obtained from CCTV tapes, mobile phone records and computer hard drives must be formatted for presentation in court.
37. There have been some important efforts to reduce the demand for information required to progress cases. For instance, in 2008 the Director of Public

Prosecutions produced guidance on the Streamlined Process²⁰ to reduce the information burdens on police officers and prosecutors in relation to charging decisions and first appearances in court, which sets out a much reduced requirement. We found this guidance was taken up to differing degrees but, overall, too much information is still being prepared in some places by police officers (or is required by the CPS or police supervisors). So bureaucracy remains, despite recognition of the problem and the introduction of a partial cure. There may be many reasons for this: but risk aversion is the most likely cause, and more may need to be done collectively to overcome this self-imposed cultural hurdle.

38. The proliferation of forms – we counted at least 70 for a single case of domestic burglary²¹ – reflects the demand for information. How much information is required depends on what stage the case has reached within the CJS, and on the response of the defendant. If a guilty defendant admits the offence at the earliest stage of the process, the requirements for information are much reduced, as Figure 6 illustrates.

Figure 6: Differences in amount of information required for guilty and not guilty pleas



39. The key to managing paperwork in this area lies in ensuring that the right information is presented simply and accurately in accordance with the principles of fairness, so that those who are guilty, plead guilty early on in the process. In 2009 there were nearly 180,000 trials listed in magistrates' courts,²² and of these 38% were 'cracked' trials.²³ This proportion has remained steady over the last

²⁰ The Streamlined Process requires a case summary on a single document and previous convictions for the first hearing.

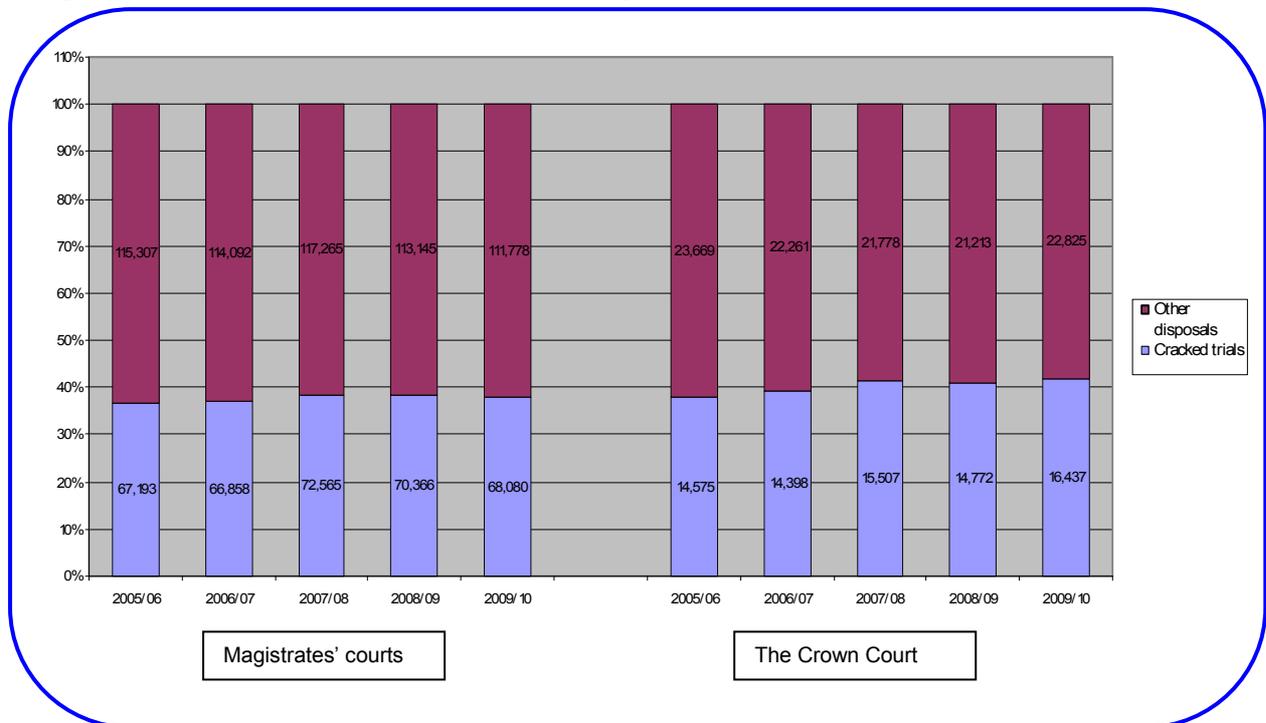
²¹ This relates only to police and CPS forms and does not include forms generated by other agencies such as the courts, witness service and probation.

²² Total trials in magistrates' court in 2009 was 179,858. Total trials in Crown Court in 2009 was 39,262. Ministry of Justice, *Judicial and Court Statistics* (September 2010).

²³ Ministry of Justice, *Judicial and Court Statistics* (September 2010). A 'cracked' trial is defined as a trial that does not go ahead on the day and does not need be re-scheduled, and the case has reached an outcome. This occurs when an acceptable plea is offered by the defendant or the prosecution offers no evidence against the defendant.

five years. In the Crown Court, in which there were nearly 40,000 trials listed, there has been an increase in 'cracked' trials, rising from 38% in 2005/06 to nearly 42% in 2009. Figure 7 illustrates this.

Figure 7: 'Cracked' trials as a percentage of total listed trials (2005–10)



40. Nearly 60% of 'cracked' trials across all criminal courts are caused by defendants changing their pleas from not guilty to guilty on the day of trial. In these cases, victims and witnesses (including police officers) will have attended court unnecessarily, causing in some instances distress and inconvenience, and depriving the public of police officers on the street. The paperwork will have been prepared for a full trial, with a commensurate increase in the number of forms (as we have illustrated at Annex C).

41. Although it is difficult to extrapolate data in order to assess whether speeding up the process at the beginning of the CJS process would have an effect in reducing the number of 'cracked' trials caused by defendants changing their plea on the day of the trial, we conducted a small experiment. This compared the guilty plea rate on a weekday with the guilty plea rate at a Saturday magistrates' court, at which most defendants have been charged with offences alleged to have occurred in the last 24 hours. Although there are differences in the profile of cases, the Saturday guilty plea rate was 20% and 35% higher on the dates we selected than that on a week day.

42. As long ago as 1997, a Home Office report on delay in the CJS recommended that defendants be brought to court the day after charge to improve efficiency.²⁴ We do not believe that much has changed to alter the validity of that

²⁴ Martin Narey, *A Review of Delay in the Criminal Justice System* (February 1997).

recommendation. Currently, the average gap between charge and first appearance in court is 12 days.²⁵

43. Our discussions with practitioners, robust reality testing and findings suggest that ensuring defendants are brought to court within 24 hours of arrest (or if necessary within 24 hours of charge), accompanied by a focused file of evidence to the agreed standard will enable the court to make prompt decisions about the future management of the case.
44. While it is difficult to determine the exact cost of 'cracked' trials (because of the different agencies and data involved), some recent work by the London Criminal Justice Partnership (LCJP), tested by HMIC (although there are limitations to this exercise) suggests that significant savings could be achieved if guilty pleas were entered earlier. Their analysis suggests that in magistrates' courts, savings of £1,300 per case could be made. In the Crown Court, preliminary estimates suggest savings in the region of £4,000 per case.
45. The magnitude of this issue should not be underestimated. Although cost data is not readily available,²⁶ the LCJP's estimates suggest that, if the guilty pleaded guilty earlier, the savings to the CJS are in the region of £150 million – the cost of running an average police force. A 25% increase in early guilty pleas could save nearly £40 million, which would fund Victim Support for one year.

²⁵ That is, 12 days between the date the defendant was charged or summonsed to court and the first hearing of the case in a magistrates' court for indictable and triable either way offences. Source: *Ministry of Justice Time Interval Surveys* (June 2010).

²⁶ Although understandably difficult, a more systematic way of measuring the cost of cases across agencies would improve the opportunities to save money and prevent the unwitting transfer of cost burdens from one agency to another. In the absence of robust data our assessments on savings in this section are provided with that caveat.

Steering change in the CJS

46. In this report, we have predominantly adopted the police perspective to identify areas for change and improvement. However, there are clear issues within the CJS as a whole (and as flagged in the process map at Annex A) that require collaborative working with other agencies if any sustainable improvement is to be achieved. In the past, many relationships across the CJS have been characterised by tensions, with a tendency for each agency to blame the other for problems that arise. Commonly, agencies have worked with performance regimes that pulled them in different directions. Much has changed to ensure greater unity of direction, but the ability of the CJS – as a whole and in its components – to deliver the quality of justice expected by the public at a time of significant budget reductions is under-developed.
47. However, our analysis suggests that there are areas that could be reformed to deliver an improved service to victims and the taxpayer. These relate primarily to speeding up the process.
48. We are also aware of many current initiatives designed to improve the efficiency and effectiveness of the CJS. But the number of agencies it comprises means that the CJS architecture is not designed for joint delivery, although many strive hard to achieve this. There is no one agency or person in charge and therefore no single leader who can authorise whole system change, promise delivery and be held to account. Without the means of obtaining an overview of the whole process from end-to-end there is a risk of drifting into layers of activity without appreciating the impact across the CJS. We would invite the national inter-agency Operations Board (chaired by the Ministry of Justice), which coordinates activity across the CJS and is currently getting to grips with the issues, to consider the creation of a ‘one process’ model owned by all the agencies with simplicity and fairness at its core. .
49. A swift audit by Local Criminal Justice Boards across the country of the end-to-end process with a shared objective of reducing bureaucracy would be a constructive start and an encouragement to police officers and practitioners throughout the CJS.

A case study

50. In May and June 2010, HMIC conducted a case study in the Metropolitan Police Service (MPS) to test recent changes made by the force to the end-to-end CJS process. The MPS has been working on this programme of change in criminal justice practices with other CJ agencies since 2005 (with different parts of the programme tested in different locations and implemented in separate projects). This was no quick fix, and implementation of the changes has faced substantial challenges along the way.

51. In essence, the MPS approach is based on:

- reducing the paperwork involved in each case (the streamlined process);
- minimising duplication by integrating staff from across agencies so they work more closely together on a single system (integrated prosecution teams);
- maximising the potential to deal with cases quickly by enabling defendants to indicate their plea at a police station (virtual courts);
- improving the efficiency of the custody process; and
- investing in the rehabilitation of persistent offenders so they do not return to the CJS.

52. We inspected the new systems, focusing on the first four of these reform areas. For each area, we assessed our level of confidence in the value for money potential, and the likelihood of it realising the predicted savings.²⁷ The results of this exercise are summarised in the table overleaf.

53. We noted in particular that the integration of police and CPS staff was made possible by the pooling of resources between the Police and CPS, to maximise the economies of scale when preparing cases for court. There is real potential here, as savings of £16 million over 10 years have been identified. If similar solutions were introduced around the country to make the most of public funds this figure could rise to £70 million. Work force integration can be challenging, but there are rewards – provided agencies reach across barriers to share resources for a common purpose.

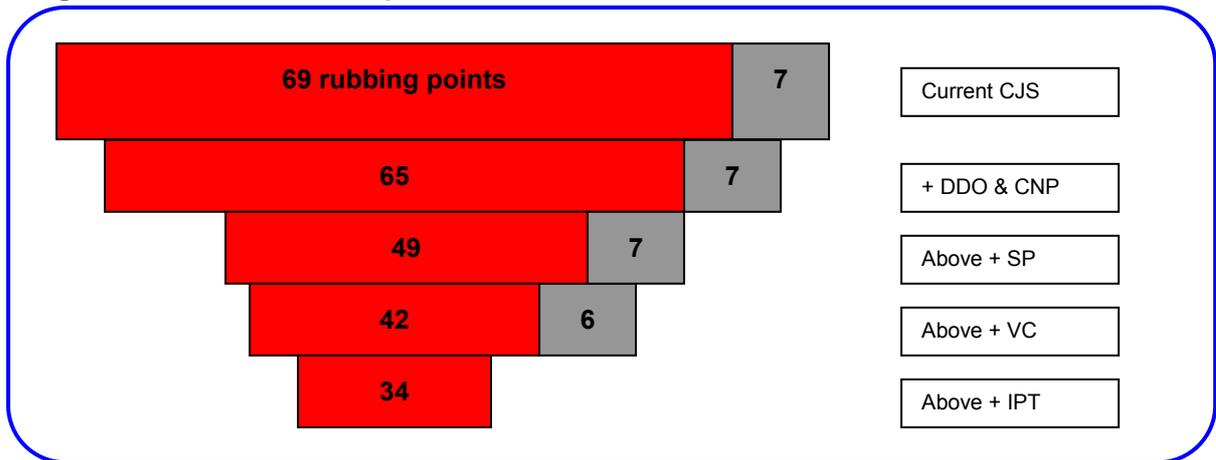
54. We understand that work continues to integrate working practices, improve teamwork and introduce the right IT systems; but progress is affected by multi layered systems of the kind that characterise the wider CJS. As we try to demonstrate in the following paragraphs, streamlining processes further could both reduce bureaucracy and speed up the process.

²⁷ Grading used: High confidence benefits will be realised; Medium confidence that benefits will be realised; Potential that benefits will be realised; and Neutral – insufficient evidence that benefits will be realised.

Area of Reform	Description	Predicted Savings/Costs	Assessment	Confidence Grade
Streamlined Process (SP)	The SP aims to save police time by preparing a more proportionate Prosecution file to process volume straightforward guilty plea cases; and allow for improved case management in magistrates' court. SP was implemented across the MPS in December 2008.	£7.5m p.a. (non cashable) in police officer time, which equates to 138 police officers.	The knowledge and adherence to SP guidelines varied greatly across boroughs. The full potential benefits of SP have not been realised.	Potential
Integrated Prosecution Teams (IPTs)	IPTs bring police and CPS teams together to manage an integrated single file and administrative process. IPTs aim to reduce duplication, improve performance, and ensure better services for victims and witnesses. IPTs are in place in 27 of the 32 London boroughs.	£28m over 10 years, based on the loss of 142 police staff posts. Costs to CPS of £11.5m over the same period. This results in a net gain to the joint operation between the MPS and CPS of £16.5m over 10 years.	At all levels the concept of IPTs was found to be sound, including costs savings, with integration of practices a key component of success. Despite co-location, there was a lack of emphasis on integration within IPTs. There was no substantial evidence of a loss of service resulting from IPTs but there was also a lack of clear evidence that IPTs had benefited criminal justice performance.	Medium
Virtual Courts (VC)	VC is a national project led by the Ministry of Justice and allows a detained person in police custody to appear at a magistrates' court via video link technology. A one-year pilot began in May 2009 and is continuing to operate on nine boroughs, which together have 15 custody sites.	£804K per annum. The MPS are a major contributor to overall costs (48.1%). The cost of delivering criminal justice functions within the MPS is approximately £33m per annum.	The concept of VC is compelling, with potential for the future. Only a small proportion of cases (around 13% of the daily charge rate in London) are dealt with in this way. It is premature to comment on the impact of VCs on overall CJ performance. At this stage there is no evidence that VCs have provided value for money, although it is recognised that wider roll-out would be required to reap the full benefits.	Neutral
Designated Detention Officers (DDOs) and Custody Nurse Practitioners (CNP)	The introduction of DDOs and CNPs into custody is not new: they have been in place in a number of forces for several years. However, in view of the scale of the MPS custody provision, the use of DDOs and CNPs offers significant prospect of achieving value for money.	£11.2m between 2010–14, assuming full roll-out (£6.8m from DDOs and £3.4m from CNPs).	Introducing DDOs and nurse practitioners is a positive step, and operational staff see clear benefits, including releasing police officers from custody duties. However, there is a lack of unit cost data for custody. This gap needs filling if the MPS are to monitor and capitalise on the value for money potential of these custody initiatives.	Medium

55. We found a good example: a shoplifter was charged at a police station at 15:45 and sentenced by a court at 17:45 on the same day. This swift progress cut the number of forms by over half (even without an integrated IT system).
56. This kind of approach could have an impact on 35 rubbing points (over half of the total), reduce the occasions when data transfers (shown in grey) are required, and improve efficiency, effectiveness and the confidence of the public. We have illustrated this impact in Figure 8 below. The challenge lies in repeating this pattern in hundreds or thousands of cases so it becomes more of the norm.

Figure 8: The art of the possible



Key findings and conclusions

Findings

Securing justice outside the courts

57. It is important to support the role of the police in deciding how best to deal with offenders and offending and, where it is the right choice, using a method that does not involve an outcome in court. To gain widespread legitimacy with the public, greater transparency will be necessary about what works **to protect the public from harm, reduce re-offending, secure victim satisfaction at local level and deliver value for money.**

The growth phenomenon

58. Activity in the CJS has risen despite a reduction in crime and with no obvious signs of system control in place. This has led to increased paperwork.

59. Despite continuing efforts complaints about paperwork continue. Unnecessary paperwork over-burdens those involved and encourages a culture of risk aversion, impeding the development of an integrated IT system. The difficulties encountered in trying to take advantage of initiatives that could reduce paperwork – such as the DPP's Streamlined Process, see above para 38) – are symptoms of the cultural resistance to change. The intended benefits of the Streamlined Process will evaporate unless it is widely and consistently taken up. It is one of the potential keys to securing an early guilty plea.

60. Too many cases are prepared and listed for trial, but do not go ahead because defendants plead guilty late in the process, having earlier indicated a not guilty plea. This substantially increases the amount of officer and police staff time spent on paperwork; in addition, attending court unnecessarily causes distress and inconvenience to victims and witnesses. The Police Service (in liaison with others) could speed up this process by ensuring that defendants' first appearances in court occur within 24 hours of arrest or charge, so that the CJS can make progress on cases quickly.

61. A 25% increase in the number of defendants pleading guilty early rather than later in the process could save nearly £40 million – the cost of running Victim Support for a year.

Steering change in the CJS: A case study

62. Regulating growth and driving change in the CJS requires collective leadership and shared purpose to realise the full benefits of reform. A 'one process' model coupled with an early cross CJS audit of bureaucracy at local levels would be a morale booster for staff.

63. We have confirmed potential savings of up to £16 million over 10 years from a CJS reform programme in London, particularly where MPS and CPS

resources have been pooled to make the most of economies of scale in preparing cases for court.

Conclusions

64. In this report we have considered what might be done to challenge current practice and to encourage a greater emphasis on looking at the process from start to finish, concentrating on issues that – if tackled cohesively – could benefit the public, the police and practitioners, as well as reducing cost.
65. There have been numerous attempts at reforming the CJS over many years. Driving wholesale change in the absence of both a cohesive set of CJS objectives and a shared understanding at all levels has been challenging and frustrating in equal measure. The independence of the criminal justice agencies is essential to the rule of law, and the checks and balances in the CJS to eliminate the risk of convicting an innocent person are vitally important to fair and transparent justice.
66. It goes without saying that good policing is more likely to lead to the arrest and prosecution of offenders. But that is not the only role in securing 'justice' for the communities they serve and more needs to be done to explain to the public how offenders and offenders are dealt with outside the court.
67. Paperwork can be reduced by ensuring that more defendants are brought to court to court early thus minimising the nugatory activity associated with trial preparation.
68. Reforms of the system are essential and there is now an opportunity in the current economic climate to show collective leadership (both across the CJS and within policing) to change the traditional approaches of the past.

Annex A Map of CJS processes

Glossary

AA	Appropriate Adult
ACPO	Association of Chief Police Officers
CJSSS	(Criminal Justice) Simple Speedy Summary
CPIA	Criminal Procedure and Investigations Act 1996
C & D	Crime and Disorder Act 1998
CJU	Criminal Justice Unit
ERO	Evidence Review Officer
FME	Force Medical Officer
H2H	House to house enquiries
ID	Identification
MCA	Magistrates' Courts Act 1980
OOCD	Out of court disposal
OiC	Officer in charge
NFA	No further action
PACE	Police and Criminal Evidence Act 1984
PHT	Prisoner Handling Team
PII	Public Interest Immunity
PNC	Police National Computer
PND	Penalty Notice for Disorder
RIPA	Regulation of Investigatory Powers Act 2000
ROTI	Record of Taped Interview
RTA	Road Traffic Act 1998
S51	Section 51 – sending serious cases to the Crown Court
SOCO	Scene of crime officer
SP	The streamlined process for handling of volume crime
TIC	(offence) Taken into Consideration
UKBA	United Kingdom Border Agency
VIPER/ proMAT	Systems for allowing for identification of suspects

Map of CJS processes. HMIC, *Stop the Drift*, 2010

Time	What	Who	Why	Outcome	Pinchpoints												
0:00	<div style="background-color: yellow; padding: 5px; text-align: center;">Police Custody</div> <div style="background-color: lightgreen; padding: 5px; text-align: center;">Victims' Code Obligations</div> <div style="background-color: lightgrey; padding: 5px; text-align: center;">Update Custody Record throughout detention</div>	Arrest				Available cell space and location of Prisoner Handling Teams may result in officers travelling long distances.											
		(Transport)					Availability of Custody Officer										
		Circumstances of Arrest	Detention Authorised	Custody Officer	PACE 1984 S37 (Code C)												
		Book-in	Healthcare	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td rowspan="3" style="text-align: center; vertical-align: middle;">Detainee Search</td> <td>Body/Clothing search</td> <td>Arresting Officer or Detention Officer</td> <td rowspan="3" style="text-align: center; vertical-align: middle;">Part IV, PACE 1984 (Code C)</td> <td rowspan="2" style="vertical-align: top;"> <ul style="list-style-type: none"> safekeeping property; seizure of evidence; seizure of weapons; </td> <td rowspan="3" style="text-align: center; vertical-align: middle;">Storage of evidence</td> </tr> <tr> <td>Strip-search</td> <td>Arresting Officer or Detention Officer</td> <td rowspan="2" style="vertical-align: top;"> <ul style="list-style-type: none"> seizure of evidence; seizure of weapons; </td> </tr> <tr> <td>Intimate Search</td> <td>Medical Practitioner</td> <td></td> </tr> </table>	Detainee Search	Body/Clothing search	Arresting Officer or Detention Officer	Part IV, PACE 1984 (Code C)	<ul style="list-style-type: none"> safekeeping property; seizure of evidence; seizure of weapons; 	Storage of evidence	Strip-search	Arresting Officer or Detention Officer	<ul style="list-style-type: none"> seizure of evidence; seizure of weapons; 	Intimate Search	Medical Practitioner		
Detainee Search	Body/Clothing search	Arresting Officer or Detention Officer	Part IV, PACE 1984 (Code C)	<ul style="list-style-type: none"> safekeeping property; seizure of evidence; seizure of weapons; 		Storage of evidence											
	Strip-search	Arresting Officer or Detention Officer					<ul style="list-style-type: none"> seizure of evidence; seizure of weapons; 										
	Intimate Search	Medical Practitioner															
		<ul style="list-style-type: none"> substance abuse propensity to self-harm mental health other health issues compliance vulnerability 	Custody Officer	Guidance on Safer Detention and Handling of persons in police custody	Availability of Medical Practitioner												

Map of CJS processes. HMIC, *Stop the Drift*, 2010

Time	What	Who	Why	Outcome	Pinchpoints						
Police Custody	Victims' Code Obligations	Update Custody Record throughout detention	Book-in (continued)	Healthcare (continued)	Risk Assessment (continued)	Risk assessment of: <ul style="list-style-type: none"> • injuries 	Custody Officer (continued)	Guidance on Safer Detention and Handling of persons in police custody (continued)	<ul style="list-style-type: none"> • Positive test results require a referral to a drug worker; failure to attend is an offence. 	Transfer to hospital; if already booked in, additional paperwork is required for this. Normally two escorting officers. Delay in service at hospital may extend officer and prisoner time away from frontline.	
				Drug test			Detention officer				Test itself takes less than one minute; associated paperwork can take 30 – 40 minutes.
				Individual Rights	Solicitor	<ul style="list-style-type: none"> • Notification • Telephone Consultation 	Custody Officer or Detention Officer	Part IV and Part V, PACE 1984 (Code C)			
					Codes of Practice						
					Notification of Named person						
					Appropriate Adult						
				Interpreter							
				Identification	<ul style="list-style-type: none"> • DNA 		Custody Officer or Detention Officer	Part IV, PACE 1984 (Code C)			
					<ul style="list-style-type: none"> • PNC Checks • Warrants checks • Livescan • Photograph • Footwear 						
					<ul style="list-style-type: none"> • Intelligence system checks • Bichard notification 		Arresting Officer				

Availability of Interpreter/Language line (UKBA use 'BIGWORD')
Suitable storage of DNA

Map of CJS processes. HMIC, *Stop the Drift*, 2010

Time	What					Who	Why	Outcome	Pinchpoints	
	Police Custody	Victims' Code Obligations	Update Custody Record throughout detention	Treatment & Conditions	Detainee to cell	Arresting Officer or Detention Officer	Part IV and Part V PACE 1984 (Code C)		<p>Location of cell; compliance of detainee, may need extra staff to escort.</p> <p>Vulnerable/drunken detainees require 30 min checks (twice normal) including entering cell to rouse. In some cases one-one monitoring may be required and is more common since intro of 'Safer Detention'.</p>	
Detainee checks										
Access to reading/writing material										
Food/Water										
Rest Period										
Exercise/Visits										
Welfare					Arrest Referral Worker					ACPO Guidance
Medical Examination					FME					Part IV, PACE 1984 (Code C)
Individual Rights					PACE Reviews					

Map of CJS processes. HMIC, *Stop the Drift*, 2010

Time	What					Who	Why	Outcome	Pinchpoints	
	Police Custody	Victims' Code Obligations	Update Custody Record throughout detention	Treatment & Conditions (continued)	Individual Rights (continued)	PACE Reviews (continued)			Lack of early availability of ERO advice may result in officers taking unnecessary statements/enquiries and potentially delay the investigation and extend time in custody.	
				Investigation	IT and Telephony Enquiries	<ul style="list-style-type: none"> • Telephone billing enquiries • Cell site analysis • Hard-drive examination • CCTV 	OIC or Prisoner Handling Team (PHT)	RIPA 2000		
					Searches	<ul style="list-style-type: none"> • Search upon arrest (person & property) • Property owned/controlled by detainee • Other property searches 	OIC or Prisoner Handling Team (PHT)	Part III, PACE 1984	Seizure / labelling / storage of evidence	
					Witnesses	<ul style="list-style-type: none"> • H2H • Witness statements • Victim statement • Expert witness statements 	OIC or Prisoner Handling Team (PHT)			Condition, availability, and location of witness/victim.
					Scene	<ul style="list-style-type: none"> • Samples (e.g. DNA/fingerprints/shoeprints) • Photograph/video of scene • Photograph/video of victim • CCTV 	SOCO	Building Case to required standard	Seizure / labelling / storage of evidence	
					Medical Examinations	<ul style="list-style-type: none"> • Victim • Other witnesses 	FME			Availability of FME; condition, availability, and location of witness/victim.

Map of CJS processes. HMIC, *Stop the Drift*, 2010

Time	What	Who	Why	Outcome	Pinchpoints				
Police Custody	Victims' Code Obligations	Update Custody Record throughout detention	Investigation (continued)	Offender Samples	• Intoximeter	Police Officer	RTA 1998	Seizure / labelling / storage of evidence	Availability of trained intoximeter operator.
					• Non-intimate	OIC or Custody Staff	Part V, PACE 1984 (Code C)		Seizure / labelling / storage of evidence
					• Intimate	Medical Practitioner			Seizure / labelling / storage of evidence
				Interview Process	• Detainee consultation with solicitor • Disclosure to solicitor	OIC or Prisoner Handling Team (PHT)	Part V, PACE 1984 (Code C)	Provide copies of tape	Availability of FME
					• Detainee consultation with Appropriate Adult	Appropriate Adult			Availability of solicitor; consultation rooms; multiple detainees for one solicitor; disproportionate disclosure rules
				Identification	• Interview	OIC or Prisoner Handling Team (PHT) / AA / Defence	Part V, PACE 1984 (Code D)	Provide copies of tape	Availability of suitable family member or social services to act as Appropriate Adult.
					Street ID	OIC or Prisoner Handling Team (PHT)			Availability of Interpreter. If an immigration offence, delays in UKBA attending extends time in custody.
					Parade; Confrontation	Police Inspector			Availability of Police Inspector
					Viper/ProMAT Capture	System Operator			Availability of System Operator

Map of CJS processes. HMIC, *Stop the Drift*, 2010

Time	What	Who	Why	Outcome	Pinchpoints		
	<p>Police Custody</p> <p>Victims' Code Obligations</p> <p>Update Custody Record throughout detention</p> <p>Evidential Assessment</p>	Supervisory review	<ul style="list-style-type: none"> Consider previous offending/threat to victim Review quality of evidence Advise regarding further action 	Duty Sgt or Custody Officer or ERO	PACE 1984 S37 (Code C) <ul style="list-style-type: none"> NFA Bail for further investigation OoCD (PND/TIC/Caution) Charge/Summons (police decision) Referral to CPS Warrant of Further Detention 	<ul style="list-style-type: none"> Return property Bail forms / conditions Complete OoCD Allocate Court date 	Availability of ERO or supervisor for evidential review. Inappropriate bail being granted to detainees due to delays in the process as above. Necessitating the return to custody and then repeating much of this process. If detainees fail to answer bail manual checks often required because systems are not automated.
		Referral to CPS (telephone / fax / meeting)		OIC or Prisoner Handling Team (PHT)	CJA 2003	Sufficient and speedy fax/scanning machine; secure email availability. Case papers scanned in to send to CPS DIRECT , but they do not have capacity to retain papers, so they are deleted. Hard copy to CPS office. Delays in charging advice from CPS DIRECT.	

Map of CJS processes. HMIC, *Stop the Drift*, 2010

Time	What				Who	Why	Outcome	Pinchpoints		
24:00	DATA TRANSFER BETWEEN AGENCIES (POLICE/CPS)									
	Police Custody	Victims' Code	Update Custody Record			Review evidence	CPS	PACE 1984 S37B	Condition, availability, and location of witness/victim.	
						Agree Further investigation	Develop Evidence of Bad Character	OIC or Prisoner Handling Team (PHT)		CJA 2003
							Additional witnesses	OIC or Prisoner Handling Team (PHT)		
							Identification parades	ID Inspector		Part V, PACE 1984 (Code D)
							CPS Pre-trial Witness Interview	CPS/ OIC or Prisoner Handling Team (PHT)		Pre-trial Witness Protocol
	CPS Review			<ul style="list-style-type: none"> • NFA • Bail for further investigation • OoCD (PND/TIC/Caution) • OoCD (Conditional Caution) • Charge/Summons • Warrant of Further Detention 	<ul style="list-style-type: none"> • Return property • Bail forms/conditions • Complete OoCD • Allocate Court date 	Availability of CPS Specialist Lawyer (required for certain offences, e.g. Rape, child abuse, Fraud)				
	CPS Decision		CPS/ OIC or Prisoner Handling Team (PHT)	CJA 2003 and Directors Guidance on Charging and Conditional Cautioning Guidance	<ul style="list-style-type: none"> • Warrant of Further Detention • Charge and remanded in custody 		Bail issues as above.			
								Detained in custody for next court requires additional time in custody and increased level of care and treatment. If transfer is outside of time for private escort firm (eg G4) police will be required to do it. PER form required for transfer to court (takes approx. 30 minutes to complete)		

Map of CJS processes. HMIC, *Stop the Drift*, 2010

Time	What	Who	Why	Outcome	Pinchpoints	
DATA TRANSFER BETWEEN AGENCIES (POLICE/GPS)						
CJU	Victims' Code	File Build	<ul style="list-style-type: none"> • Tape transcript • Type hand-written statements 	ROTI/CJU Staff	Backlog in typing; unnecessary requests for ROTI in contradiction of SP guidelines Delays in receipt of evidence/documents (eg Forensic results). Delays in requests for evidence.	
			<ul style="list-style-type: none"> • Victim impact statement • Evidential summary • Witness statements • Witness availability • Compensation applications • Application on convictions • Special measures applications • Previous convictions • Confidential information (e.g. witness convictions) • Unused material (Sensitive & Non-sensitive) • Preparation of advance information (MG5; Victim impact statement; precons) 	Models in use for file building: <ul style="list-style-type: none"> • OIC • Prisoner Handling team (PHT) • CJU staff 		Manual of Guidance and PACE 37A (1)
			Case Details to Witness Care			Victims' Code
			Provide copies of advance information & ex.p.lee	Defence Prosecutor Mag's Court		CJU Staff Magistrates' Courts Adv Info Rules 1985 CJSSS

Map of CJS processes. HMIC, Stop the Drift, 2010

Time	What	Who	Why	Outcome	Pinchpoints	
DATA TRANSFER BETWEEN AGENCIES (POLICE/CPS/COURTS)						
CUJ	Victims' Code	Witness Care Contact witnesses regarding • Witness availability • Victim Updates • Witness warnings for Hearing Dates • Changes to court dates	Witness Care Unit	Victims' Code	Condition, availability, and location of witness/victim.	
		Case Progression Progress case against court timelines	Case Progression Officer	CJSSS	Prioritise Custody Cases	Police fail to meet submission deadlines; Streamline Process not being adhered to.
DATA TRANSFER BETWEEN AGENCIES (POLICE/CPS/COURTS)						
Magistrates' Court	Victims' Code	First Hearing Court sitting • Guilty Plea • Not Guilty Plea	• CPS • Courts (court service and judiciary) • Defence • Probation • Prisoner Security	Magistrates' Courts Act 1980 as amended by subsequent legislation	Disposal	• Case Dropped • Sentence Court availability; awaiting receipt of evidence to complete case file
					Adjournment	• For trial • For preparation of committal papers/S.51 papers • Further Information Lack of case management; no indication of plea on files, when file upgrades requested.
		File Preparation Further Investigation Disclosure of Unused Material • Sending File • Committal file • Trial file Sentencing reports	As required by the court (eg interview alibi witnesses)	CJU/OIC	Legal Advice from CPS	Papers served on Defence Papers served on all parties
			OIC/CPS	CPIA 1996		
			CJU/CPS	S.51 C & D Act 1998		
				S.6 MCA 1980		
				Manual of Guidance and PACE 37A (1)		
			Probation			

Map of CJS processes. HMIC, *Stop the Drift*, 2010

Time	What	Who	Why	Outcome	Pinchpoints	
DATA TRANSFER BETWEEN AGENCIES (COURT/CPS)						
Magistrates' Court	Victims' Code	Second Hearing Court sitting • Trial • Committal • Sentence	• CPS • Courts (court service and judiciary) • Defence • Probation • Prisoner Security • Police and civilian witnesses	Magistrates' Courts Act 1980 as amended by subsequent legislation	Disposal • Case dismissed • Case sentenced • Case committed • Case sent	Court and witness availability; awaiting receipt of evidence to complete case file.
					Adjourment due to parties not ready or fail to appear	Unnecessary attendance at court by police officers, often without giving evidence in court.
		Third Hearing Court sitting • Trial • Committal • Sentence	• CPS • Courts (court service and judiciary) • Defence • Probation • Prisoner Security • Police and civilian witnesses	Magistrates' Courts Act 1980 as amended by subsequent legislation	Disposal • Case dismissed • Case sentenced • Case committed • Case sent	Court and witness availability; awaiting receipt of evidence to complete case file.
					Adjourment due to parties not ready or fail to appear	
		Fourth Hearing Court sitting • Trial • Committal • Sentence	• CPS • Courts (court service and judiciary) • Defence • Probation • Prisoner Security • Police and civilian witnesses	Magistrates' Courts Act 1980 as amended by subsequent legislation	Disposal • Case dismissed • Case sentenced • Case committed • Case sent	Court and witness availability; awaiting receipt of evidence to complete case file.

Map of CJS processes. HMIC, *Stop the Drift*, 2010

Time	What	Who	Why	Outcome	Pinchpoints				
DATA TRANSFER BETWEEN AGENCIES (COURT/CPS/POLICE)									
Crown Court	Victims' Code	Service of Further Evidence	Service of additional evidence on Defence	OIC/CPS	File build and Case directions	Defence may seek court order for further disclosure - hearing	Police fail to meet submission deadlines		
			Disclosure of Unused Material (if not done previously)		CPIA 1996				
			Response to Defence case statement and queries			Possible PII Hearing			
		Preliminary Hearing (s)	Court sitting	<ul style="list-style-type: none"> • Guilty Plea • Not Guilty Plea • Preliminary appeals on judicial ruling 	<ul style="list-style-type: none"> • CPS • Courts (court service and judiciary) • Defence • Probation • Prisoner Security 	Court Direction	Disposal	<ul style="list-style-type: none"> • Case Dropped • Sentence 	Court availability; awaiting receipt of evidence to complete case file. Court of Appeal Hearings
Adjournment	<ul style="list-style-type: none"> • For reports • For trial • For further information (e.g. Expert reports, forensic reports) 								
		Trial	Court sitting		<ul style="list-style-type: none"> • CPS • Courts (court service and judiciary) • Defence • Probation • Prisoner Security • Police and civilian witnesses 	Court Direction	Disposal	Case dismissed	Court, witness, judicial and counsel availability; awaiting receipt of evidence to complete case file.
							Adjournment	For reports	

Map of CJS processes. HMIC, *Stop the Drift*, 2010

Time	What				Who	Why	Outcome		Pinchpoints		
Crown Court	Victims' Code	Sentence	Court sitting			<ul style="list-style-type: none"> • CPS • Courts (court service and judiciary) • Defence • Probation • Prisoner Security 	Court Direction	Final Disposal	Court, judicial and counsel availability.		
										DATA TRANSFER BETWEEN AGENCIES (COURT/CPS/POLICE)	
CJU	Victims' Code	After sentence Activity	CPS Lawyer notes result on file to updates CPS system.	Court results		CPS					
			CPS disposes of file or sends back to CJU after 21 days								
			Witness/Victim Updates							Witness Care/CJU	Victims' Code
			PNC updates							CJU	
			Evidence stored and retained are required by legislation							OIC	CPIA 1996
Appeal Process	Not dealt with in this chart										

Vulnerable Victim Timescales

Storage for 7 yrs and in certain cases the length of sentence

Annex B Obligations to notify victims under the Victims' Code

Trigger event	Timescale to notify victim (working days)		Service Provider
	Vulnerable/ Intimidated	All other Victims	
Police decide no investigation	5		Police
Victim details to Victim Support	2		Police
No suspect during course of investigation	Monthly updates		Police
Any review procedures (serious crime)	1		Police
An arrest made	1	5	Police
Suspect released (NFA or on bail) or remanded	1	5	Police
Bail altered	1	5	Police
Suspect interviewed	3		Police
Suspect reported	3		Police
Summons issued by court	5		Police
Notification of all proceedings (may be multiple)	1	5	Police
Suspect charged	1	5	Police & CPS
Suspect bailed by court	1	5	Police
Any other disposal	1	5	Police
Respond to CICA requests for info	30		Police
Further requests from CICA	60		Police
Requests from CICAP	30		Police
CCRC implemented	10		Police
CCRC not referred	2		Police
CCRC referred	10		Police
Requirement to give evidence	1		Witness Care
Court dates	1		Witness Care
Outcome of all pre-trial hearings	1	N/A	Witness Care
Verdict of trial and sentence	1	N/A	Witness Care
Any significant amendments to sentence	1	N/A	Witness Care
Warrant issued for defendant	1	4	Witness Care
Arrest of defendant on warrant	1	4	Witness Care
Result of court appearance	1	4	Witness Care
Defendant appeals conviction/sentence at MC	1		Witness Care
Defendant appeals conviction/sentence at CC	1	5	Witness Care
Results of appeal	1	5	Witness Care

(CCRC – Criminal Case review Commission; CICA – Criminal Injuries Compensation Authority; CICAP – Criminal Injuries Compensation Authority Appeals Panel; MC – Magistrates' Court; CC – Crown Court)

Annex C The number of forms for a trial and a guilty plea

	Not Guilty plea			Guilty plea		
1	Arrest and detention	PNB (Pocket Note Book) Entry	1	Arrest and detention	PNB Entry	
2		Use of force form	2		open custody record (C/R)	
3		open custody record (C/R)	3		risk assessment	
4		risk assessment	4		drug test form	
5		drug test form	5		DNA Form pt I	
6		evidence labels	6		DNA Form pt II	
7		miscellaneous evidence register	7		PNC Check	
8		PER (Prisoner escort form)	8		PND database check	
9		DNA Form pt I	9		Fingerprint form	
10		DNA Form pt II	10		footprint impression form	
11		PNC Check	11		Photograph form	
12		PND database check	12		Bichard notification	
13		Fingerprint form	13		Intelligence forms	
14		footprint impression form	14		FME medical forms	
15		Blood sample forms	15	Investigation	Disclosure form for interview	
16		SOCO requests (in-force)	16		audio/video tape forms	
17		Photograph form	17		access to tape form to detainee	
18		Bichard notification	18		TIC forms	
19		Intelligence forms	19		MG4 – charge sheet	
20		FME medical forms	20	For Charging and first appearance	MG5 – evidence summary	
21		PACE inspector review entries on C/R	21		Pre convictions	
22	Investigation Telephone enquiry request form	22	ERO QA form			
23	Cell-site analysis request form	23	CPS File cover form			
24	CCTV request					
25	RIPA authority request					
26	S.18 search form (and/or warrant request)					

27		Label evidence from searches				
28		Miscellaneous property register entries from searches				
29		MG FSF (forensic scientific lab request)				
30		Witness statements (multiple)				
31		Victim personal statement				
32		Request for expert witnesses				
33		Disclosure form for interview				
34		audio/video tape forms				
35		access to tape form to detainee				
36		Request for Viper/Promat				
37		Viper/Promat capture form				
38		Witness viewing forms				
39		Enquiry form to UK central authority for previous convictions in a member state (since 15th Aug 2010)				
40		TIC forms				
41	For charging decision	MG 3 – Report to Crown prosecutor for charging decision				
42		MG 3a – further information to support charging decision				
43		MG 7 – reasons for remand in custody form				
44		Undermining material				
45		SDN (Short descriptive note)				

46		Witness preconvictions				
47		ERO QA form				
48	For first appearance	CPS File cover form				
49		MG 4 – charging form				
50		MG5 – evidence summary				
51		MG 2 – special measures				
52		MG 9 – witness list				
53		MG 10 – witness non-availability				
54		MG 18 – compensation form				
55		Advance disclosure form				
56		For Crown Court	CPS Crown court file cover			
57	Exhibit list					
58	ROTI					
59	MG 20s (probably multiple)					
60	MG 6c – schedule of unused material					
61	MG 6d – schedule of sensitive unused material					
62	MG 6e – officer certification for unused material					
63	Notice of further evidence					
64	Letters to victims (as required by Victims’ Code)					
65	Letters to defence solicitors					
66	Letters to witnesses					
67	Witness expense forms					
68	Custody time limit form					
69	Instructions to Counsel					
70	Update PNC					