

# THE CRIMINAL JUSTICE INSPECTORATES'

## REPORT OF THE JOINT INSPECTION OF THE SURREY CRIMINAL JUSTICE AREA

### EXECUTIVE SUMMARY

#### Introduction

1. This is the report of the Criminal Justice Chief Inspectors on the joint inspection of the Surrey criminal justice area. The inspection was carried out by HM Crown Prosecution Service Inspectorate (HMCPSI), HM Inspectorate of Constabulary (HMIC), HM Magistrates' Courts Inspectorate (HMMCSI), HM Inspectorate of Prisons (HMI Prisons), and HM Inspectorate of Probation (HMI Probation). The joint Inspectorate team were also assisted by the Quality and Standards Department of Victim Support.
2. At the time of the inspection there was no statutory inspection regime in respect of any aspect of the work of the Crown Court. In order to evaluate the criminal process through the courts, the Chief Inspectors secured the agreement of the Court Service and the Senior Presiding Judge for the inclusion, on a non-statutory basis, of the non-judicial functions of the Court Service in relation to the Crown Court sitting at Guildford.
3. HMCPSI carried out a core inspection of CPS Surrey, in accordance with its statutory remit, at the same time as the joint inspection. This core inspection is the subject of a separate report (number 5/05, published March 2005), although the pivotal role of the CPS within the overall criminal justice process means that there is overlap between the issues considered in this joint inspection report and those in the core report.

#### Background to the inspection

4. The Government has established 42 criminal justice areas, each with a Local Criminal Justice Board (LCJB). The Surrey Criminal Justice Board (SCJB) formally assumed its responsibilities on 1 April 2003. All LCJBs are charged with establishing and delivering, at local level, targets to support the achievement of national objectives for the criminal justice system that are designed to improve the overall efficiency and effectiveness of the system. These national objectives, which are drawn from the Ministerial Public Service Agreements (PSAs), involve:
  - \* improving the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.2 million by 2005-06; with an improvement in all CJS Areas.....and a reduction on the proportion of ineffective trials; and
  - \* improving the level of public confidence in the criminal justice system, including increasing that of minority ethnic communities, and increasing year-on-year the satisfaction of victims and witnesses, whilst respecting the rights of defendants.

5. The joint inspection looked at how effectively the criminal justice agencies, and partners such as Victim Support and the Witness Service, were working together in Surrey to deliver the outcomes necessary to achieve the targets set by the SCJB. We considered the governance and strategy of the SCJB, and the joint response of the criminal justice agencies and their partners, to crime, from the time a crime is reported to the point of sentence. This included an examination not just of the work of the SCJB, but also the interaction between criminal justice agencies and partners outside the SCJB framework.

## **Key findings of the inspection**

### ***Overview***

6. The Surrey Criminal Justice Board provides the fulcrum for inter-agency work within Surrey. The Board has worked hard to develop detailed strategies and Action Plans around the two Public Service Agreements directed towards the criminal justice agencies: narrowing the justice gap (including the reduction of the proportion of trials that are ineffective) and increasing public confidence in the criminal justice system. These are embodied in the Delivery Plan and the Confidence Plan respectively.
7. It is performing well against most of the key national targets agreed with the National Criminal Justice Board.
8. In 2003-04 it increased offences brought to justice by 24% above baseline against a target of 5% - nationally the second highest percentage gain over the baseline as at the 12 months to April 2004. Although interim targets for the proportion of trials that are ineffective in the magistrates' courts (21% of all trials listed) and the Crown Court (20%) have not yet been met, the area's performance in the magistrates' courts is better than the national average, and steady progress is being made towards the targets set for 2005-06. Public confidence in the effectiveness of the local criminal justice system stands at 45%, compared to a national average of 41%, and progress is being made towards the target of 50% by 2005-06.
9. The timeliness with which persistent young offenders (PYOs) had been dealt with deteriorated in 2003, and the outturn for that year was 81 days, worse than the national target of 71 days. The SCJB has re-focused on this target and performance has been improving in 2004.

### ***Delivery Plan***

10. The Delivery Plan has a clear focus on the national targets. Local performance issues - such as warrant execution - are also addressed, but there is scope for a stronger focus on timeliness in the court process (other than just PYOs), and on reducing cracked trials in the magistrates' courts, to be supported by local targets.
11. The SCJB has set up a working group structure around the Delivery Plan (the Performance Sub Group) and the Confidence Plan (the Confidence Sub Group). The Performance Sub Group is supported by Local Performance Groups (LPGs), based on the four magistrates' courts' Petty Sessional Areas and police Basic Command Units. Many of the actions within the Delivery Plan relate to existing core business for the criminal justice partners. Progress is being made to develop these Groups into effective performance management teams.

### ***Public Confidence Plan***

12. The work necessary to deliver actions against the Confidence Plan is not as well developed. The SCJB has drawn up six Action Plans (five of which are based on national guidelines), which is a demanding programme of work for a small area such as Surrey. Although much work is being done in relation to victim and witness care through the No Witness No Justice project, only limited progress has been achieved with staff engagement, community engagement and communications.
13. The development of a Communications Strategy has been delayed because the SCJB had no Communications Officer until shortly before the inspection. The Communications Strategy is an important element of the community engagement, staff engagement and improving public confidence work streams, as well as being essential to the development of a separate identity for the SCJB.
14. The SCJB has included community groups such as the Woking Community Relations Forum and Surrey Woman's Aid within the working groups for the Confidence programme, but has still to develop links with the wider community, for example through the Surrey Compact or an independent Advisory Group. It also needs to decide how best to build on the existing links established by the police with the Crime and Disorder Reduction Partnerships (CDRPs) in Surrey.
15. The area has an effective partnership with the National Association for the Care and Re-settlement of Offenders (NACRO). Representatives of NACRO attend a number of working groups, and the area is taking part in a Case Tracking and Monitoring project, led by NACRO, to examine the handling through the criminal justice system of cases with minority ethnic defendants.

### ***Victim and witness care***

16. Victim and witness care is an important contributor to public confidence. Although the treatment of victims and witnesses as a whole is consistent with standards elsewhere, there are aspects of performance which can be improved. The No Witness No Justice project aims to improve the care of victims and witnesses during the court process, but more work needs to be done on improving the liaison with victims and witnesses and the provision of services for victims during the investigation of a crime. Further work also needs to be done in the identification of witnesses who are suitable for Special Measures at court; the taking and use of Victim Personal Statements; and the communication of charge reductions or case discontinuances to victims.

### ***Arrest to first appearance at court***

17. The police and CPS have worked well together to implement a shadow pre-charge advice scheme in Surrey that provides weekday cover for all four charging centres. This has led to a significant rise in the proportion of magistrates' courts hearings covered by agents, although the risks attached to this appear to be properly managed. The Project Board had recognised that it needs to develop clear success criteria for the scheme, along with a set of performance measures that will enable effective evaluation. The police and CPS are also in the process of rolling-out the co-location of CPS units with the police administrators who service them. Both the co-locations that had taken place prior to the inspection – Staines Criminal Justice Unit and the Trials Unit at Guildford – were successful.

18. The provision of mental health services for prisoners prior to charge, and at court, are variable and need to be reviewed, to ensure that mentally disordered prisoners are not charged when more appropriate options are available - and if charged - are dealt with appropriately whilst in the custody of the court.

*First appearance to point of sentence*

19. A timely and good quality police file is the foundation for a well-conducted case that can be dealt with expeditiously. However, the current joint performance management (JPM) arrangements for police file quality and timeliness do not provide for a satisfactory joint mechanism to raise the quality and timeliness of police files. We consider that an analysis of the reasons for discontinued cases should also form part of the JPM mechanism. There may be advantages in combining this with the JPM of cracked and ineffective trials in the magistrates' courts, and using the Local Performance Groups as the forum for examining the related issues of police file quality and timeliness, discontinuances, and cracked trials.
20. The interaction of the systems and processes used by the criminal justice agencies in preparation for summary trial is being reviewed by the SCJB within the context of the Criminal Case Management Programme. A well designed pre-trial review (PTR) form and Case Progression Officers in the magistrates' courts are already in place, although the CPS does not have dedicated Case Progression Officers. Ineffective trials comprised 25.1% of all trials in 2003-04 (national average 28.9%) and cracked trials 30.7% (37.6%). There is joint performance management of ineffective trials and PYO cases in the Local Performance Groups. We consider this should be extended to include cracked trials and the timeliness of all trials, particularly at Guildford Magistrates' Court where there are significant delays. A key reason for ineffective trials is the failure of prosecution witnesses to attend. The No Witness No Justice project aims to improve contact with witnesses and reduce the number of occasions when they fail to attend. There is also scope for the CPS to improve the timeliness, and quality, of its summary trial preparation.
21. In Guildford Crown Court in 2003-04, 22% of trials were ineffective (national average 20.7%) and 29.2% cracked (38.3%). The preparation for trial by the prosecution is generally sound and timely, but the timelines with which trials are dealt with is poor. This is attributable to a lack of courtrooms, since the extension in 2000 of the catchment area for Guildford Crown Court to include cases committed for trial by Staines Magistrates' Court. Plans are well advanced to convert a courtroom at Guildford Magistrates' Court to allow for use by the Crown Court as well.
22. The Surrey Magistrates' Courts' Committee's Business Plan has a clear emphasis on the quality of service delivery and facilities, with accompanying Action Plans. By contrast, the Crown Court Improvement Plan does not have the same level of detail or action planning. Court facilities at both the magistrates' courts and the Crown Court are generally satisfactory, and sometimes good. There is an appropriate focus on customer satisfaction, and the treatment of court users - as observed by inspectors - was fully satisfactory. However, the Crown Court needs to provide a wider range of leaflets in languages other than English.

23. The use of Specific Sentence Reports (SSRs) is a way of avoiding unnecessary delay between conviction and sentence. However, the take-up in the magistrates' courts has been very low – 5% of all Probation reports in 2003 – but is now increasing. By contrast, the Youth Offending Team (YOT) was able to provide SSRs more frequently – 34% of YOT reports in 2003 were SSRs. Both Probation and YOT Pre-Sentence Reports were generally available by the date for sentence, although the quality of Reports prepared by the Probation Service needs to be improved.
24. The police are tackling the number of unexecuted warrants effectively.
25. Operational arrangements for the delivery of prisoners to court by the prison escort contractor are effective, and in the three months prior to the inspection, 97.6% of prisoners arrived at court before 9.30am. The treatment of prisoners by the escort contractors was good, but there is a need to certify the maximum number of prisoners that can be held in the cells at each court centre, to ensure that court cells do not become overcrowded. There is scope to make greater use of the prison–court video links where currently installed in the magistrates' courts.
26. We found the following **Good practice**:
  1. The objective at Staines Basic Command Unit of contacting each victim of a crime every seven days until the crime is finalised or a person is charged (paragraph 6.5).
  2. The development and use by police of a system of electronic referrals to Victim Support (paragraph 6.7).
27. We found the following **Strengths**:
  1. Highly effective performance in bringing offenders to justice (paragraph 3.4).
  2. The creation of a structure of Local Performance Groups to report to the Performance Sub Group (paragraph 4.15).
  3. The linking of CPS lawyers and police administrators at Staines CJU, so that cases are jointly owned from start to finish by the same lawyer and police administrator (paragraph 8.19).
  4. The high quality of overall service provided to court users in the magistrates' courts (paragraph 8.51).
  5. Good standard of treatment of prisoners by the prisoner escort contractor (paragraph 8.72).
28. We found the following **Aspects for improvement**:
  1. Consultation with Victim Support, the Witness Service and other victim support groups in the development of the full range of SCJB strategies and policies (paragraph 4.27).

2. The lack of progress in engaging staff in the development of the Confidence programme (paragraph 5.17).
  3. Identification by police of vulnerable and intimidated witnesses suitable for Special Measures at court (paragraph 6.14).
  4. Taking and updating of Victim Personal Statements and use of Victim Personal Statements in the magistrates' courts (paragraph 6.25).
  5. The quality of Pre-Sentence Reports prepared by Surrey Probation Service (paragraph 8.58).
  6. Court cells should be certificated by the Court Service for the maximum number of defendants who can be held (paragraph 8.69).
29. We made the following **Recommendations**:
1. The Performance Sub Group, with a view to promulgating best practice throughout each LPG, reviews:
    - \* the Terms of Reference for the LPGs; and
    - \* the performance and composition of each LPG (paragraph 4.17).
  2. The SCJB and its members ensure that Protocols are communicated to all operational staff affected, and that effective monitoring and evaluation measures are put in place (paragraph 4.35).
  3. The SCJB reviews the targets and actions within the Delivery Plan to ensure:
    - \* all actions and priorities have clear and measurable targets;
    - \* timeliness of trials in the magistrates' courts and Crown Court is addressed; and
    - \* a reduction in the number of cracked trials in both the magistrates' courts and the Crown Court (paragraph 5.9).
  4. The SCJB reviews its strategy for engaging with the wider community and engages more fully, taking advantage where possible of existing networks such as the Surrey Compact (paragraph 5.22).
  5. The SCJB completes the Communications and Marketing Strategy and makes it the head document covering all communication work; and
 

The SCJB produces a document that encapsulates its vision for itself in key messages that are easily understood by the general public and gives the Board a distinct identity (paragraph 5.27).

6. The SCJB and the Secure E-mail Working Group:
  - \* Review the business information priorities for secure e-mail;
  - \* Take steps to encourage fuller use of secure e-mail within criminal justice agencies;
  - \* Seek to engage the wider criminal justice community in the use of secure e-mail; and
  - \* Review the progress of local implementation towards achievement of the CJS Exchange scheme against the target date of March 2006 (paragraph 5.41).
7. The SCJB review liaison arrangements between the police and Victim Support and clarifies the types of referrals and standards of service by the police and Victim Support respectively (paragraph 6.10).
8. The CPS and the police, in conjunction with criminal justice partners:
  - \* Develop success criteria for the pre-charge advice scheme; and
  - \* Develop a comprehensive data collection package to evaluate the success of the scheme (paragraph 7.9).
9. The police and the CPS review the operation of police file quality and timeliness joint performance management and develop an effective joint mechanism for raising quality and timeliness (paragraph 8.7).
10. Local Performance Groups systematically analyse cracked trials attributable to the prosecution in order to identify trends and develop appropriate strategies to reduce the number of cracked trials (paragraph 8.26).
11. The SCJB reviews provisions for the diversion of mentally disordered offenders from police and court custody suites and considers a formal diversion scheme (paragraph 8.75).

The full text of the report may be obtained from the Corporate Services Group of HMCPSI (telephone 020 7210 1197), and is also available at:

[www.hmcpai.gov.uk](http://www.hmcpai.gov.uk)  
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