



RESPONSE BY THE PCC TO HMIC INSPECTIONS OF CLEVELAND POLICE

INSPECTION DETAILS

Title of Inspection

Combined response to:

- **Stop the Drift 2 – A continuing Focus on 21st Century Criminal Justice (June 2013) and**
- **Getting Cases Ready for Court – A joint review of the quality of prosecution case files by HMIC and HMCPSI (July 2013).**

Date Inspection Published

June / July 2013

Type of Inspection:

- | | |
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| <input type="checkbox"/> Cleveland Specific | <input checked="" type="checkbox"/> National |
| <input type="checkbox"/> Follow Up | <input type="checkbox"/> Thematic |
| <input checked="" type="checkbox"/> Partner Inspection | |

Is Cleveland Police quoted in the Report?

- Yes No

EXECUTIVE SUMMARY OF REPORTS

Stop the Drift 2 – A continuing Focus on 21st Century Criminal Justice (June 2013)

Stop the Drift: A Focus on 21st Century Criminal Justice (October 2010) revealed a number of bureaucratic processes that kept officers in police stations longer than necessary, especially when dealing with people detained at police stations and processing case files for prosecutions.

Effective management and good quality record keeping generate good quality assessments of risk, particularly when suspects are detained at police stations. Getting the right information to the right person at the right time is therefore a vital function. Enabling police officers and staff to carry out that function efficiently and effectively, however, requires more than a review of the number of forms required.

The activities that support the preparation of good quality information have developed in a fragmented way, generating a considerable amount of paperwork at the expense of a slicker, more streamlined operation. The process of arrest to final disposal at court can be time consuming and complex to manage, with many agencies and professionals involved.

The object of the review was to consider how the quality of that information could be improved and then communicated efficiently throughout the life of a case without keeping police officers tied to the police station for prolonged periods of time or delaying the progress of the case through the courts.

Board Findings

- Providing visually recorded evidence in a format which was usable by the police, Crown Prosecution Service (CPS) and the court remains a persistent, chronic problem
- The introduction of 'super suites' with centralised custody management and dedicated prisoner handling teams has brought with it significant improvements to the custody process, but also some unintended consequences
- There was evidence of good relationships and regular communication between the police and CPS at strategic level, but this was not always reflected in practice on the ground
- low levels of compliance with well-known and long-established minimum standards in case preparation
- Although it is clear that progress has been made across the CJS, this review indicates that the police, CPS and the courts continue to operate as distinct entities

Force Response

All the police recommendations in Stop the Drift 2 are being driven through the Criminal Justice action plan that is delivered through the Criminal Justice Strategy Group. Stop the Drift 2 is discussed through the Local Criminal justice Board (LCJB) Efficiency Sub Group to capture partnership actions.

Getting Cases Ready for Court – A Joint Review of the Quality of Prosecution Case Files by HMIC and HMCPSI (July 2013).

An efficient criminal justice system is dependent upon the effective exchange of information between all the relevant agencies.

Nowhere is this exchange more important than in the context of the relationship between the police and the CPS when preparing a case for court. Effective management of the process of building a prosecution case file can improve the quality of the files, and keep the inevitable paperwork associated with the passage of a case through the criminal justice system to a minimum.

Both the CPS and the police share the objective of delivering a high-quality service to victims and witnesses, many of whom are vulnerable for various reasons. Sustained improvements in the quality both of prosecution case files, and of the procedures which support court hearings, will only be achieved through a commitment to maintain an unrelenting focus on the achievement of this common objective.

The introduction of the Director's Guidance on the Streamlined Process (DGSP) in 2008 was intended to reduce bureaucracy and enable financial savings, without having a detrimental impact on the efficiency or fairness of the overall trial process.

A review of the implementation of DGSP was carried out by the National Audit Office (NAO), Her Majesty's Inspectorate of Constabulary (HMIC) and Her Majesty's Crown Prosecution Inspectorate (HMCPPI) in May 2011. This report included conclusions that:

- an inconsistent approach by individual police forces, leading to variations in the quality of case files; and
- too much unnecessary information in the case files, resulting in wasted time for both police officers and CPS staff.

In our recent report, Stop the Drift 2, we examined a sample of case files in the magistrates' courts where the police had anticipated a guilty plea from the defendant. This found little evidence of any improvement since the NAO report was published.

This review builds on the work undertaken since 2011 by the National Audit Office, criminal justice inspectorates, and the joint CPS/police National Prosecution Team. It has focused on the quality of prosecution case files in respect of contested cases across six police forces (and their respective CPS areas).

Broad Findings

- Considerable lack of understanding amongst frontline officers of the importance and relevance of the information they are providing for the prosecution of alleged offenders
- Supervisors, who have the opportunity to check the quality of files and feedback to officers, are having little impact on standards
- The National File Standard (NFS) is interpreted as a requirement to comply with a particular set of forms, rather than the presentation of evidence
- A renewed focus on the quality of case file preparation, along with technological advances, should bring improvements to secure greater efficiency

Force Response

Cleveland Police recognises the issues outlined in the report and will be initiating activity to take the recommendations forward. The Deputy Chief Constable is leading on this work.

RECOMMENDATIONS FROM BOTH REPORTS & FORCE RESPONSE

Report Recommendation	Force Response
<p>The College of Policing should urgently review and improve the quality of police training in matters such as the substantive criminal law and criminal procedure, including the rules of evidence and the role of police officers and police work in the criminal justice system. Insofar as police officers lack sufficient training in and experience of the workings of criminal courts, that deficit should be remedied, so that police officers have a sound appreciation of what happens when cases proceed to court, and how evidence is presented and tested. That way, they will have a far better understanding of the critical importance of the work they do in the earliest stages of the criminal justice process. The quality of supervision of police officers should be materially improved, so that mistakes are rectified promptly, time and effort is saved in the preparation of cases, and the interests of justice are served. [<i>Recommendation 1 from Stop the Drift 2 & Recommendation 2 from Getting Cases Ready for Court</i>]</p>	<p>Cleveland Police and Steria will engage with the College of Policing to ensure that training delivered across Cleveland Police is correct</p>
<p>Police Forces, in order to improve file quality, should consider further training for police supervisors, perhaps delivered jointly with the CPS. This training should focus on the critical points raised in this report, with specific emphasis on ensuring that police officers accurately differentiate between key and non-key witnesses; understand how case papers need to be prepared and presented to improve the effectiveness of the prosecution; and limit file build to the required information</p>	<p>Cleveland Police and Steria will work with CPS, to provide local supervisor training.</p>
<p>ACPO and the CPS should consider amending the MG 3/5/6 forms, and if possible amalgamate one or more of them, in order to reduce the tendency to copy and paste from one form to another. [<i>Recommendation 3 from Getting Cases Ready for Court & Recommendation 4 from Stop the Drift 2</i>]</p>	<p>Will implement once available</p>
<p>ACPO and the CPS should urgently review the level of understanding among police disclosure officers and prosecutors of their respective roles and duties in dealing with the discharge of the duty of disclosure of unused material giving particular attention to:</p> <ul style="list-style-type: none"> ▪ identification of relevant material to be scheduled and distinguishing that from evidence in the case; ▪ accurately and clearly describing items on the unused schedules; and ▪ distinguishing appropriately between material that is truly sensitive, and other items that can safely be recorded on a non-sensitive schedule <p>[<i>Recommendation 4 from Getting Cases Ready for Court</i>]</p>	<p>Consider / review disclosure gap analysis in order to respond to the outcome of the joint ACPO/CPS review</p>

Report Recommendation	Force Response
<p>The CPS should reconsider their approach to the prioritisation of case file reviews, so that it is based on the date the case file is received from the police (rather than the trial date), in order to ensure that the police have sufficient time to complete prosecution actions. [Recommendation 5 from <i>Getting Cases Ready for Court</i>]</p>	<p>Not Applicable</p>
<p>The National Policing Business Area should prioritise the move from the current digitisation of a paper process to a system where data are only entered once by police officers, and then transferred to the CPS/courts as needed. Forces should place greater emphasis on the quality of information contained in case files. [Recommendation 6 from <i>Getting Cases Ready for Court</i> & Recommendation 6 from <i>Stop the Drift 2</i>]</p>	<p>Cleveland Police will place greater emphasis on the quality of information contained in case files.</p>
<p>The Criminal Justice Efficiency Programme Board should:</p> <ul style="list-style-type: none"> ▪ urgently review arrangements for the electronic transfer of visually recorded evidence between police and the CPS, to ensure the use of hard copies and downloaded still pictures are minimised [Recommendation 7 from <i>Stop the Drift 2</i>]; ▪ review the National File Standard to ensure that it is not framed as compliance checks on the submission of particular forms, but becomes a driver for the improvement of the quality of information contained in case files that is fit for a modern criminal justice system; ▪ review the management and administration of witness care, and consider effective models for recording and preparing the required information for use by the prosecution and the courts when setting dates for trial; ▪ reinforce and clarify the process by which both the CPS and police report IT-related issues that mitigate against the effective use of the interface between the two agencies such as the document naming arrangements; and ▪ review existing arrangements that contribute to the tendency to scan documents (especially those which originate in an electronic format) for transmission to the CPS. <p>[Recommendation 7 from <i>Getting Cases Ready for Court</i>]</p>	<p>Not Applicable</p>

Report Recommendation	Force Response
<p>ACPO should review existing guidance on the use of split-screen CCTV in custody areas to monitor vulnerable detainees in their cells, to ensure that risk is being assessed properly and custody staff are empowered and required to use this facility where appropriate (thereby reducing the need for one-one monitoring by officers). [<i>Recommendation 2 from Stop the Drift 2</i>]</p>	<p>Cleveland Police have CCTV cell monitoring in all our cells fed to split screen monitoring. We also have corridor and some specific rooms monitored in the same way across the Force.</p> <p>It is rare that we need to give one to one cell monitoring however this is provided following a Custody Sergeant's risk assessment.</p>
<p>Forces should review their arrangements with local authorities to ensure that vulnerable adults and children are appropriately accommodated (this relates to the use of section 136 of the Mental Health Act 1983, and to cases where children/young people are denied bail and continue to be detained in police cells after charge). [<i>Recommendation 3 from Stop the Drift 2</i>].</p>	<p>Section 136 arrangements and partnership work is ongoing as detailed in the HMIC report 'Criminal Use of Police Cells'.</p>

Force Response Provided By: Deputy Chief Constable Iain Spittal & Chief Inspector Mick Williams

PCC RESPONSE TO INSPECTION

Comment by the PCC:

Both the *Stop the Drift 2* and *Getting Cases Ready for Court* reports contain overarching recommendations for the police and criminal justice partners which in turn will enhance case file quality and protect vulnerable adults and children whilst in custody.

With the training system being re-evaluated by the College of Policing, police officers will further understand what happens when cases proceed to court, and how evidence is presented and tested - this in turn will improve the way the police process offenders and related information, if a case goes to court.

I will continue to monitor progress of the implementation of recommendations with my criminal justice counterparts via the Local Criminal Justice Board.

The PCC will monitor the implementation of recommendations via quarterly updates of the Risk, Audit & Inspection Monitoring Board.