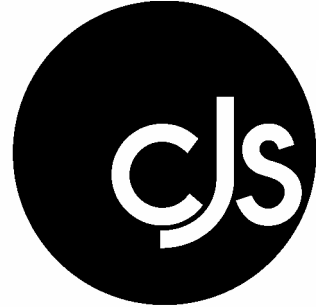


**STAFFORDSHIRE
CRIMINAL JUSTICE BOARD**

Criminal Justice System: working together for the public



Criminal Case Management Programme

Local Framework Summary Document

INTRODUCTION

The Criminal Case Management Programme is important work that will assist Staffordshire to deliver our key CJS targets. The Programme will be focused on ensuring that the whole of the criminal justice process is effective from arrest to disposal, rather than improving the separate stages of the process in isolation from one another. It comprises of three key components – pre-charge advice, the Effective Trial Management Programme and the ‘No Witness No Justice’ Programme. Each supports the drive towards Narrowing the Justice Gap. The aim of the Criminal Case Management Programme is to join up the improvements being made across different agencies, ensuring a coherent and more co-coordinated approach to criminal case management and minimising any duplication of effort.

One key component of the Criminal Case Management Programme – the Effective Trial Management Programme - was initially piloted in 5 test areas (Bedfordshire, Essex, Greater Manchester, North Wales and West Midlands) and is now in the process of being rolled out nationally. The principal of Effective Trial Management Programme is that all CJS agencies and partners strive to deliver effective and rigorous case management.

The Effective Trial Management Programme (ETMP) will improve case preparation and case progression and will ensure that cases are managed effectively between charge and disposal, which will result in fewer ineffective trials and improved local performance.

The ETMP Local Implementation Team (LIT) consists of local representatives from the CPS, the Police, the Magistrates' Court and the Crown Court, who have jointly developed a framework document that provides details of the changes required to ensure that improvements to performance are realised locally. The Senior Responsible Officer working on behalf of the LCJB has supported the team throughout this process.

The LIT wrote to the Midland and Northern Circuit Leaders, Heads of Chambers in Birmingham Manchester and Stoke on Trent and the Presidents of the local Law Societies, introducing and outlining the principals of ETMP and seeking their views. Regrettably there were no responses.

This summary is designed to provide an overview of the local framework. The Local Implementation Team envisages that the framework document will evolve and that minor amendments may be required as progress is monitored and evaluated.

The “Criminal Case Management Framework”

What is it?

Put simply the Framework is a guide. It provides operational practitioners with guidance on how cases might be managed most effectively and efficiently from pre-charge through to conclusion. It describes case management procedures and the roles and responsibilities of administrative staff operating those procedures, and of the defence. It also sets out the expectations of the judiciary. The Framework is also being closely aligned with the Criminal Procedure Rules 2005.

The local Framework covers adult cases and only those cases prosecuted by the CPS.

Staffordshire Local Framework

The Local Framework is the key output of the customisation process and is the document used to rollout ETMP in each local area. It reflects local needs whilst fulfilling the requirements of the Criminal Case Management Framework and is built on current local processes and protocols.

The Local Framework Proposal

Key business changes to be introduced

PRE CHARGE

- 1 A Centralised custody unit will open in the north in the summer of 2005.
- 2 The report for summons route will only be taken for offences carrying a power of arrest if authorised by an Inspector (or above).
- 3 Officers inheriting enquiries will become OICs unless line managers direct otherwise
- 4 CPS will introduce statutory charging as soon as there are sufficient experienced lawyers, in the meantime the shadow charging scheme will continue.
- 5 The OIC will refer the file to the appropriate police supervisor, who when satisfied that the investigation has been fully completed will instruct the OIC to present the file to CPS for a charging decision where a duty prosecutor scheme is in force, or to charge where it is not.
- 6 At the time of investigation the witness' needs and risk assessment, together with special measure implications will be addressed. Referral to No Witness No Justice Units will be made pre-charge in appropriate cases

POST CHARGE

- 7 All recommendations relate to improvements to current practices or will be influenced by the pre change recommendations.

MAGISTRATES COURT

First Hearing (guilty cases)

- 8 The court will proceed, wherever possible, to sentence guilty pleas on the first hearing.
- 9 There will be priority use of interview facilities for solicitors instructed on the day or taking late instructions.
- 10 Solicitors will give an indication as to the expected progress of case prior to the hearing.
- 11 Court Chairman will use standard wording when informing defendant of consequences of entering late guilty plea.
- 12 SPA will provide sufficient resources to be able to complete same day reports when required.
- 13 Local SLA will be agreed between CPS and SPA with regards to provision of CPS papers.
- 14 Defence solicitors will be in position to mitigate upon entry of guilty plea(s) in all cases.
- 15 All adjournments will be kept to the absolute minimum period required in order to progress the case at the next hearing. The local service level agreement will be revoked in respect of the "14 day adjournment" period.

- 16 All parties will be in the courtroom for 9.30am prior to a 10.00am start. Late attendance will be monitored and persistent lateness will be reported to the appropriate authority/line management.
- 17 NWNJ will ensure that all victims and witnesses are notified of changes of charge, results of all hearings in all cases. NWNJ to provide targets when established.

First Hearing (not guilty cases)

- 18 The introduction of Statutory Charging and other criminal case management framework proposals recommended within this document will enable greater flexibility in determining the appropriate period of adjournment to a PTR Court ensuring an effective pre-trial hearing at the earliest opportunity.
- 19 Legal Adviser PTR courts will be scheduled at each venue to meet the total capacity of all NG cases. The number of cases to be listed will be decided following consultation between the Court and CPS. Additional PTR courts will be introduced if required following consultation with CJS partners.
- 20 All defendants will attend PTR hearings (including those held for Newton hearings and special reasons). Defence will ensure early disclosure of documents and provide sufficient copies together with names of witnesses they wish to rely on.
- 21 Legal Advisers / Magistrates will set Directions capable of being achieved by the parties / police, acting efficiently, and which allow a reasonable time for experts to complete and file their reports etc.
- 22 Each ERO will have access to EQUIS/LIBRA to allow individual case tracking.
- 23 A new Force Policy will be issued instructing OICs to include the unused material schedules, once the file is recognised as an EAH or Crown Court case.

Committal or Sending to the Crown Court

- 24 Consideration will be given to streamlining duplication of processes and file handling and use / cross-use of IT. It is recommended that all the processes concerned with sendings, committals and appeals be consolidated within one court office (preferably in both Crown Court offices). This should allow the reallocation of at least one post for additional case progression in the Magistrates Courts administrative centres at Stafford and Fenton. Detailed consideration of processes and procedures will need to be considered by a working group.
- 25 A defendant who elects trial on indictment will be informed by the court that he may be permitted, at any time before committal, to indicate a guilty plea, and that he will receive such credit as the court may deem appropriate in all the circumstances
- 26 Magistrates will commit cases for sentence to an unspecified date at the Crown Court. Crown court listing officers will fix and notify parties of the first hearing date for cases committed for sentence by the magistrate's court.
- 27 On committal for sentence, CPS will pilot the provision of brief outline of prosecution case to the Crown Court in place of typed statements and short descriptive note.

CROWN COURT

Automatic Directions

28 Where there is an indication of a guilty plea in indictable only cases and those cases committed for trial, prior to the PDH/PCMH date the LO will seek judicial intervention with a view to vacating that date and refixing for a plea/sentence date when reports are available.

Plea and Directions

29 The area will not be implementing non-oral Plea and Directions Hearings at present unless initiated by the Judiciary.

30 Section 172 Criminal Justice Act 2003 will be applied where appropriate (regarding reduction in sentence for a guilty plea.)

31 Sanctions for non-compliance of Directions and lack of general preparation to progress a case will be addressed at the time with penalties imposed at the earliest opportunity. Consistency in the robust enforcement of Directions will be agreed amongst the Judiciary

32 Data of non compliance with The Lord Chief Justice's Practice Rules 31.7.1995 to be collated reviewed and evaluated to allow Resident Judges to be made aware of firms who persistently fail to comply with the rules

READINESS ASSESSMENT

33 All cases whatever the plea will be case progressed in accordance with CCMF. The defence will ensure there is a person responsible for the discharge of the case progression functions outlined in the CCMF.

Magistrates Court

34 A prosecutor, on reviewing the file prior to the first hearing will complete a "Directions Notice: Plea of Not Guilty Entered" with the directions s/he considers to be appropriate, specifying a reasonable period for compliance. On a not guilty plea the court will hear representations from the defence, and will then issue either the Directions Form as submitted or as amended

35 Primary (Initial) Disclosure will occur at least 7 days prior to PTR. All expedited files where all offenders do not fully admit all charges, will be received in the CJSU with disclosure fully addressed and schedules completed. Schedules and copy documents will be attached to all full files sent to CPS in compliance with JOPI.

36 Where it is intended to submit a defence statement this will be lodged within 14 days of receipt of primary (initial) disclosure or as otherwise legislated for. Courts and legal advisers will be robust in considering late application for items of unused material where the correct procedure has not been followed by the defence.

37 The court CPO will have delegated authority to amend a direction which is not complied with, unless the trial date will be effected when the court CPO will call a case progression hearing.

38 There are a number of recommended improvements to directions made at pre trial review hearings.

- 39 Negotiations between the parties about a plea to an alternative charge, amended charge, or plea on an agreed basis, will be fully explored and canvassed no later than the PTR date. Under normal circumstances
- 40 negotiations will not take place on the day of trial, unless justified by reason of further information not known prior to the trial date
- 41 All trials will be discussed at the trials check meeting which is held at least 10 days before the commencement of the trials week.
- 42 The Court will avoid the over listing and double listing of trials. All parties will ensure time estimates are accurate and any circumstance likely to effect the estimated time will be notified to the Court CPO within 3 working days of the circumstance arising.
- 43 Parties will provide, a minimum of 14 days in advance of the trial hearing, skeleton arguments for any points of law they wish to adduce at the trial.
- 44 On late guilty pleas Magistrates will consider costs against the defendant to reflect the wasted preparation time and witnesses attendance at court.

Crown Court

- 45 A Secondary Review will be completed by CPS owning lawyer within 7 days of PDH/PCMH, confirming that there are no outstanding evidential/disclosure issues and that the view of counsel in the BS2 is in accordance with the lawyer's view of the case. Any outstanding issues will be raised by way of email memo to ERO.
- 46 The Directions Diary will be put on CPS public drive for access by owning caseworker and lawyer. Directions will be put into diary by admin staff on post court updating. Caseworkers will have responsibility to ensure actions are updated on diary. In case of difficulties/non-compliance caseworkers will have responsibility to liaise with CPS CPO who will then have responsibility for liaising with other CPOs, and court to resolve issues. Defence will also notify court CPO of failures to comply and where directions cannot be met.
- 47 Before the weekly case progression meetings there is a system for the owning CPS lawyer and caseworker to indicate the trial readiness, by completion of a trial readiness check form, and for the lawyer to take realistic decisions as to the viability of the case. CPS Unit Heads to review lawyer performance in this area and take appropriate action to ensure compliance with trial check needs.
- 48 A CPS lawyer and court legal advisor will be on standby to make decisions on issues arising from the CPO trial readiness review meetings. The readiness status of each file will be marked on the files.
- 49 The purpose of the Trials Check Meeting should be re-affirmed to the prosecution team as a final check to ensure all work has been completed, not a first review of the situation since PDH/PCMH.
- 50 The defendant will be required to attend all hearings, unless otherwise judicially ordered. OICs and victims will be contacted before the PTR where consideration is to be given to alternative acceptable pleas.

ALL CASES

Case Progression function (including roles and responsibilities)

- 51 Case Progression will be applied to guilty and not guilty cases, special reasons and Newton hearings.
- 52 Court CPO involvement in not guilty cases will commence from the point of entry of the plea. Further Court CPOs will be appointed, if required, to ensure completion of required tasks. Court CPOs will be appointments to the Legal staff answerable to Area Legal Managers and ultimately answerable to the Clerk to the Justices and Director of Legal Services.
- 53 CPS will appoint two full time CPOs in each Branch, one nominated to deal to deal with Magistrates and the other with Crown Court work. The police will appoint two full time CPOs, one based in the north and the other in the south of the county to cover both Magistrates and Crown Court files.
- 54 The newly appointed full-time Police CPOs will work in conjunction with the CPS CPOs, and will monitor the progress of requests made by EROs / CPS to the case officer. Responses, or lack of, by the OIC will be communicated to the CPS and Court CPOs. The Police and CPS CPOs role will commence from date of not guilty plea, which should be at first hearing.
- 55 The Police and CPS CPOs will be based within the CPS offices in the north and south. The information sharing that will occur by this co-location of the CPOs with each other, and at the same site as NWNJ units, will dramatically improve the efficiency of the prosecution team. It is proposed that the line management of the police CPO will remain with the police. An IT link to police systems will be provided for use by the police CPOs at the CPS offices.

Magistrates Court Files

- 56 All agencies will establish systems to ensure that their CPO will be notified of Not Guilty pleas within 72 hours of pleas being entered.
- 57 Only proactive Legal Advisers, who demonstrate a robust attitude in securing and encouraging parties to be ready to fix a trial at the earliest opportunity, will be selected to take PTR courts for a continuous period of three months. CPS will make a similar commitment.
- 58 All CPOs will attend PTR courts.
- 59 Court Administration Managers will implement a system ensuring the effective case progression of guilty pleas by monitoring the availability of any required reports (PSRs, medical reports, DVLA print-outs), other actions required by the court at previous hearings and dealing with correspondence which may render the adjourned hearing to be ineffective
- 60 To facilitate any appeal to the Crown Court CPS to retain all NG trial files for 28 days after final hearing before sending original statements/exhibits to CJSU. To safeguard unused material Police archiving not to be scheduled to occur before 28 days from final hearing in Magistrates Court and receipt of CPS file.
- 61 CPS to hold TPO files for 28 days from final hearing in the magistrates court before returning them to TPO.

Crown Court Files

- 62 Crown Court CPO / Listing Officer will monitor committals for sentence from the date a case is committed from the Magistrates Court.
- 63 Crown Court CPO will have case progression responsibilities commencing from date of notification of a case committed for trial or sent cases.
- 64 The listing questionnaire will be handed to the defence at the time the case is sent from the Magistrate's Court.
- 65 CPS and Police CPOs will be involved in case progression from the date of committal.
- 66 CPS to ensure that where notification of a guilty plea is received that this is sent to ERO by email, within 2 working days of the plea being deemed acceptable.
- 67 Before the weekly case progression meetings there is a system for the owning CPS lawyer and caseworker to indicate the trial readiness, by completion of a trial readiness check form, and for the lawyer to take realistic decisions as to the viability of the case. A CPS lawyer will be available during the meeting to make decisions on issues arising during the meeting. Lawyer performance in this area to be monitored by CPS Unit Heads
- 68 Following the Trial Readiness Check Meeting outstanding police actions will be transferred to a database accessible to all CJSU staff, and there will be a monitoring or chase system in place to confirm the actions have been taken. The CPOs will action the issues themselves via the force tasking system or telephone, and report back to CPS via a form MG20, and advise the EROs of actions taken. An update concerning outstanding queries will be made within 24 hours of the meeting
- 69 The initial point of contact for the Courts will be the CPS CPO

DEFENDANT MANAGEMENT

- 70 The Magistrates Court will remind defendants of the date of trial. A reminder letter, text message or email will be sent to the defendant by the court administration two weeks prior to the trial date. No later than seven days before the trial date, the defendant's solicitor will remind the defendant of the trial date and request the defendant's confirmation that s/he will attend the trial.
- 71 Defendants will be warned by the Magistrates' Court at the PTR hearing that it is his / her responsibility to ensure they remember and attend the court on the date fixed for the trial and that failure to attend without an acceptable explanation will result in the trial proceeding in the defendant's absence. Where police witnesses are present at court, they may be directed to make enquiries to ascertain the defendant's whereabouts.
- 72 Defence statements will be filed within 14 days of service of disclosure documents under CPIA. Where defence statements do not allow proper consideration of secondary disclosure, prosecutors will seek sanctions if this subsequently results in late requests for disclosure and delays to trials.
- 73 Defence solicitors will make applications where appropriate for Special Measures for vulnerable witnesses no later than at PTR in the Magistrates' Courts and PDH/PCMH at the Crown.

- 74 Defence solicitors will take all necessary steps to ensure that the next hearing is effective, by maintaining client contact, obtaining medical or other reports any character references promptly, and issue warnings of the consequences of unjustifiable late or non attendance at court and failure to keep appointments with them and SPA.
- 75 Defence solicitors will keep the defendant informed of sentence hearings in writing with oral confirmation
- 76 Where necessary the LO will have responsibility to list PTRs before the trial date to ensure that the case is trial ready, and that the defendant will maintain a not guilty plea. The defendant will be required to attend all such hearings.

PERFORMANCE MANAGEMENT

- 77 Statistics on guilty plea and not guilty plea rate at first hearing will be collated and shared amongst LCJB members with a view to measuring success of ETMP proposals.
- 78 In the Crown Court due to the importance of trial estimate accuracy, there should be a system to monitor the time estimate given at PDH/PCMH against the actual trial length, and the data collected should be analysed and emerging trends considered.

OTHER

- 79 A working party will be established to review current practice by all agencies with regard to exhibits and original statements
- 80 Magistrates to be rostered to sit for 2 days at a time, to reduce delay in listing longer appeals.

IT

- 81 Throughout the Framework document recommendations have been made for the increased use of email e.g. Special Measures, lodging of indictments and general communication. CJIT has not been taken up by defence or counsels chambers which limited expansion in this area.

ROLL-OUT STRATEGY

- 82 Some of the recommendations have been adopted by agencies since the sub-group commenced its review in October of last year. Other recommendations are dependent on factors which individual agencies will have to consider in the light of the Board's decision as to which recommendations can and should be adopted. Individual agencies will have to consider and submit a timetable of achievable implementation to the Board by a date acceptable to the Board.

LOCAL PROTOCOLS

- 83 Changes to local protocols and SLAs have been identified within the report and highlighted above.

RESOURCE ISSUES

The resources needed to achieve this are:

- 84 Processes concerned with sendings, committals and appeals will be consolidated within one court office (in both Crown Court offices) to allow the reallocation of at least one post for additional case progression in both Magistrates Courts administrative centres at Stafford and Fenton.
- 85 A sufficient number of Circuit Judges should be provided to deal with PDH/PCMHs at both court centres.
- 86 Funding to be sought for installation of a Prison Video Link facility at the Crown Court at Stafford.
- 87 The police CPOs should be full time posts
- 88 CPS, unlike other agencies, is not funded for CPOs, but 2 further CPO posts are required in the recommendations.

TRAINING AND DEVELOPMENT REQUIREMENTS

- 89 The importance of ETMP and the importance of their individual contribution to effective trial management will be explained to all staff by all agencies. Job descriptions and processes will be amended to incorporate the impact on roles and responsibilities.

In addition some agencies will have further requirements:

Police

- 90 The Greater Manchester Police project will be adopted to ensure all operational Sergeants and Inspectors are provided with learning material prior to taking an examination in offence investigation/file preparation that shall carry a pass or fail.
- 91 Impact of statutory charging will necessitate training particularly custody sergeants.
- 92 Impact of NWNJ

Crown Prosecution Service

- 93 Impact of statutory charging
- 94 Impact of NWNJ

All CPOs

- 95 All CPOs will receive basic training in criminal case management that will be arranged as a joint event by the agencies involved.

COMMUNICATION ACTIONS

- 96 Communication strategy to be collectively considered by communications officers from each agency.