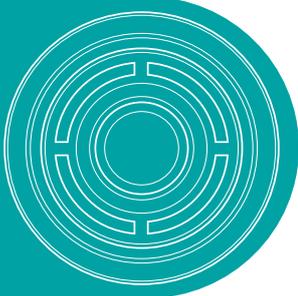




**AN INSPECTION OF THE QUALITY
AND TIMELINESS OF POLICE FILES
(INCORPORATING DISCLOSURE)
SUBMITTED TO THE PUBLIC PROSECUTION
SERVICE FOR NORTHERN IRELAND**

November 2015





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Laid before the Northern Ireland Assembly under Section 49(2) of the Justice (Northern Ireland) Act 2002 (as amended by paragraph 7(2) of Schedule 13 to The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010) by the Department of Justice.

November 2015





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List of abbreviations

ACC	Assistant Chief Constable (in PSNI)
ACPO	Association of Chief Police Officers
CJB	Criminal Justice Board
CJDG	Criminal Justice Delivery Group
CJI	Criminal Justice Inspection Northern Ireland
CMS	Case Management System (in PPS)
CPIA	Criminal Procedure and Investigations Act 1996
CPS	Crown Prosecution Service (in England and Wales)
CPT	Case Progression Team (in PSNI)
DIR	Decision Information Request (issued by PPS)
DoJ	Department of Justice
ECHR	European Convention on Human Rights
HMCPPI	Her Majesty's Crown Prosecution Service Inspectorate
HMIC	Her Majesty's Inspectorate of Constabulary
IO	Investigating Officer (in PSNI)
IT	Information Technology
MoU	Memorandum of Understanding
NFS	National File Standard
NICHE	NICHE Technology Inc.® is the company which provides computerised records management systems used by the PSNI
NICTS	Northern Ireland Courts and Tribunals Service
NICS	Northern Ireland Crime Survey
OCMT	Occurrence Case Management Team (in PSNI)
PACE	Police and Criminal Evidence (Northern Ireland) Order 1989
PDIR	Post Decision Information Request (issued by the PPS)
PfG	Programme for Government
PPS	Public Prosecution Service for Northern Ireland
PSNI	Police Service of Northern Ireland
RIPA	Regulation of Investigatory Powers Act 2000
SID	Service Improvement Department (in PSNI)
SLA	Service Level Agreement



Chief Inspector's Foreword

Detecting crime and securing the necessary evidence to bring offenders to justice is a fundamental priority for the Police Service of Northern Ireland. Preparing a prosecution file that can be considered and directed upon by the Public Prosecution Service for Northern Ireland is the next critical step in the delivery of criminal justice.

If the file is incomplete or is not coherent in either content or presentation, it has to be returned for further enquiry and the case is avoidably delayed or discontinued. When this happens, as it does all too often, the confidence of victims and witnesses in the criminal justice system is reduced.

The statutory duty placed on both the police and prosecution to disclose material which may be of assistance to the defence has become germane to achieving a fair trial. When it goes wrong, it can have significant consequences for both the police and prosecution service but more importantly, justice is denied.

The inspection findings in respect of quality and timeliness were unsurprising and these

concerns have been highlighted in previous Criminal Justice Inspection Northern Ireland reports. The file review conducted as part of this inspection indicates that disclosure is only dealt with satisfactorily in less than a quarter of Crown Court cases. This is totally unacceptable.

The key to changing this situation lies in a more collaborative approach between Police Officers and Prosecutors. A new working relationship needs to deliver on a range of improvements such as agreed file standards, pre-charge advice, earlier guilty pleas, improved IT systems, communication and disclosure duties.

These are testing times for both the Police Service and the Public Prosecution Service and the significant pressures on both organisations



to deliver their respective service with fewer resources, will only increase in the foreseeable future. Doing the same with less is not an option and the quest for new approaches to deal with long standing inefficiencies, while improving the user experience, must be pursued.

This report, while negative in its overall assessment of current performance, could become the stimulus for transformational change. I am heartened by the response of the leadership of both the Police and the Prosecution Service to our recommendations and believe the Prosecution Team approach, now being advocated by both organisations, will reduce avoidable delay, improve the quality of prosecution cases, and increase compliance to the statutory duty around disclosure. Criminal Justice Inspection will play its part by working with the Project Board established to help deliver these improvements.

This inspection was conducted by Derek Williamson and David MacAnulty from CJI and John Holt, a retired Chief Prosecutor from the Crown Prosecution Service in England and Wales. My sincere thanks to all who supported their work.

Brendan McGuigan
Chief Inspector of Criminal Justice
in Northern Ireland

November 2015

Criminal Justice Inspection
Northern Ireland
a better justice system for all



Executive Summary

The timeliness and quality of case files submitted by the Police Service of Northern Ireland (PSNI) to the Public Prosecution Service for Northern Ireland (PPS), including dealing with matters of disclosure, are essential components of the delivery of efficient and effective justice.

The majority of cases proceed without significant concern and result in the outcome of conviction and sentence. However, in still too many instances the case file is not submitted either in a timely way, or to acceptable standards. A review of files during the inspection found that 67% were assessed as either satisfactory or good. However, one third were judged as either unsatisfactory or poor. In terms of timeliness, evidence demonstrated that the majority of case files are presented within administrative targets. Yet, once again significant proportions of case files do not meet targets. Around 26% of adult summary case files, 34% of youth cases and 58% of indictable files failed to meet these targets in 2014-15 (to mid February 2015).

The inspection found a range of operational barriers to timely, quality files including:

- the absence of common agreed standards and measures;
- a lack of knowledge and understanding among numerous Police Officers of organisational and other processes, particularly in the area of disclosure;
- weaknesses in the quality assurance and supervision of case files;
- systems and processes including the use of electronic (or IT) systems which did not optimise the review, supervision and transfer of files; and
- targets and measures in use tended to conflict with the aim of quality case files.



The primary responsibilities to address the underlying issues rest with the PSNI, but its efforts need to be supported by more transformational change across the criminal justice system. The PSNI needs to give the issue of file quality much greater priority and co-ordinate this with other strategic initiatives and broader cultural change. This includes staff proficiency, together with visible and effective links with performance management. Equally, the PPS must make clear – and justify – its expectations about file quality and ensure that they are applied consistently by all Prosecutors. It must also continue to engage meaningfully with the police on a range of issues and provide relevant support.

The problems surrounding file quality and timeliness have been present for some time. Progress is being made and is welcome, but it has been recent and modest given that many of the core issues have continually been highlighted by Inspectors in previous reports. The PPS had formally acknowledged the need for change and was embarking on significant joint work with the PSNI to address many of the issues raised during the course of inspection.

Among the matters critical to success is the need to cement the interdependent relationship between the PSNI and the PPS. This should be supported by a clear joint statement of intent by the PSNI and the PPS with clear governance frameworks, together with agreed objectives and outcomes.

In terms of the criminal disclosure process, the inspection found there was a differential application of guidelines across the entire justice system. Notable weaknesses in the police delivery of disclosure were also apparent with disclosure dealt with satisfactorily in only 23% of Crown Court cases reviewed. This finding was supported by contacts with a range of Officers which indicated important knowledge gaps. A separated and independent approach by the PSNI to disclosure in some serious cases, also presents challenges. Overall, there is a pressing need to raise disclosure standards across the PSNI and establish a new central disclosure unit. Along with the correct level of support from the PPS, this should: act as a centre of excellence for the PSNI; afford direct oversight to the management of key cases; and provide for a more consistent and clear application of disclosure.



Strategic Recommendations

1

The PSNI and the PPS should immediately establish a 'Prosecution Team' which will work collaboratively to deliver a Joint Transformation Programme to deal with investigative standards, bail management and forensic strategy, case management and disclosure. Governance and accountability should rest with an Assistant Chief Constable together with a Senior PPS Director (paragraph 2.21).

2

The Prosecution Team should scope and deliver new protocols on:

- early prosecutorial advice (PSNI requests/PPS responses);
- PSNI decision-making and PPS pre-charge advice; and
- proportionate case-file building based on agreed evidential, technical and presentational standards.

This should be delivered by December 2016 (paragraph 3.34).

3

The PSNI, under the governance of the Prosecution Team, should develop and deliver organisational investigative standards, investigative bail management rules and an effective forensic strategy. This should be delivered by December 2016 (paragraph 3.34).

4

The Prosecution Team will scope and deliver an Information Communications Technology action plan for both organisations that will focus on the preparation, presentation and timely submission of proportionate and quality PSNI case files. This should be delivered by December 2016 (paragraph 3.38).

5

The PPS will provide the PSNI with guidance on Disclosure. The PSNI will scope and deliver a new central Disclosure Unit and enhance the skills of operational Police Officers on the subject of disclosure. A timetable for the delivery of the central Disclosure Unit should be provided to CJJ within one month of the publication of this report (paragraph 3.52).

6

The Prosecution Team, at an early stage of project management, should develop a Joint Performance Framework to govern and measure the effectiveness of new protocols and procedures. This should include the setting of performance indicators and outcomes on file quality and disclosure (paragraph 3.61).



Inspection Report



Introduction

- 1.1 This report examines the quality and timeliness of case files sent by the PSNI for consideration of prosecution to the PPS. Where a prosecution is initiated, it also examines the process of proper disclosure of unused material to the defendant, which is an essential element of the prosecutorial process governed by law.¹ Throughout this report, comment on the quality of case files is used in its broadest sense and incorporates fitting attention to matters of criminal disclosure.
- 1.2 The inspection coincides with another Criminal Justice Inspection Northern Ireland (CJI) inspection on how the criminal justice system deals with volume crime. Inspectors found significant overlap in how the PSNI deals with volume crime and the area of file quality and timeliness. While the former report deals predominantly with the strategic policies and approach to the investigation of volume crime, this report examines the next stage of those processes: the preparation of case papers with a view to prosecution.
- 1.3 A number of CJI reports have referred to the quality of case files, for example, on avoidable delay.² In addition, the Director of Public Prosecutions in Northern Ireland has publicly criticised the quality of case files.³ This inspection seeks to evaluate the position in keeping with the inspection aims which are included in the terms of reference at Appendix 2.
- 1.4 The report examines three core and inter-linked issues of timeliness and quality of files, including how the obligations of criminal disclosure are met in case files forwarded to the PPS. It concentrates on the process of disclosure under the Criminal Procedure and Investigations Act 1996 (CPIA) and excludes the separate and distinct processes surrounding coronial disclosure. The methodology of the inspection was focus groups, discussions and interviews with the PSNI, the PPS, and a range of stakeholders and a file review. We acknowledge the file sample is statistically relatively small, however, combined with stakeholder interviews, CJI is confident that the collective report findings comprehensively reflect the relevant issues. Inspection fieldwork was conducted primarily between August and December 2014 and data used throughout this report reflects this, using data ending for the full year 2013-14 where possible. The full inspection methodology is set out at Appendix 1.

1 The Criminal Procedure and Investigations Act 1996.

2 Avoidable Delay, June 2010, Criminal Justice Inspection Northern Ireland and Avoidable Delay: A Progress Report, January 2012, Criminal Justice Inspection Northern Ireland.

3 See BBC report of 2 March 2012 available at: <http://www.bbc.co.uk/news/uk-northern-ireland-17226889>.

- 1.5 The PSNI is responsible for the investigation of the vast majority of criminal offences committed in Northern Ireland, while the PPS is independently responsible for the conduct of all criminal proceedings which are instituted. Each year the PPS receives thousands of case files from investigating agencies with the overwhelming majority coming from the PSNI. Table 1 indicates the numbers of case files received from the PSNI during the following periods.

Table1: Case files received by the PPS from the PSNI 2011-12 - 2013-14⁴

2011-12	2012-13	2013-14
51,173	47,919	45,569

The table indicates a decreasing number of files which, together with other matters should free capacity to address some of the issues of quality highlighted later in this report.

- 1.6 Preparing (or building) a quality case file for consideration of prosecution and the presentation of the evidence it contains in court, is a fundamental foundation of an efficient criminal justice system. In order to avoid delays and failures, it is critical that the collection, recording and presentation of evidence, together with the transfer of the case file, is timely, efficient and effective. The case file must be of sufficient quality to allow a decision to be taken as to prosecution. This enables the criminal justice system to function smoothly and helps ensure that the interests of justice are properly served. The timeliness and quality of case papers is also a vitally important component of meeting the needs of victims. However, there is a parallel need to ensure that justice is delivered swiftly in meeting the needs of users. This includes, where appropriate, streamlined systems.
- 1.7 Poor quality case files can have significant consequences in terms of the additional demands and costs they create. For Prosecutors a poorly presented case file can be more difficult to understand and takes longer to process, creating inefficiency. Ultimately, poor quality case files could lead to delays in the decision whether to prosecute or to adjournments as cases proceed through the courts. Such delays may in turn lead to injustice for victims or defendants and negatively impact on public confidence in the justice system. Proper disclosure to the accused is an inseparable part of a fair trial. Consideration of disclosure issues should be an integral part of a good investigation and therefore also part of the case papers. It is not something that exists separately.

⁴ Source: Public Prosecution Service for Northern Ireland.



Strategy and governance

- 2.1 The justice system in Northern Ireland is made up of a number of agencies who are responsible for its administration. The Minister of Justice is responsible for all aspects of the justice system, but does not have control of the judiciary nor of the PPS, which is a non-ministerial department with an independent Director. In addition, the PSNI is accountable to the Northern Ireland Policing Board and is operationally independent. This flags the complexity of a system where the Minister is on the one hand accountable, while many of the primary actors retain independence. This tension is replicated through the governance frameworks of the justice system and it is important to restate this in the context of broader governance.
- 2.2 In fulfilling its responsibilities the Department of Justice (DoJ) has seven commitments in the Programme for Government (PfG). They are:
 - substantially complete the construction of the new Police, Prison, and Fire Training College;
 - reduce the level of serious crime;
 - tackle crime against older and vulnerable people by more effective and appropriate sentences and other measures;
 - improve community safety by tackling anti-social behaviour;
 - improve access to justice;
 - actively seek local agreement to reduce the number of 'peace walls'; and
 - reform and modernise the Northern Ireland Prison Service.
- 2.3 Outside of the DoJ core Department, the fundamental governance structures of the justice system begin with the two over-arching mechanisms of the Criminal Justice Delivery Group (CJDG) and the Criminal Justice Board (CJB). The former is a group chaired by the Justice Minister and the latter is chaired by a senior official from the DoJ. Both incorporate the most senior members of the various agencies which together make up the Northern Ireland justice system. They include the PSNI, the PPS, the Northern Ireland Courts and Tribunals Service (NICTS) and others.
- 2.4 The specific role of the CJDG is to:
 - provide strategic oversight to the work of the CJB; and
 - consider the key strategic issues across the criminal justice system and agree shared priorities.

2.5 The CJDG has taken direct ownership for aspects of avoidable delay and, for example, recently commissioned work on Crown Court cases. This has led to a pilot project in one of the seven County Court Divisions (Ards). It was under-way at the time of writing and has scope to introduce some radical changes to how cases are progressed. Among other things it is piloting matters previously reported upon by CJI in respect of early guilty pleas,⁵ the reform of committals⁶ and incorporating streamlined procedures.⁷ CJI acknowledges the significant work involved to bring this pilot to this stage. It is vitally important that it is evaluated and the learning applied as widely and as swiftly as possible. In addition, the draft Justice Bill 2014 (*Faster, Fairer Justice*) includes measures to:

- reform the committal process;
- encourage earlier guilty pleas;
- introduce prosecutorial fines;
- reform the summon process; and
- introduce statutory case management.

Proposals to consult on options for introducing Statutory Case Management were also approved, however, this has been challenging. These are all matters which will have an indirect impact on the subject area of this report.

2.6 At the time of inspection, a review of the CJB was underway and its future role was uncertain. Like the CJDG it has a direct role in the response to matters surrounding delay as a strategic priority, albeit at a more operational level.

2.7 Both of the above groups had been involved in matters of file quality through their work on faster, fairer justice and in particular surrounding delay. The *Faster, Fairer Justice* programme looks at ‘...how everyone in Northern Ireland has access to justice without undue delay, taking particular account of the needs of victims and witnesses.’⁸ The thematic priority for the DoJ states the programme is, ‘To promote faster, fairer justice through cross cutting policy, procedural and structural reforms.’

Underlying these high level intentions are two further relevant objectives which include:

- reduced case processing time; and
- an improved victims and witnesses experience.

2.8 In response to the 2010 CJI report on Avoidable Delay, the CJB implemented four work strands designed to address the main recommendations of that report. They were:

- governance and accountability;
- case preparation;
- case management; and
- youth cases.

The work strands most relevant to this report were those on case preparation and this group was jointly chaired by the PSNI and the PPS. Its intended focus was to be on improving a range of interface issues.

5 The use of early guilty pleas in the criminal justice system in Northern Ireland, Criminal Justice Inspection Northern Ireland, February 2013.

6 Ibid.

7 For example, the use of presumptive testing for some drugs cases.

8 Department of Justice website: <http://www.dojni.gov.uk/index/about-us.htm>.

PSNI Governance

- 2.9 The Policing Plan for 2014-17 sets out a number of areas which are relevant to this inspection. They include outcomes and targets such as improved confidence in policing (measured by a range of surveys), together with organisational efficiency and effectiveness. The most relevant outcome concerned the implementation of the Service First Operational Policing Model. In this respect the Policing Plan states, *'The implementation of a consistent case assessment process, coupled with consideration of community engagement factors, will result in investigative effort being focused most appropriately, maximising investigative outcomes and delivering efficiencies within core investigative functions. Using the most appropriate resource with the skills and capacity to investigate crime will improve investigative timelines. This will impact positively on customer satisfaction.'*
- 2.10 The targets and measures set out above are primarily the responsibility of the Territorial Assistant Chief Constable (ACC) in the PSNI, but also touch upon the work of the ACC Crime Operations Department. However, the ACC in charge of Service Improvement Department (SID) is responsible for the policies, procedures and governance surrounding these issues. The latter has no delivery role and does not command the resources for operational delivery with the exception of the Occurrence Case Management Teams (OCMTs). However, OCMTs play a central role in the operational management of the vast majority of case files, but they also have limited responsibility, and their accountability is more fragile given that operational staff, primarily in PSNI Districts, have ultimate responsibility. Consequently, there is an inevitable tension in respect of the structures of governance surrounding case file standards, with responsibility shared across a range of areas in the PSNI. In addition, Inspectors found there was no central co-ordination and accountability for management information and performance. There was also no single point of reference for performance in this area below the Deputy Chief Constable who is responsible more broadly for performance.
- 2.11 Historically the PSNI gave no strategic priority or definite focus to this area and it was viewed as business as usual. This is in contrast to the more visible approach taken by the PPS in its 2014-15 Business Plan. The PSNI however has become more engaged in recent times.

PPS Governance

- 2.12 The matter of the interdependent relationship between the PPS and the PSNI is dealt with primarily by the PPS' Management Board with a specific Programme Board, Programme Manager and joint project leads in respect of the police interface.
- 2.13 It is clear from the PPS Business Plan for 2014-15 that significant emphasis has been placed on the issue of police file quality and the ongoing relationship with the PSNI. In his introduction to the 2014-15 Business Plan the Director of the PPS signalled, *'I have implemented a new change initiative, the 'First Class Prosecution Service Programme'. Within this two-year programme a number of projects will be taken forward, focusing on key issues for the PPS and our stakeholders, such as: external communication; our relationship with the police; and the effectiveness of our structures and performance management arrangements'* The plan goes on, *'the Management Board [of the PPS] has identified a number of priority change issues which will be taken forward via four projects, as follows:*
- *Project 1: Faster, Fairer Justice;*

- *Project 2: Interface with Police;*
- *Project 3: Communication; and*
- *Project 4: Service Effectiveness.*

2.14 In addition, Four 'Strategic priorities' have been set out for the PPS. Those most relevant to this inspection are:

Priority 1: *Delivering an efficient and effective prosecution service.*

Its objectives are:

- *to promote the highest standard of prosecutorial decision-making and case preparation and prosecute in the most effective manner;*
- *to work with partners to improve our service delivery and reduce avoidable delay; and*
- *to develop and embed our advocacy strategy.*

Priority 2: *Building the confidence and trust of the community we serve.*

Its objectives are:

- *to provide an enhanced service to victims and witnesses; and*
- *to engage effectively with stakeholders and the wider community.*

2.15 Objective 1.2 states, '*Recognising the importance of the relationship between the PPS and the PSNI, another of the projects under the First Class Prosecution Service Programme will examine several key issues for the two organisations, including:*

- *the development of relationships between the PPS and the PSNI at all levels;*
- *the definition and development of performance reports to support the management of the relationship; and*
- *establishment of a Memorandum of Understanding (MoU) to support the development of more detailed Service Level Agreements (SLAs).*

Police file quality is also a key focus for the project. Members of the project team will work with the PSNI to reduce the number of incomplete files, a key cause of delay. A number of PSNI 'gatekeepers' have already been appointed, whose role is to review case material prior to submission to the PPS. This is seen by both organisations as an important step which should lead to a substantial improvement in file quality. The progress of this initiative will be monitored jointly over the course of the year.'

2.16 CJI in its report on Corporate governance in the PPS⁹ recommended, '*The PPS should continue their efforts in reducing Decision Information Requests (DIRs) and take the lead on defining the main issues resulting in DIRs, and in conjunction with the police review the interface and establish a programme to improve the quality of police files.*' It is clear therefore that the PPS has given significant weight to the issues, even if progress has been protracted.

PSNI and PPS shared governance

2.17 The CJI report on Avoidable Delay¹⁰ in 2010 stated that '*The PSNI and the PPS should develop a shared vision on future co-operation which should seek agreement on (though not exclusively):*

⁹ A Corporate Governance Inspection of The Public Prosecution Service for Northern Ireland, April 2013.

¹⁰ Avoidable Delay, Criminal Justice Inspection Northern Ireland, June 2010.

- *the scope and resources for pre-charge advice, including areas of integrative working (e.g. Prosecutors working with the OCMT);*
- *categorisation of offence types/offenders deemed eligible for PSNI decision on 'no prosecution' bearing in mind the findings of the pilot project; and*
- *a bespoke file format, based on minimum standards, for case files which are sent to the PPS.*

The terms of agreement should form the basis of a new joint protocol which should be disseminated to all relevant staff.'

- 2.18 The purpose of this recommendation was to encourage a more collaborative relationship between the police and the prosecution with the objective of more effective and timely case progression. Tangible progress has been slow and the broader issue of system change and strategic performance management should remain a collective responsibility for the wider justice system.
- 2.19 At one level the relationship and interface between the PPS and the PSNI was found to be good. There were many examples of individuals in both organisations who had been proactive in developing relationships and providing mutual training and support. It was clear the interface had, until very recently, been driven by personal relationships and was usually single issue driven. Evidence from senior staff in the PPS and the PSNI indicated they were mostly ad hoc, unstructured and not grounded in a framework of strategic governance, despite the CJB work strands previously highlighted. There was an absence of clear structured systems of governance and control. The PPS Business Plan for 2014-15 indicated it had taken significant steps to address this and we saw the beginnings of a more structured and purposeful relationship. CJI supports the transition towards a more interdependent relationship between the PSNI and the PPS. We saw some evidence of progress on the part of both organisations and recognition of the need to change existing practices.
- 2.20 Our fieldwork showed there were differences in approach demonstrated by a widespread lack of common understanding at operational levels within the PSNI and the PPS of shared standards - despite the strategic intent of both. Inspectors had advocated a new joint statement of intent, which could provide a framework for a more collaborative approach to issues such as file quality and disclosure.
- 2.21 A joint Statement of Purpose was signed by the PSNI Chief Constable and the Director of Public Prosecutions in June 2015. Following up on this initiative, CJI has recommended the:

Strategic recommendation

PSNI and the PPS should immediately establish a 'Prosecution Team' which will work collaboratively to deliver a Joint Transformation Programme to deal with investigative standards, bail management and forensic strategy, case management and disclosure. Governance and accountability should rest with an ACC together with a Senior PPS Director.

Disclosure Governance

- 2.22 Disclosure refers to providing the defence with copies of, or access to, any prosecution material which might reasonably be considered capable of undermining the case for the prosecution against the accused, or of assisting the case for the accused, and which has not previously been disclosed. Police investigators and Disclosure Officers must be fair and objective and must work together with Prosecutors to ensure that continuing disclosure obligations are met; in particular their obligations to retain and record relevant material, to review it and to reveal it to the prosecutor. What is relevant for disclosure purposes is anything that appears to an investigator, officer in charge or Disclosure Officer, that may have some bearing on any offence under investigation or any person being investigated or on the surrounding circumstances; unless it is incapable of having any impact on the case. To administer this area, legislation,¹¹ guidelines and principles¹² have been established to support the aim of a fair trial and avoiding miscarriages of justice.
- 2.23 The process of disclosure is not the responsibility or duty of one party alone. Both the defence and the courts have key roles in identifying the issues in dispute - the defence provide a defence statement identifying relevant issues which triggers further PPS consideration on disclosure. The courts may also make disclosure decisions on application by the defence, which assists the prosecution to meet its obligations by making informed decisions and, importantly, ensuring that the processes of disclosure are as efficient as possible. Inspectors heard evidence of an erratic approach to disclosure across the criminal justice system which was said to impact on both the PSNI and the PPS. Nonetheless, their statutory duties must be strictly applied and control exercised regardless of the failings of others. Delayed or failed disclosure often leads to significant consequences, including the collapse of cases.
- 2.24 Within the PSNI disclosure is operationally managed by individual Investigating Officers (IOs) and in a small number of serious cases, by specified Disclosure Officers. Some specialist PSNI units operate their own bespoke disclosure arrangements commensurate with their own operating protocols, but within existing law and guidance. Within the PPS, the process of disclosure is managed by individual Prosecutors for their own cases with Regional 'disclosure champions' as single points of reference for Prosecutors.
- 2.25 In terms of any specific over-arching disclosure governance mechanisms, these were broadly internally regarded as unnecessary and matters were escalated, if required, within existing hierarchical structures in both the PSNI and the PPS. For the PSNI, it was clear that a lack of strategic oversight in some matters of disclosure presented a risk that the test of relevancy, or the early consideration of relevant material, was not always subject to planned management. The Attorney General's Guidelines indicates the need to co-ordinate various elements of disclosure and highlights, '*...there should be a lead Disclosure Officer who is the focus for enquiries and whose responsibility it is to ensure that the investigator's disclosure obligations are complied with.*'¹³

11 The Criminal Procedure and Investigations Act 1996.

12 Attorney General's Guidelines on Disclosure For investigators, prosecutors and defence practitioners, December 2013 available at <https://www.gov.uk/government/publications/attorney-generals-guidelines-on-disclosure-2013>.

13 Attorney General's Guidelines on Disclosure For investigators, prosecutors and defence practitioners, December 2013 available at <https://www.gov.uk/government/publications/attorney-generals-guidelines-on-disclosure-2013>.



Delivery

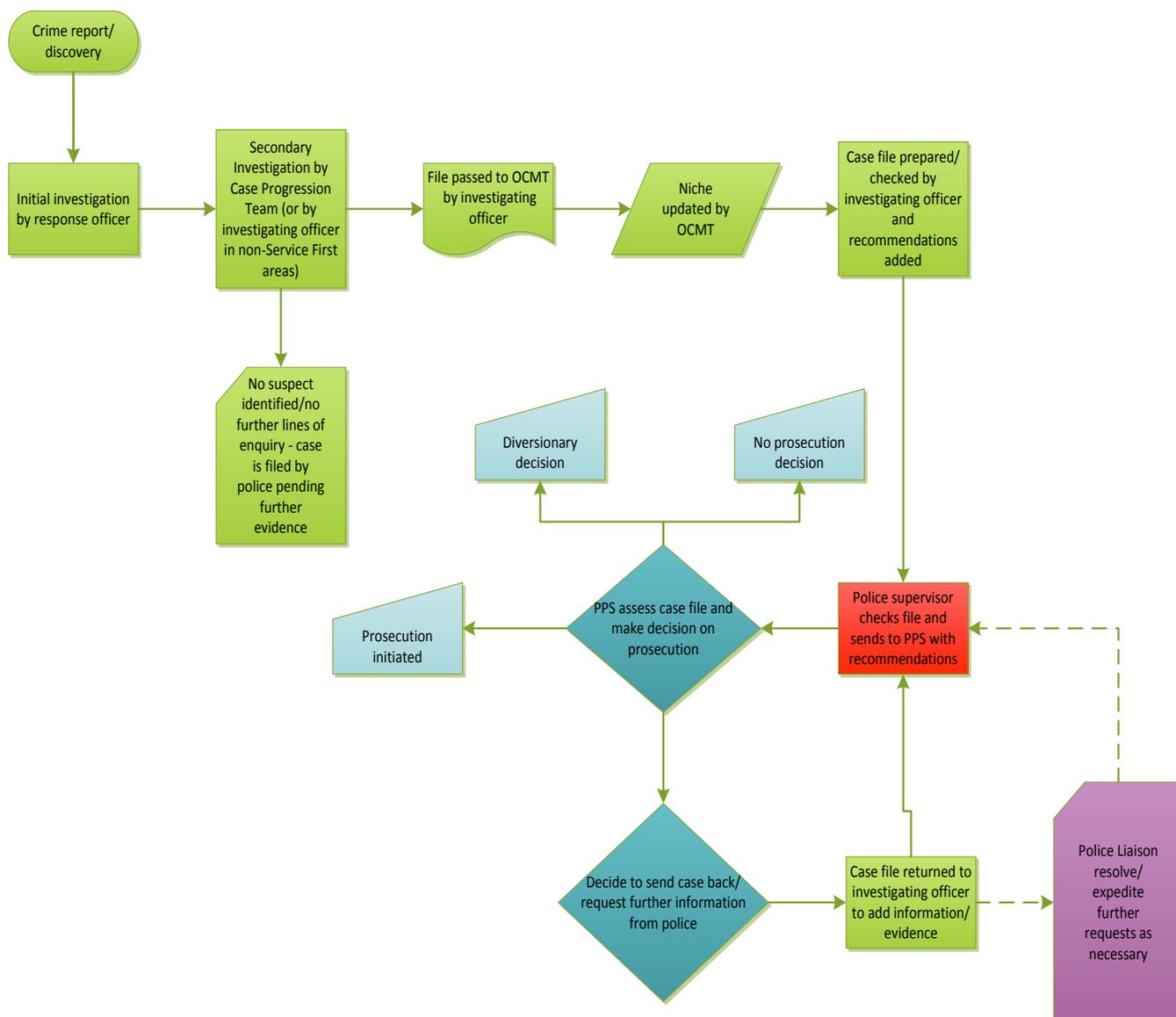
- 3.1 The starting point for a case file is the report or discovery of a crime to or by police. This should then activate a criminal investigation. The quality of this investigation and the collection of evidence as part of it are key components of the next stage, which is the preparation of a case file for consideration by PPS.
- 3.2 In order to prepare a quality case file, the police investigating officer (IO) must understand, among numerous other matters:
- the elements of the offence(s) under consideration, including any defences;
 - the rules on the admissibility of evidence including a good knowledge and understanding of the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE) and its Codes of Practice, the Criminal Justice (Evidence) (Northern Ireland) Order 2004, the Criminal Procedure and Investigations Act 1996 (CPIA) and the Regulation of Investigatory Powers Act 2000 (RIPA);
 - the handling of exhibits and their integrity;
 - the rules concerning the identification of suspects;
 - the rules regarding the interview of suspects;
 - the procedures for the acquirement of various types of expert evidence (forensic/medical/technical etc.) and;
 - the various file types and submission protocols.

These are all matters addressed in police training, which is provided both through the Police College and later via District training.

- 3.3 Case files are normally submitted to the PPS where, as a result of a criminal investigation, police have obtained evidence that an identifiable individual has committed a criminal offence. There are instances where files are not submitted when Police Officers use their discretion and deal with individuals informally. Many police investigations concern offences in which it is not possible to identify a responsible individual. This is indicated by the fact that over 100,000 crimes are reported every year; whereas around 45,000 case files are sent to the PPS. While some case files will contain evidence of multiple offences, we can therefore conclude that around half of all reported crimes result in a prosecution file.
- 3.4 The primary responsibility for file quality in the PSNI (including timeliness) rests with the IO and their supervisors (mainly Sergeants). The physical or electronic submission of files to the PPS is the responsibility of the OCMTs. Police IOs build their case files through investigative processes

such as: the securing of physical evidence (for example, CCTV); the forensic examination of exhibits seized; the recording of witness statements; and the interview of suspects. The OCMTs perform the function of entering the information obtained through investigation onto the PSNI computer system known as NICHE¹⁴. IOs forward original materials for transfer onto the system via supervisors either directly on the NICHE system, or physically via a 'blue folder' system. An abridged representation of the process is set out in Figure 1 below:

Figure 1: The abridged process of case file preparation



14 The case preparation IT system used by the PSNI and a number of other police forces.

3.5 The PSNI make an assessment of the evidence gathered, and depending on this assessment, submit a case file along with a recommendation to the PPS. Table 2 sets out the four main types of case files sent by the PSNI to the PPS.

Table 2: Case file types

NO PROSECUTION		DIVERSION		CHARGE				REPORT		
Streamline	Full	Streamline	Full	Remand	Full		Streamline	28 day charge file	Full	
					Summary*	Indictable**			Summary*	Indictable**

* Summary - those files to be dealt with in the Magistrates' Court. ** Indictable - those files to be dealt with at the Crown Court.

No Prosecution files are those in which the PSNI believe there is not enough evidence. They are sent to the PPS in either a streamline/short form file, or a full file – usually for more serious cases/enclosing most or all of the evidence gathered by the police.

Diversion files are sent to the PPS in the same way, with PSNI often contacting a prosecutor to discuss whether it is acceptable to send a streamlined file.

Charge files are prepared at shorter notice by the PSNI with, usually, outstanding evidence being gathered by the police. Charged suspects will normally be bailed with conditions and appear before a court within 28 days, or they may be remanded in custody.

Report files are expected to include most, if not all, of the evidence gathered in an investigation by the police. Once the PPS make a decision, either a summons to attend court or a letter of No Prosecution is sent out.

Quality standards and benchmarks

- 3.6 This inspection focused on what the main agencies considered to be *file quality* and how it was assessed. While individual Prosecutors and some individual Police Officers were able to describe elements of a good file and far more immediately, what was considered wrong with case files, few could point to any reference document or universal agreed standard. No one was able to say what the standard was or how it was measured. Inspectors found the standard applied is largely an experiential one.
- 3.7 A PPS/PSNI Protocol was developed in 2006 which was an attempt to address the framework of standards for case files. CJI considered it is lengthy and not user friendly. By 2009, it was outdated and there was an effort to revise and update this, but the resultant document was never finalised. This has meant there has not been a foundation document underpinning the area of file quality for a considerable period of time.
- 3.8 Interviews with operational staff from both the PPS and the PSNI confirmed that the 2006 protocol was not in common use. Both PSNI and PPS staff recognised the importance of the need for a common agreed standard and there was repeated evidence from practitioners that

its absence, or inconsistent application of standards, caused concern. Individual Prosecutors and Police Officers could point to areas of good practice and of good quality files. Inspectors saw some very good files, but without a benchmark against which all files could be measured and practice underpinned, the training provided to PSNI Officers at all levels, will inevitably be less effective.

- 3.9 The closest jurisdiction with similar operating models and systems is that in England and Wales.¹⁵ One of the most notable issues in terms of practice in England and Wales is the joint approach which is underpinned by guidance contained in The Prosecution Team Manual of Guidance,¹⁶ with emphasis on *'The Prosecution Team'*. It contains detailed guidance on a range of matters such as:
- charging;
 - interview records; and
 - disclosure.
- 3.10 In 2013 Her Majesty's Inspectorate of Constabulary (HMIC) and Her Majesty's Crown Prosecution Inspectorate (HMCPPI) published a joint report¹⁷ looking at case file quality in England and Wales. Many of its findings were replicated during this inspection. Key examples of concern from the HMIC/HMCPPI report were:
- there was, *'...considerable lack of understanding amongst front line [police] Officers of the importance and relevance of the information they are providing for the prosecution...'*;
 - *'problems are exacerbated by the inefficiencies of IT systems;'* and
 - *'...supervisors, who have the first opportunity to check the quality of case files and feed learning points back to Officers, were having little or no impact on standards.'*
- 3.11 The Prosecution Team Manual of Guidance, produced jointly by the Association of Chief Police Officers (ACPO) and the Crown Prosecution Service (CPS), provides clear easy to use guidance for use by Police Officers, police staff and CPS Prosecutors concerned with the preparation, processing and submission of prosecution files. In support of the CPS Director's Guidance on Charging,¹⁸ the manual introduces the concept of a 'National File Standard' (NFS) and outlines the process for upgrading the NFS according to key trial issues identified at a case management hearing at the Magistrates' Court or the Crown Court. It sets and supports standards and importantly in the context of efficiency, also provides for a proportionate case file build according to the stage reached by the case. Again, no such standards exist in Northern Ireland. While the NFS were subject to review at the time of writing, the principle of common guidance must remain a key underpinning aim of the Northern Ireland model in future.
- 3.12 Inspectors consider that this kind of guidance is fundamental to the issue of file quality. The absence of a common agreed framework of standards can lead to discord between Prosecutors, police and defence practitioners.

15 The Scotland model is entirely different with the Procurator Fiscal's Office taking a more direct role in directing investigations and prosecutions.

16 The Prosecution Team Manual of Guidance for the preparation, processing and submission of prosecution files, Association of Chief Police Officers and the National Policing Improvement Agency, 2011.

17 Getting Cases Ready for Court, A joint review of the quality of prosecution case files by HMIC and HMCPPI, July 2013.

18 The Director's Guidance On Charging 2013 - fifth edition, May 2013 (revised arrangements), Available at http://www.cps.gov.uk/publications/directors_guidance/dpp_guidance_5.html.

Policing delivery models

- 3.13 The PSNI was going through significant change at the time of fieldwork, much of it attributed to the impact of public sector austerity and reduced budgets. The most significant delivery model change concerned the structural changes which created 11 new police District Command areas aligned with local District Councils. The other recent significant change was the 'Service First' programme which was being rolled out across a number of policing Districts at the time of the inspection. Its purpose was described in Chapter 2. The implementation of Service First meant there were two distinct models of delivery (outside of the PSNI's Crime Operations Department) dealing with the vast majority of files submitted to the PPS.
- 3.14 The first model, adopted in non-Service First Districts, was based on the allocation of investigations to the most appropriate officer who was generally responsible for the investigation and preparation of case files from report/discovery to finalisation. Most often this meant either response or neighbourhood Officers and for more serious offences, Detectives or Public Protection Unit Officers. Fieldwork indicated the allocation of investigations was often based on availability rather than any consideration of knowledge, skills or experience. This can on occasion result in poor quality files and delays.
- 3.15 In Service First areas, the model of allocation was more nuanced with initial investigation being conducted by response Officers with a handover to dedicated secondary investigation teams (known as Case Progression Teams (CPTs)), normally at the end of a shift. The rationale was to ensure efficiency and effectiveness with investigations being progressed more swiftly by the secondary investigations teams who would prepare any necessary case file for the PPS. While the theory of this model was sound, fieldwork indicated a range of problems. The primary issues were the quality of the initial investigation and handover. Secondly, the resourcing of the CPTs was a concern as there was evidence that the expected staffing for some CPTs had not been achieved or maintained and this impacted on effectiveness.
- 3.16 The delivery models in the Crime Operations Department were based on the allocation of serious and organised crime investigations to the most appropriate skilled investigators. The inspection did not reveal any concern with this delivery model and, in terms of case file delivery, it was reported to Inspectors these case files were among the best produced by PSNI. Many of these files were not completed electronically and therefore were less likely to suffer the IT and other difficulties. The skills, experience, training and supervision of the Police Officers in this area are more likely to be among the highest in the PSNI. These factors combine to provide a better quality product. While these findings could, for some, provide an indicator of broader solutions to the issues, CJI believes that a regression to paper based files does not represent the optimum Service-wide solution.

Supervision

- 3.17 A critical point in the process of case file completion is the supervision and quality assurance provided by police supervisors, including matters of disclosure. At local District level and for the vast majority of files, this will be a Sergeant. Inspectors found that there were notable weaknesses at this critical point. Many of the Officers at this level to whom we spoke, candidly conceded that they were unable to devote time to this area and that it was not a high priority.

These same Officers referred to a range of other demands, including the volume of calls for assistance from the public, which often took priority. The inspection findings were clear that previous levels of quality assurance, which had been in existence, had been removed, and now rely almost exclusively on Sergeants. They have not been provided with the necessary support, including time, to allow them to pay attention to this area. Many of these Officers and their superiors stated that numerous additional responsibilities and duties had been added in recent years. All this tends to dilute any localised priority which might be given to case file quality.

- 3.18 The PPS evidence too was clear that it regarded a series of structural and other changes within the PSNI as having had the unintended consequence of negatively impacting on case file quality. The issues concern:
- the removal of layers of supervision and the weakening of supervision generally;
 - the introduction of complex IT systems without adequate training or support; and
 - a weakening of core priorities and confusion as to priorities where change becomes the priority, rather than the outcome of improvement.
- 3.19 The 2010 CJJ report on Avoidable Delay¹⁹ made a key recommendation to the PSNI as follows; *'For the PSNI:*
- *quality assurance checks need to be systematic and clearly understood and implemented at agreed points;*
 - *the points of quality assurance checks need to be adequately resourced with appropriately skilled staff and adequate priority accorded to this role;*
 - *enhanced linkages should be developed between police Districts and training departments within the PSNI;*
 - *greater integration with the IT training on the NICHE case management system should be continued;*
 - *the PSNI should continue to engage with the PPS on training needs and their provision; and*
 - *the internal PSNI reward and sanctions systems should incorporate a greater appreciation of performance with regard to file quality.'*
- 3.20 While there has been varying activity around the need to improve file quality, such as the gatekeeper system, evidence of success, in terms of delivery against this recommendation, remains limited.
- 3.21 The issue of poor supervision is not unique to the PSNI. In a review of the implementation of a streamlined process for Magistrates' Courts cases in England and Wales, the National Audit Office stated, *'We found a concerning lack of effective supervision of prosecution files in the areas we visited.'*²⁰ Similarly, a HMIC and HMCPST joint inspection stated, *'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.'*²¹ In addition to the strategic recommendations, which are expected to impact on the quality of PSNI supervision, a more specific operational recommendation is also considered necessary.

19 Avoidable Delay, Criminal Justice Inspection Northern Ireland, Belfast, June 2010.

20 Report by The Comptroller and Auditor General, The Crown Prosecution Service, The introduction of the Streamlined Process, National Audit Office, November 2011. Available at <http://www.nao.org.uk/wp-content/uploads/2011/11/10121584.pdf>.

21 Getting Cases Ready for Court, A joint review of the quality of prosecution case files by HMIC and HMCPST, July 2013.

Operational recommendation

The PSNI should provide further support (including training and mentoring) to supervisors whose role it is to approve the forwarding of case files to the PPS. This could take a range of forms including:

- **regular structured training (including District training) which includes input and learning primarily from the PPS, but also from others such as 'Gatekeepers';**
- **extending the role of the OCMTs to address aspects of quality assurance in support of front line supervision;**
- **extending the role of police liaison staff;**
- **additional directed quality assurance checks by more senior Officers (Inspector and above) at local District level;**
- **attention to the re-skilling of Officers who may transfer from roles which did not include case file completion;**
- **acknowledgement and investment of resource (time) in this work; and**
- **dealing with the range of operational barriers highlighted elsewhere in this report.**

OCMTs

3.22 The purpose of the OCMT is *'To support victims, witnesses and operational Police Officers by promptly and efficiently managing occurrences in partnership with other criminal justice agencies so as to build trust and confidence in the Criminal Justice System'²² This is supported by a range of objectives including to:*

- *input and share information promptly and accurately; and*
- *actively contribute to identifying and implementing measures to achieve continuous improvement in the criminal justice system.*

The key task is to input documents onto the NICHE system for ultimate transfer to the PPS. The PSNI advised it does not have any formal role in the quality assurance of case files, although many of its staff told Inspectors that this was considered an important part of their duty. It would be prudent to formalise this role in support of, but not removing the primary responsibility of, supervisors.

3.23 Inspectors found that there were some considerable areas of misunderstanding regarding the role and the functioning of the OCMTs. The most considerable process - related function of concern was that relating to the 'significant change'²³ process. In a relatively high number of cases, the OCMT was sharing the file with the PPS via a significant change process²⁴ (for example, the receipt and sharing of medical reports etc) without the full file having previously been provided. This inevitably caused the PPS to send a request for the full file or in one case seen, to issue a lengthy 'no decision' indicating the missing elements of the case. These situations are caused by a lack of understanding of processes, rather than a lack of attention to

²² Source: The PSNI.

²³ A 'significant change' process usually concerns the alerting of prosecutors to additional significant material added to a case after the initial file has been shared via the Causeway system.

²⁴ Internal PSNI data indicated that there were 18% of first share as a significant change and 33% of significant change share prior to full file cases in the Urban area.

the duties of the IO. They cause significant frustration too for Prosecutors, who often conclude that the investigation is not being properly pursued, which may not be the case. There were indicators of differing practices among the OCMTs and this should be addressed as part of the PSNI Service Procedures and the ongoing PPS/PSNI interface project.

Gatekeepers

3.24 One of the mechanisms employed by the PSNI to address the issue of file quality was the use of a small number of 'gatekeepers'. These were primarily police Inspectors whose role was to quality assure indictable files before submission to the PPS. There was evidence that their interventions had proved effective and had a significant positive impact on the quality of these files. However, for CJJ this approach is an attempt to treat the symptoms rather than tackle the causes of poor file quality and is also limited by the small number of gatekeepers. A more strategic approach to the problem is required. The most fundamental issue was the fact that this small group of Officers had over time, acted to de-skill front line supervisors - conversely through their own skill and endeavour. It has led to Officers seeing the case file building process as one where others (gatekeepers and Prosecutors) will pick up their mistakes and act to resolve them. What is required is investment in front line supervisors by way of enhanced training and skills, combined with time provided to allow these staff to fulfil their roles properly and an enhanced role for the OCMTs. This matter is addressed later with a specific recommendation.

The role of the PPS/PSNI liaison

3.25 A small number of PSNI staff are embedded with the PPS in a liaison role. This could be regarded as evidence of the value placed by the PSNI on ensuring the processes of case file transfer and management works smoothly. The role has been subject to review in recent years given the pressure on resources and reduced staff numbers. Nonetheless, operational Police Officers and Prosecutors valued the work of these staff whose primary role is to expedite replies to requests for further information, handle exhibits and resolve numerous types of queries. Staff are also involved in aspects of police training and facilitating inter-agency contact in all its guises. Once again, these staff had no formal role in quality assurance, albeit that they often acted in that capacity. Bearing in mind the position of the OCMTs in terms of its formal and operational functions and a similar position for liaison staff, it indicates a splintered approach to quality assurance by the PSNI. In addition, there could be greater integration between the PSNI and the PPS, particularly with liaison staff. We saw evidence of their use by Prosecutors during our file reviews, but considered this was inconsistent and based on proximity and personal relationships, rather than any embedded structured and systematic process. The CJJ recommendation for a Prosecution Team provides an opportunity to review the existing PPS/PSNI interface work-stream and examine how the PSNI/PPS liaison functions can be integrated within existing structures to support front line quality assurance, aid efficiency and achieve consistency of practice.

Case file sampling

- 3.26 CJI was assisted by a former Chief Crown Prosecutor in England to independently examine a random²⁵ sample of case files. A total of 51 files were examined, 30 of which had resulted in prosecutions and 21 of which were cases the PPS decided should not go to court. These files were assessed according to the standard that Inspectors believe should satisfy a notional reasonable prosecutor. Four quality categories were considered:
- **Good:** The evidence and its presentation goes beyond requirements and is considered best practice;
 - **Satisfactory:** The evidence provided is satisfactory and allows the PPS to make a decision as to prosecution;
 - **Unsatisfactory:** There are minor errors or omissions in the evidence and the PPS are unable to make a prosecution decision; and
 - **Poor:** There are significant omissions in the core evidence provided to the PPS.
- 3.27 Overall findings are summarised in Table 3.

Table 3: Summary of findings from independent case file sampling

How finalised	Good	Satisfactory	Unsatisfactory	Poor
Summarily	1	11	1	0
Crown Court	0	7	8	2
No prosecution	4	7	2	1
No decision	0	4	3	0
Totals	5	29	14	3

- 3.28 Of all files reviewed, 67% were in the combined satisfactory or good categories while 33% were assessed as unsatisfactory or poor. Of the 30 that resulted in prosecutions, 17 were finalised in the Crown Court and 13 in the Magistrates' Court. Overall, the majority of files (63%) which proceeded to prosecution were in the satisfactory or good categories. A total of 37% in this category were assessed as either unsatisfactory or poor.
- 3.29 Most of the 13 Magistrates' Court cases were straightforward. Some could have been resolved more quickly as the PSNI did not submit a full file to the PPS for several months. Only two generated DIRs²⁶ and a number resulted in guilty pleas at an early or fairly early stage once they reached court. The merit of adopting a streamlined process for the submission of files in straightforward cases is covered later in this report. Some Magistrates' Court cases in the sample were clearly suitable for such arrangements, which have the potential to save considerable time and effort for all parties. Speedier submission of case files in simple cases would also be in the interests of victims and defendants, and reduce the likelihood of fading memories affecting the quality of evidence in those that go to trial.

²⁵ The full inspection methodology is outlined at Appendix 2.

²⁶ The process by which prosecutors request police provide further information prior to making a decision.

- 3.30 Of the Crown Court cases, the majority (59%) were in the combined unsatisfactory or poor category with 41% assessed as satisfactory.
- 3.31 Seven (41%) of the 17 Crown Court cases required DIRs, some of them more than one. This was close to the average proportion (46%) of indictable only cases in which the PPS sent DIRs over the last three years. Another (sensitive) case avoided DIRs because the IO met the Directing Officer from the PPS to discuss what would be required for the prosecution file. This helped to avoid later problems because the Directing Officer's expectations were clear to the IO. Some other cases in the sample would have benefitted from the same approach. Inspectors were advised that such consultations are more likely to take place in cases investigated by specialist police units. Evidence from interviews with PPS and PSNI staff indicated that the extent to which such early (including pre-charge) consultations are encouraged varies between police Districts and between Prosecutors in the same Region.
- 3.32 A total of 14 no-prosecution files were reviewed as part of the overall case file sampling exercise. While not statistically significant this aspect of the review indicated there were more files of acceptable quality than were unsatisfactory or poor in this sub-category. Three of the 14 files (21%) did not meet expected standards. Where issues did arise, these could have been addressed by better supervision and/or consultation/discussion between the prosecutor and the police IO. In addition to supervision, primary issues are delays and inattention to detail. In combination, there was often a clear lack of understanding of the purpose of the case file.
- 3.33 The PSNI Officers interviewed told us the PPS's expectations in volume crime cases were not clear. Although the PPS has agreed or issued general guidelines²⁷ on file content, they do not include points to prove for common offences. In the main the standard of the witness statements was satisfactory. They covered the main elements of the relevant offences adequately. The most common problems related to careless errors about such things as dates, addresses, and vehicle registration numbers that could easily have been avoided by Officers and good supervision.
- 3.34 The quality of volume crime cases was better in those handled by an officer from a CPT whose main task is to prepare prosecution cases when an investigation is handed to them by a response officer. In respect of Crown Court cases, those investigated by specialist teams were also of a higher standard. The Officers in CPTs and specialist units have often gained experience of the PPS expectations, but these appear to vary significantly from prosecutor to prosecutor. This further supports the need for a common agreed standard. It is recommended that the:

27 Protocol between the Public Prosecution Service for Northern Ireland (PPS) and the Police Service of Northern Ireland (PSNI), August 2006.

Strategic recommendation

Prosecution Team should scope and deliver new protocols on:

- **early prosecutorial advice (PSNI requests/PPS responses);**
- **PSNI decision-making and PPS pre-charge advice; and**
- **proportionate case-file building based on agreed evidential, technical and presentational standards.**

This should be delivered by December 2016.

CJI also recommends that:

Strategic recommendation

the PSNI, under the governance of the Prosecution Team, should develop and deliver organisational investigative standards, investigative bail management rules and an effective forensic strategy. This should be delivered by December 2016.

- 3.35 The file sample showed that outstanding medical evidence was a common issue mentioned in DIRs or other communications with the police, relating to offences of violence or of a sexual nature. PPS Directing Officers were frustrated by its absence and sent repeated reminders to IOs asking them to obtain it. Examination of NICHE showed that, unknown to the PPS, IOs had often pursued the outstanding statements without success. In some instances, the doctor had moved to another hospital and could not be traced easily. This issue needs resolving in everyone's interests, as does the question of whether medical evidence is necessary in less serious assault cases.

Operational recommendation

As an operational recommendation, the **PPS and the PSNI should agree the circumstances in which it is necessary to obtain medical evidence. They should jointly approach the Health and Social Care Board with a view to agreeing a protocol or Service Level Agreement about the arrangements for its timely provision and the potential for using the hearsay provisions of The Criminal Justice (Evidence) (Northern Ireland) Order 2004.**

- 3.36 The issue of delay has led to a proposed pilot of a Streamlined Process for Crown Court cases at Newtownards. The pilot will be based on the use of a proportionate file of evidence and a stricter timetable for those cases that appear likely to result in a guilty plea. Earlier attempts to introduce a similar system at a number of Magistrates' Court centres were not realised. Our interviews with staff indicated that the PPS and the PSNI did not generally undertake joint training to ensure a common understanding of what was to be expected under the previous schemes and that there was insufficient senior management oversight to ensure its effectiveness.

- 3.37 The examination of files also revealed a significant number of information technology (IT) related issues that caused considerable frustration for the PPS and the PSNI staff. For example, some documents received in the PPS Case Management System²⁸(CMS) did not have any substantive content, although the original version on the PSNI's NICHE was complete. Frequently the list of witness statements in CMS showed that all statements had been made on the same date, whereas the statements themselves were clearly created on different days. Similarly, the exhibits list on CMS was difficult to follow, particularly when trying to work out the order of caution interviews. Inspectors were told that in larger cases, these problems sometimes led lawyers to either direct that a full paper file is prepared or to print the whole file in order to arrange the statements and paper exhibits in a logical sequence before it could be reviewed. Evidence received in such files appears in random order exacerbating any existing frustrations among Prosecutors and adding to inefficiency, when Prosecutors have to either print and organise the file or request consultations. This has been among the most significant casualties of the move to electronic submissions to the PPS via NICHE and Causeway²⁹. There were a range of other IT related frustrations apparent including, for example, irritations with the size of file which could be shared via the IT interface. Some of the difficulties were simple operator error and others were caused by the electronic transfer process.
- 3.38 The problem with the list of witness statements arises from the titles of data cells on NICHE which encourage data in-putters to use the date the document is entered on the system in two cells rather than the date of its creation in one of them. This, and a number of other IT related issues, should be resolvable either by simple amendments to the IT system or advising data in-putters how to use it differently. It is acknowledged work is ongoing to fix many of these problems, but Inspectors also recommend a more systematic approach to identifying and solving IT interface problems between the PSNI and the PPS.

Strategic recommendation

It is recommended that **the Prosecution Team will scope and deliver an ICT action plan for both organisations that will focus on the preparation, presentation and timely submission of proportionate and quality PSNI case files. This should be delivered by December 2016.**

- 3.39 One IT related problem that was at the time of the inspection in the process of resolution related to the viewing of the Outline of Case, which is prepared by the IO. Although it is easily read on NICHE, the version that appears in CMS is very difficult to read because the font is changed and irrelevant keyboard characters are visible. This seems to arise as the information is converted and transmitted via Causeway. It was due to be fixed by the creation of a new document that will be scanned, rather than typed, onto NICHE.
- 3.40 Many PSNI and PPS staff were not aware of how each other's case building and case management systems operate or how problems can arise from a misunderstanding of the other's reasonable needs. Increasing awareness in this area seemed to be just as important as addressing poor investigations, file preparation/responses and PPS enquiries. Both organisations would benefit from giving relevant staff the opportunity to spend time and

²⁸ The electronic case management system employed by the PPS.

²⁹ The IT link that takes information from NICHE converts it to an appropriate form for receipt into the CMS.

integrate with their counterparts in order to better understanding their respective systems. This could also positively impact on the use of 'Decision or Post Decision Information Requests' (DIR/PDIRs).

Disclosure

3.41 The prosecutor's statutory duty to disclose unused material to the accused is triggered by any of the following:

- a plea of not guilty in the Magistrates' Court;
- committal or transfer of a case for trial at the Crown Court; and
- the preferment of a voluntary bill of indictment .

If disclosure obligations are not followed, there are a number of potential outcomes such as:

- the accused may raise a successful abuse of process argument at the trial;
- the prosecutor may be unable to argue for an extension of the custody time limits;
- the accused may be released from the duty to make defence disclosure;
- costs may be awarded against the prosecution for any time wasted;
- the court may decide to exclude evidence because of a breach of the CPIA 1996 or Code of Practice, and the accused may be acquitted as a result;
- the appellate courts may find that a conviction is unsafe on account of a breach of the CPIA 1996 or Code of Practice; and
- disciplinary proceedings may be instituted against the prosecutor or a police officer.

3.42 There is a duty on investigators from the outset of an investigation, to follow all reasonable lines of enquiry and to reveal relevant material to Prosecutors. There is also a continuing responsibility on Prosecutors to disclose material after the commencement of proceedings. Prosecutors only have knowledge of matters which are revealed to them by investigators and Disclosure Officers. Disclosure schedules are the written means by which that revelation takes place. Schedules need to be clear and accurate to ensure all parties to proceedings are fully aware of the unused material available. To facilitate the accurate delivery of disclosure rules and guidelines, a Prosecution Team approach is essential.

3.43 The process of disclosure requires that items listed on a police disclosure schedule should be described in sufficient detail to enable the prosecutor to decide whether it should be disclosed or needs to be inspected before a disclosure decision can be made. The inspection found, in a number of cases, items were so poorly described that a prosecutor could not properly make such a decision. CJI were also concerned that in some cases, items that we would have expected to have been obtained or created during an investigation, were not listed on the schedule. These included note-book entries, occurrence reports and command and control logs. This finding underpins many of the conclusions elsewhere in this report of weaknesses in standards and supervision. Requests for these items were so prevalent that it might well be more economical for the PSNI to provide copies of them to the PPS in every case that triggers disclosure, instead of waiting for a request.

- 3.44 The case file reviews found some PPS lawyers wanted to consider disclosure schedules before making a prosecution decision. This is not strictly necessary³⁰ and the PPS lawyers did not always insist on it. Indeed, five of the 13 cases in the Magistrates' Court resulted in guilty pleas without a schedule being provided or, as far as Inspectors could tell, requested by the PPS. It is difficult to see why provision of the disclosure schedule is viewed as essential before the statutory triggers occur. Although there is a risk that the schedule will contain some material that undermines the prosecution case so severely that it cannot go ahead, such cases are very rare. Others where issues of sensitive disclosure might arise, can be identified early by police and Prosecutors working together.
- 3.45 The Prosecution Team (PSNI/PPS) bears the responsibility of ensuring disclosure rules and guidelines are complied with and providing the defence with all material relevant to their case.³¹ Inspectors heard concerns from the Law Society, Defence Solicitors and the Criminal Bar Association, around communication and trust between the Prosecution and Defence teams regarding the application of disclosure. Although the CPIA provided a framework, the timing of disclosure from arrest to trial was an area of concern. Case law³² provided support to the CPIA whereby the prosecution should consider the need to make disclosure at an early stage. This allows defence teams to make proper preparations of the defence case which may reduce delay, particularly in cases where there is a lengthy period between arrest and charge. A more efficient system can be achieved in reducing the number of delays caused by late or inadequate disclosure obligations which leads to ineffective trials, delay and costs in financial and human terms. The Prosecution Team should consider the pro-active identification of disclosure issues and guilty/not-guilty pleas in cases as early as possible. This would reduce time taken in preparing files and disposal of cases at the earliest opportunity.
- 3.46 Disclosure was dealt with satisfactorily in only four of the 17 Crown Court cases. It was provided late in four cases. There were a range of shortcomings including those found in the Magistrates' Court file sample (poor descriptions and failure to include commonly created items on schedules). In addition, two unused material schedules referred to witness statements without including their dates. This causes confusion, particularly where a witness has made more than one statement. In another case, material from a previous case involving the same defendant was listed en bloc. Each item should have been separately listed, so that the prosecutor can properly assess any duty to disclose and the defence lawyers can see what material exists. In some other cases, however, statements were properly described, including their dates.
- 3.47 Disclosure Officers' reports seen tended to be brief and formulaic. They should identify material that in the opinion of the Disclosure Officer should be disclosed to the defence or certify that there is no such material. Most did not identify any such material. Although this was appropriate in most cases we saw, one stood out because neither the Disclosure Officer nor the Directing Officer had identified a key undermining note in a Command and Control log. It eventually led to the case being dropped at a very late stage, when the log was examined by a defence expert witness. In addition, IT problems mean that the name of the defendant does not

30 By Section 1 Criminal Procedure and Investigations Act 1996 as applied to Northern Ireland by Schedule 4 of the same Act the main requirement to disclose arises when a not guilty plea is entered in the Magistrates' Court or the case is committed or transferred to the Crown Court.

31 Lord Justice Gross; Disclosure review, May 2014 Improvements in disclosure must be prosecution led or driven, in such a manner as to require the defence to engage – and to permit the defence to do so with confidence. The entire process must be robustly case managed by the judiciary. The tools are available; they need to be used.

32 R v DPP, ex parte Lee (1999) 2 Cr App R3.

appear in the CMS copy of the Disclosure Officer's Report although it is clearly present on NICHE before it enters the Causeway link. This all led to the finding that in too many cases, the process of disclosure is not approached in the way that it ought to be, with appropriate attention and quality assurance applied at the early stages and throughout, as well as meeting the various legal and other obligations. Disclosure guidelines clearly require that a thinking process is applied.

- 3.48 The inspection also found there was a differential approach to disclosure on the part of many across the justice system. The approach habitually taken in many cases was characterised as dictated by common sense, rather than a precise application of guidelines. This approach, we were commonly advised, worked well, however there were concerns raised regarding the application of disclosure rules in individual cases. Having a clear, transparent disclosure system, was a key requirement.
- 3.49 Fieldwork demonstrated further concerns on disclosure within the PSNI. Core among these was a noteworthy lack of understanding among many Police Officers of the fundamental difference between revelation of material to the PPS and its ultimate disclosure. This led Officers to view the processes as one and the same and to misunderstand their duty, including what material was relevant. For some, there was confusion as to the duty arising in respect of sensitive material and this was also borne out in the case file sample. There was evidence that despite the training which had been provided, this was inadequate or had not been fully integrated into the operational environment. The issues around poor supervision, covered earlier in this report, were also repeated in terms of the oversight of disclosure. The case of *Canning*³³ highlighted what can go wrong when disclosure is not applied correctly. In that case although there was no 'bad faith' from the Prosecution Team, there was a failure in disclosure which was linked to considerations of skills, competence, training and systems.
- 3.50 The PSNI advised that all Officers do receive training in disclosure. However, evidence from the fieldwork strongly indicated that Police Officers dealing with disclosure in volume cases, felt they had received little training on their responsibilities as Disclosure Officers. These Officers are responsible for preparing Schedules of Unused Material³⁴ and the Disclosure Officer's Report³⁵ in criminal cases. A number of issues of concern were identified in the files and this cemented the view that training was not operationalised. Overall, disclosure had been dealt with satisfactorily in only six of 30 cases (20%) that had led to a prosecution in the file sample.
- 3.51 The weaknesses in governance and structures in place to deal with disclosure within the PSNI left Inspectors concerned at a compartmentalised approach in delivery, particularly in respect of the most sensitive cases. There was no direct evidence of any systematic failure to reveal material, but the structures and silo approach led to the conclusion that oversight of the disclosure processes could be made stronger. While recognising the absolute need to protect information arising from obligations created by Articles 2, 6 and 8 of the European Convention

33 Full Judgement: [https://www.courtsni.gov.uk/en-GB/Judicial%20Decisions/PublishedByYear/Documents/2010/\[2010\]%20NICC%2041/j_j_McCL7903Final.htm](https://www.courtsni.gov.uk/en-GB/Judicial%20Decisions/PublishedByYear/Documents/2010/[2010]%20NICC%2041/j_j_McCL7903Final.htm).

34 In practice, in volume crime cases, the Schedules also listed material that was used as evidence as well as unused material.

35 The Attorney Generals Guidelines on Disclosure for investigators, prosecutors and defence practitioners, December 2013 at paragraph 21 states, 'Disclosure Officers (or their deputies) must inspect, view, listen to or search all relevant material that has been retained by the investigator and the Disclosure Officer must provide a personal declaration to the effect that this task has been undertaken..' The Disclosure Officers Report is the means by which this and other requirements are given effect.

on Human Rights (ECHR) and to ensure full compliance with the CPIA, Inspectors felt that the governance of the processes of disclosure could be enhanced by the creation of a single point of reference and oversight for the management of the most sensitive cases. This should be supported by PPS staff taking a consistent Prosecution Team approach to the obligations of disclosure and lawyers giving adequate direction on matters of disclosure.³⁶

3.52 CJI has recommended that

Strategic recommendation

the PPS will provide the PSNI with guidance on Disclosure. The PSNI will scope and deliver a new central Disclosure Unit and enhance the skills of operational Police Officers on the subject of disclosure. A timetable on the delivery of the central Disclosure Unit should be provided to CJI within one month of report publication.

Delivery of this recommendation should:

- help to more effectively manage and control the obligations of the PSNI in revealing material to the PPS in compliance with law and guidance;
- provide oversight of the obligations of disclosure in criminal cases which will bring consistency across the PSNI;
- give a service-wide resource for all matters of disclosure and through which all Officers can seek advice;
- provide a mechanism for the early assessment of, among other matters, Article 6 ECHR rights; and
- enable quality assurance and performance management.

The benefits for the PPS include:

- the provision of early advice on matters of relevancy and meeting obligations under statute³⁷ and the ECHR; and
- aid efficiency and provide the opportunity for cost savings arising from late disclosure.

3.53 The additional benefits of a central disclosure unit would be to help build additional trust in the processes of disclosure without either the PSNI losing its independence in terms of the investigative process, or the PPS in terms of its independence to make prosecutorial decisions. Indeed the use of prosecutorial resources in this way supports and strengthens the independence of the prosecution process (by early oversight and intervention), rather than in any way weakening it. Inspectors appreciate that the delivery of additional training for Police Officers and a new central unit will not alone address the concerns identified in this report. Rather than a compliance response to the delivery of enhanced training, the challenge is to incorporate how that training is going to be embedded in operational culture and practice going forward.

³⁶ In a case in the England and Wales Court of Appeal (Criminal Division) [Olu and Others EWCA Crim. 2975 2010], the court addressing matters of disclosure stated, 'It is self evident that those who dealt with the matter dealt with it without taking fully into account the proper approach to disclosure. The current disclosure regime will not work in practice in such a case unless the Disclosure Officer is directed by the Crown prosecutor as to what is likely to be most relevant and important so that the officer approaches the matter through the exercise of judgement and not simply as a schedule completing exercise. It is the task of a CPS lawyer to identify the issues in the case and for the police officer who is not trained in that skill to act under the guidance of the CPS. This did not happen in this case.'

³⁷ The Criminal Procedure and Investigations Act 1996.

Delivery barriers

3.54 A number of barriers to improved case file quality were identified in this inspection. Firstly, most cases were dealt with in the same way, with a single lead officer and with consequent corporate failures to ensure expedition when Officers were absent for prolonged periods. Secondly, police have powers to bail defendants before charge until investigations are complete and files are prepared, but this power is used inconsistently with Officers in different geographical areas taking differing approaches based on the personal preferences of Custody Officers, supervisors and more senior Officers. A move towards case ready charging in bail and reported cases can be beneficial but IOs also need a range of other systems and process improvements including:

- a team approach;
- good supporting supervision;
- prioritisation based on risk;
- SLAs with for example, Health Trusts;
- agreed procedures with partners including the PPS; and
- as part of the above, agreed charging standards for a range of case types.

Push/pull factors

3.55 The PPS and the PSNI both referred to being pushed to provide 'copper fastened' case files and evidence for the courts. The predominant culture is one where every case is regarded as a matter for contest and the nature of the case papers reflected that. As can be seen from Table 2, there is no existing streamlined process for full report files. This was considered by many as disproportionate (given that the vast majority of defendants plead guilty). On the other hand, there is the pull of efficiency and effectiveness and the major pressure of decreasing resources. Prosecutors referred to the numbers of 'no bill'³⁸ applications - a legal process which seeks to end the case. The PPS indicated significant concern regarding the effect of 'no bill' applications. Recent judgements and successful 'no bill' applications had led some Prosecutors to take a more risk-averse approach to the evidence in case files.

3.56 While the overall numbers of 'no bill' applications is unlikely in itself to highlight the effects of successful (granted) applications in the mindset of Prosecutors, the changes in terms of the number of 'no bills' is indicated in Table 4:

Table 4: Outcome of 'no bill' applications between 2011 and September 2014³⁹

		Year				Total
		2011	2012	2013	2014 (to Sept)*	
Outcome of 'no bill' applications	Granted	72	76	68	44	260
	Refused	103	105	122	61	391
	Mixed	21	20	26	14	81
Total		196	201	216	119	732

NB: Outcome refers to outcome at the charge level

* Refers to provisional figures

38 A 'no bill' application can be made to the Crown Court following committal (and before arraignment) and may be granted if the trial judge is satisfied that the depositions or statements presented at the committal stage do not disclose a case against the accused. If the application is granted, the indictment in question must be dropped and the accused discharged. The PPS has the power to restart case by further committal or voluntary bill.

39 Source: Northern Ireland Courts and Tribunals Service.

- 3.57 Over the three year period from 2011 to 2013, these applications had increased by a total of 20 (or 10.2%), although the number of defendants disposed has also increased during the period by 33%. The average percentage of all successful applications over the period was 36%.
- 3.58 Initiatives to introduce streamlined case files for summary only (Magistrates' Court cases) and either way cases (can be heard in the Magistrates' or Crown Court), have been tested in England and Wales with positive results. The Streamlined Process was rolled out as guidance from the Director of Public Prosecutions in England and Wales. It was managed jointly by the CPS and ACPO.
- 3.59 A National Audit Office (NAO) report on the introduction of the process commented, *'The Streamlined Process has not had a negative impact upon the progression of cases through the Magistrates' Courts nationally. A key aim of the Streamlined Process was that the introduction of the guidance would not lead to an increase in adjournments for Prosecutors to obtain more evidence, nor would it discourage defendants from entering early guilty pleas. Nationally, our analysis suggests that early guilty plea rates have not altered, and there has been no rise in adjournments with the new Streamlined Process'*⁴⁰ The report concluded *'...the Streamlined Process guidance can reduce the time which the police spend preparing prosecution files without reducing the effectiveness of the courts.'* Lessons learned from the streamlined processes in the Ards [Court Division] pilot and the experience in England and Wales, should be applied in Northern Ireland.
- 3.60 Police Officers at various levels often referred to what they saw as unnecessary, disproportionate and inconsistent requests from the PPS for material. For example, Inspectors were told that some Prosecutors insisted on full defendant interview transcripts in cases where other Prosecutors would not have done so. Prosecutors on the one hand blamed the police for not getting case files right on first submission with a lack of supporting evidence, but on the other, criticised courts and the defence for any unnecessary demands. Overall, the effect is what has been referred to as the 'over-building'⁴¹ of some case files. Effective management should extend to ensuring an appropriate concentration on the most serious and high risk cases. This means taking a staged approach to prosecution by using out of court disposals where appropriate, and adopting streamlined processes for cases likely to result in guilty pleas. However, the PSNI needs to ensure that streamlining investigations does not imply that necessary proportionate case building can be avoided. The appropriate early disclosure of evidence and fitting attention to the disclosure of unused material as identified by Lord Justice Gross in his 2014 review of Magistrates' Court disclosure⁴² in England and Wales, can be part of speeding up the justice process.
- 3.61 While the primary responsibility rests with the PSNI, the assessment of CJI is that there is a critical need to implement specific targets and measures across the justice system which will ensure that the 'blame game'⁴³ is avoided. The pressures within the justice system in terms of its demand, the issue of delay and the needs of victims and witnesses, are too important to be left with any one justice body.

40 Ibid.

41 Getting Cases Ready For Court, HMIC etc July 2013.

42 Magistrates' Court Disclosure Review, May 2014; found at <https://www.judiciary.gov.uk/wp-content/uploads/2014/05/Magistrates'-Court-Disclosure-Review.pdf>

43 Senior legal figures gave evidence of their experience as that of a culture of 'blame games'. In other words blame being apportioned between organisations to the detriment of victims and of the courts.

Strategic recommendation

It is recommended that **the Prosecution Team, at an early stage of project management, should develop a Joint Performance Framework to govern and measure the effectiveness of new protocols and procedures. This should include the setting of performance indicators and outcomes on file quality and disclosure.**

Work in progress

- 3.62 At the time of fieldwork, the PSNI Service Improvement Department was pursuing an action plan to address aspects of case management in response to internal and external reviews highlighting issues with case management. It addressed areas such as:
- training and communications, including inputs to student officer training;
 - processes including agreeing structured case outlines and corporate standards in file content; and
 - performance management including agreeing a framework for case management.
- 3.63 The PSNI had undertaken some limited work in relation to scoping the problems with case files. This found a positive correlation between quality and timeliness and positive supervisor interventions. There was limited evidence that this work had been translated into strategic change and there was no existing Service Procedure addressing the issue of case file construction and supervision, albeit a draft was in existence at the time of fieldwork. In addition, PSNI Districts do perform a degree of case file dip sampling, but the content and frequency was varied with, again, limited evidence of strategic impact. The recurring nature of this problem has been highlighted across a number of CJI thematic inspections.



Outcomes

4.1 Whilst poor file quality and disclosure failures may not be visible to the general public and its impact not readily apparent to victims, witnesses, defendants etc, it does have significant negative consequences for how justice is delivered. This includes avoidable delays in cases, additional resource requirements for the police and prosecution, court adjournments, increased legal aid payments and adverse outcomes for victims. All of this damages public confidence in the criminal justice system. Table 5 indicates the outcomes of the 2012-13 Northern Ireland Crime Survey (NICS)⁴⁴ compared with the previous year.

Table 5: Overall effectiveness of the criminal justice system in Northern Ireland

	2011-12	2012-13
% confident that the criminal justice system as a whole is effective	42%	40%

4.2 NICS 2012-13 respondents were more likely to think the criminal justice system as a whole is fair (58%) than effective (40%). These proportions compare with 63% and 45% in England and Wales.⁴⁵ Insofar as confidence in policing in Northern Ireland is concerned, the percentage of NICS 2012-13 respondents who thought the police do a very or fairly good job as a whole, was 72% (73% in 2011-12).⁴⁶

4.3 Most cases coming before the courts end in conviction and importantly in the context, guilty pleas. For 2012 and 2013, 83% of prosecutions in all courts resulted in a conviction.⁴⁷ This is one indicator that the systems and procedures are effective in securing convictions. However, if this is an indicator of effectiveness, it does not take account of efficiency. There has been an increase in the use of fixed penalties and other out of court disposals. There are also other methods such as fast track procedures for cases likely to result in guilty pleas and specific traffic courts, where prosecutions could be handled administratively by the police or court staff.⁴⁸

44 Perceptions of Policing, Justice and Organised Crime: Findings from the 2011-12 and 2012-13 Northern Ireland Crime Surveys Research and Statistical Bulletin 7/2014, Department of Justice Northern Ireland.

45 Ibid.

46 Ibid.

47 Court Prosecutions, Convictions and Out of Court Disposals Statistics for Northern Ireland, 2013.

Research and Statistical Bulletin 14/2014, Analytical Services Group, Department of Justice, November 2014.

48 In England and Wales the Court Clerk reads out the 'Statement of Facts' printed on the rear of summonses without the need for the CPS to be in court (unless the defendant pleads not guilty).

Ineffective trials

- 4.4 An important consequence of poor quality case files can be the number of ineffective trials.⁴⁹ These can often (but not exclusively) be the result of problems with case files and of themselves, should not be viewed as a direct measure of file quality. Table 6 provides a general overview for ineffective trials.

Table 6: Ineffective trials in 2013.⁵⁰

Total number and % of ineffective trials in the Youth Court 2013.	114 (20.7%) Of total, number and percentage attributed to Prosecution: 68 (59.6%).
Total number and % of ineffective trials in the adult Magistrates' Court.	1,928 (24.5%) Of total, number and percentage attributed to Prosecution: 1,020 (52.9%).
Total number and % of ineffective trials in the Crown Court.	283 (18.8%) Of total, number and percentage attributed to Prosecution: 68 (24%).

The statistics show that a majority of ineffective trials in the Magistrates' Court (adult and youth) are attributable to the Prosecution. Our file sample confirmed that a significant proportion of those are related to issues concerning the timeliness and quality of upgrades to prosecution files.

Timeliness

- 4.5 A key determinant and measure of the effectiveness of the justice system is the time taken for case files to reach the PPS. This is part of the wider issue of delay in the system and has been the subject of previous reports by CJI⁵¹. The CJI report on Avoidable Delay of 2010 made a number of significant recommendations surrounding the need for common performance measures across the justice system. CJI recognises and advocates that, for victims, the measure of time begins when an incident occurs and ends when the case is finalised by a court (end-to-end process). However, the justice system has a range of other measures which are less comprehensive. The core measure agreed by justice agencies going forward, will begin when an offender is charged or informed that they will be reported with a view to prosecution. In addition, some measures exclude court recess times and existing average measures exclude

49 The Northern Ireland Courts and Tribunals Service describe an ineffective trial as, '...on the trial date, the trial does not go ahead due to action or inaction by one or more of the prosecution, the defence or the court and a further listing for trial is required'.

50 Judicial Statistics 2013, Northern Ireland Courts and Tribunals Service.

51 Avoidable Delay: A Progress Report, CJI, January 2012, and Avoidable Delay, CJINI, June 2010.

indictable summons cases in the Crown Court. For victims, witnesses and defendants, this fails to measure the end-to-end process.

- 4.6 The PSNI have continued to use their own internal timeliness targets for the submission of case files to the PPS - a practice which provides greater accountability on PSNI performance - but may have some counter productive consequences for overall end-to-end case timeliness, as detailed in the 2010 CJI report on Avoidable Delay.

Table 7: PSNI timeliness targets and outcomes 2013-14 and 2014-15 (year to 19 February 2015⁵²)

		Target (days)	% Target	% Within Target (2014-15 to 19-2-15)	% Within Target Previous Year (2013-14)
Charge Cases	Charge Case Adult	18	87	95%	95%
	Charge Case Youth	15	87	90%	92%
Reported Cases	Indictable Reported Case	60	87	42%	51%
	Adult Summary Reported	42	87	74%	77%
	Youth Summary Reported	35	87	66%	68%
	No Prosecution/Non Court Disposal	35	87	77%	78%
Totals				79%	81%

- 4.7 Table 7 shows that most case files were submitted within agreed time limits (79%). However, this masks some significant differences in case files - the timeliness of summary case files range from 74% for adult cases to just 66% for youth cases. A greater concern is the evidence that just 42% of indictable reported cases are submitted within the agreed time limit. These internal timeliness targets differ from Criminal Justice System Northern Ireland reports as the PSNI has moved to create its own internal systems and to provide some internal targets not reported elsewhere.⁵³
- 4.8 A statutory time limit for some offences operates in the Magistrates' Court, which provides a further measure of the effectiveness of police and prosecution systems on the basis of 'statute barred'⁵⁴ cases and Form 1 requests by the PPS.

52 Source: PSNI Case Management Information System (CMIS) data.

53 For example the indictable reported cases which are not part of CJSNI data set by the Criminal Justice Board.

54 Section 19 The Magistrates' Courts (Northern Ireland) Order 1981 provides that, 'Where no period of limitation is provided for by any other enactment— (a) a magistrates' court shall not have jurisdiction to hear and determine a complaint charging the commission of a summary offence other than an offence which is also triable upon indictment unless the complaint was made within six months from the time when the offence was committed or ceased to continue; and (b) a complaint charging the commission of an indictable offence may be made to a justice of the peace and dealt with at any time and, accordingly, a resident magistrate may at any time after an indictable offence was alleged to have been committed exercise any jurisdiction conferred on him by Articles 45 and 46 or by any other enactment to try that offence summarily.'

Table 8: The number of suspects flagged as statute barred with attribution 2012-14⁵⁵

	2012	2013	2014	Total
Statute Barred - attributable to the PPS	24	37	18	79
Statute Barred - attributable to the PSNI	249	165	98	512
Out of time - test not met	52	25	46	123
Total	325	227	162	714

Table 9: The number of suspects with a Form 1 application 2012-14⁵⁶

	2012	2013	2014
No. of suspects with a Form 1 application	3,760	3,618	3,457

- 4.9 It is concerning that 162 suspects had a case discontinued in 2014 due to delays in the submission of case papers. This was a significant reduction on the previous two years. The number of Form 1 applications, have only slightly decreased in recent years, and whilst Inspectors accept that Form 1's will be necessary in exceptional cases, there is a concern that these applications are too common and may disguise underlying deficiencies in file preparation and quality.
- 4.10 CJI has consistently advised that existing measures of timeliness do not indicate anything about the quality of these case files. Indeed, there was significant evidence that the measure of timeliness, specifically one that applies to just one organisation (part of the process) may indeed be counter-productive to achieving good quality case files. Repeated evidence was heard that in a broad range of areas, case files were being submitted simply to meet the administrative time targets, without any consideration of quality. Many Prosecutors considered that police submitted case files in a way that used the prosecution service as a kind of 'MOT check'. Our case file reviews also confirmed that some files were submitted simply to meet internal timeliness targets.
- 4.11 CJI referred to the issue of timeliness targets being considered in isolation in their report on Serious and Organised Crime⁵⁷. It was then stated, '*As existing performance indicators concentrate solely on the preparation of files within administrative time limits, this can have the perverse effect that concentration on the important aspects of quality and particularly of post charge investigation (including disclosure, trial preparation and conduct) becomes invisible at management level. This can contribute significantly to a range of other problems such as poor quality files and subsequent linked challenges.*' The CJI report subsequently recommended, '**The PSNI should introduce performance indicators which include and recognise the need for effective and timely post charge investigations (including trial preparation and management) in all crime investigations.**'

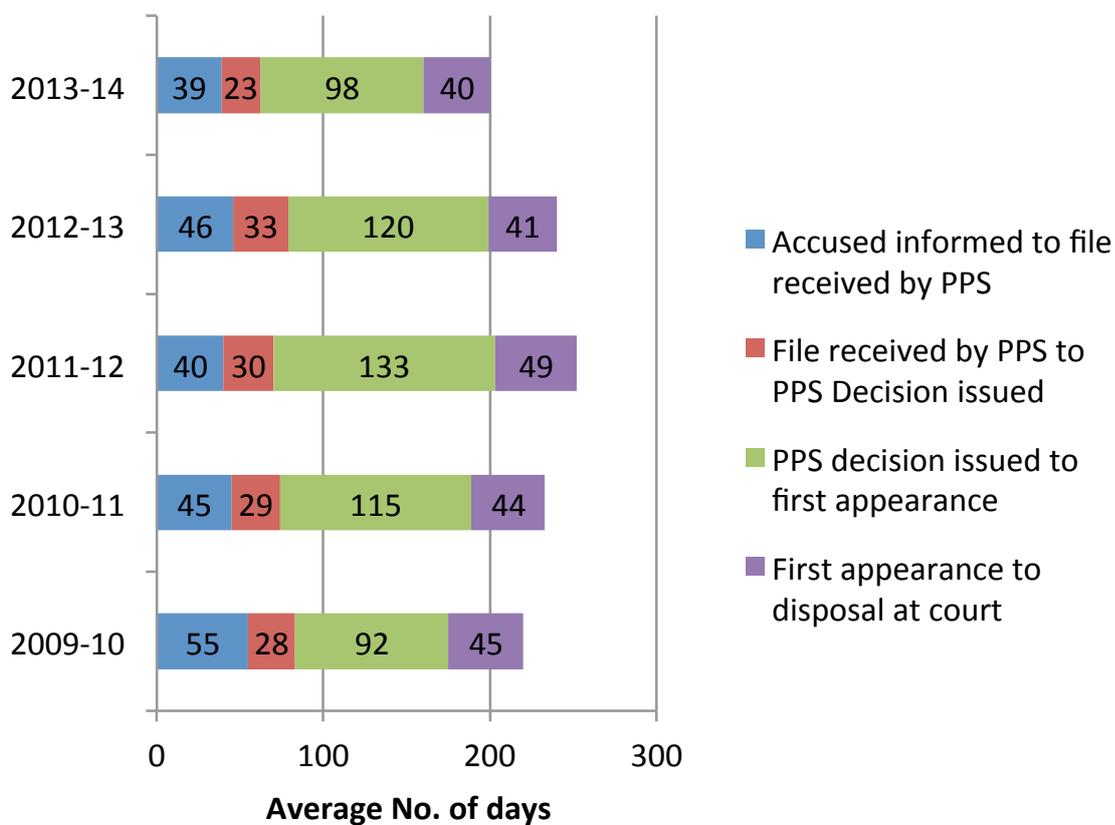
55 Source: Public Prosecution Service Northern Ireland.

56 Source: Public Prosecution Service Northern Ireland.

57 Serious and Organised Crime: An inspection on how the Justice System deals with Serious and Organised Crime in Northern Ireland, Criminal Justice Inspection Northern Ireland, October 2014.

4.12 It has been the consistent view of CJI that statutory time limits (similar to those operating in Scotland) should be an overall part of the justice system response and of the performance and cultural shifts highlighted elsewhere in this report. In the context of file quality, we consider that the strength of having an end-to-end timeliness target or limit remains valid and should be seriously considered for all court tiers where avoidable delay remains a serious concern. Table 10 presents case timeliness in the Magistrates' Court for report cases.

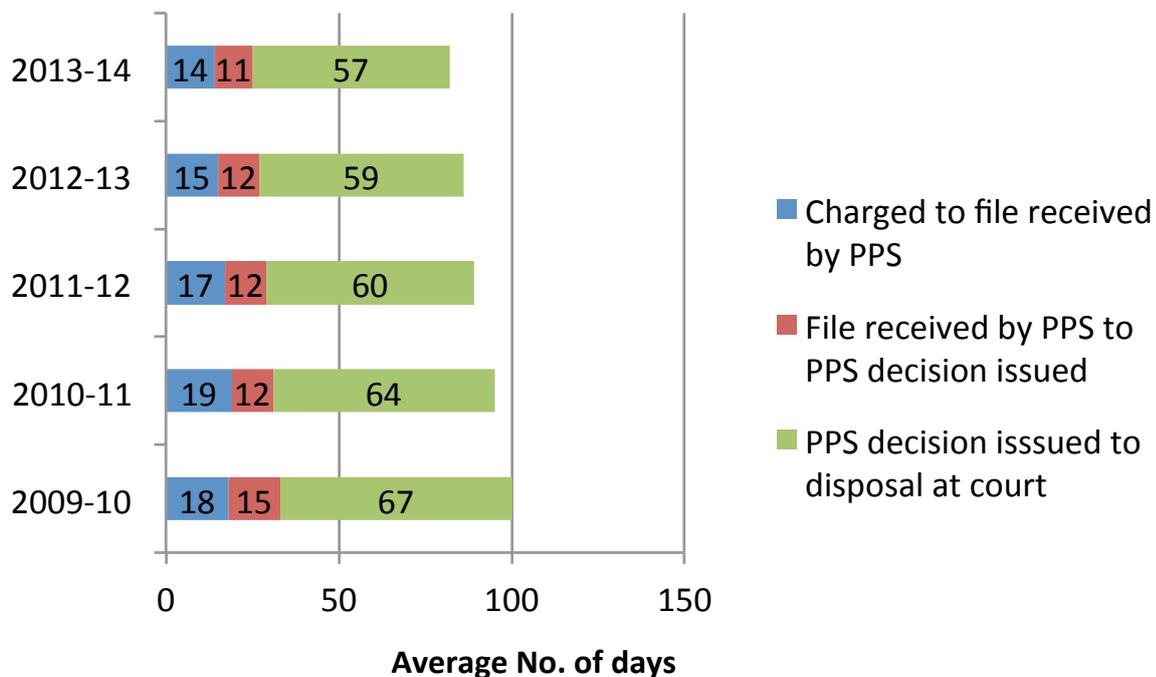
Table 10: Average time taken in (days) in the adult Magistrates' Court for report cases⁵⁸



⁵⁸ Source: Department of Justice.

4.13 Table 11 shows timeliness performance for charge cases in the Magistrates' Court.

Table 11: Average time taken (days) in the adult Magistrates' Courts for charge cases⁵⁹

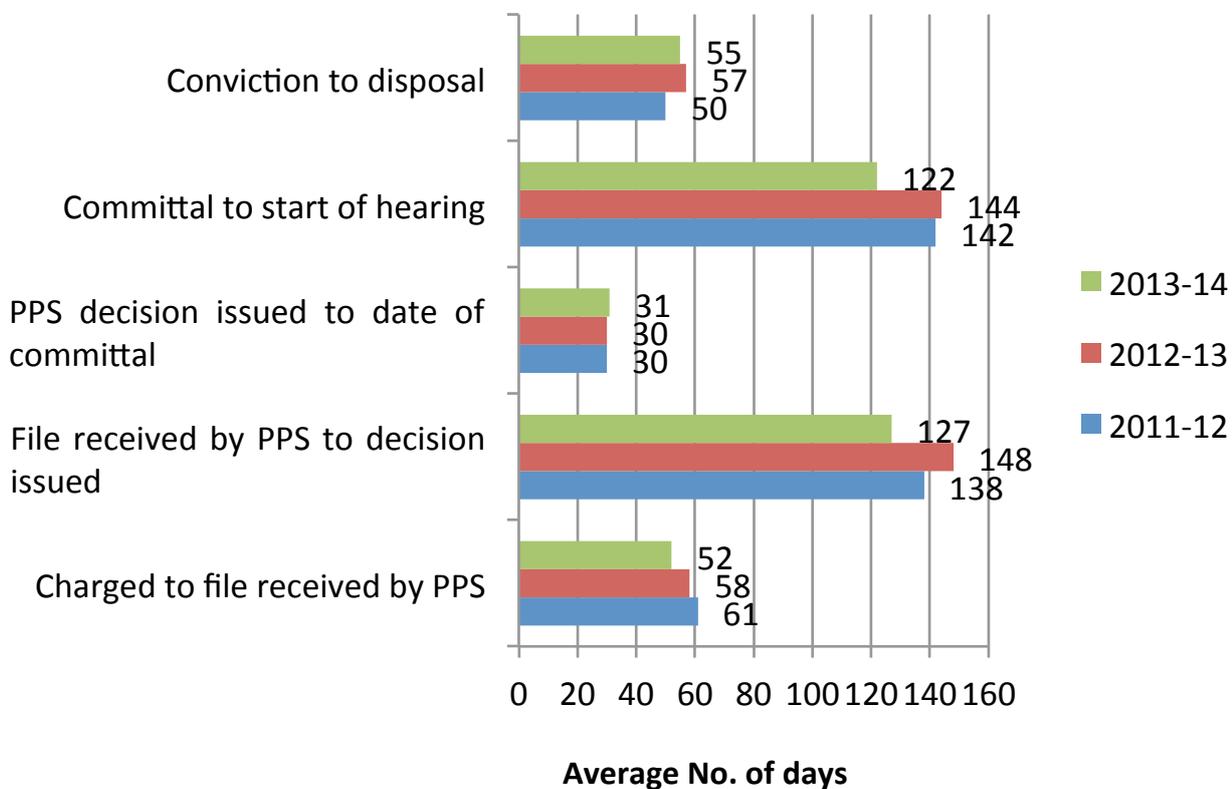


Despite some Prosecutors expressing concerns at the police use of charging, it is clear from an examination of Tables 10 and 11 that charge cases proceed overall at a much quicker pace (average 200 days overall for report cases in 2013-14 and 82 days for charge). Used appropriately, in conjunction with streamlined procedures and a greater culture of case ready charging⁶⁰, this could have a significant overall effect on both timeliness and quality.

4.14 The position for the Crown Court over the last three years (2011-12 to 2013-14) is shown in Table 12.

⁵⁹ Source: Department of Justice.

⁶⁰ Inspectors acknowledge that case ready charging is not appropriate in all cases and police will have to weigh a number of factors in the decision to charge, including public risk and harm.

Table 12: Average time taken (days) in the Crown Court for charge cases⁶¹

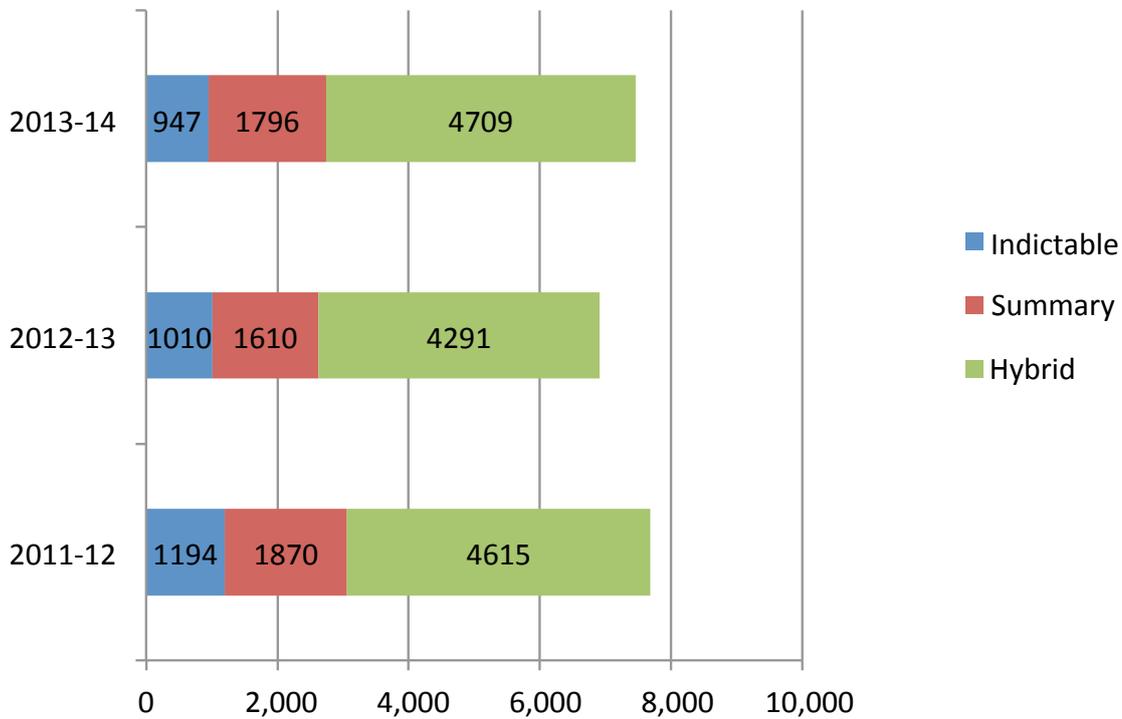
The overall time taken in the Crown Court has shown a decrease from its height of 437 days on average in 2012-13 to 387 days in 2013-14.

Quality measures

4.15 An indicator of the underlying issues in case files can be the number of requests made by the PPS for further information in case files. These are broken down into two categories. Firstly, DIRs which request further information Prosecutors consider necessary before taking a decision and secondly, PDIRs. These requests for further information issue after the decision to prosecute has been taken. Neither, as we observe elsewhere, are direct measures of quality but carefully considered alongside other indicators can be useful in understanding the issues. The data from PPS available to Inspectors at the time of fieldwork showed:

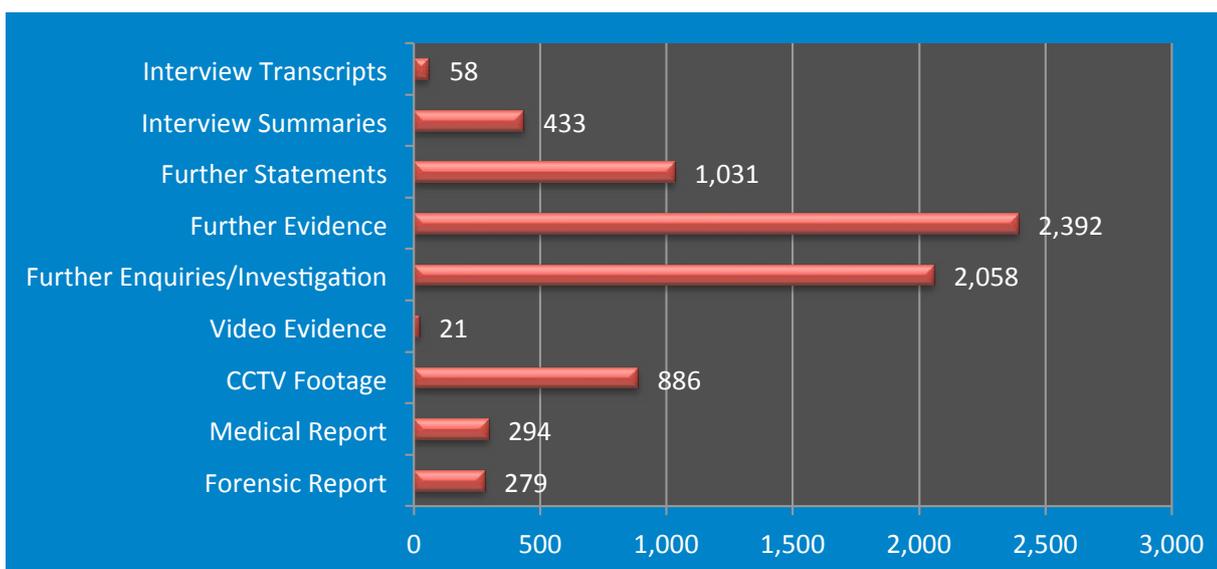
⁶¹ Source: Department of Justice.

Table 13: Number of DIRs



4.16 The total number of DIRs issued in 2013-14 was 7,452. The overall picture is one of little change with a slight reduction over the period of 3%. Table 14 breaks this down into a number of separate categories.

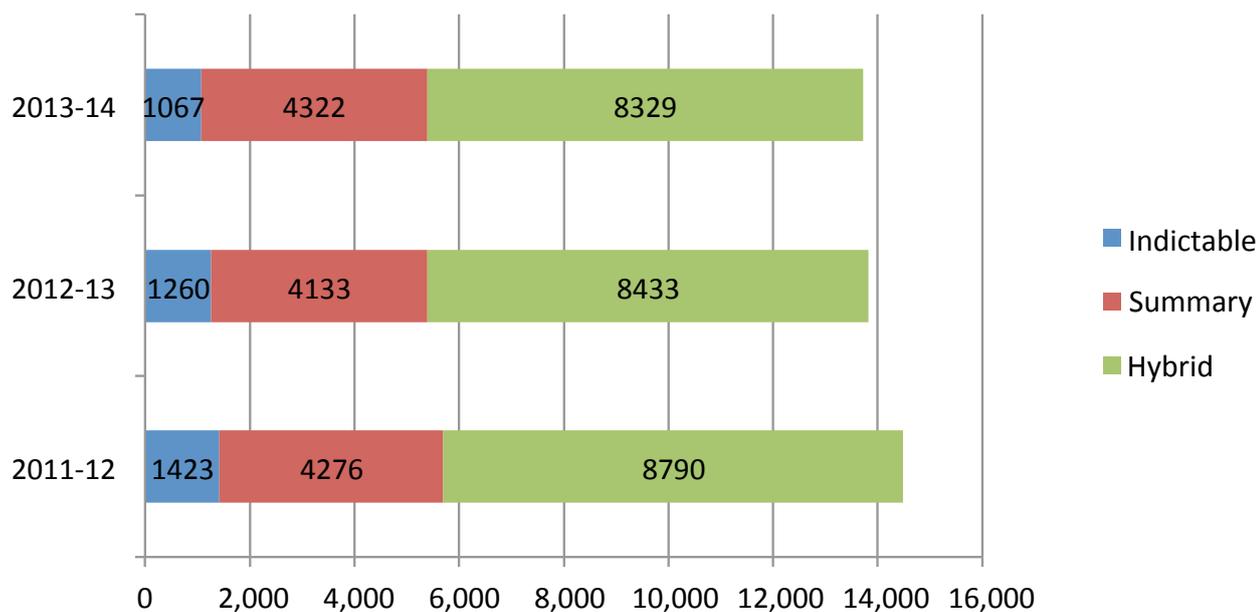
Table 14: The number of PPS DIRs issued by category in 2013-14⁶²



62 Source: Public Prosecution Service Northern Ireland.

- 4.17 The three most common categories of DIR were further evidence, further enquiries/investigation and further statements. These accounted for 73.5% of all DIRs. The categories, which are outside the direct control of police, are those of forensic and medical reports – each of which account for less than 10% of the total DIRs. The CJI report on the use of early guilty pleas stated that ‘... in 2011 the number of adjournments attributable to prosecution ‘not ready’ was 32,697 and 41 of these were attributable to forensic and fingerprints. Not ready ‘medical’ accounted for six of the total.’
- 4.18 The use of DIRs for interview transcripts or summaries is not as common as many police interviewees have indicated (6.5%). Overall, the repeated police opinion that medical/forensic and technical requests such as interview transcripts explained the majority of DIRs, is not supported by this data.
- 4.19 Table 15 indicates the numbers of PDIRs issued over the last three years.

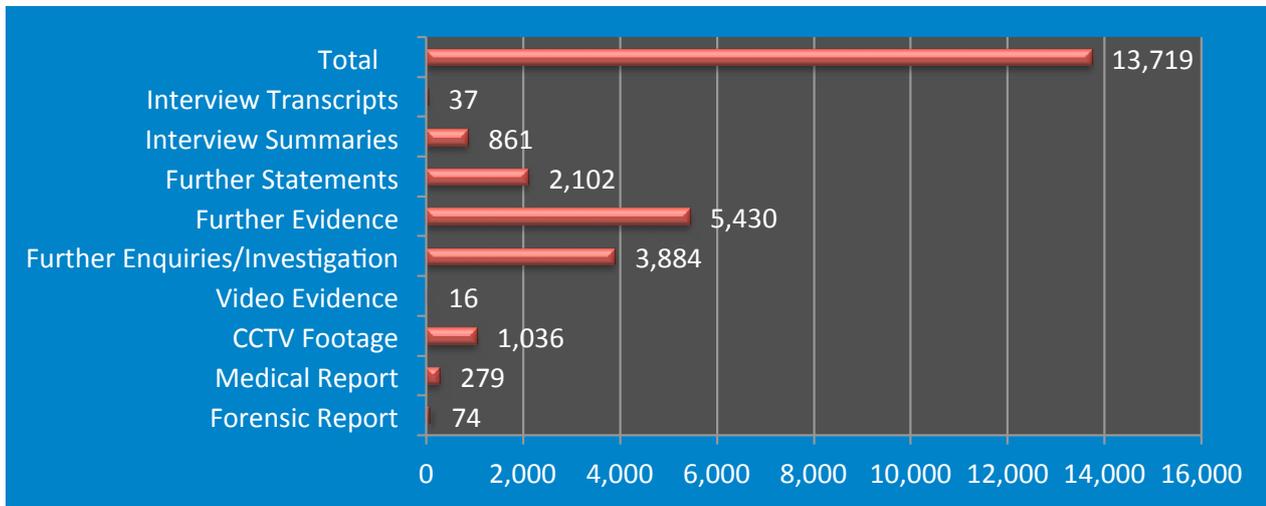
Table 15: Number of PDIRs issued by the PPS 2011-12 to 2013-14⁶³



- 4.20 The overall number of PDIRs has fallen over the three year period, but at just over 5% this is not significant enough to be regarded as a step change.
- 4.21 The types of PDIR issued are indicated in Table 16:

⁶³ Source: Public Prosecution Service Northern Ireland.

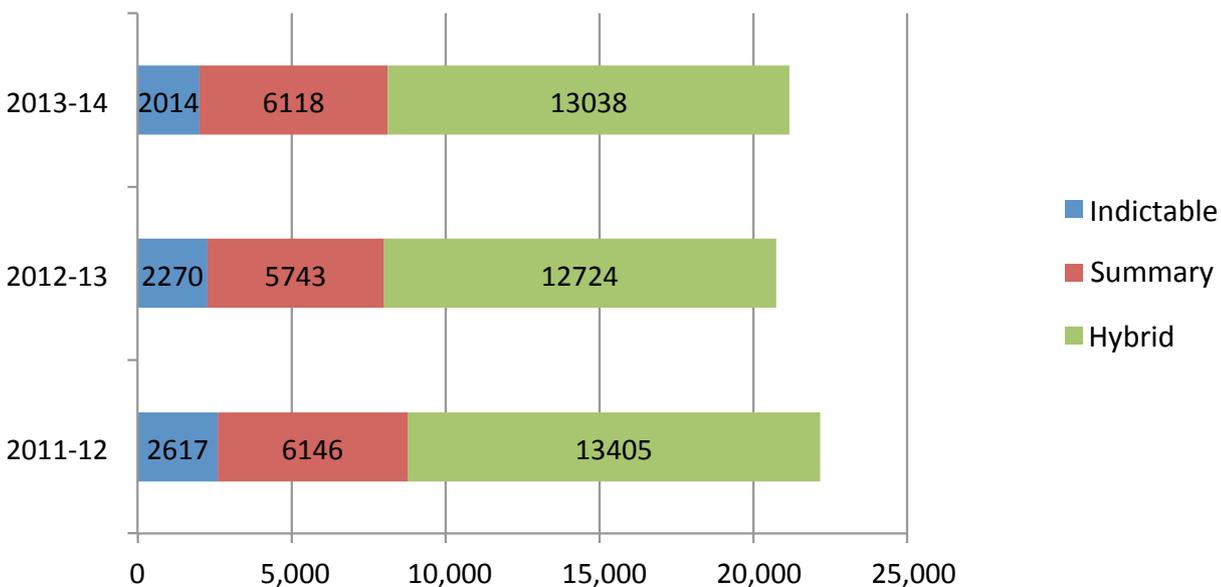
Table 16: The types of PDIR issued by PPS in 2013-14



Once again the three most significant combined categories indicate that further statements/evidence/enquiries/investigation account for the greatest majority (83%). Again, the issue of forensic and medical evidence as one of the key issues in delay accounted for a very small percentage at 2.5%.

4.22 Table 17 highlights the combined totals of both DIR and PDIR issued by the PPS for the last three full years:

Table 17: The combined number of DIR and PDIRs issued by PPS in the three years from 2011-12 to 2013-14



The information in Table 17 demonstrates little overall change over the three year period with a decline in indictable requests.

- 4.23 A range of interviewees during fieldwork confirmed that the data surrounding DIR and PDIRs were not formally regarded as a measure of quality. Senior staff in both the PPS and the PSNI acknowledged this. Yet, still there was evidence that it was being used as such a measure and individual Police Officers advised Inspectors that they were held to account in respect of the number of DIR/PDIRs allocated to them. Some even went so far as to say that this could force them to limit the number of self-generated detections they would make. The use of DIR and PDIRs has become operationally confused as between performance indicators and performance measures with the former being the ideal. The continued measurement of DIR/PDIRs can be useful alongside a range of other indicators, but are an incomplete measure of quality. They are indicators which require explanation and are subject to significant qualification.
- 4.24 The PSNI had recently made the issue of file quality a target for its District Commanders. This was an attempt to provide focus to the issue of quality and was being measured by the numbers of files returned by gatekeepers⁶⁴ (as opposed to the number of DIR/PDIRs). Fieldwork demonstrated that this was having some effect, but Inspectors view was that this was not backed by any corporate framework and meant that the response differed from area to area. There were some examples of District Commanders applying what was referred to as 'intrusive supervision' and early interventions which undoubtedly had led to some change. Again, this was not consistent and lacked structure. For example, Inspectors found that there were differing approaches to the issue of charging from area to area and even within areas. A further example of the lack of corporacy was indicated by a lack of direction for staff that were tasked with the training of others in matters of file quality. Responding to the problem by requiring others to make it a priority in isolation from the structures of corporacy, support, resources and wider commitments, was inevitably going to create its own challenges. This can also be linked with previous comments regarding the absence of a clear code of practice on quality standards, clarity of ownership and responsibility and training and support for supervisory staff.

Disclosure outcomes

- 4.25 There are no formal targets or indicators of performance with regard to disclosure and this inspection showed that the process is too often treated by the police as a postscript; rather than as an integral part of the case building process with attention to the obligations of disclosure at every stage. While the majority of cases proceed through the courts without significant problems, it is apparent that when disclosure failures do occur they are often catastrophic and lead to the collapse of trials. This damages confidence in the justice system. CJI is aware of several cases, already in the public domain, where disclosure breakdowns have led to justice being distorted.
- 4.26 It was represented to Inspectors that the numbers of disclosure applications in the Northern Ireland courts was increasing and this was putting an additional challenging burden on the PSNI and the PPS. Table 18 sets out the position with year on year increases between 2011 and 2013 and the vast majority of applications granted. It is not within the remit of CJI to assess the merits of individual applications but clearly this is a trend which may need further explanation.

⁶⁴ From September 2013 Gatekeepers have been monitoring all indictable files before submission to PPS and providing feedback and mentoring for District officers.

Table 18: Section 8 applications for disclosure under the Criminal Procedure and Investigations Act 1996 in the Northern Ireland courts 2011 – September 2014.⁶⁵

		Year			Jan - Sep 2014	Total
		2011	2012	2013		
Outcome of disclosure applications	Granted	875	1344	1427	778	4424
	Refused	2	7	24	3	36
	Withdrawn	43	85	105	68	301
	No Order made	8	32	17	13	70
Total		928	1,468	1,573	862	4,831

4.27 The recommendations contained within this report for a Prosecution Team approach together with continued regular and structured engagement in training and support, applies equally to matters of disclosure. The disclosure system can be improved by a more consistent application of the Attorney General's Guidelines and a transparent process.

Complaints

4.28 The Police Ombudsman for Northern Ireland maintains statistical data regarding the number and nature of complaints which are routinely published. The latest statistical information from this source⁶⁶ indicates that in 2013-14, a total of 2,235 complaints of 'Failure in Duty' were recorded. Of these, 1,151 related to the conduct of the investigation/incident response and 220 were in respect of 'failure in record management'. These are regarded as the main areas of complaint relevant to this report. While they require very careful analysis, they can be used as a further indicator of performance. The number of complaints in the category of failure in duty has risen by around 20% from the previous year and also over the period since 2009-10.

Case Studies

4.29 A small number of case studies in order to highlight the consequences and the contrasts in the cases reviewed are included in this report. These case studies are typical of the outcome from such cases and while individual cases vary in terms of the individual delays and the impacts, the outcome of poor file preparation and a lack of timeliness is customarily, consequential delay in the courts. There was no significant evidence of a change in final court outcome with regard to those cases in our fieldwork. It was apparent that there were delays to decision-making and additional costs in terms of the time devoted by Prosecutors to ensuring that case files were of an acceptable standard. This additional time will have both financial cost and an opportunity cost in terms of the work Prosecutors could devote to other priorities. Defendants, victims and witnesses also suffer substantial postponements and unnecessarily prolonged judgements in prosecution decisions and beyond, into the court process. The contrast is Case Study Three which was a relatively high-quality and timely file. It validates the contrast between volume crime cases and the specialist investigations which are already highlighted elsewhere.

⁶⁵ Source: Northern Ireland Courts and Tribunals Service.

⁶⁶ Trends in Complaints and Allegations received by the Police Ombudsman for Northern Ireland, 2013/14, Annual statistical report of the police Ombudsman for Northern Ireland, June 2014.

Case Study One

This was a case resulting from a traffic collision occurring in mid August 2012. On 4 February 2013, police submitted an advice request to the PPS seeking a Form 1 be issued protecting possible offences from becoming statute barred. The evidence of witnesses identified by solicitors in February 2013 was not recorded until May 2013 and was only submitted to the PPS in November 2013. Two further statements made in August 2012 were also submitted in November 2013. Following receipt of all additional statements, the PPS prosecution decision was taken on 13 November 2013. Police disclosure schedules of unused (non-sensitive) material were submitted on 8 January 2014. This particular case therefore took 459 days (16 months) from occurrence for a prosecution decision to be made. It was a case in which there were two defendants and several witnesses. While there were some forensic submissions in this case and some challenges in identifying evidence, there were notable delays in the investigative process and the submission of key statements. This would have negated the need for a Form 1 and meant that a prosecution decision could have been taken much more quickly.

Case Study Two

This case concerned a serious assault which came to the attention of police on 28 April 2011 and resulted in an initial charge on 5 February 2012. A police file was submitted on 21 February 2012. The PPS then issued DIRs on 27 February 2012 and 11 May 2012 seeking among other matters, photographs of injuries received, medical evidence of injuries, details of counter allegations and forensic submissions. A decision to prosecute was made on 1 June 2012. This was 439 days (15.5 months) after the incident.

Case Study Three

This case concerned homicide offences which occurring in early 2013. Following initial police investigations, a man was charged on 14 February 2013. A full police file dated 24 July 2013 was submitted which, while containing some discrepancies, was well structured and presented. Outstanding matters concerned medical evidence, forensic evidence and evidence of the scene (photographs and maps). The majority of these matters were dealt with within a very short period. Disclosure issues, with the exception of some third party material, were dealt with appropriately and submitted with the full file. The time taken between initial incident and file submission in this serious case was 191 days (or just under seven months).

Conclusions and next steps

- 4.30 This inspection points to a number of strategic and operational problems many of which were well known and long standing. In their own right, and more importantly given that it is victims and witnesses who ultimately suffer the consequence of delay, these issues deserve attention. Added to the mix is the absolute need for new approaches, new thinking and new models to address decreasing financial and staff resources.
- 4.31 Inspectors identified a range of positive initiatives including better use of technology to deliver efficiencies during this inspection such as the use of body worn cameras by police; the use of live links to court and the transfer of evidence through secure links to the defence. However, keeping pace with best practice and achieving the efficiencies required in the current financial climate, will require the delivery of these technical solutions to be expedited and necessitate some short term resource investment. There are areas of best practice in England and Wales where an earlier response to austerity has driven such change. The advances there, and the lessons learned, could be examined as part of a specific criminal justice wide efficiency project which would ensure the various agencies pull together to address shared obstacles and deliver shared outcomes. One such outcome could be that ineffective trials should be the exception, rather than common practice.
- 4.32 Problems surrounding file quality and timeliness have been present for some time and any progress has been recent and modest. A single agency and incremental approach to improvement will not provide the gains required. Although the primary responsibilities rest with the PSNI, unilateral endeavour will have limited success and needs to be supported by system-wide change. The PSNI itself needs to give the issue of file quality much greater priority and co-ordinate this with ongoing strategic change. This does not simply mean greater scrutiny of existing practice, rather a changed operating model and approach that will see the allocation of priority and resources to getting it right first time and to greater quality assurance. It also requires long-term and sustained commitment to this renewed focus. Only this more radical change will see the required improvements. This approach must be reflected in clear written standards, agreed with the PPS so that expectations are realistic. The standards must be supported by shared performance measures of timeliness and quality, and a robust joint performance regime which has effect at all levels.



Appendices

Appendix 1: Methodology

One of the principle approaches of this inspection was a file review. A total of 51 files, including prosecution, no prosecution and no decision files were independently reviewed. Cases were randomly selected from a much larger group of 1,989 cases identified by the Northern Ireland Courts and Tribunals Service (NICTS) as completed in Northern Ireland in March 2013. The case file sample included a broad range of case types coming before both the Magistrates' and Crown Court. The file review was supported by a series of engagements with stakeholder organisations. The latter included the following:

August 2014

- Focus Group meeting with PSNI Disclosure Officers;
- Meeting with PSNI Head of Training and staff; and
- Focus Group Meeting with Serious and Organised Crime Officers.

September 2014

- Meeting with PPS Assistant Director Policy;
- Focus Group meeting with PSNI staff 'A' District Musgrave Street;
- Focus Group meeting with PSNI staff 'B' District, Antrim Road;
- Focus Group meeting with PSNI staff 'C' District, Bangor;
- Focus Group meeting with PSNI staff 'D' District, Lisburn;
- Focus Group meeting with PSNI staff 'E' District, Banbridge;
- Focus Group meeting with PSNI staff 'F' District, Omagh;
- Focus Group meeting with PSNI staff 'G' District, Strand Road; and
- Focus Group meeting with PSNI staff 'H' District, Ballymoney.

October 2014

- Focus Group meeting with PSNI/PPS Liaison staff;
- Meeting with PPS Assistant Directors Eastern & Western & Southern;
- Meeting with PPS Assistant Director, Fraud & Departmental;
- Meeting with PPS Senior Public Prosecutor with responsibility for Sexual Offences; and
- Meeting with PPS Senior Prosecutors, Belfast Chambers.

November 2014

- Meeting with the Committee on Administration of Justice;
- Meeting with the PSNI Assistant Chief Constable Service Improvement Department;
- Meeting with the PPS Deputy Director and Senior Assistant Director;
- Meeting with The Honourable Mr Justice Weir;
- Focus Group meetings (x2) with PSNI Occurrence Case Management Team (OCMT) staff;
- Focus group meeting with PSNI District Commanders/District Command staff; and
- Focus group meeting with PSNI District Inspectors.



December 2014

- Meeting with Northern Ireland Criminal Bar Association; and
- Meeting with the Law Society of Northern Ireland.

September 2015

- Meeting with the Law Society of Northern Ireland; and
- Meeting with the Northern Ireland Criminal Bar Association.

In addition, there were monthly meetings with the PSNI's Service Improvement Department and regular meetings and contacts with the PPS Senior Prosecutor, Policy and Information Section during the lifetime of the inspection fieldwork.

Appendix 2: Terms of reference

An Inspection of the Timeliness and Quality of Police files (Incorporating Disclosure)

Terms of Reference

Introduction

Criminal Justice Inspection proposes to undertake an inspection on the timeliness and quality of police files and incorporating the application of disclosure (including third party material) under the Criminal Procedure and Investigations Act (1996) and amended by the Criminal Justice Act 2003.

Context

The police are responsible for the investigation of the vast majority of criminal offences while the Public Prosecution Service (PPS) is responsible for the conduct of all criminal proceedings which are instituted in Northern Ireland.

Each year the Public Prosecution Service (PPS) receives thousands of case files from investigating agencies. A total of 49,628 cases were received in 2012-13 with the overwhelming majority coming from PSNI (96.1%)⁶⁷. Preparing (or building) a quality case file for consideration by the PPS and evidence for presentation in court is a fundamental foundation of an efficient criminal justice system. Police and Prosecutors must work closely together to ensure that cases are prepared to standards which support the efficient and effective administration of justice.

The case file should contain all the evidence upon which decisions as to prosecution by the PPS are made. It is therefore critical that the collection, recording and presentation of evidence, together with the transfer of the case file, is timely, efficient and effective. In other words, the case file is submitted expeditiously, contains all the necessary information and is of a high quality to allow a decision to be taken as to prosecution.

Submitting a timely and quality case file, including fitting attention to matters of disclosure, enables the criminal justice system to function smoothly and ensures that the interests of justice are properly served. Conversely, poor quality case files can have significant consequences in terms of the additional demands they create and ultimately could lead to delayed justice.

It has been apparent in many aspects of the work of CJI that the quality of case files has been at issue with, for example, the Director of Public Prosecutions in Northern Ireland publicly criticising the quality of case files⁶⁸ and matters of case file quality arising in avoidable delay. Consequently, the proposed inspection will seek to evaluate the position in keeping with the inspection aims as set out below.

⁶⁷ 46,447 of a total of 48,315 case files received by PPS between 1/7/2012 and 30/6/2013. Source: PPS.

⁶⁸ See BBC report of 2 March 2012 available at: <http://www.bbc.co.uk/news/uk-northern-ireland-17226889>



Aims of the inspection

Drawing upon previous inspection work, the broad aims of the inspection are to:

- assess the policies and procedures underpinning the preparation and transfer of case files to the PPS (including their quality and timeliness);
- assess the current practice surrounding the preparation and transfer of case files to the PPS; and
- assess the broad outcomes of strategies and delivery mechanisms surrounding the quality and timeliness of case files.

Other matters of significance as they arise during inspection may also be considered.

The following methodology is proposed:

Inspection methodology

The inspection will be based on the CJI Inspection Framework⁶⁹ for each inspection that it conducts. The three main elements of the inspection framework, mirroring the aims of the inspection, are:

- Strategy and governance;
- Delivery; and
- Outcomes.

CJI constants in each of the three framework elements and throughout each inspection are equality and fairness, together with standards and best practice.

The following methodology is proposed;

The inspection will seek to engage with key criminal justice agencies as well as key stakeholders to document and assess the matters set out under the main aims of the inspection. While the inspection will not seek to examine individual cases, in keeping with S.47 (6) of the Justice (Northern Ireland) Act 2002, it will seek to use evidence of current practice and for this purpose may conduct exemplar case file sampling and or independent quality assurance of data and evidence.

There will be a five phase approach to inspection as follows:

- Phase 1 - Design and Planning (including development of Terms of reference);
- Phase II - Delivery (fieldwork);
- Phase III - Assessment and Review;
- Phase IV - Factual Accuracy Checks; and
- Phase V - Publication and Closure.

69 Available on the CJI website as follows: <http://www.cjini.org/CJINI/files/7d/7d3551e8-8b7e-4df1-a409-e448a1400ea2.pdf>.

Design and Planning (Phase I)

Some preliminary meetings have been held with key stakeholders as a means to finalise these terms of reference.

Preliminary research will be undertaken by Inspectors to inform the inspection and in particular phase II. A review of previous inspection work and best practice, including similar related inspections in other jurisdictions, will be conducted by CJI to inform the overall inspection. Key criminal justice agencies will be asked to supply CJI with all relevant documentation including reports, protocols and statistical data by the end of May 2014. Using these submissions, Inspectors will determine whether any further information should be requested from CJOs.

An initial fieldwork plan is expected to be finalised with key criminal justice agencies by the end of April 2014.

Delivery Fieldwork (Phase II)

Inspection fieldwork is expected to be spread over the summer months and into early Autumn 2014 so as to minimise impact on CJO's and bearing in mind the availability of staff in inspected agencies and other inspection work during the summer period.

Assessment and Review (Phase III)

Following the completion of fieldwork Inspectors will take a period of time to assess and review all relevant material, documentation and evidence. Following this, a further period of time will be necessary to prepare a draft report which will be subject of internal CJI quality assurance before moving to the next phase of work.

Factual Accuracy Checks (Phase IV)

A draft inspection report is expected to be produced by the end of 2014 and shared with the participating agencies for factual accuracy checking in line with existing CJI protocols.

Publication and Closure (Phase V)

Following factual accuracy checking by relevant agencies and internal CJI quality assurance processes, the final draft inspection report will be sent to the Minister of Justice seeking approval to publish. Once permission to publish has been received from the Minister a date of publication will be identified by CJI and communicated to the main agencies involved in the inspection and to the Department of Justice (DoJ). A report and covering letter will be sent by CJI to other agencies and stakeholders identified as needing sight of the report prior to publication. A press release will be prepared by CJI and will be shared with the agencies involved prior to publication.

Inspected agencies will be invited to prepare an action plan, if relevant, for publication at the same time as the publication of the inspection report.



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First published in Northern Ireland in November 2015 by
CRIMINAL JUSTICE INSPECTION NORTHERN IRELAND
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