



A joint OPCC and LCJB scrutiny inquiry into effective procedural justice.

To include prosecution file quality, timeliness, case management and the service being provided to victims.

Foreword, executive summary and recommendations

Foreword

by Devon and Cornwall's Police and Crime Commissioner and Local Criminal Justice Board Chair

My role as the Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly is wide-ranging. It covers not only what is described as the totality of policing, but also includes many responsibilities which reach across the wider criminal justice landscape.

As part of this, I chair the Local Criminal Justice Board. It is an invaluable part of what I do, bringing together the most senior leaders from strategic partner agencies and stakeholders across our region.

Both through this forum, and from the analysis work of my own office, it became clear to me that there was a need for me to take a deeper, more detailed oversight of the service that victims of crime were receiving from the criminal justice service, with a particular focus on the police, their procedures and performance. This included a particular emphasis on prosecution file quality, timeliness, and case management.

This need for increased oversight resulted in the commissioning of a formal scrutiny inquiry, which in turn saw numerous interviews, reviews of documentation and detailed analysis of information take place over several months.

This final report is the outcome of that work and details the inquiry team's findings. The report makes 35 recommendations, all designed in some way to help police and partners improve the service they provide to victims of crime.

I am aware that elements of this report will make tough reading, with the findings and outcomes clearly articulating where performance and the service provided to the public, could – and at times should – be better. However, in my role as the voice of the people, as the person elected to hold the police to account, it is important that when I see areas that could improve, I provide clear and unambiguous expectations. As such, I encourage all to take the time to read this report and consider at length what it is saying.

The inquiry also identified areas of good practice, and throughout the course of this piece of work, I was struck by the enduring dedication and commitment to public service shown by the officers and staff of the Devon & Cornwall Police. I thank each and every one of them.

I would also like to offer my thanks to all who took the time to contribute to this inquiry. From the officers and staff who provided crucial operational perspective, to the senior managers and strategic leaders from organisations including the Crown Prosecution Service, and of course from the public whose voice was secured in several ways. The evidence provided has led to one of the most robust pieces of scrutiny my office has ever undertaken.

I am particularly grateful to my Chief Executive Officer, Fran Hughes, who chaired and led this inquiry with energy and the keenest attention to detail, and I also thank her team, whose time and efforts have resulted in what is not only a comprehensive, detailed and well-evidenced report, but also provides an opportunity for everyone involved to reflect, and use this as a springboard to help improve the service received by victims of crime.

As such, I very much welcome and commend this report.

Alison Hernandez

Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly
Chair of the Devon and Cornwall Local Criminal Justice Board

Executive summary and recommendations

1. Introduction by inquiry chair

This scrutiny report is the result of a detailed inquiry into file quality and timeliness from a victim's perspective across the Devon & Cornwall Police force area. There are other reports; notably those from His Majesty's Inspectorate of Constabularies and Fire & Rescue Services (HMICFRS) which already identify procedural matters and overall police performance in relation to file quality, but this report details those matters specifically which impact on victims of crime and how they receive justice from across the criminal justice partner agencies.

The primary focus of this scrutiny is on Devon & Cornwall Police practices and, in particular, where this organisation interfaces with other bodies such as the Crown Prosecution Service. Where victims interface with other organisations and those commissioned to support them as they journey through the processes of getting to the courts, this has also been examined.

This scrutiny has identified the complexity of large organisational structures and the need to optimise the use of data and other evidence to drive system change. It touches on different organisational cultures and differences in organisational priorities. Although, however relevant these are, it is ultimately the level of service which is provided to victims of crime, its timeliness and the level of communication provided to support victims which has been at the heart of this review.

The detailed comments in this review have all been triangulated with the evidence found in the scrutiny work. The aim has been to identify and highlight good practice, to expose areas for further improvement by all concerned and to provide a challenge to the integrity of the processes currently in use. It is important to note that many victims get a very high-quality service, and the most serious cases are prioritised throughout the criminal justice system. However, this is not always consistent for every victim, and the volume of crimes compared to the resources available is not always aligned. This means victims often wait too long for their cases to be progressed, and challenges with internal processes exacerbate this. Some delays are attributable to the quality of the case file preparation which is not meeting the content or quality standards required and this is leading to rework and inefficiencies across the system. Poor implementation of ICT and resultant impact on data quality, as well as poor communication, are other themes which get in the way of the service threshold being met.

Throughout the period of this scrutiny inquiry all participating agencies have continued with their own improvement journeys, so this scrutiny can only ever represent a moment in time as changes are continually being made.

My thanks to the accountability and standards team within the Office of the Police and Crime Commissioner for working so tirelessly to complete this thorough piece of work, and to all the participating agencies and the community and voluntary sector for giving their time and thoughts on this critical issue.

Fran Hughes

Chief Executive & Monitoring Officer

Office of the Police & Crime Commissioner (OPCC)

2. Executive summary

- 2.1 The Office of the Police and Crime Commissioner (OPCC) aims to cut crime and deliver an efficient police service in their area. The Commissioner is elected by the public to hold the Chief Constable to account making the police accountable to the communities they serve. This formal scrutiny inquiry is about victims of crime, the service they receive from both the police and from other justice partners, and the processes and systems behind that service and was commissioned through the Police and Crime Commissioner's role as chair of the Local Criminal Justice Board (LCJB).
- 2.2 This inquiry was established in December 2023 in response to emerging concerns relating to the quality of prosecution files being prepared by the police, case management and timeliness, and the resultant impact upon victims of crime.
- 2.3 These emerging issues included concerns being raised direct with the Chief Constable by the Crown Prosecution Service (CPS) South West's Chief Crown Prosecutor, through the voice of the people, with themes arising from the Office of the Police and Crime Commissioner's (OPCC) statutory role in reviewing police complaints, and from the OPCC's scrutiny of force data relating to file quality, and the justice being received by victims of crime, particularly with regard to summary-only offences.
- 2.4 At the same time these issues were being raised, the joint His Majesty's Inspectorate of Constabularies and Fire & Rescue Services' (HMICFRS) report 'Meeting the needs of victims in the criminal justice system' (December 2023) was published and identified similar issues on a national level.
- 2.5 Terms of reference (ToR, attached at annex A) for the formal scrutiny inquiry were drafted by the Commissioner in December 2023, and were agreed after consultation with the police and CPS in early 2024.
- 2.6 Within these ToR, the inquiry was separated into two phases, the first focusing on training and action planning, the second on the victim experience and the efficacy of communication, governance, and accountability.
- 2.7 As part of the inquiry methodology, both national and local data was analysed, and numerous people were interviewed from across the criminal justice agencies. From the police these included senior managers, operational staff, Criminal Justice (CJ) department staff and managers, and staff involved in victim support. Other contributors to the inquiry included senior managers and lawyers from the CPS, members of the Magistracy, managers, managers from His Majesty's Courts and Tribunal Service (HMCTS) and a representative of the legal defence network.
- 2.8 The voice of the people, and in particular the voice of victims of crime, was secured throughout. This included through victims' advocates, such as Victim Support, directly via correspondence including police complaint reviews (anonymised for the purposes of this report), through other OPCC mechanisms and via Local Criminal Justice Board (LCJB) scrutiny panel.
- 2.9 This final report details findings both of positive impact, and areas where action is needed. Related matters that arose that arose during the inquiry, but were outside of its scope, have been referenced, along with details of what alternative action is being considered. Cross references have been made with relevant national reports, such as those from His Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS).
- 2.10 The headline findings of this inquiry are:

- It was clear that the Devon & Cornwall Police executive team are well-sighted on matters relating to file quality and case management and have displayed a drive to improve systems and processes.
- Devon & Cornwall Police's executive team have committed significant resources including training to try to address file quality concerns.
- There was evidence of some areas of positivity and success. These included the use of technology and the increased internal scrutiny of file quality pre-submission to the CPS, the latter already seeing a rise in the number of police prosecution files meeting the CPS's director's guidance assessment (DGA) of files standard.

However, there are areas where the effort applied has not achieved the desired aims including:

- The lack of clear victim focus, lengthy delays and inconsistent communications are currently providing a variable service to victims and requires urgent attention. At a time when help is needed most, people should be able to expect the police to support them achieving a just outcome in a reliable, timely manner.
- Of particular concern are those victims whose summary-only cases are 'timed out' and discontinued at the six-month pre-charge time limit. These victims receive no additional support, tailored services or protection, for what to them is a total – and at times highly detrimental – service failure.
- Action planning documentation was inconsistent, lacking in corporate priorities, and contained few measures or timescales to either describe improvements required or monitor performance uplift.
- Potential solutions to issues were arrived at without an effective analysis of the problem having been undertaken. This resulted in the prioritisation of an extensive investment in training, despite the lack of clarity as to what the causes of poor file quality and case management actually were, or what the training gaps existed.
- The force's training of file quality was found to be at times both ineffective and inefficient. Historically, file building and case management was found not to have been subject to sufficient attention or prioritisation by the Learning and Development department (L&D). Newer file standard training was not adequately designed, inconsistent (and at times) ineffectively delivered, and appeared to have no quality assurance, management oversight or evaluation strategy in place.
- Across L&D documents and products seen, there was an absence of consideration regarding matters of diversity.
- The culture of the force was found to be an obstacle to improvement. People described the existence of a combination of a silo mentality, a cross-departmental blame culture, and a tense relationship between both the criminal justice department and operational staff, and the force and the CPS. This was found to be a contributor to slow progress.
- There is an optimism bias in the senior police management and a defensiveness of their own position rather than a resolution focus.
- Data and information supplied to the force executive as demonstration of progress was at times accepted by them without challenge or verification. However, when later questioned, some claims did not stand up to deeper scrutiny.
- The quality, reliability, accuracy, and integrity of the force's data remains of significant concern.
- The stabilisation of the relatively new Niche record management system, its implementation and ongoing use, was, in the inquiry team's view, an issue of the

upmost urgency and importance for the force to review and address where appropriate.

- The relationship between the police and the CPS was not as effective as it needs to be, and required improvement so that appropriate change can be affected across the criminal justice system in an efficient and effective manner that benefits the public.
- There was limited evidence of effective force communication in related matters, with a number of members of staff, and CPS management, describing a perceived disconnect between the force executive and operational staff. Locally produced communication regarding file quality was inconsistent and lacked clear linkage to corporate priorities.
- No reference was made in any document reviewed, or from any person interviewed, to the force purpose.
- Operational officers described that year on year, the complexity of file building has increased with a commensurate increase in the time required to complete and submit a prosecution file of appropriate quality. However, the inquiry team found no evidence that force resource allocation and structures are systematically reviewed in line with the introduction of any new process or requirements that increases the administrative burden on operational staff. This results in a continuous, gradual reduction in front line capacity to attend and deal with live incidents.
- The inquiry also identified other interdependent processes raising concerns that impact upon the service provided to victims, including the force's use of bail and 'released under investigation' (RUI), and how delays in forensic science services affect case progression and impact on justice to victims.
- There is an absence of victim focus within the process documentation and culture including action plan documentation, force training materials and throughout interviews and meetings with a diverse range of officers, ranks, staff and grades. This was of concern.
- Criminal Justice staff and managers stated that CJ do not have a responsibility for supporting victims of crime, and they believe that victims' needs are the sole responsibility of the OIC.
- No evidence was found in relation to how any of the justice services effectively measure the quality of how well they meet the needs of victims.

2.11 In the inquiry team's judgment, the force's most pressing matter to review and remedy is the lack of focus on the real needs of victims of crime. Timeliness and accurate communication to victims of crime is a systemic issue with victims of summary only offences being among the most susceptible to suffering a failure in achieving the justice they deserve.

2.12 To address concerns and enable a better service to be provided to victims of crime, the inquiry team make 36 recommendations for the police, CPS, and wider justice partners to consider, as well as for the OPCC itself.

3. Recommendations

Office of the Police & Crime Commissioner (OPCC)

It is recommended that:

1. The OPCC reviews its commissioned services for victims to improve clarity for victims to better understand who is providing services to them at the point of delivery, for what purpose and how this interfaces with victim needs assessments (VNAs) and the Victim Care Unit (VCU).
2. The OPCC ensures its independence of Devon & Cornwall Police is recognised and understood by all, including by its own staff and volunteers and the police service.
3. The OPCC ensures that its commissioned service providers change the narrative on “independence” to give better clarity to their role as contracted service providers to the OPCC.
4. The Police and Crime Commissioner requests a written assurance statement from the Chief Constable on the current integrity and reliability of the police’s crime and performance data.
5. The OPCC undertakes a review of the interface between the VCU and other victim services.
6. The Police and Crime Commissioner requests written assurance from the Chief Constable on the robustness of the regional forensics services ability to provide timely evidential support to reduce adverse prosecution delays.
7. The Police and Crime Commissioner requests written assurance from the Chief Constable on the police’s use and management of ‘released under investigation’ (RUI) and suspect bail processes.

Devon & Cornwall Police

It is recommended that:

File quality training

8. The locally delivered current national file standards training programme is paused and recommissioned to better reflect the needs of victims across the syllabus. Any recommissioned training programme or product will address opportunities for improvement, including regularly updated reasons for file rejection, and minimum file quality standards.
9. Victims and their needs are demonstrably placed at the centre of all future relevant training.
10. Force training overtly embeds how it supports the force’s purpose of ‘community policing delivered with competence, compassion and a commonsense approach’.
11. All force training has an effective end-to-end evaluation strategy in place, which is developed as part of the initial commissioning/needs analysis process. This should inform future training requirements and enable the organisation to effectively learn and adapt.
12. The force more effectively targets training, prioritising critical and volume ‘users’ where appropriate, rather than taking a ‘one-size-fits-all’ approach. There should be a clear rationale for who is selected for training and who is excluded for enhanced file

quality training (e.g. why are Professional Development Officers (PDOs or 'tutor constables') excluded?).

13. Logistical arrangements for training are as efficient and appropriate as possible, to ensure that the right group of people are receiving the right training, in the right place, at the right time in an environment which optimises their learning.
14. The file quality training material and its delivery is sufficiently quality assured to ensure that there is optimal use of material (eg use of the CPS video) that meets a range of learning styles, with opportunities for timely interaction with the trainers and other subject matter experts.
15. The wider L&D syllabus is reviewed from initial entry ('probationer') training through other ranks and grades, to ensure that appropriate attention is being given to file building and case management at all relevant training touch points.
16. Specialist areas of the force are supported to commission training plans effectively and have a realistic opportunity to influence the type and scope of the training, and be part of the feedback loop which improves future service delivery.
17. All training products are reviewed to ensure that matters of diversity have sufficient prominence.

Structure, process & planning in policing

18. The force ensures that recommendations from previous HMICFRS PEEL (police effectiveness, efficiency and legitimacy) reports in relation to file quality have been, or are being, addressed through a clear action plan with SMART (specific, measurable, achievable, relevant and timebound) objectives to ensure that file quality and content are improved.
19. The force considers adopting a revised standard corporate approach to all action planning, to better ensure corporateness and consistency, with plans including SMART objectives where appropriate.
20. The force assures itself that the time and resources committed to the monthly DGA scrutiny panel to challenge CPS decision making provides a proportionate improvement on results for the investment made.
21. When significant changes are made to processes that impact operational staff, (such as increasing disclosure requirements when file building), the force ensures that force structures and resource allocation processes are reviewed to take into account the consequences of any increase in administrative time or workload burden.
22. The opportunity to use the newly developed apps to drive system change should be more widely exploited to inform future training and organisational development.
23. Mitigations are put in place to ensure that the force does not repeat its failure to respond quickly enough to the identified concerns about file quality. The force must ensure that its improvement plans are sustainable and can be delivered within the baseline funding envelope once the short-term enhanced resources are removed.

Police victim focus

24. The force repeats its victim satisfaction survey at the six and twelve-month stages to analyse the impact on, and changing needs of victims.
25. For victims whose cases have failed because they have 'timed-out' there need to be clear processes developed for communication and support for those victims and referrals to additional services if required.

Crown Prosecution Service (CPS)

It is recommended that:

26. The CPS documents how and when files are returned to policing to enable greater transparency between policing and the CPS to maintain organisational memory and identify any learning opportunities exists.
27. Through this, the CPS develops a programme of activity to build on the findings of this scrutiny inquiry (the addition of a daily dedicated lawyer is a welcome step and should be collectively evaluated by the CPS and the force).

CPS & police

It is recommended that:

28. The police and CPS invest time to improve their relationship at all levels, from a transactional one to one which enhances both organisations' system leadership, so appropriate change can be affected across the criminal justice system to the direct benefit of the public. A clear joint action plan is required.
29. The need for a Gold group is reviewed to ensure that if it is the preferred mechanism to manage the file quality and case management issue, that its terms of reference are amended to enable it to become a mechanism for delivering system leadership for the benefit of both organisations.
30. The perceived and pervasive narrative of each organisation not working together for a shared goal is ended, and time and energy is redirected to building a shared set of objectives and outcomes.
31. The CPS and police work together to secure and promulgate current good practice, and optimise systems and maximise opportunities to increase the number of early guilty pleas.

Wider Local Criminal Justice Board (LCJB) partners

It is recommended that:

32. The board considers appointing a senior criminal justice partner to chair the victims' sub-group, to help elevate the group's status and improve outcomes.
33. All criminal justice partners work together to increase awareness and use of the new resource for victims of crime Criminal Justice and You.
34. The police, CPS and all criminal justice partners review relevant processes and policies to ensure that the victim is demonstrably at the heart of the justice system.
35. The police, CPS and all criminal justice partners put in place processes to assess how well they are meeting victim needs.