

# briefing

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## Route to Justice improving the pathway of offenders through the criminal justice system

**A number of positive steps have recently been taken to improve the operation of the Criminal Justice System (CJS)...**

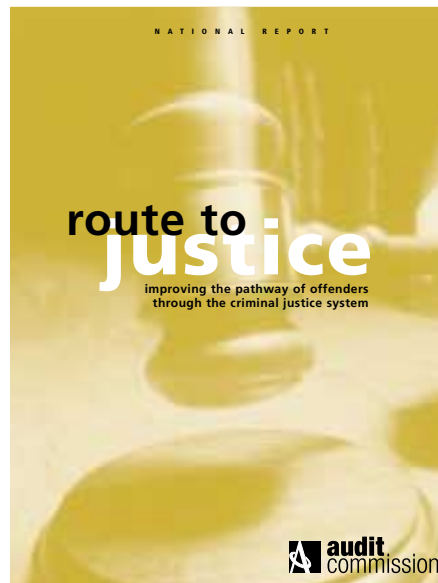
- a joint business plan and joint targets now give the agencies involved a common focus at a national level
- in some local areas, agencies are working together to overcome problems and to improve the system
- the government is committed to improving and modernising the CJS through ongoing review and reform and a spending reserve of £525 million over three years

**...despite this, the CJS is still struggling to bring more offenders to justice, to gain the confidence of the public, and to prevent re-offending.**

- while 5.2 million offences were recorded by the police in 2000/01, only 326,000 offenders were sentenced in magistrates' and Crown Courts
- one-half of the public are not satisfied that the CJS is effective in bringing offenders to justice
- within two years of starting a community sentence or finishing a prison sentence, over one-half of all offenders are back in court on other charges

**The pathway of an offender through the CJS is fraught with problems...**

- delays and inefficiencies are occurring throughout the process



- cases are dropping out of the system unnecessarily, allowing offenders to evade justice
- over £80 million is wasted each year through adjournments and cancellations of trials in courts

**...and local performance management structures are weak, with little in the way of a national performance management framework.**

- while some staff have clear targets for their personal performance, others are unclear about what is expected of them
- many people working in the CJS are unsure about what constitutes good performance for their organisation or what might improve that performance
- the CJS lacks effective local strategic bodies with responsibility for managing and improving performance

- the lack of a modern, shared IT system restricts the exchange and monitoring of information both locally and nationally

**Resolving these issues requires a real commitment on the part of all the CJS agencies to joint working, and also the genuine engagement of the people who are delivering the services on the ground.**

- conflicting objectives and targets create tension between agencies and dilute the emphasis that should be placed on the needs of victims, witnesses and offenders
- agencies too often blame each other for the fact that they do not achieve their own targets, and work around problems rather than co-operating to overcome them
- multi-agency working groups need to identify where lead responsibility lies for driving improvement in the different areas of the CJS
- each criminal justice agency also has considerable scope for improving its individual performance

**With strong leadership and effective partnerships between the agencies, these problems can be overcome, resulting in a more cohesive and effective system.**

## CJS reform

1. The primary aims of the Criminal Justice System (CJS) are to reduce crime and the fear of crime, and to dispense justice fairly and efficiently. The main agencies that are responsible for delivering these aims are the police, Crown Prosecution Service, National Probation Service, magistrates' and Crown Courts, and the Prison Service.

2. The Home Secretary, Lord Chancellor and Attorney General are jointly responsible for meeting the commitments to performance improvement set out in a joint CJS Public Service Agreement (PSA). All CJS agencies are required to co-ordinate and join up their activities in such a way as to achieve the aims and objectives of the PSA, for example:

- to ensure just processes and just and effective outcomes; and
  - to deal with cases throughout the criminal justice process with appropriate speed.
3. The CJS was restructured following the Glidewell Review of the Crown Prosecution Service in 1998<sup>I</sup>, the aim of which was to make local co-operation between the agencies easier. There are now 42 CJS areas in England and Wales – police, CPS, National Probation Service and Magistrates' Courts Committee areas are co-terminous, while the Prison Service has moved to a 13 area structure, which aligns more closely with the rest of the CJS.

4. Other possibilities for promoting a more joined-up CJS are being considered, including recommendations arising from Lord Chief Justice Auld's review of the Criminal Courts<sup>II</sup>.

5. These changes are very positive, but the Commission's review of the CJS has shown that their effect has not yet filtered down to the local level.

## Problems along the offender pathway

6. *Route to Justice* examines the pathway of an adult offender through the CJS from the time of arrest through to completion of sentence. The report explores the reasons why cases and offenders fall out of the system after arrest, and, for those that do not, identifies where inefficiencies and delays in the process are occurring. Of the 492,000 defendants who were proceeded against in court in 2000 for indictable and triable-either-way offences, around two-thirds were ultimately sentenced,

with one-quarter of these receiving custodial sentences. Around 13 per cent of proceedings were discontinued for various reasons.

7. The report describes the problems in the system by using 'offender stories' that follow four fictitious offenders through the CJS. Although fictitious, the stories are based on an amalgamation of real-life offenders encountered during fieldwork visits, along with the views of CJS practitioners, managers and the judiciary of the key drivers and

barriers to efficient working. The stories are supported by real data, examples and case studies.

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I Glidewell, I., *Review of the Crown Prosecution Service*, The Stationery Office, 1998.

II Auld, R., *A Review of the Criminal Courts of England and Wales*, 2001.

## Tackling the issues

8. While some of the issues raised in the stories are common across the whole CJS, others are specific to particular areas or to

certain types of cases. The report categorises the issues in relation to six key processes, outlining the overarching objective of each

process and the ways in which the agencies need to work together to resolve the problems in the system [BOX A].

### BOX A

#### Key processes in the offender pathway

Key process	Objective
Preparing the case against the defendant	To provide timely, good quality case files.
Managing the case through the system	To ensure that cases are progressed efficiently and effectively through each stage of the CJS, from arrest to passing of sentence, and to minimise cracked and inefficient trials.
Managing court resources	To make the best use of court resources to ensure that justice is delivered efficiently and that the needs of all court users are met.
Sentencing the offender and managing the sentence	To deal appropriately and consistently with those who break the law, providing justice to victims and society, and maximising opportunities for the reform and rehabilitation of offenders.
Managing the offender's release into the community	Securing the successful resettlement of offenders, minimising the risk of re-offending and protecting the community from harm.
Ensuring that the defendant's rights are respected	To respect the rights of defendants and treat them fairly.

Source: Audit Commission fieldwork

## The way forward

9. Radical change to the CJS is necessary if real improvements are to be made and if the objectives of the system are to be met.

Underpinning all of these improvements is the need for an integrated CJS performance management system in which:

- agency objectives are aligned locally as well as nationally;
- all those working in the system have targets that flow from the aligned objectives;
- incentives are built into the system to reward those who achieve targets;
- information is available to managers so that they know whether targets have been met and where problems are arising;

- effective joint management arrangements are put into practice; and

- a culture of performance management is established throughout the CJS.

Clear leadership, both from government and from managers and the judiciary at a local level, is crucial to setting the direction for the CJS and driving improvement. This, together with an effective performance management system, will enable agencies and areas to measure and monitor performance and improvement, co-operate to overcome problems, and learn from one another. Only when it starts to perform as a proper system, where the separate parts work together to form the whole, will the CJS be able to deliver reform and meet its aims.

*If you want to know more: the full national report, Route to Justice looks at all of these issues in more detail and includes background information, case studies and specific guidance.*

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