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OFFICERS' COURT TIMESUMMARY

## Scanning

Perennial problem of Court cases being fixed on inconvenient dates for officers, eg. rest days, nights, leave, etc. and the implications in terms of money, time, policing and welfare.

- Initiative to more formally address issues commenced in 1999.
- Costs typically £1000 per month for Central Division.
- Issues hindering meeting Home Office and Corporate/local objectives under the Crime and Disorder Act 1998, Public Satisfaction and Confidence levels in all the relative Criminal Justice Organisations.
- Current Service Level Agreement regarding witnesses and victims comes under scrutiny. Recommendation 10 of the Masfield Efficiency Scrutiny states that "Court staff and police should agree local targets for reduction in police witness costs".
- Divisional and County wide problem.
- No work undertaken within the Constabulary prior to this project, to reduce police costs.

## Analysis

- Surveys undertaken to assess costs and extent of problem regarding use of rest days, nights etc.
- Substantial cost to operational policing (£1000 per month in Central Division) and additional administrative work within CJS Department.
- Also affects partners in the Criminal Justice System ie. Courts, CPS and Defence regarding negotiating and changing trial dates, including the witnesses/victims in relation to court warnings/cancellations.
- Crown Court Listing Officer does not refer to availability information or overrules police objections, not realising the full implications to the police.
- Lack of understanding on the part of CPS/Courts of the implications for the police of choosing inconvenient court dates.
- Crown/Magistrates Listing process having to accommodate statutory requirements and availability of Court, Judges and Defence.

## Response

Partnership approach bringing together Police, CPS management, Preston Crown and Magistrates Court staff. Meetings and regular liaison based on specific case studies with the objective of promoting understanding of the related issues.

Pilot police representation (CJS member) in Crown Court Listing process.

Improve availability information and related provision processes for the Courts/CPS.

Ensure availability information included on all files for Early Administrative Hearings at Magistrates Court.

- Produce 'user friendly' court availability calendar format.
- Associated project costs absorbed through normal CJS Department operations.
- Set target to reduce costs.
- Contact other Forces in search of better practices.

## Assessment

At start of project, notional target set to reduce police cost in relation to court appearances by 10% for both Crown and Magistrates' Courts in Central Division. This target has been achieved, reducing costs by an average £100 per month over a six month period, to an average cost of £900 per month over a corresponding six month period ending December 2000.

Improved processes and information available to the Courts.

- Ability to influence the Crown Court Listing process achieved.
- Improved relations, understanding and appreciation of roles and responsibilities between all parties.
- Witness Care improved and inconvenience reduced.
- This initiative is now to become a Corporate project with a view to progress other issues and install improved practices around the County with the target of reducing police costs at court by 40%.
- Recommendations made to progress other issues to help reduce police costs and improve associated processes, to be extended across the Constabulary including the respective Crown Prosecution Services and Courts.

D. A. Birtles  
CJS Manager  
Central Division  
Lancashire Constabulary  
April 2001

## DESCRIPTION OF PROJECT

### i. PROBLEM IDENTIFIED:

Inconvenient court dates for police officers and associated issues regarding costs to the police in money, time, policing and welfare.  
(Other problem areas arose during the project that had to be addressed at same time)

### ii. FOREWORD

Time is money, public money in this event, which can be seen to be wasted on inefficient processes between criminal justice organisations due to ignorance rather than negligence, as well as these organisations also having independent objectives seemingly working against each other.

A broad solution would be to pursue more appreciation of each others roles and responsibilities and a joined up approach to setting and meeting similar objectives and jointly resolving issues.

Consequently, a partnership approach by all the relevant criminal justice agencies, should help the criminal justice system become more efficient and effective in relation to time, money and ultimately service delivery. This approach supports the Problem Oriented Policing philosophy and is the way forward for this project.

### iii. SUPPORTING HOME OFFICE AND CORPORATE/DIVISIONAL OBJECTIVES AND SERVICE LEVEL AGREEMENTS

This project impacts directly and indirectly on meeting Home Office objectives to effectively deal with offenders through the courts under the provisions of the Crime and Disorder Act 1998 and directly affects operational policing as officers are taken away from their frontline duties.

It requires a partnership approach between Police, the Crown and Magistrates Courts and the Crown Prosecution Service, to understand the full extent of this problem, identify the causes, appreciate each others roles and responsibilities, in order to be able to alleviate the problem long term.

By its nature, this project looks towards improving efficiency and cost effectiveness in the criminal justice system, improving witness care arrangements, ensuring compliance with Service Level Agreement regarding Victims and Witnesses, improving public confidence and satisfaction levels regarding the Police and by association, the Courts and Crown Prosecution Service (CPS).

The project also initiates work in relation to Recommendation 10 of the Masefield Efficiency Scrutiny 1995 to reduce police witness costs.

The Problem Oriented Policing philosophy is prevalent within the Police organisation and its systematic approach to problem solving is used within the Criminal Justice Support Department (CJS) not only for this project but throughout the working day.

### 1. BACKGROUND

1.1 This project was set up as a result of years of listening and receiving information about the problems caused by inconvenient court dates being chosen for trials at Magistrates and Crown Court. Although, relevant parties knew of the implications, the problem still arose week by week.

Consequently, in 1999, it was decided to review the issue in more detail with a view to alleviating some if not all of the problems inconvenient court dates cause and reduce police costs.

1.2 Every officer in the Force is aware and has probably been affected directly or indirectly by the problem inconvenient court dates cause and *would* like to see the problems it causes resolved. In 1995, Recommendation 10 of the Masefield Efficiency Scrutiny, recommended that "Court staff and police should agree local targets for reduction in police witness costs". To date no work had been undertaken until this project, to pursue this recommendation or to ascertain the root cause of why inconvenient court dates or chosen, in order that steps could be taken to address and alleviate the problem long term.

## 2. DEFINING THE PROBLEM and gathering evidence

2.1 Over the years, the issue of inconvenient court dates has been raised with Courts and CPS representatives in Central Division and probably throughout the County. However, more work is required because the problem is still arising on a weekly basis.

2.2 Consequently, in April, 1999, representatives were gathered together from the Court, CPS, Police Management and a Sergeant, who upon request provided details of specific instances and first hand experiences of the effects of inconvenient court dates on police resources. General discussion ensued regarding the effect on court cases. (Minutes of the meeting are available.)

2.3 However, although the problems were discussed and assurances made by all parties very little changed and it was obvious that until all those involved in fixing trial dates, physically contributed to addressing the issue, nothing would change to avoid inconvenient court dates.

2.4 The Service Level Agreement between the Courts, CPS and the Police, states that "officers should not, other than in exceptional circumstances, be expected to attend Court on their allocated rest days.. If it is necessary to fix the trial on a date when a police officer would otherwise be on *rest* day or night duty, this can be arranged at no cost providing sufficient notice is given" (which in relation to rest days is 15 days notice or more to be re-rostered with no additional salary payment).

2.5 It became obvious that the Service Level Agreement re Victims and Witnesses was open to different interpretations regarding the use of rest days and nights and also required visiting during the project to assist alleviate the problem.

2.6 Over the years, many reports by officers have been forthcoming regarding court dates being fixed on inconvenient dates. Concerns have been raised regarding the strain on providing operational cover and associated welfare issues with officers having to work their rest days or having to interrupt an already unsociable pattern of work; adjusting their body clock to night duty to then be told to work a day shift half way through nights week, due to court commitments to then revert back to nights thereafter.

2.7 The short notice sometimes given to attend court hearings also adds cost implications in overtime/rest day claims for payment. A cost survey before the start of working with the Crown Court, amounted to approximately £1000 per month over a six month period in 1999.

2.8 Also during this project, it was later derived that due to Crown Court overlisting that some of the police overtime costs are due to cases running over to days when officers would normally be on a rest day, therefore, incurring rest day rate costs at less than eight days notice. More analysis of the costs incurred is required to be able to see how much of it is apportioned to this reason.

2.9 It was also found that CPS were not fully aware of the implications of allowing rest days and night duty to be chosen for police witnesses to attend Court.

2.10 In addition inconvenience is caused and time wasted administratively in the CJS Department in communicating with the CPS, Court and police officers to resolve or re-negotiate court dates.

2.11 The Courts and CPS are also ,inconvenienced in dealing with communications from the police regarding inconvenient court dates and would also, therefore, benefit from alleviating this issue.

2.12 By association, victims and witnesses can be inconvenienced by having to cancel and rewarn witnesses too many times. This undermines Corporate/Divisional objectives to improve the service to victims/witnesses and other objectives to improve public confidence and satisfaction levels not just for the police but for CPS and the Courts.

2.13 To support the anecdotal evidence and reports of complaint submitted over the years and to be able to provide statistical information to show to what extent inconvenient dates were being chosen, a survey was arranged for a three month period where a form for completion was sent to every officer warned to attend court.

2.14 The survey proved that rest days and nights are often used. However, the Courts perspective was required to be able to fully understand why. Working alongside the Crown Court Listings Officer was to provide an understanding of the reasons why some cases had to be placed into the fixed list, irrespective of rest days and nights. (See Sections 3 and 4 of this report).

2.15 It became apparent that the effectiveness of the whole listing process, particularly at Crown Court, required addressing. Lord Justice Auld's review of the Criminal Courts should hopefully recommend some changes for the better. Report awaited.

2.16 Out of 169 returned surveys from officers only 39 officers were warned on convenient dates. The majority were on inconvenient dates as follows:

#### CROWN AND MAGISTRATES COURT

- 53 warned on nights
- 52 warned on rest days
- 15 warned on rest days after nights
- 8 warned on leave
- 2 warned on a course

2.17 The survey not only reaffirmed the position of the police regarding inconvenience but also raised some in house issues regarding credibility of availability information provided by the police if leave dates were being chosen. Further investigation revealed that Duty States were not always updated with leave and course commitments. Therefore, this issue had to be raised with operational supervision because if the police were to expect the Court/CPS to take our availability issues seriously, the police would have to get their own 'house in order' and provide the correct information in the first instance.

2.18 However, the main issues lay with nights and rest days being chosen and questioned the Courts interpretation of the SLA as it appeared that nights and rest days were being used as a rule rather than the exception.

**f**

2.19 The survey also revealed that the proportion of officers inconvenienced was greater in relation to the Crown Court cases. Out of 68 officers only 7 were warned to attend on a convenient court date. The other reasons are as follows:

*CROWN COURT ONLY*

warned on nights	26
warned on rest days	26
warned on rest day after nights	7
warned on leave	1
warned on Course	1

**1**

2.20 Consequently, it was decided to concentrate on Crown Court Listings, due to project resources being at a premium and early indications suggested that there were more procedural issues to contend with regarding use of witness availability in the Crown Court processes that would have more impact on remedying the problem.

**1**

2.21 Later investigations during the project confirmed Crown Court Listing processes to be the main "offender" in this problem. However., the Magistrates Court staff were still involved in early meetings, in order that they could be aware and be reminded of the importance of avoiding inconvenient dates being fixed in the Magistrates Court as well.

**t**

2.22 During investigation into the workings of the Crown Court Listings officer it was found that the Crown Court Listings officer did not refer to the availability provided by the police if the case was taken out of the list. Owing to many fixtures being taken out every week, this revelation was surprising as future relistings would be listed blind probably causing more inconvenient dates being chosen, undermining the whole listing process as well as Service Level Agreement. This finding caused an additional problem which required addressing as part of the project.

**1**

2.23 In order to provide a cost analysis before and after the project, arrangements were made to provide details of the costs in overtime on a monthly basis from the Police Finance Department. As mentioned earlier, over a six month period prior to starting the initiative with the Crown Court, paid overtime/rest days costs amounted to an average of £1000 per month. This did not take account of the number of rest days re-rostered or time taken in lieu instead of pay. Therefore, the costs are probably greater, as well as the associated welfare issues and provision of operational cover. (In depth information can be pursued if necessary and will be recommended for the future).

**r**

2.24 Police shift patterns were due to alter from April 2000 and problems were envisaged regarding court availability, as there were longer periods where officers would not be available to attend court. The court needed to be made aware of this change to help accommodate these shift changes and still avoid inconvenient court dates being chosen.

**1**

2.25 After speaking with CPS staff it was felt by CPS Lawyers that the court availability calendar provided by the Police, was not 'user friendly'. It was also apparent that CPS staff were not fully aware of the implications of choosing inconvenient court dates and which dates were more inconvenient than others.

**1**

2.26 After speaking with both Crown and Magistrates Court listing officers it became apparent that they have their own important factors to bear in mind when listing cases which in some cases have to overrule some police representations made because of issues such as age of case, custody/statutory time limits, Youth involvement, sex cases, Defence/Judge/Magistrates availability, objectives to speed up justice and reduce amount of adjournments etc.

**I**

### 3. INITIAL RESPONSES TO ADDRESS PROBLEM:

3.1 In March, 2000, after gathering evidence, a meeting was arranged involving the Crown Court Manager, the Crown Court Listing Officer, the Clerk to the Justices, the Magistrates Listing Officer, the Branch Crown Prosecutor, Inspector from Headquarters CJS, Central Division Police Operations Support Manager and Central Division CJS Manager, to discuss police shifts, use of court availability and court listing issues to jointly attempt to resolve listing issues and reduce police costs.(see minutes - Appendix A)

3.2 All parties were informed of how to interpret the police availability calendar, along with the implications of when inconvenient court dates are chosen. It was explained that should it be necessary to choose a rest day or a night that the second rest day be chosen or the first night to minimise disruption to operational cover and the welfare of the officer. The fact that more than 15 days notice should be given to avoid police costs was also reiterated.

3.3 A number of actions arose from the meeting of 15th March, 2000 which formed the basis of this project. The relevant ones are:

3.3.1. Pilot police representative (CJS member) to work alongside Crown Court Listing Officer to negotiate and have an influence on the Listing Officer's decision by highlighting which cases to avoid and why. Also to improve appreciation and understanding of police issues and vice versa regarding Court issues.

3.3.2. Improve present systems of providing availability to the Courts, by providing block availability direct to the Crown Court as soon as a case is taken out of provisional or fixed lists in order that new convenient date can be chosen by listings officer and witnesses informed immediately.

3.3.3. Ensure that court availability calendar on file for all anticipated not guilty plea cases at first hearings at Magistrates Court.

3.3.4. Produce more "user friendly" availability. calendar format - possible IT solution.

3.3.5 Provision of a 'guide' as to which dates are more inconvenient than others for use by Court staff and CPS.

3.3.6. A notional target of 10% reduction regarding police witness costs was agreed.

3.4 Five other Forces to be contacted as to how they operated around the issues of warnings for Court, in search of better practices.

### 4. ACTIONS TO ALLEVIATE THE PROBLEM

#### 4.1 MAGISTRATES COURT

Due to limited resources, this project concentrated on Crown Court listing but the Magistrates Court staff were aware of the project having attended earlier meetings whereupon assurances were made by them to support reducing police costs by avoiding inconvenient court dates.

CPS were also apprised and made assurances to represent police availability accordingly, to help reduce the amount of inconvenient dates being chosen at Magistrates Court.

The issue will be revisited at regular intervals to ensure CPS and Magistrates Court are continuing to support reducing police cost initiatives,



#### 4.2 CROWN COURT

To follow on from the meeting of 15th March, 2000, the Crown Court Manager was contacted and gave permission for the CJS Manager and another CJS member to visit the Listing Officer on 8th June, 2000, to view how the police representations regarding unavailability are taken into consideration when listing cases in the Crown Court fixed list.

4.3 It was noted that availability provided by the Police CJS Department was not referred to when listing cases. The listing officer was reminded of why some inconvenient dates are worse than others.

Alternative measures were discussed to provide availability when a case is taken out which involved adapting practices in the Police CJS Department and with the Crown Court Listing process to provide court availability information. Hence, a new system was put in place whereby once a case is taken out of a list, block witness availability is compiled by the Police CJS Department and faxed directly to the Listing officer from which he chooses a convenient date.

4.4 In addition, owing to learning and understanding the needs of the Crown Court listing process, the process undertaken by the CJS staff was amended to provide the representations (reps) list in a format already adopted by three other Divisions who also feed into the Preston Crown Court. This provided a clearer and consistent approach for the Listing Officer. This information was passed to Southern Division CJS Department to also amend their practice.

4.5 New 'reps' forms were devised and both CPS and the CJS staff were informed of the amended process.

4.6 Following on from the meeting with the Listing Officer on 8th June, the following day CJS staff attended the bar listings meeting, where it is determined which cases are to be listed and on what dates. These meetings are held weekly, chaired by the Listings Officer and attended by Barristers Clerks to fix trial dates for Crown Court cases. Since starting this project, CPS staff also attend.

4.7 At this meeting it became apparent that there was scope for regular police attendance to make representations in person, negotiate dates, help the bar clerks and listing officer appreciate the implications of inconvenient dates to the Police. This in turn would also aid the listing process to become more effective for all users, as well as help to reduce the amount of inconvenient dates being chosen and associated costs.

Subsequent arrangements were made for the CJS member to attend these meetings every Thursday morning to help influence/negotiate fixtures and try to avoid inconvenient dates being chosen.

4.8 Monitoring measures were put in place to prove the effectiveness of police (CJS) representation at Bar Listing Meetings.

4.9 Owing to the Police Duty States system not providing up to date information regarding court availability, another method had to be implemented to supplement the availability information provided and support this project. Consequently, for every Plea and Direction Hearing at the Crown Court, every Duty State calendar was forwarded to the officer involved to check and amend as necessary to be returned by a deadline date. This was in order to provide accurate court availability, details in the first instance. Invariably, leave commitments are added to the availability sheet by the officer. (A report was forwarded to police Management dated 22nd August, 2000, highlighting the issues arising from the present Duty State system, suggesting improvements).

4.10 The provision of a colour coded court availability calendar was pursued to aid speedier recognition of inconvenient dates by CPS.

4.11 Contact was made with the Branch Crown Prosecutor, to ensure that CPS staff request calendars as soon as they determine which, cases are anticipated not guilty plea cases for early admin hearings on a daily basis.

4.12 All operational supervisors were reminded of the importance of keeping the computerised Duty States system updated with leave/course/other commitments in order to play their part in aiding the process of choosing convenient court dates and reducing police costs.

4.13 Arrangements were made for the Police Finance Department to provide monthly costings in officers' overtime regarding attendance at court.

4.14 Five Forces were contacted to ascertain their procedures in relation to warning witnesses for Crown Court hearings', in search of better practices. It was found that Merseyside Constabulary adopt a different approach to warning police witnesses to ensure rest days were re-rostered from the provisional warning list (which is sent out at least three weeks before the week when a case will be listed). This allows enough notice not to have to pay rest day rate. This suggestion was pursued with local management.

4.15 In June 2000, a report (copy can be supplied) on behalf of the Division raising some of the problems court listing causes the police and the fact that local initiatives were to be progressed to try and alleviate the problems. This report was used in the Constabulary response to Lord Justice Auld who was undertaking a 12 month review of the Criminal Courts last year. Lord Justice Auld's Report is still awaited.

4.16 'Standby' arrangements for police officers warned to attend Crown. Court hearings has been discussed in recent months but not yet pursued. (see recommendation in Section 6).

## 5. OUTCOMES/RESULTS

5.1 Attending the weekly Bar Listings Meetings at Crown Court has helped to reduce the amount of inconvenient dates being chosen. (see Appendix B for details) To interpret the chart, for instance, in October 2000 the number of cases listed for Central Division in the Crown Court provisional week commencing list was 74. Out of those 74 cases, there was 44 cases that required representations to be made regarding inconvenience to one or more of the witnesses. Out of those ' 44 cases, 39 of them were successfully influenced to not be listed on an inconvenient date. Unfortunately, 5 cases still had to be entered into the list.

5.2 In hindsight, monitoring should have been done before starting the attendance at the bar listings meetings to be able to compare before and after. However, these statistics and verbal feedback from the Crown Court Listing Officer has proved that police attendance at these meetings has had a positive influence on cases not being listed on inconvenient dates than in the past.

5.3 The Listings Officer has confirmed that the 'reps' list from Central Division has decreased due to providing availability dates when cases have been removed from the lists.

5.4 Attending the Bar Listings, Meetings has also resulted in receiving the fixtures one day earlier to be able to warn officers earlier and avoid less than 8 days notice if a rest day is involved.

5.5 Owing to checking/amending Duty States calendars before arranging court dates, more accurate court availability information is provided to avoid inconvenient dates being chosen from the Plea and Directions Hearings.. ' 7

5.6 Informing the Crown Court Listings Officer of blocks of dates available to most if not all police witnesses has reduced the amount of inconvenience to all witnesses, supporting compliance with the Witness Care Service Level Agreement and reduces the amount of times a case is listed.

5.7 The police providing availability and the Listing Officer subsequently choosing a convenient date, supports a collective effort to meet the Home Office objective under the Crime and Disorder Act of reducing delays in the criminal justice process. It is too early to assess how long cases are taking to be finalised since inception of new processes. However, recommendations will be made to pursue statistics when further work progressed.

5.8 Sample court availability calendar was produced. Colours not available but black, grey and white sample produced. However, information received that the present IT systems cannot mass produce a shaded calendar at this time. Consequently, regular communication with CPS and the Courts is necessary to reiterate importance of avoiding inconvenient court dates to jointly support the initiative to reduce police costs, thereby pursuing the recommendation in the Masefield Efficiency Scrutiny of 1995. Further work to be progressed regarding 'guidance notes' for CPS when interpreting calendar information.

5.9 Providing availability calendars for the anticipated not guilty plea files at Magistrates early admin hearings, highlighted the fact that all the witnesses are not known at that stage which may still add to inconvenient dates being chosen for either civilian or police witnesses. This issue requires further consideration before implementing to also fulfil the requirements in the Pre-Trial Issues Manual of Guidance. (To be progressed during further work).

5.10 Two hours a week is taken in attending the bar listing meeting and although monitoring has only been undertaken and documented in relation to Central Division, other Police Divisions benefitted as Central Division CJS attendance helped the Listing Officer to understanding the representations made from elsewhere.

5.11 Working alongside the Crown Court Listing Officer and Bar listing clerks has assisted in other areas:

5.11.1 Appreciation and understanding of each others roles and responsibilities also enhancing good relations between agencies.

5.11.2 Promoted clearer understanding of implications of choosing inconvenient court dates.

5.11.3 Helped secure convenient court date sooner.

5.11.4 Reduction in police cost in time, money, additional police cover and welfare.

5.11.5 Clearer interpretation of Service Level Agreement between agencies when choosing court dates.

5.11.6 Supported Recommendation 10 of the Masefield Efficiency Scrutiny to reduce police witness cost..

5.11.7 Improved practices and procedures in both Court and Police CJS Department.

5.11.8 Highlighted other areas that require addressing to help resolve inconvenient dates being chosen.

5.12 Reached the notional target of 10% reduction in police costs for Crown Court (includes Magistrates Court attendance) in Central Division. For the six month period ending December 2000, police cost reduced on average by £100 per month to £900. (Official figures can be provided). Albeit, not a substantial reduction, at least costs have not increased and future work should help to decrease this amount even further.

5.13 Provided standardised 'reps' list now used by all Divisions which has provided the Crown Court Listing officer with a standard document which is easier to follow and improves efficiency.

5.14 Amending processes to provide availability and attending bar listings meetings has helped to streamline and improve practices in relation to the listing process.

5.15 Re-rostering of duties for a full week from notifications from the provisional list could not be progressed in this Division due to wider implications. (This issue will be revisited in future work).

## 6. RECOMMENDATIONS AND FURTHER WORK REQUIRED

6.1 Provision of a 'guide' as to which dates are more inconvenient than others for use by Courts and CPS.

6.2 The Constabulary have been asked by the Crown Court to look at piloting 'standby' arrangements to avoid officers waiting around all day to be called as a witness. Possible use of 'bleep' system. This will be progressed during the corporate project.

6.3 Although some monetary costs to the Division may have reduced, information required as to how many rest days have been re-rostered without cost to the Division, which may still have affected operational cover and welfare.

6.4 Need to check how many times officers having to return to court for extra days, necessitating additional overtime/rest day costs to the police (as raised at point 2.8).

6.5 Courts need to address overlisting issue to make listing process more effective. However, there are other factors within the Court processes that adversely affect the listing process which it is hoped will be addressed by Lord Justice Auld's review of the Criminal Court.

6.6 Take into consideration Lord Justice Auld's Report, when received.

6.7 Consideration needs to be given to how the other Divisions should be represented at Bar Listing Meetings. It would not be appropriate or in the interest of best use of resources to allow a representative from each of the five Divisions to attend when one person could do the job. However, this decision can be reached when the corporate project commences.

6.8 Pursue project to include working more closely with Magistrates Court Listing Officer to realise more savings.

6.9 Pursue Countywide involvement to include other Magistrates Courts and Burnley Crown Court to pool ideas and remedies.

6.10 Pursue re-rostering of rest days from receipt of the provisional warning list (as mentioned at points 4.14 and 5.15).

6.11 Other Divisions to adopt practices already proved to improve practices and avoid cases being taken out and re-listed (as mentioned at point 4.3).

6.12 Pursue provision of colour coded or shaded court availability calendar (as mentioned at 5.8).

6.13 Pursue Crown Court to provide statistics for each Division to show how long cases are taking to be finalised at Crown Court (as mentioned at 5.7) (Figures are provided for Lancashire as a whole in their Annual Report but a breakdown is required to assist this project).

6.14 Pursue more witness availability for initial hearings at Magistrates Court (as mentioned at 5.9).

6.15 It would helpful to secure the support of the Defence Solicitors/Barristers but indications prove to the contrary, obviously due to their objectives being towards the Defence. However, the Courts should be pursued to use their authority to ensure the Defence comply with justice requirements, obviously having to bear in mind the impact of the recent Human Rights Act. Again, Lord Justice Auld's report may highlight issues and recommend action regarding improving practices by all parties including the Defence.

## 7. CONCLUSION

7.1 This issue has been addressed using existing resources within the Central Division CJS Department and although there has been a positive effect in many areas to improve processes and reduce cost, further work and resources are necessary between the agencies to improve processes and reduce costs further. As can be seen from this report, delving into the root causes has opened up many areas that have adversely effected efficiency and effectiveness,

7.2 However, with a joined up approach by the respective criminal justice agencies, further benefits can be gained by all to improve processes in general to make the criminal justice process more cost-effective and meet objectives.

7.3 This project is to become a Lancashire Constabulary Corporate project involving staff from this project, Headquarters, Burnley CJS Department, the Courts and CPS. A working party is due to be arranged shortly with a view to making a 40% reduction in police costs across the County over the next 12 months. The work completed so far in Central Division to improve use of witness availability information, will be discussed and adopted throughout the County, where the opportunity will arise to progress other areas as mentioned in Section 6 above.



Deborah Birtles  
Criminal Justice Support Manager  
Lancashire Constabulary - Central Division  
April 2001

APPENDICES

APPENDIX A – Minutes of meeting of 15.3.00 regarding  
inconvenient court dates

APPENDIX B – Statistics regarding cases influenced by attending  
weekly Bar Listing\_ Meetings

**CRIMINAL JUSTICE AGENCIES MEETING HELD AT POLICE OFFICE  
LAWSON STREET, PRESTON - WEDNESDAY 15<sup>TH</sup> MARCH 2000 IN THE  
BLUE ROOM**

**NEW POLICE SHIFT ROTA AND IMPLICATIONS FOR COURT DATES**

**Attendance**

Chief Inspector D Baines - Operations Support Manager, Preston Division  
Ms D Birtles - Criminal Justice Manager, Central Division  
Inspector P Barrek - Headquarters Policy Unit Co-Ordinator CJS  
Mr J Hale - Court Manager - Crown Court  
Mr K Harrison - Forward Listings Officer - Crown Court  
Mr F Gray - A/Clerk to the Justices - Magistrates' Court  
Miss S Morton - Listings Officer - Magistrates' Court  
Mr I Rushton - Branch Crown Prosecutor - Crown Prosecution Service

**Agenda Items**

- 1) Rationale and implementation of new rota.
- 2) Impact on criminal justice agencies.
- 3) Assess need to review processes in light of new rota.
- 4) Agreed action between agencies.
- 5) Timescales and review date.

The items on the agenda were discussed and the following minutes are as a result of that discussion.

**Summary of Meeting**

CI Baines briefly outlined the reason for today's meeting, and stated that the new Police Officers shift rota would be implemented on the 3<sup>rd</sup> April 2000. GMP and Merseyside have piloted this scheme which involves officers working a 10 hour shift with a extra rest day every 5 days. This would mean more chance of officers being unavailable for court, but a better spread of officers available during the daytime.

It was discussed that Blackpool and Lancaster have piloted this scheme and it has been found that it gives a better spread of availability for officers at key times to balance out individuals. Negotiations will be held with colleagues in these Divisions to find out the impact of the 10 hour shifts.

CI Baines stated that various scenarios have been looked at by Ms Birtles and himself and simplifying the witness availability form by colour coding it into red, amber and green (red being witness not available, amber being witness possibly available and green being available) could be one option to pursue. It was generally accepted by the

meeting that the availability sheet in its present format is not "user friendly" and requires reviewing for use by other agencies.

Mr Hale from Crown Court stated that he felt that the new shift rotas would not have much impact on them, as they are bound by statutory time limits and targets set by their departments. He stated that 78% of all trials were to be held within 16 weeks and the witness availability goes in at the PDH Stage. He outlined that Crown Court take police rest days into account as far as they can and this is covered by the Service Level Agreement. A general discussion then took place regarding its interpretation. Ms Birtles highlighted the fact that the SLA does state that rest days should only be chosen in "exceptional circumstances" and referred to the SLA regarding giving sufficient notice if nights or rest days have to be changed.

Inspector Barrek stated that Blackpool and Lancaster had not looked at the witness warning issue during their pilot. It was felt that it was needed to use this as a joint learning experience.

Mr Gray from the Magistrates Court stated that if the new system reduced the availability of officers then it would obviously have a knock on effect on their processes regarding accommodating all parties. He agreed that the witness availability list needs revamping with either the proposed colour codes or the weekends highlighted or taken out. A general discussion took place regarding the highlighting of weekends on the witness availability list. Inspector Barrek stated there was an obligation on the police to provide accurate information and suggested a possible return to officers completing their own availability. Ms Birtles stated that an IT solution would be preferable to support reducing admin burdens.

Inspector Barrek stated that in line with the Masfield Recommendations the force was seeking to reduce the overhead cost and confirmed that the cancellation of rest days incurs a high cost. CI Baines stated that it cost Preston Division approx £900 per month over a 6 month period last year.

Ms Birtles raised concerns regarding overlisting and taking out cases last minute especially if cases are of a sensitive nature as this jeopardises witness care and considerably increases time spent cancelling and reassuring witnesses. Mr Harrison from the Crown Court stated that they do everything in their power to ensure every sensitive case remains, however he stated that not many sensitive or sex cases get taken out. A general discussion took place regarding the likelihood of cases "falling out". Mr Hale explained that cases are taken out for a number of reasons, one being that custody cases get priority over bail cases due to statutory time limits. Discussions ensued re requesting extensions to custody time limits.

Mr Hale mentioned high "cracked" trial rate and discussion ensued as to why. Ms Birtles mentioned whether stricter penalties/costs could be awarded if it is obvious that the Defence are wasting time and resources. Mr Rushton mentioned that work is currently on-going to try to resolve listing and cracked trial issues. It was mentioned that Lord Justice Auld is reviewing the criminal justice process and his report is awaited. (The Transformation of the Crown Court document also mentions provisions regarding the review of Crown Court processes).

Mr Hale explained the processes involved when deciding which cases to list and confirmed that other than at the PDH stage the calendar provided by the police is not



referred to, partly due to the information that is provided being almost impossible to decipher.

Mr Hale suggested that a representative from the police work with Mr Harrison, Crown Court Listings Officer, to help ascertain which cases would cause the least inconvenience regarding availability and cost. This was accepted by the meeting as an avenue to pursue.

It was felt by all present that the quality of police witness availability information needs improving.

A discussion re costings followed, CI Baines stated that there was a problem setting a target for comparison at this stage due to not having an accurate measure for the last 3-4 months, but suggested that the meeting set a notional figure of 10% reduction in police witness costs. Inspector Barrek stated that HQ were gathering costs and creating new benchmarkings. Mr Hale stated that he would prefer that TIG agree any proposals before agreeing specific targets.

Mr Rushton from CPS outlined the impact the new shift rota would have on both the Crown and Magistrates Courts. He stated that due to the immediacy of the Magistrates Court environment it would make the job easier if the information is there to hand, and that a more sophisticated availability document would be better. He also stated that laminates placed in strategic points in the Courts with the implications of listing cases on rest days/nights outlined would assist users of the form to try to avoid certain dates. He briefly outlined the % of the outcomes from each charge at Crown Court and stated that work was needed to educate the police and CPS in which cases should be brought to Crown Court. The majority of cases could be dealt with much earlier if the correct charges were proffered in the first place to enable the Magistrates to deal.

Ms Birtles distributed and explained an example of a current witness availability list which incorporated the new shift rota, highlighting which duties should be avoided and which ones in exceptional circumstances would still be inconvenient but with more than 15 days notice could be altered without additional cost to the police as per the Service Level Agreement. Ms Birtles specifically requested that rest days after nights, rest days amongst leave and night duty after the first night be avoided as this raises Health & Safety issues too.

Ms Birtles questioned the Crown Court representatives, whether they have considered block listing or on-call arrangements as per Exeter and Chichester Crown Courts respectively. Mr Hale explained that block listing could cause more listing problems but that the on-call facility could be pursued.

CI Baines brought up the possibility of giving officers on standby pagers/bleepers so they can be contacted when they are needed at court. Mr Hale stated that Crown Court provided 6 witnesses with beepers so they could leave the court and be contacted when they were required to reattend. A general discussion took place regarding this.

CI Baines summed up the salient points and actions resulting from the meeting. (See attached sheet). Inspector Barrek stated that although he liked the "red, amber, green" idea he stated that the current duty states system is unable to print in colour and this would need looking into.

**ACTIONS**

CI Baines briefly outlined the 9 actions which were raised. These are listed below;

- 1) A more informative "user friendly" court availability document to be produced.
- 2) To produce IT solutions for the long term provision of court availability details.
- 3) A notional target of 10% reduction regarding police witness costs.
- 4) To create laminate cards ("information sheets") regarding implications of choosing inconvenient court dates.
- 5) To pilot the attendance of a police representative at listing meetings to try and influence courts to avoid most inconvenient dates in relation to police officers attendance.
- 6) To show block availability on the availability print out where more than one officer involved in a case.
- 7) The police to consider some refresher training for custody sergeants as to Charging Standards etc, to ensure that cases are taken to the most appropriate venue.
- 8) Under Narey, CPS to ensure availability calendar provided for first hearing if not guilty plea anticipated.
- 9) Whenever a case is taken out of the warned list, either by the ring-round or by some other administrative means, the police would provide to the court listings officer an updated calendar which could be considered when the case is the subject of re-listing.

Ms Birtles was asked if the date of 3<sup>rd</sup> April 2000 was feasible to produce a new witness availability format for consideration. She stated that this could be done but that implementation would take longer.

A review date was decided for June/July (to be fixed) and any issues in the meantime could be discussed on a day to day contact basis.

DAB. March 2000

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PRESTON CROWN  
COURT CASES :  
SUCESSFULLY  
INFLUENCED BY  
PRESTON CJS PILOT

**OCTOBER**

<b>NO. OF CASES IN PROVISIONAL LIST</b>	<b>NO. OF CASES WITH UNAVAILBILITY</b>	<b>NO. OF CASES INFLUENCED BY CJS</b>	<b>NO. OF CASES FORCED INTO FIXED LIST</b>
74	44	39	5

**NOVEMBER**

<b>NO. OF CASES IN PROVISIONAL LIST</b>	<b>NO. OF CASES WITH UNAVAILBILITY</b>	<b>NO. OF CASES INFLUENCED BY CJS</b>	<b>NO. OF CASES FORCED INTO FIXED LIST</b>
45	23	21	2

**DECEMBER**

<b>NO. OF CASES IN PROVISIONAL LIST</b>	<b>NO. OF CASES WITH UNAVAILBILITY</b>	<b>NO. OF CASES INFLUENCED BY CJS</b>	<b>NO. OF CASES FORCED INTO FIXED LIST</b>
30	25	21	4

**JANUARY**

<b>NO. OF CASES IN PROVISIONAL LIST</b>	<b>NO. OF CASES WITH UNAVAILBILITY</b>	<b>NO. OF CASES INFLUENCED BY CJS</b>	<b>NO. OF CASES FORCED INTO FIXED LIST</b>
65	32	29	3

**FEBRUARY**

<b>NO. OF CASES IN PROVISIONAL LIST</b>	<b>NO. OF CASES WITH UNAVAILBILITY</b>	<b>NO. OF CASES INFLUENCED BY CJS</b>	<b>NO. OF CASES FORCED INTO FIXED LIST</b>
39	22	19	3

**MARCH**

<b>NO. OF CASES IN PROVISIONAL LIST</b>	<b>NO. OF CASES WITH UNAVAILBILITY</b>	<b>NO. OF CASES INFLUENCED BY CJS</b>	<b>NO. OF CASES FORCED INTO FIXED LIST</b>
56	28	27	1

**WHEN CASES ARE FORCED INTO THE FIXED LIST EVERY EFFORT IS MADE TO SELECT THE LEAST INCONVIENIENT DATE TO BOTH OFFICERS AND WITNESSES E.g. SELECTING THE FIRST NIGHT OR THE LAST REST DAY. CASES FORCED INTO THE FIXED LIST USUALLY RELATE TO CUSTODY OR YOUTH CASES THAT HAVE TO BE TREATED AS PRIORITY AND AS SUCH ARE LISTED REGARDLESS OF UNAVAILABILTY. THESE CASES HAVE TO BE FIXED BUT THE CROWN PROSECUTION SERVICE CAN MAKE AND APPLICATION TO VACATE FIXTURE WHICH MUST BE HEARD BEFORE THE COURT EXPLAINING THE REASONS BEHIND THE APPLICATION.**