



AN INSPECTION OF FILE QUALITY, DISCLOSURE AND CASE PROGRESSION AND TRIAL RECOVERY FROM THE COVID-19 PANDEMIC

JUNE 2023

WHAT IS THIS INSPECTION ABOUT?

- ▶ The quality of Police Service of Northern Ireland (Police Service) investigation files and case files sent to the Public Prosecution Service for Northern Ireland (PPS) to enable decisions about prosecutions to be made. Inspectors looked at the quality of PPS files and the decisions prosecutors made.
- ▶ We also looked at how information collected by the Police Service about a crime and shared with the PPS was handled and how the PPS handled the sharing of information and evidence with defendants and their legal team. This is known as 'disclosure'.
- ▶ There are complex legal rules around how information should be shared to ensure fairness for the prosecution and defence; sometimes a Judge decides what is shared.
- ▶ We reviewed how the criminal courts were recovering from the COVID-19 pandemic and the backlogs in case disposal.

WHY IS IT IMPORTANT?

- ▶ The quality of case files and how disclosure is handled impact outcomes for victims and defendants. It can also increase both the use of resources and costs, which can mean criminal cases take longer to be dealt with.
- ▶ There are agreed case file standards between the Police Service and the PPS to ensure quality.
- ▶ The COVID-19 pandemic had a big impact on criminal courts, particularly Crown Court trials. There was already known problems with case delay and we wanted to assess what action criminal justice agencies had taken to progress outstanding cases and what it had achieved.

WHO WAS INVOLVED AND WHAT DID YOU LOOK AT?

- ▶ CJI led the inspection and were supported in undertaking case file reviews by Inspectors from His Majesty's Crown Prosecution Service Inspectorate, Police Officers and PPS Prosecutors who joined the Inspection Team.
- ▶ One hundred police files and 100 prosecution files were reviewed involving cases in the Magistrates' Court and Crown Court.
- ▶ Inspectors also spoke to Police Service and PPS staff, defence lawyers, the Judiciary and Victim Support NI.
- ▶ The Inspection Team also reviewed information provided by the Police Service, the PPS, the Northern Ireland Courts and Tribunals Service and the Department of Justice.

WHAT DID INSPECTORS FIND?

- ▶ Communication and partnership working between the Police Service and the PPS had improved but file quality remained an issue.

Quality

- ▶ The quality of Police Service case files built and sent to the PPS was poor. A total of 54% of Crown Court cases and 44% of Magistrate's Court Cases reviewed either did not meet or only partially met required or agreed standards.
- ▶ The PPS use a Code for Prosecutors to help make prosecution decisions; 96% of PPS files examined fully met the test for making prosecution decisions. This was reassuring, but improvements to note keeping and audit trails on files were needed and was a recurring theme in past inspections.

Delay

- ▶ The Police Service needs to improve how it follows up investigation lines of enquiry and case files are taking too long to prepare. Better supervision of Police Officers conducting investigations and preparing files is needed; only 56% of Magistrates' Court cases and 71% of Crown Court cases reviewed met the supervision standard.
- ▶ Progressing cases through Court took too long. The PPS file review showed 74% of Magistrates' Court cases and only one in three Crown Court cases were progressed appropriately.
- ▶ Case delay had a negative impact on victims. The overall time taken for cases to be dealt with from when an offence was

committed to the final outcome at Court had increased. In 2017 90% of all cases were completed in 511 days. This had grown to 746 days by 2022. The pandemic is not the only reason for this.

Disclosure

- ▶ The sharing of information (evidence) is still a significant concern with no meaningful progress made since CJI's 2015 inspection.
- ▶ In Police files, disclosure was appropriate in only 46% of Crown Court cases reviewed and 52% in Magistrates' Court files. In PPS files, disclosure was effective in 41% of Magistrates' Court cases reviewed and 68% of Crown Court cases. This is a poor outcome.

WHAT NEEDS TO IMPROVE?

At a strategic level (leadership level)

- ▶ A new vision and strategy to improve file quality, disclosure and case progression should be developed and implemented. The Criminal Justice Board should own and drive the new strategy and robustly monitor outcomes.
- ▶ The Police Service and the PPS need to make better use of the resources they have and deliver better file quality and disclosure to reduce delay and cost.

At an operational (on the ground) level

- ▶ The Police Service need enhanced training and ongoing support for supervision as part of new quality assurance measures to tackle quality and delay.
- ▶ The PPS and Police Service need to jointly review CJI's 2015 inspection recommendations and provide a joint action plan for their completion.

WHAT DO INSPECTORS WANT TO SEE HAPPENING NOW?

- ▶ The Criminal Justice Board, Police Service and the PPS need to work to implement the inspection recommendations and improve performance. The quality of Police Service and PPS Prosecution files and disclosure standards must be improved before cases are prosecuted at Court to minimise delay.
- ▶ Inspectors want to see greater ambition from the criminal justice system to address the backlog of Crown Court cases and reduce the number of court hearings required as delay impacts on victims; increases the length of time prisoners are held on remand and pressure on prison staff and resources.

