



National Audit Office

NOVEMBER 2010

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# Criminal Justice System Landscape Review

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This report can be found on the  
National Audit Office website at  
[www.nao.org.uk/Criminal-Justice-Landscape-2010](http://www.nao.org.uk/Criminal-Justice-Landscape-2010)

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# Introduction

**1** The criminal justice system, overseen by the Home Office, the Ministry of Justice and the Attorney General's Office, is intended to cut crime, protect the public and punish offenders.<sup>1</sup> It encompasses the functions of the police, prosecution, courts and judiciary, prisons, youth justice services and probation. It involves the detection of crime, bringing criminals to justice, and carrying out the orders of the court, such as collecting fines, providing rehabilitation, supervising community orders and providing custodial sentences.<sup>1</sup>

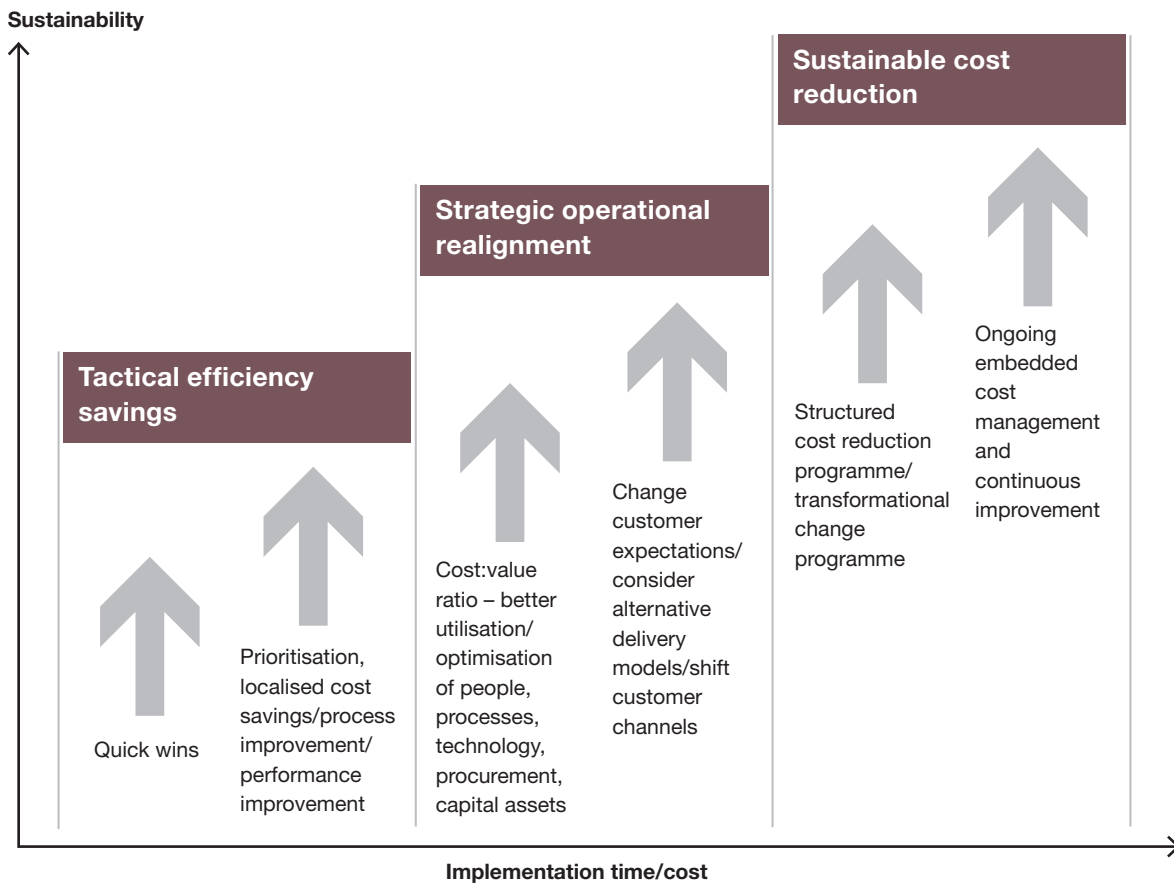
**2** This management report takes a strategic view of the whole of the criminal justice system. It has been prepared to inform the debate on future developments and, in particular, on how the Government can achieve better services for less expenditure. As such, it differs from the value for money reports to Parliament that the Comptroller and Auditor General carries out under the National Audit Act, 1983. Instead of focusing on the economy, efficiency and effectiveness of individual departments or programmes of expenditure, we have taken an end-to-end view of the offender 'journey' and aimed to highlight long-standing and challenging issues that need to be considered.

**3** As external auditors, the National Audit Office has built up a body of evidence on the efficiency and effectiveness with which criminal justice partners operate and the challenges they face in the current economic climate – not just as part of the October Spending Review, but in the longer term. Based on our unique perspective across all departments, we have formulated a set of principles that we expect departments to demonstrate in reducing costs. As we explain in our Short Guide to Structured Cost Reduction,<sup>2</sup> the scale of change required means departments need to look beyond localised short term savings and think more radically about how they could take cost out of their businesses. (**Figure 1**).

<sup>1</sup> Official Criminal Justice System Website [http://www.cjsonline.gov.uk/aims\\_and\\_objectives/](http://www.cjsonline.gov.uk/aims_and_objectives/)

<sup>2</sup> A short guide to structured cost reduction, report by the National Audit Office, 2010 [http://www.nao.org.uk/publications/1011/structured\\_cost\\_reduction.aspx](http://www.nao.org.uk/publications/1011/structured_cost_reduction.aspx)

**Figure 1**  
Stages of cost reduction



Source: A short guide to structured cost reduction, National Audit Office, 2010

4 Our findings are based on the evidence that we have collected in the course of recent value for money studies, but also on the wealth of documentary evidence in the public domain. We have not conducted a detailed examination of the operations of the criminal justice system. As a result, this report aims to provide a reflection on recent criminal justice performance and practice, ahead of plans to implement new reform programmes across the system, including those in policing and offender management.

5 Our report is in three parts, one for each of the key areas on which we focused. Our findings are:

- **Governance and management arrangements in the criminal justice system are complex, and changes to one part of the system can have unexpected consequences for others.** Recent changes to criminal justice governance structures need to operate effectively if the planned efficiencies and changes are to be managed effectively.
- **Delivery partners need to be working well together at national and local level, focusing on how best to achieve the overall objectives of the criminal justice system, rather than optimising the performance of their own organisations.** Proposed reforms, such as directly elected Police and Crime Commissioners and payment by results, will significantly alter the local criminal justice landscape. The need for good local joint working is even more crucial in the light of proposed changes to local accountability and performance measurement. In particular, new incentives for performance which replace the centrally-determined targets, need to address the performance of the system as a whole.
- **Information flows within the criminal justice system can hinder the most efficient passage of cases, and may not always provide sufficient information to inform future planning.** If the criminal justice system is to deliver real efficiencies and planned cost savings, departments, agencies and local criminal justice partners will need to develop an agreed and coherent plan to address this and deliver long term benefits.



# Part One

## Complex management and governance arrangements

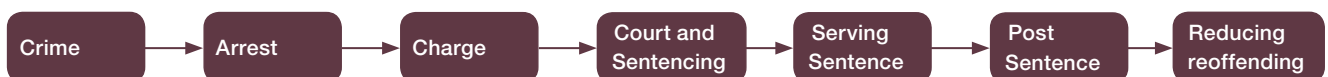
**1.1** Good management and governance are essential to effective delivery of services. For the purposes of this report, we have based our analysis on following the ‘offender journey’ through the criminal justice system (**Figure 2**). In this part, we examine the management structure and regulation of the system and consider the implications on frontline delivery. We focus on:

- the complex delivery chains;
- how delivery is coordinated through a range of local and regional bodies; and
- the range of systems used to regulate outcomes.

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### Figure 2

Map of the offender journey through the criminal justice system



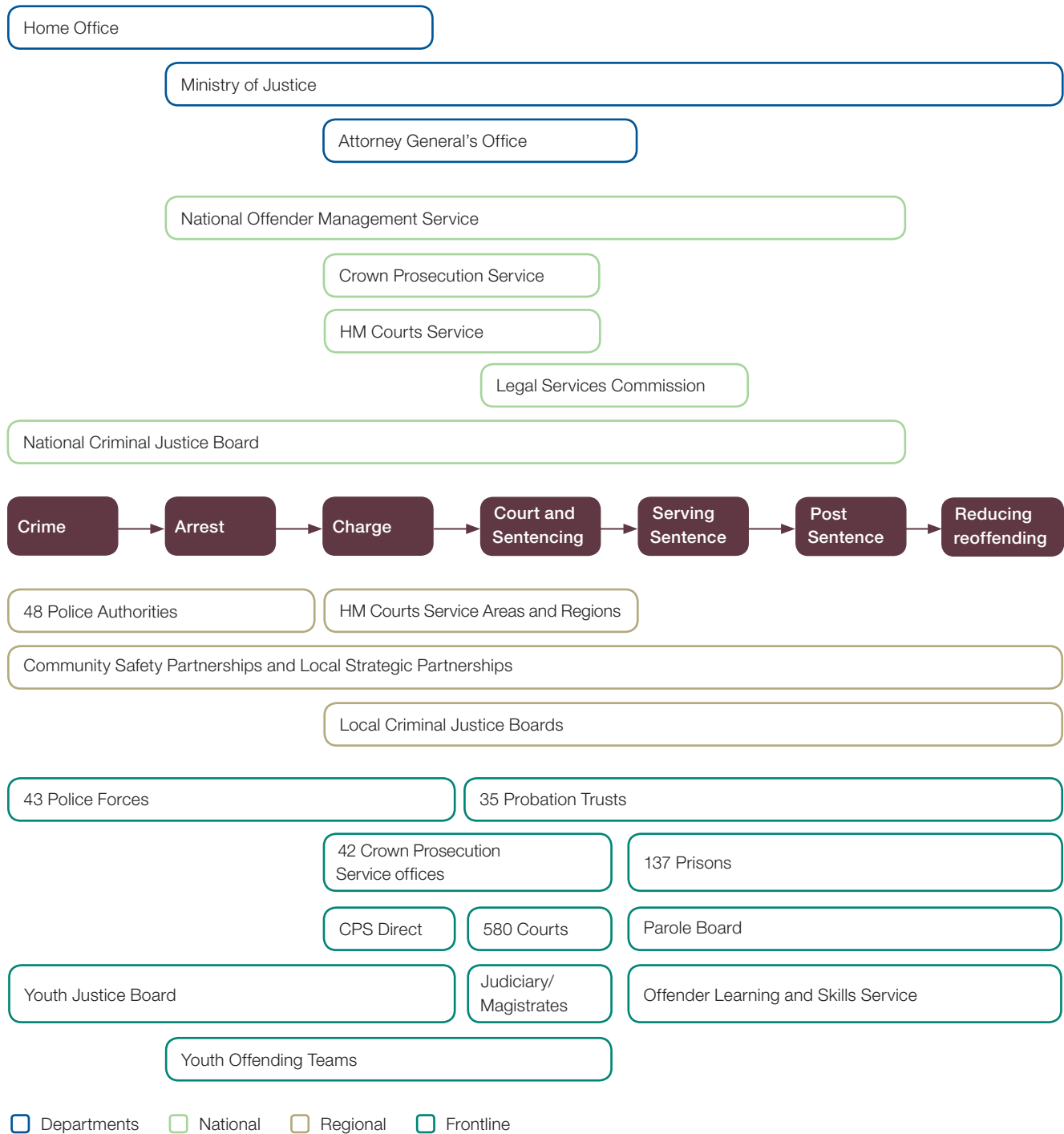
Source: National Audit Office analysis

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### The complex delivery and management of the criminal justice system

**1.2** Under the current constitution and structure of government, there can be no single “owner” for the criminal justice system. The Ministry of Justice is responsible for providing a range of services (including courts, prisons, youth justice services and probation, which are focused on providing access to justice and punishing and rehabilitating offenders). Responsibility for delivery falls mainly to the National Offender Management Service (prisons and probation) and HM Courts Service as well as a range of other smaller specialist sponsored bodies (**Figure 3** overleaf).

**Figure 3**  
Key organisations involved in the criminal justice system



**NOTE**

1 The Youth Justice Board is a national organisation and has an operational function in that it commissions youth custodial places. Under proposals being brought forward within the Public Bodies Bill, the Youth Justice Board will be abolished and its functions brought within the Ministry of Justice.

- The **Ministry of Justice** is responsible for providing a range of services (including courts, prisons, youth justice services and probation) that are focused on providing access to justice and punishing and rehabilitating offenders, but it devolves most of the delivery of its aims to more than 50 sponsored bodies.
- The **Home Office** is responsible for enabling the police and local communities to tackle crime and antisocial behaviour. The Police Service is funded through grants from the Home Office, Communities and Local Government and the Welsh Assembly Government, along with locally raised council tax “precept” set by Police Authorities. The Home Office also devolves some functions to sponsored bodies.
- The **Attorney General’s Office** has responsibility for superintending the independent prosecuting departments, the Crown Prosecution Service, and the Serious Fraud Office. Both have a statutory duty to prosecute cases and, in the case of the Serious Fraud Office, to investigate fraud and corruption. **The Crown Prosecution Service** prosecutes criminal cases investigated by the police and Her Majesty’s Revenue and Customs in England and Wales, processing from charge to sentence or acquittal. The Service determines charges in all but minor cases. Charging decisions are made applying the Code for Crown Prosecutors.

**1.3** The judiciary, which constitutionally is the third arm of the state, is independent of both the legislature and the executive. Independence is important so that judges can discharge their responsibility to be fair and impartial – including protecting citizens against any unlawful acts of government. Judges have to be able to decide cases solely on the evidence presented in court by the parties and in accordance with the law.<sup>3</sup> The operational independence of the police is a fundamental part of British policing,<sup>4</sup> because the decision to arrest and take action against an individual should not be under political influence. Although independent of government, the majority of police funding comes from central government grants and the costs of the judiciary are reflected in the accounts of Ministry of Justice.<sup>5</sup> This adds further complexity to the governance and regulation of the system.

3 Website of Judiciary of England and Wales: about the judiciary, <http://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-in-detail/jud-acc-ind/independence>

4 *Home Office draft structural reform plan*, Home Office, July 2010.

5 To preserve their independence, senior judiciary are paid by the Consolidated Fund.

**1.4** Funding of the criminal justice system is split across a number of departments:

- Core central Government funding for **police** forces amounts to around £9.9 billion, of which approx £6.2 billion comes through **Home Office** grants.
- The **Ministry of Justice** has a budget of £9.2 billion, and funds **HM Courts Service**, the **Legal Services Commission**, the **Youth Justice System** and the **National Offender Management Service** – which alone costs £5.1 billion.
- The **Crown Prosecution Service** has a budget of £0.6 billion and the **Attorney General's Office** has a budget of £0.04 billion.
- Additional crime and justice spend includes the **Department of Health** offender health funding, which comes to roughly £0.2 billion, and the **Offender Learning and Skills Service**.
- The total cost is approximately £19 billion.

**1.5** Since the May 2010 general election there have been a number of significant changes introduced to governance structures within the criminal justice system. In recognition of the need for joint working, the Government appointed a Minister of State for Policing and Criminal Justice, who reports to both the Secretary of State for Justice<sup>6</sup> and the Home Secretary. Joint governance structures are in place, including a Crime and Criminal Justice Strategy Board, a Criminal Justice System Operational Board, and a Criminal Justice System Chief Information Officers Board. Each of them aims to provide oversight of the formulation, development and delivery of shared departmental objectives, and to develop a coherent and joined-up approach to key issues. The Criminal Justice System Operational Board, in particular, brings together the heads of the criminal justice agencies and the Senior Presiding Judge and has been reconstituted with refreshed terms of reference to be responsible for steering work to deliver greater efficiencies. The expectation is that the Board will set the direction for how the criminal justice partners will work together to deliver a better criminal justice service.

### Long delivery chains add to the complexity of the system

**1.6** Many frontline functions of the criminal justice system are devolved to sponsored bodies (**Figure 4**). Non-departmental public bodies are legally and constitutionally separate from Ministerial control. Executive agencies are part of government departments but treated separately for management and budgetary purposes. There are also a number of Government departments involved less directly with the criminal justice system, but which nevertheless impact very significantly upon outcomes: for example, the Department of Health and the Department for Business, Innovation and Skills provide health and education services for offenders in prison respectively. This presents a challenge in standardising criminal justice processes and ensuring a timely flow of financial and operational information.<sup>7</sup>

<sup>6</sup> The Secretary of State for Justice is also the Lord Chancellor.

<sup>7</sup> *Ministry of Justice: Financial Management Report*, Report by the Comptroller and Auditor General, HC 187, Session 2010-11.

**Figure 4**

Agencies, non-departmental bodies and other organisations involved in the criminal justice system

	<b>Agencies</b>	<b>Non-departmental public bodies</b>	<b>Other</b>
<b>Home Office</b>	Criminal Records Bureau	Independent Police Complaints Commission <i>Serious Organised Crime Agency</i> <i>National Policing Improvement Agency</i>	Police forces HM Inspectorate of Constabulary
<b>Ministry of Justice</b>	National Offender Management Service Her Majesty's Courts Service	<i>Legal Services Commission</i> <i>Youth Justice Board</i> Criminal Injuries Compensation Authority Parole Board Criminal Cases Review Commission	HM Inspectorate of Prisons HM Inspectorate of Probation <i>HM Inspectorate of Courts Administration</i>
<b>Attorney General's Office</b>			Crown Prosecution Service HM Crown Prosecution Service Inspectorate Serious Fraud Office Revenue and Customs Prosecution Office

**NOTES**

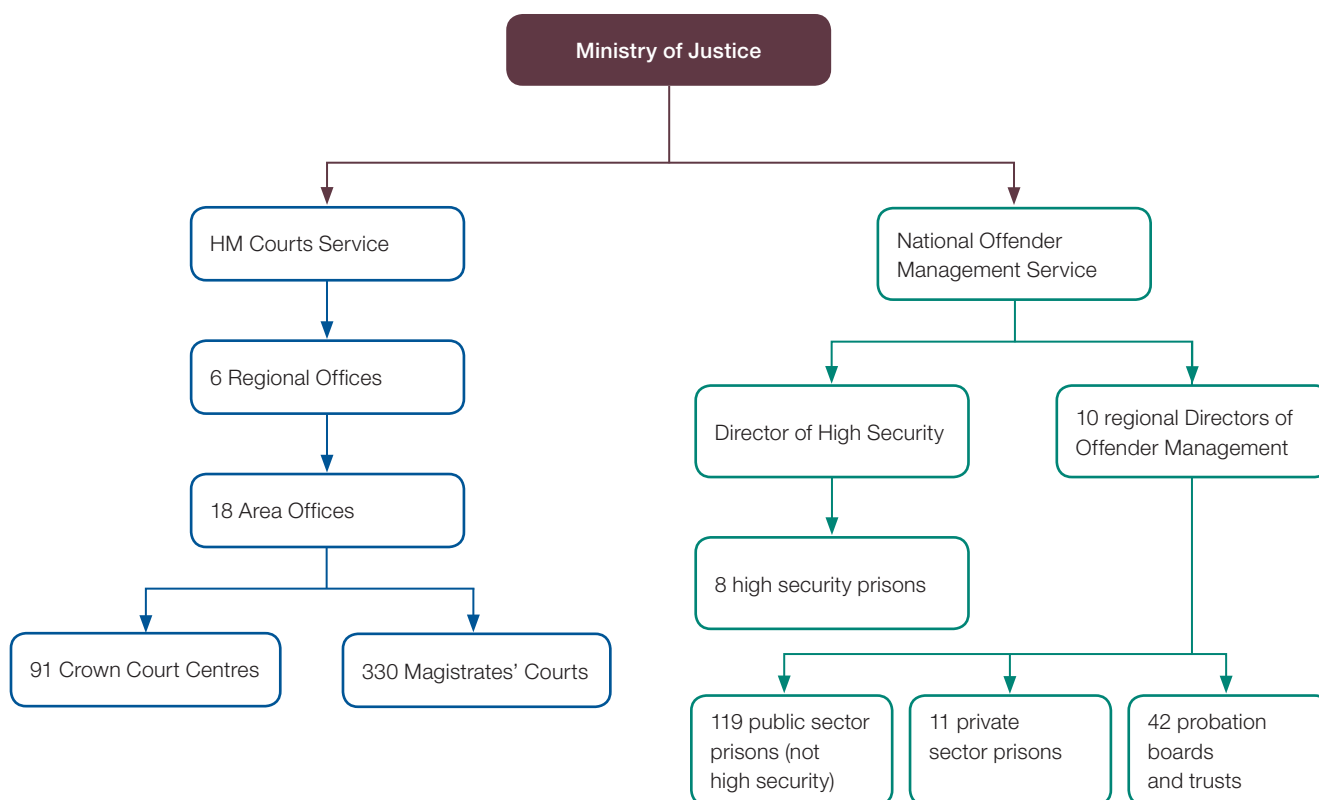
- 1 Diagram excludes agencies and other bodies that are not part of the criminal justice system.
- 2 Organisations in italic text are those whose abolition has been announced but has not yet taken effect.

Source: National Audit Office analysis

### Regional and local management structures are also complex and vary between delivery partners

1.7 Some partners have regional as well as local area organisations and long delivery chains, meaning frontline staff have to coordinate activities between separate organisations (Figure 5). For example, to process cases, court staff might need to liaise with the police force, the Crown Prosecution Service, and probation services, plus defendants might have to be transported to or from a prison. Our report on administration of the Crown Court highlighted the pressures put on the Crown Prosecution Service as a result of HM Courts Service timetabling cases across different locations and short-notice movement of cases from one court and Court Service area to another.<sup>8</sup>

**Figure 5**  
Delivery chains in HM Courts Service and the National Offender Management Service



Source: National Audit Office analysis of the Ministry's management structures

8 HM Courts Service: Administration of the Crown Court, Report by the Comptroller and Auditor General, HC 290, Session 2008-09. p 21.

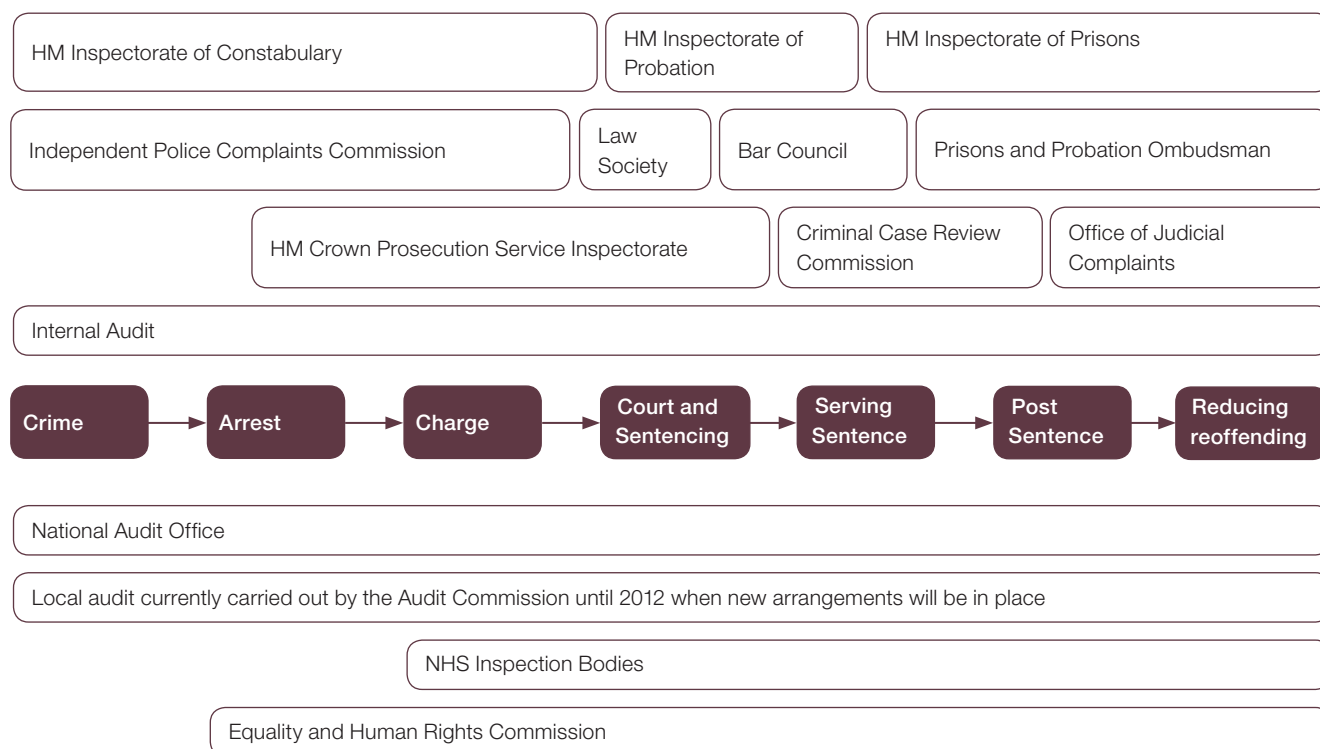
**1.8** At a local level, the 42 local Criminal Justice Boards provide a strategic area level coordination of local criminal justice partners across England and Wales. These boards, which will be self funding from April 2011, bring together the chief officers of the local criminal justice partners to coordinate activity and share responsibility for delivering justice locally. At a county level (as well as at the more local district area level in two tier authorities) Community Safety Partnerships bring together a range of partners including local authorities to address the many issues of common interest in a more joined-up way.

### Control and accountability in the criminal justice system

**1.9** There are a large number of bodies that exert influence over the direction of development of the criminal justice system, and seek to ensure its accountability (**Figure 6**). Judges are accountable to the Lord Chief Justice. The Home Office, Ministry of Justice are accountable to Ministers. All the delivery partners have their own internal audit functions, each reporting to an audit committee. The Criminal Justice Inspectorates also carry out routine and thematic inspections of the Police, Crown Prosecution Service, Courts and Prisons and Probation. These systems are an integral part of the complex control mechanisms which drive and regulate the criminal justice system.

**Figure 6**

Key audit and inspection in the criminal justice system



Source: National Audit Office

**1.10** Following the 2010 general election, the Government has changed performance management arrangements, scrapping the centrally-mandated targets and the Public Services Agreement Frameworks. This has led to a fundamental shift in central-local relationships. The criminal justice partners, including Government departments, agencies and local players, are now working through how those arrangements can be most effectively implemented.

### **Key issues for debate**

Against the need to secure significant cost reductions, key issues for debate are:

- whether new governance arrangements are operating, and will continue to operate effectively to deliver planned efficiencies and manage change effectively. Current arrangements have accountability spread between the judiciary, different departments, with two secretaries of state, the Law Officers, a joint minister, and a range of arms' length bodies. The system is complex, and changes to one part of the system can have consequences for others. Proposed reforms, such as directly elected Police and Crime Commissioners and payment by results, will significantly alter the local criminal justice landscape. New joint governance structures have been designed to help to develop a coherent and joined-up approach to governing the criminal justice system. **It is essential that new governance structures can identify system-wide opportunities to reduce cost and maximise effectiveness through understanding how cost and performance deliver good outcomes for justice;** and
- whether the management of information is sufficient to monitor effectively the core business and manage risk to public protection but is also consistent with reducing bureaucracy and supporting local accountability. Currently data are retrieved automatically from operating systems and aggregated, packaged and analysed centrally, before being sent to local partners. **Management information should be sufficient for meeting, but not exceeding, business needs.**



# Part Two

## Joint working and operations of the criminal justice system partners

**2.1** The fact that responsibilities cross different departments and involve a wide range of delivery partners means that it can be difficult to establish and adhere to a single outcome for the criminal justice system. This part shows how delivery partners' successes in meeting their own objectives may not make an obvious contribution to the overall aim. We also outline the impact on costs, and how the work of other government departments also impacts on the system.

### **Delivery partners have their own objectives but cannot achieve them in isolation**

**2.2** Historically, delivery partners have had their own objectives and targets to help them deliver their services efficiently and effectively. But to achieve them, each partner is dependent at least to some extent on at least one other. For example:

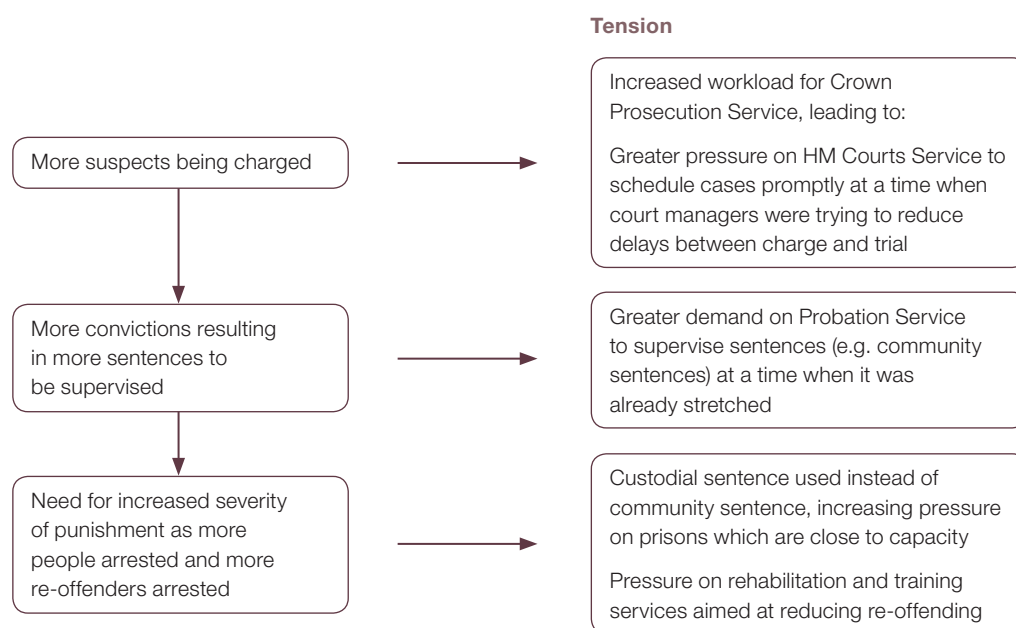
- a Crown Prosecution Service priority is to maximise efficiency and productivity. This requires the provision by the police of timely and good quality files, which can be served upon the defence, and a proactive court that identifies the issues in dispute at the first hearing ensuring that an effective, proportionate trial takes place on first listing. If any part of the system does not fulfil its role as effectively as it could, the hearing may be ineffective, necessitating the trial to be delayed. Such delays increase costs, and waste the time of all the witnesses, and may also impact upon their confidence in the criminal justice process;
- to meet its own targets of minimising the number of ineffective trials and hearings and make best use of court time, most magistrates' courts over list trials knowing that some cases will not be trial ready, or there may be a late guilty plea. As a result, some trials for which all the parties are ready to proceed may not go ahead on the appointed day, requiring victims, defendants and witnesses having to return another day, undermining the confidence of those involved in the system; and

- the Probation Service’s move towards greater consistency in breaching people on community orders led to a rise in the workload of the Parole Board, which it did not have the capacity to meet. In 2008, we reported that in 2006-07, the Board had failed to meet its target to review decisions to recall offenders to custody, in part because of the large rise in the number of recall cases.<sup>9</sup>

**2.3** Actions by any one partner can have an impact on the criminal justice system as a whole and there are inevitable tensions between the specific missions of criminal justice partners. For example, the police are at the front end of the criminal justice system and are tasked with tackling crime, which involves bringing offenders to justice. Decisions made at the police end can have an impact on the later stages in the system, altering the workload for the Crown Prosecution Service, HM Courts Service, prisons and probation (**Figure 7**).

**Figure 7**

Example of increasing the disposal of offenders by police



Source: National Audit Office

9 *The National Probation Service; the supervision of community orders in England and Wales*, Report by the Comptroller and Auditor General, HC 203 Session 2007-08.

**2.4** *Criminal Justice: Simple, Speedy, Summary*, a joint criminal justice system initiative (including HM Courts Service, the Crown Prosecution Service and the Police) to improve timeliness of justice in magistrates' courts, is a good example of how delivery partners successfully worked together to the benefit of the criminal justice system as a whole. New ways of working in both the Crown Prosecution Service (through introduction of the Optimum Business Model for ensuring that all the information was available in time for the trial) and more efficient ways of working in the magistrates' courts, has resulted in a fall in the number of cases where the prosecution case was not trial ready. The average time from charge to conclusion was reduced to 45 in 2009 from 62 days in 2007.

### **Conflicting incentives can have an impact on costs and the ability to make savings**

**2.5** The NAO's *Short Guide to Structured Cost Reduction* (2010) explains that 'departments should look beyond traditional organisational boundaries and take a system-wide view.'<sup>10</sup> Imposing cost saving measures in some parts of the criminal justice system will not necessarily result in overall cost reductions. For example, the introduction of means testing in the magistrates' courts led to a net saving for the Legal Services Commission of £31.5m for 2008.<sup>11</sup> The Senior Presiding Judge's view was that where defendants were unable to decipher the process for applying for legal aid, cases were adjourned leading to costs incurred by the Courts Service.<sup>12</sup> The Lord Chief Justice has expressed further concern that the introduction of means testing to the Crown Court may lead to people who are unable to obtain legal aid deciding to defend themselves.<sup>13</sup> As many defendants are likely to be unfamiliar with the law and legal process, there may be increased delays resulting in additional costs for both HM Courts Service and the Crown Prosecution Service.<sup>14</sup>

### **Impact of the work of other government departments**

**2.6** A number of other government departments, whose main objectives are not reducing offending or bringing offenders to justice, work within the criminal justice system. A study by the Social Exclusion Unit identified the key factors which influenced offending, of which the majority are the responsibility of non-criminal justice departments.<sup>15</sup> These became the National Offender Management Service's seven pathways to reducing re-offending (**Figure 8** overleaf). The Ministry of Justice plans to draw up a Green Paper on improving rehabilitation and reduce re-offending in December 2010 which should address these issues in more detail.

<sup>10</sup> *A short guide to structured cost reduction*, National Audit Office, 2010, [http://www.nao.org.uk/publications/1011/structured\\_cost\\_reduction.aspx](http://www.nao.org.uk/publications/1011/structured_cost_reduction.aspx)

<sup>11</sup> *The procurement of criminal legal aid in England and Wales by the Legal Services Commission*, Report by the Comptroller and Auditor General, HC 29, session 2009-10.

<sup>12</sup> *The approach to summary justice both in and out of court*, Report by the Senior Presiding Judge, Lord Justice Leveson December 2007.

<sup>13</sup> A defendant who opts not to be represented by a defence lawyer can opt to defend themselves.

<sup>14</sup> *Review of the Administration of Justice in the Courts*, Lord Chief Justice, February 2010.

<sup>15</sup> *Reducing re-offending by ex-prisoners*, Social Exclusion Unit (Cabinet Office), 2002.

**Figure 8**

## National Offender Management Service seven pathways to reducing re-offending

<b>Seven pathways to reduce offending</b>	<b>Responsible agency</b>
Getting offenders into stable accommodation to help rehabilitate them and reduce risk of reoffending	Department for Communities and Local Government
Helping offenders to improve their education and skills and help them find employment	Department for Education, Department for Work and Pensions
Helping prisoners overcome significant health problems	Department for Health
Tackling offenders' drug and alcohol problems	Home Office
Ensuring ex-offenders have enough lawfully-obtained money to live on is key to their rehabilitation, but many face significant problems achieving financial security	Department for Work and Pensions, and third sector
Supporting offenders' relationships with their families	Department for Children, Schools and Families
Helping offenders overcome negative and destructive patterns of thinking and behaviour	Department for Education, Department for Work and Pensions

*Source: Cross Government outline plan for reducing re-offending, National Offender Management Service, Home Office*

### Key issues for debate

- How the efficiency of the whole system can be improved through the coordinated actions of different partners. Actions by any one partner can have an impact on the criminal justice system as a whole, and there are inevitable tensions between the specific missions of the different partners. **Departments, agencies and local partners need to remain focused on how to improve their own efficiency and, through cross-criminal justice working, consider how improvements can be made to benefit the system as a whole.**
- How savings can be made for the benefit of the whole criminal justice system. The need for efficiency savings and cost reductions is likely to be ongoing well beyond the current comprehensive spending review. **In identifying savings for the longer term, the criminal justice partners will need to continue to look beyond traditional organisational boundaries and take a system-wide approach to making efficiency savings.**
- How to improve the integration of other departments in achieving the goals of the criminal justice system. There are a large number of agencies already involved in the criminal justice system, including agencies and departments whose work falls primarily outside of criminal justice. The Government plans to introduce a range of reforms aimed at building on approaches such as integrated offender management. These should evaluate ways of taking a more holistic approach to preventing crime and reducing re-offending. **If reforms are to be successful, it is important for the criminal justice partners to consider how best to encourage departments who traditionally fall outside of the criminal justice system to play a more leading role.**

# Part Three

## Information flows and the need for effective investment in information technology

**3.1** In this part of the report, we focus mainly on how data is transferred within and between partner organisations in the criminal justice system. We do not address the programmes or expenditure on maintaining and routine replacement of hardware or software.

### **Delivery partners all have their own case management systems**

**3.2** Each delivery partner needs access to data about individuals in the criminal justice system and processes for managing the flow of cases. Key information systems are shown in **Figure 9** and more details about them are available in Appendix One.

**3.3** The Committee of Public Accounts expressed concern in 2000 that the various parties, such as police, prosecution and courts, were separately inputting basic case details, and that this was likely to result in duplication, error and delay.<sup>16</sup> Since then changes have been introduced to improve the automation of data transfer between criminal justice system partners,<sup>17</sup> but there is still some manual entry of data and systems which are not joined up. In 2009, our report *Administration of the Crown Court* acknowledged that HM Courts Service recognised the desirability of replacing the wide range of incompatible networks within the courts with a universal case management system, but it had concluded that such action would be unaffordable.<sup>18</sup>

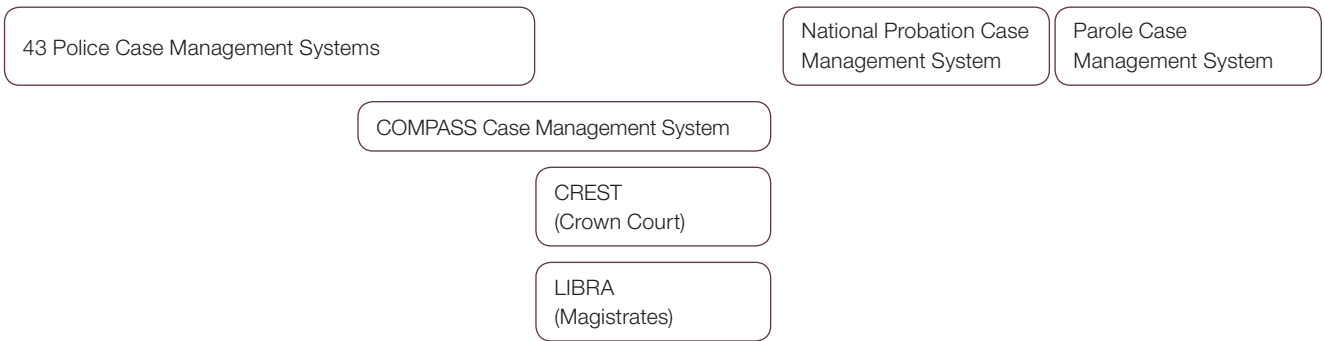
<sup>16</sup> *Criminal Justice: Working Together, Committee of Public Accounts*, HC 298, 27th report Session 1999-2000.

<sup>17</sup> Libra replaced magistrates' court systems with one national system, it was the key enabler for Bichard 7 Solution which automates the transfer of case reviews to the Police National Computer, Inspection of Criminal Case Administration and Resulting in Her Majesty's Courts Service, HM Inspectorate of Court Admin, March – June 2009.

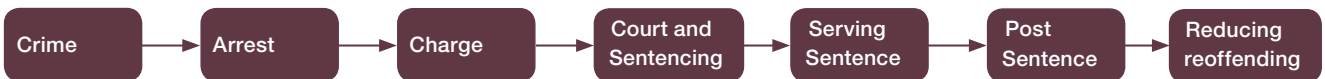
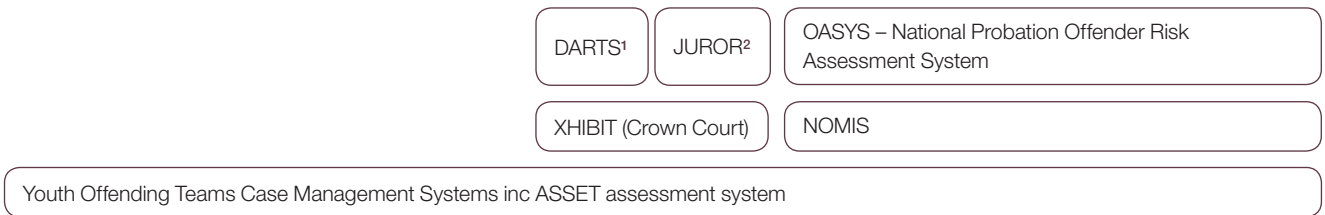
<sup>18</sup> *HM courts Service: Administration of the Crown Court*, Report by the Comptroller and Auditor General, HC 290, Session 2008-09.

**Figure 9**  
Key information systems in the criminal justice system

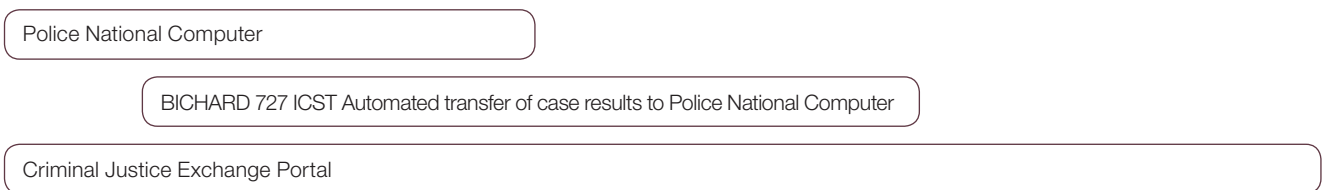
**Case Management Systems**



**Operational Systems**



**Other key systems**



**NOTES**

- 1 Digital Audio Recording, Transcription and Storage System.
- 2 Jury Summoning System.

Source: National Audit Office analysis

**3.4** There have been a number of recent developments in criminal justice information systems which have sought to mitigate these issues:

- The Criminal Justice Exchange was introduced in 2006. The Exchange links programme (completed March 2009) provides high-speed, secure links between the existing case management systems across the criminal justice system, and allows the criminal justice agencies to share common up-to-date case information. Exchange links the police and the Crown Prosecution Service, and the police and the magistrates' courts. The links between the police and the Crown Prosecution Service have recently been extended to enable pre-charge information exchange.
- The Crown Prosecution Service's Transforming through Technology programme seeks to move the management of cases from paper as the master, to the electronic case file as the master.
- The Criminal Justice secure e-mail service enables organisations involved in the criminal justice process, such as defence solicitors, Youth Offending Teams, barristers, local authorities and victim and witness groups to send and receive secure e-mails.
- The Witness Management System enables management of witness care by both the Police and the Crown Prosecution Service in joint Witness Care Units.

### **Information flows between and within some delivery partners are dependent upon paper systems**

**3.5** Although delivery partners have introduced or updated their systems over the last ten years, our analysis shows that there is still some dependence on paper flows and that some of the information systems in use do not "talk to each other" (Appendix One, and **Figure 10**).

- The Crown Prosecution Service has improved its procedures<sup>19</sup> to ensure prompt collation of all the necessary information to enable swift decisions on whether to charge cases, but remains largely dependent upon receiving information about cases from the police via paper files or faxed records.
- Five years after the magistrates' courts and the Crown Court were brought together as HM Courts Service, it is still not possible to transfer data automatically between the magistrates' courts and the Crown Court. For the ten per cent of cases that are processed by the Crown Court, documents have to be copied and sent from the magistrates' court to the Crown Court either by post/courier or by fax.<sup>20</sup>

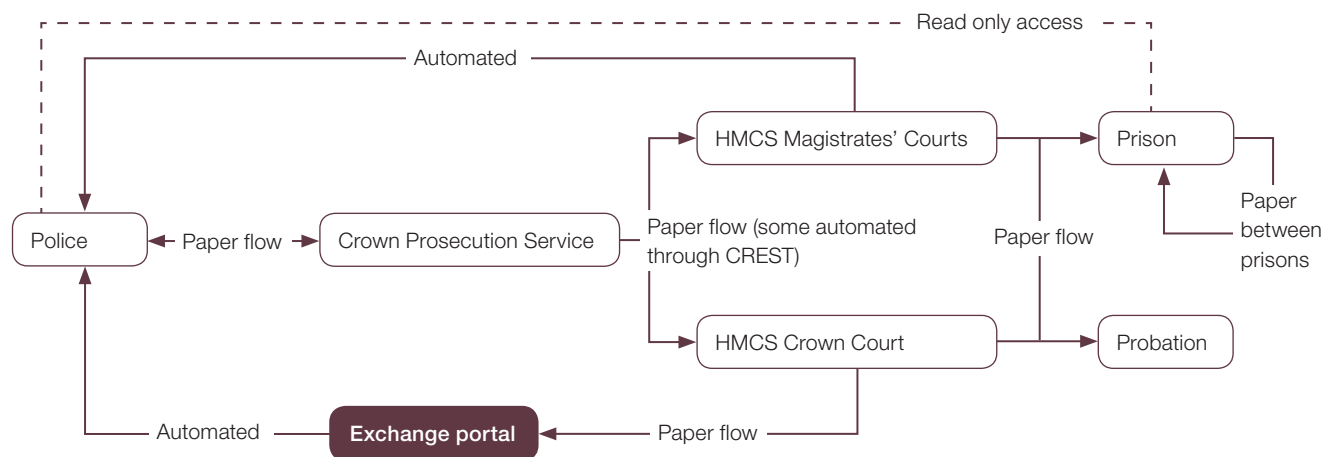
<sup>19</sup> Optimum Business Model.

<sup>20</sup> *Administration of the Crown Court*, Report by the Comptroller and Auditor General, HC 290, Session 2008-09, para 4.15.



**Figure 10**

Transferring information between criminal justice partners



Source: National Audit Office

**3.6** Data is not always transferable electronically even within partner organisations, resulting in further inefficiencies.

- In 2003, the Crown Prosecution Service sought to improve the service it provided to police by introducing CPS Direct, an out-of-hours charging advice line. In 2008 the HM Crown Prosecution Service Inspectorate, although positive about CPS Direct generally, found that not all police forces could communicate easily with it.<sup>21</sup> Some police forces could not e-mail requests for advice and others could only send evidence electronically if it was password protected. The majority of data, transmitted by fax, had to be rekeyed. The Inspectorate estimated that up to 20 per cent of CPS Direct call time was wasted because of hindrances to receiving the required evidence in the most efficient manner.
- Our 2009 report *Administration of the Crown Court* also highlighted the Crown Court's dependence upon the 20-year old Crest system and the fact that case data has to be re-input if a trial is transferred between Crown Court locations. We estimated that for a busy court house receiving 80 cases a month, this could amount to 12 hours of re-keying, costing over £300,000 across the Crown Court.<sup>22</sup>

<sup>21</sup> *Inspection of CPS Direct*: HM Crown Prosecution Service Inspectorate, November 2008.

<sup>22</sup> *HM Courts Service: Administration of the Crown Court*, Report by the Comptroller and Auditor General, HC 290, Session 2008-09, paragraph 4.15.

- When prisoners are moved between prisons, they undergo new risk assessments at each prison because there is no automatic transfer of the prisoners' records. There remains no facility for sharing information about the education and training that prisoners have undertaken, but the offender learning database should eventually have the capacity to interface with NOMIS and the Youth Justice Board's e-ASSET.<sup>23</sup>

### **Inadequate data transfer causes inefficiencies and could put people at risk**

**3.7** The public could be put at risk if outcomes of trials are not recorded promptly on the Police National Computer. New procedures were introduced following the Bichard inquiry<sup>24</sup> and were expected to result in 80 per cent of trial outcomes being transferred automatically onto the Police National Computer. In 2009, HM Courts Service acknowledged that the police were still having to input some information manually, and are working with partners to increase the amount that could be transferred automatically. The Ministry of Justice estimates that 65 per cent of case results are now transferred automatically.

**3.8** Case management for young offenders is managed using two standalone systems. As there is no automatic transfer of information from *Asset* to *OASys* when an offender becomes an adult, details of case histories, education and training and any special needs are not transferred. See Appendix One for more details.

### **Inadequate data systems impinge on ability to plan for the future**

**3.9** Organisations need good information about their activities to help them manage their services and plan for the future. Our 2008 report on the work of the Parole Board, *Protecting the public: the work of the Parole board*, March 2008, demonstrated the importance of accurate caseload data. The Parole Board relies upon the Ministry of Justice to forecast its future caseload and in 2006-07 it was underestimated by 23 per cent. The Board's budget was based on the lower figure and as a result the Board suffered a significant mid-year budget shortfall and had to stop handling some cases.<sup>25</sup> Now agencies are provided with a collated dataset from the Criminal Justice Management Information System.

<sup>23</sup> Select Committee on Education and Skills Minutes of evidence, Joint memorandum submitted by the Department for Education and Skills and the Home Office, December 2006.

<sup>24</sup> <http://www.bichardinquiry.org.uk/10663/report.pdf>

<sup>25</sup> *Protecting the Work of the Parole Board*, Report by the Comptroller and Auditor General, Session 239, Session 2007-08.

**3.10** The need for data to underpin future court provision was also highlighted in our report *Administration of the Crown Court* (March 2009). We highlighted a good example of delivery partners working together to help inform planning: one court area obtained data from the police on local population growth. Another had obtained population data from the Ministry of Justice's central economics and statistics team.

**3.11** Monitoring the quality or impact of services is also important to help understand the demand for them and their effectiveness. We found that prisons were unable to tell us how many short-sentenced prisoners accessed their interventions, and they had a poor understanding of the quality and impact of the work they were doing. This is partly because information about good and bad practice is not generated or shared, and partly because there is almost no feedback about what happens to prisoners after release.<sup>26</sup>

### Key issues for debate

- How the criminal justice system can best manage the flow of data and information to meet the business need. The Ministry of Justice has already embarked on a review of data flows and information requirements. In particular, in light of the Government's freeze on IT investment over £1 million, **the challenge for the criminal justice system is to make the best of the information systems that it has, and balance the need for short and longer term investment.**
- How the government should evaluate and learn from initiatives when planning future work. This is especially relevant in light of plans to reform options for sentencing and plans to develop new initiatives aimed at reducing reoffending and improving rehabilitation of offenders. **In implementing any changes, the Government should consider how best to improve the recording and evaluation of longer-term outcomes for offenders.**
- How case preparation can be improved through better information sharing. Information flows within the criminal justice system can hinder the most efficient passage of cases through the system. **If the criminal justice system is to deliver real efficiencies and planned cost savings, departments, agencies and local criminal justice partners will need to develop an agreed and coherent plan to address this and deliver long-term benefits.**

<sup>26</sup> *Managing offenders on short custodial sentences*, Report by the Comptroller and Auditor General, HC 431, Session 2009-10.

# Appendix One

## Information Systems in the criminal justice system

System	Date	Use
PNC (Police National Computer)	1974 (started as stolen vehicles database)	Police National Computer holds details of people, vehicles, crimes and property that can be electronically accessed by the police and other criminal justice agencies. Allows for the sharing of information (with all police forces and criminal justice organisations) through a secure network.
PND (Police National Database)	May 2010	The Database will replace the Impact Nominal Index and will facilitate key links with other national information systems, such as the Police National Computer.
LIBRA	January 2009	Magistrates' Courts case administration system. Libra provides enhanced services to court users, improving scheduling and monitoring of cases with an electronic diary and reducing the time spent answering enquiries. Libra is a key enabler for Bichard 7 designed to automate the transfer of case results to the PNC. Direct links are available to the Police, Driver Vehicle Licensing Authority and the Office of Criminal Justice Reform.
CREST (Crown Court Electronic Support System)	1989-1992	Database used throughout the Crown Court for tracking all cases received from the magistrates' courts. Uses include: case progression; listing; calculating counsels' fees. Provides case information (via XHIBIT and Exchange portal) to wider criminal justice system. Runs separately in each court location. Runs on old operating system.
XHIBIT (Exchanging Hearing Information by Internet Technology)	April 2006	XHIBIT application used by court staff for: receiving listing of cases from Crest; public information displays, public screens and message distribution; in-court electronic recording of events; real-time production of Court Orders; electronic distribution of outputs to XHIBIT portal; updating CREST for results.
JUROR	Currently piloting upgrade	Juror is a standalone system which assists HM Courts Service to summon the number of jurors required for Crown Court trials and to record and manage juror data. Connects courts throughout England and Wales with the Central Summoning Bureau and the Justice Print Centre, via a Central Data Centre.
Link	March 2006	Infrastructure providing industry-standard office automation (Word, Excel, Secure Email, Internet access) and Crest and XHIBIT (via Exchange). Industry standard software.
CDMIS (Central Determinations and Management Information System)		Allows for automatic calculations for example of legal aid and costs taxation.

<b>System</b>	<b>Date</b>	<b>Use</b>
DARTS – Digital Audio Recording, Transcription and Storage	July 2009	Digital technology to replace current system, which records all court proceedings on analogue audio cassette tapes. Uses XHIBIT technology.
NOMIS (National Offender Management Information System)	April 2009	The original design (C-NOMIS) was intended to amalgamate information on offenders into a single database, giving staff in prisons and the probation service an overview of offenders. However, after costs grew too high it became a prison-only system (P-NOMIS). There is read-only sharing of information between prisons and probation areas still use existing packages – Delius/CRAMS.
DELIUS	March 2011	An existing probation system that holds information on offenders. This system is being upgraded to form the basis of a single national case management system for the probation service. Will allow the probation areas to share information. As of June 2009, 40 per cent of offender records are held here.
CRAMS (Case Recording and Management System)	1995	A probation system that acts as a central repository for information on offenders. As of June 2009, 35 per cent of offender records are held here.
COMPASS Case Management System (CMS)	2003	A national case management system and management information system in use across the Crown Prosecution Service. It enables better preparation and presentation of the prosecution case.
Witness Management System	2005	WMS is a hybrid of CMS, tailored to the specific needs of witness care and used by CPS and police witness care staff. A range of changes are planned that will help to ensure that witnesses are cared for appropriately throughout the process. Benefits include improvements in the efficiency and effectiveness of criminal cases.
Parole Board Casework Management System	May 2010	Went live in May 2010, designed to replace hearings system (known as SOAPH) and take over from the different databases and spreadsheets currently being used to provide detailed management information.
OASys (Offender Assessment System)	2004	Developed jointly by the National Probation Service and the Prison Service. The system gathers information on prisoners, including their offences and then gives them an OASys score. It enables electronic exchange of information between probation offices and prison establishments.
Criminal Justice System Exchange portal	2004	Developed by the Office for Criminal Justice Reform. It provides other criminal justice organisations, such as the police, Crown Prosecution Service and defence solicitors with: court lists; defendants; hearing information; results; charges orders; and warrants.
OPT (One Performance Truth)	April 2009	A web-based data monitoring system, which allows for direct inputting of performance data. Crown, County and Magistrates Courts are required to fill out returns on 6th working day and 12th working day. Anyone within the organisation can view the reports section of OPT.
Criminal Justice Management Information System (CJ Know How)	2004	Collates CJS data presenting a local, agency and national view of cross criminal justice system information to criminal justice system managers.

Source: National Audit Office



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