

in depth:

Performance Insight



From Possibility...

In the area of criminal justice, the public often have strong views on the performance of the police and courts. Particular concerns are about whether or not offenders are brought to justice and how effective the courts are. It's certainly true that the media are very quick to spot opportunities to publicise "newsworthy" stories.

The Home Office sets targets for the number of offenders brought to justice and for the number of "ineffective" and "cracked" trials.

Ineffective Trial = On the trial date, expected progress is not made due to action, or inaction, by one or more of the prosecution, the defence, or the court and a further listing for trial is required

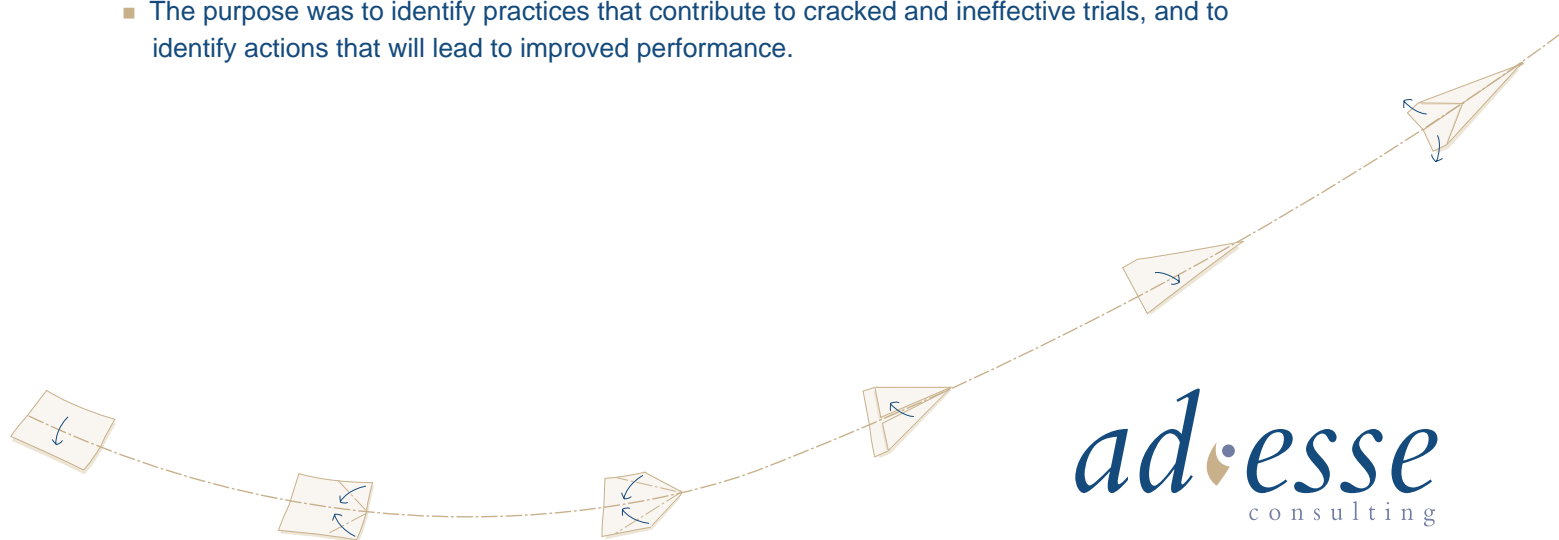
Cracked Trials are those which result in a guilty plea, at the last minute, before the case goes to court. The guilty plea may be to the whole indictment, or to part of it, or even to an alternative count. A cracked trial therefore requires no further trial time.

Ad-Esse Consulting were invited by North Yorkshire Criminal Justice Board (NYCJB) to support them in identifying the reasons for the high proportion of cracked and ineffective trials and improving the process between Charge and Sentencing, to reduce this.

In scoping this piece of work there were two primary objectives identified and a number of secondary objectives:

PRIMARY OBJECTIVES

- The primary objectives were to map the processes and analyse the performance data applied to cases from charge to sentence in the Central Area Command Unit, to include Magistrates and Crown Court cases.
- The purpose was to identify practices that contribute to cracked and ineffective trials, and to identify actions that will lead to improved performance.



ad•esse
consulting

SECONDARY OBJECTIVES

- Develop a process map which can be used to inform staff of working practices
- Identify leading performance indicators to be utilised as early warnings of poor performance
- Identify guideline timescales for key stages of the process
- Develop a model which can be used to test out scenarios and cost analysis
- Establish a detailed baseline regarding current performance
- Inform development of a high level attrition model as a tool to monitor performance
- Identification of potential efficiency gains

OUR APPROACH

The four stages of our approach were:

- Focus and Planning
- Data Collection and Diagnosis
- Analysis
- Report and Recommendations

The data that were available suggested that the key locations to start with, to make an early impact, would be the processes associated with York Crown and Magistrates Courts. This was because the volume of cases is high and poor performance here adversely impacts on the whole Criminal Justice Area's performance.

Key activities were to:

- stratify and understand the data related to ineffective and cracked cases in order to home in on potential root causes of under-performance
- identify the process steps linked to these root causes
- prioritise those process steps where they could achieve maximum leverage to achieve their improvement targets
- develop process maps that can be used for training, communications and a basis for further improvement
- establish a set of leading performance indicators associated with the critical process steps, to act as pre-warning signs

It was then envisaged that this approach could be replicated on a process-by-process basis, prioritised by the volume of cases and impact on overall performance, for the other courts in the North Yorkshire CJB area.

To Actuality...

MAPS AND MEASURES

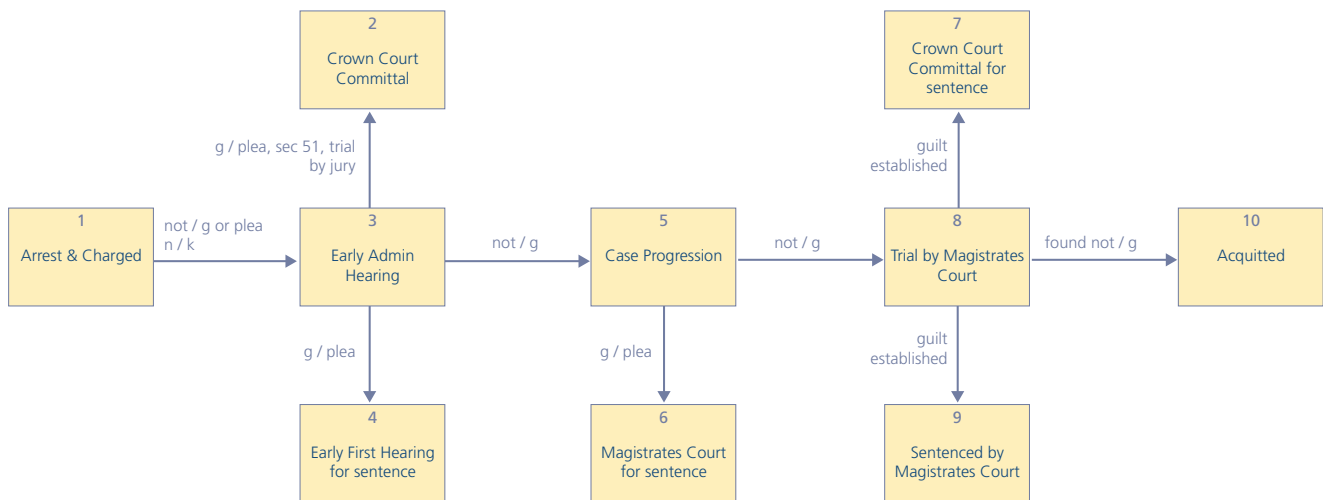
An important feature of the project was bringing together a process map for the end-to-end "arrest to sentence/acquittal" process, with data to quantify performance through the process chain. The data could then be used to identify specific improvement opportunities at key points in the process.

The process map was captured through a series of one-to-one and workshop sessions with staff involved in the day-to-day operation. This presented some challenges as we needed to minimise disruption to the courts process.

A high-level map was produced for the end-to-end process and then "drilled down" to provide more detail. This

map was NYCJB's first "as is" picture of the process (as opposed to the "ideal" map presented in procedure manuals and other guidance documents). It reflected how the process actually worked, and has proved to be a useful way to demonstrate the interdependencies between the different agencies involved.

National Framework - Magistrates Court - Not Guilty:



We were also able to compare the "as is" process with NYCJB's own guidance documents and the best practice example drawn up by the CJS division in London. One particular area of difference was in the local processes there are a number of follow-up Case Management Hearings after the initial one which is not part of the National Framework. Reasons for this were explored with the staff involved in workshop sessions and solutions identified which would speed up the process.

The analysis of data proved to be both challenging and interesting. The aim was to take a year's worth of Magistrates and Crown court cases and stratify (slice and dice) the data in order to gain insights into root causes of performance.

In the case of the Magistrates' court, this was reasonably easy as their IT systems allowed us to export a range of data for analysis in Excel. However, it was not possible to do this to the same degree from the Crown court's system and the subsequent analysis was therefore much less detailed. A key recommendation was therefore to improve the data collection and handling for Crown court cases to enable the level of analysis to be carried out.

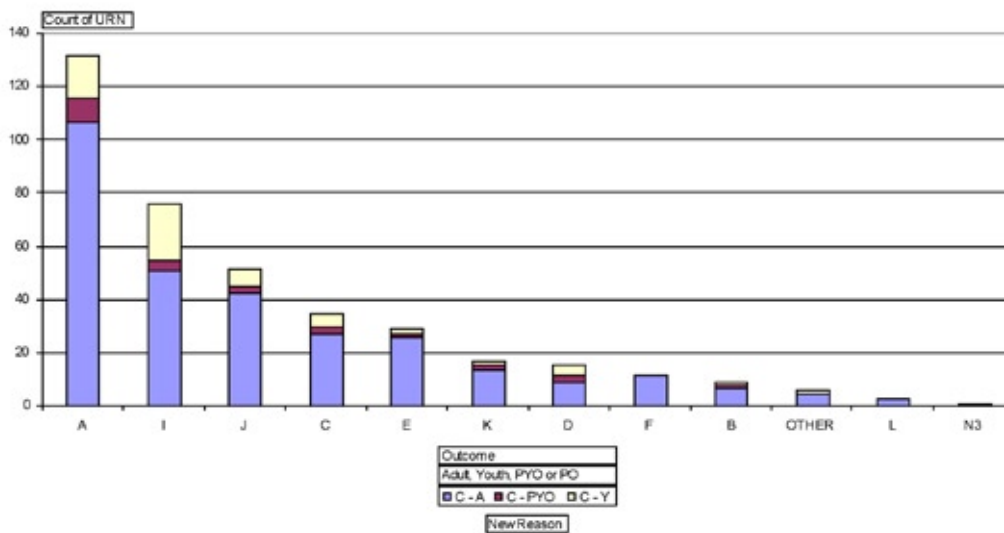
Some of the key findings included:

- A significant number of cases that Crack, or become Ineffective, are due to reasons that can be impacted by the Prosecution Team
- Trial type appears to affect the likely outcome; whereas age of offender does not. (This is only possible to identify in the Magistrates Court)
- The number of trials in the Crown Court appears to affect the cracking rate (i.e. case workload impacts on outcome)
- A significant proportion of Ineffective trials then go on to Crack and Vacated trials are just as likely to go on to Crack, or become Ineffective, which means that the further time & resources invested in both these areas is having little, or no, effect
- Large number of Ineffective and Vacated trials leads to higher number of Case Management Hearings in the Magistrates' Courts, which use up significant resources

Some desirable stratification was not possible from the source data and led to recommendations for this to be done on a regular basis; e.g. analysing cracked/ineffective trials by offence type. Staff looking at the analysis were also able to highlight other factors that should be used to stratify the data as a means of predicting cases that were likely to crack or become ineffective.

Much of our analysis aimed to identify the Pareto factors; the vital few reasons that accounted for a large part of the problem.

Reasons for Cracked Trials Yorks / Selby Magistrates Court Feb '05 to Jan '06:



This enabled staff to focus on specific actions that could be addressed to improve performance. Some of these were as specific as improving the systems to ensure police officers were available when required to act as witnesses. Others were more general, such as developing a risk rating for cases at the start of the process to identify cases which needed to be managed more tightly, to avoid them cracking or becoming ineffective.

The source data meant that we were able to analyse nearly 800 Magistrates court cases from a 12 month period. This time period also enabled us to examine trends over the period; for example to identify the effect of CPS staff being placed in police stations at the point of charging (intended to improve the decision-making on what to charge).

In some areas, this trend analysis highlighted the positive impact of improvements that had recently been implemented, but in others impacts were not yet being seen. One example was the practice of “vacating a trial” – making a decision to delay a trial to give more time for prosecution or defence to carry out further work and subsequently improve the outcome, without wasting court time. The data actually showed that the cracking and ineffective trial rates for vacated trials were no better than for non-vacated cases.

Such data is really interesting as it has underlying implications for the cost of operating the process and also potentially impacts on witness availability and juror perceptions. For example, the longer a case takes to come to court, the more risk there is of witnesses not wanting to appear.

One of the major areas of recommendations was the need for an enhanced case management system. The existing process uses Case Progression Officers to help manage cases through to trial. However, there are too many cases in the Magistrates’ court system for every case to be “progressed” with the available staff. We recommended an approach to case management, which could be an administrative role, with Case Managers, and which might make use of “Lean process” techniques such as visible management, with warning flags when cases are identified to be at risk in the process.

THE BENEFITS

Our analyses reinforce most of what was already known anecdotally, or intuitively. But, NYCJB now have process maps and hard data to prove what is happening.

None of our recommendations are “rocket science”, but...

- They reflect good practices being adopted to manage processes elsewhere in the Criminal Justice System and in “industry”

- They highlight a need to move from a dependence on “progress chasing” to a “prevention-based” approach
- They are consistent with Audit Commission findings (Nationally) and ETMP good practice guidelines

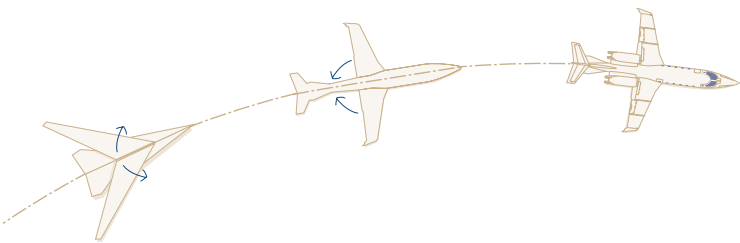
The Central Area team have already been able to identify specific improvement actions which they can implement to improve performance. They also now know what additional data needs to be collected and analysed in order to identify root causes of problems each month. Pareto thinking and stratification of data will continue to provide insights into the causes of cracked and ineffective trials.

Quote from Chief Constable Della Cannings, QPM, BSc

“The importance of an external end-to-end review of the work of the criminal justice system in North Yorkshire has proved invaluable. I thank Ad Esse for their quality work. We now have an action plan to bring about further improvements.”

Quote from Inspector Jeff McKeown, LCJB Business Manager

“Ad Esse were extremely efficient in conducting their fieldwork, and sought to minimise detrimental impacts upon daily business. Their research and focus groups were conducted in a timely and professional manner, and the entire process was aided by their accessible and friendly demeanour. They have also emphasised that they are available for further advice, or even just to bounce ideas off. Their work has helped to crystallise some existing ideas, has provided us with some new perspectives and has given us a scientific analysis and some firm evidence to confirm or disprove some previously held viewpoints. This understanding can only help us as we implement continuous improvements to the Criminal Justice System in North Yorkshire.”



ad•esse
consulting

FURTHER INFORMATION

To receive regular case studies and articles like this one, you can subscribe to our newsletter ‘Actuality’. Contact us at Ad Esse Consulting Ltd.

PHONE: +44 (0) 870 458 6162 EMAIL: seriousfun@ad-esse.com WEBSITE: www.ad-esse.com