

PQBD's Review of Efficiency of Criminal Proceedings

**Evidence submitted by:
The Chartered Institute of Legal Executives**

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Introduction

1. The Chartered Institute of Legal Executives (CILEx) is the professional association and governing body for Chartered Legal Executive lawyers, other legal practitioners and paralegals. CILEx represents around 22,000 members, which includes approximately 7,500 qualified Chartered Legal Executive lawyers.
2. CILEx welcomes the opportunity to provide evidence to Lord Justice Leveson's review of inefficiencies in the criminal justice system. To inform our response and gather evidence, CILEx contacted its criminal practitioners with the following questions:
 - (i) are there procedures (from charge to conviction/acquittal) in the CJS that can be reduced or streamlined?
 - (ii) how can the use of IT improve the system?
 - (iii) any other improvements?
3. The views of respondents are set out below based on their day to day experience.

Summary

4. Membership feedback suggests that the following improvements can be made:

Charging process:

- a. a more efficient charging process (members gave evidence of wrong charges being preferred);
- b. CPS to be more pro-active in the charging process;
- c. better liaison between the CPS and defence (to ensure both sides ready to go ahead on the day listed);
- d. earlier disclosure;
- e. more robust application of the Criminal Procedure Rules;

Magistrates Courts:

- f. more training for magistrates to ensure only suitable cases are sent to Crown Court;
 - g. accessibility of IT provision – more power points and Wi-Fi;
 - h. witnesses better supported and ready for court; and
 - i. better compliance by all sides with the Court's directions.
5. For too long, the criminal justice system has been beset by inefficiencies in court, at the police station, the CPS and the Legal Aid Agency. The Carter Review recognised the importance of greater communication and integration between all agencies involved in the charging process. However the final

report failed to give a firm commitment in reviewing and tackling these wider inefficiencies in the system as a whole¹.

A more efficient Criminal Justice System

6. Evidence suggests that only 44% of trials in the Magistrates' courts and 49% in the Crown Court go ahead on the day they are listed². This is compounded by the large number of steps and the number of different stakeholders and people involved in even straightforward cases, creating multiple opportunities for part of the process to go wrong.
7. Member feedback reports that practitioners, in some criminal justice areas, are prevented from taking bags, laptops and papers into interview rooms when interviewing defendants in custody. Some of the minor irritants in the system can be magnified if they are common place on a national level. For example, parking spaces for practitioners has been highlighted as a common problem – one practitioner said that it was not uncommon to have to park half an hour's walk away from the court.
8. In respect of the police charging process, an advocate gave the following example:

“magistrates’ court plea before venue/mode of trial hearings. Crown prosecutor and defence in one hearing are obliged to ask for adjournments in four separate cases because the police have charged incorrectly without the advice of the CPS. Bench expresses it frustration but feel obliged to grant adjournments.”

9. Members also reported magistrates sending cases unnecessarily to the Crown Court for example, where matters could be dealt with summarily but magistrates' court decided the case *must* be tried in a Crown Court. This also appears to be a problem nationally³. CILEx believes more training of magistrates is needed to resolve this issue.

What is working well?

10. There is still much that we can be proud of our criminal justice system. It is rightly admired and emulated across the world. Criminal practitioners, from all the branches of the profession, are dedicated and highly skilled, as are all participants in the criminal justice system. This has led to a significant contribution to the Government's deficit reduction programme by developing new efficient ways of operating and a 5% fall in crime in the last year alone⁴.

¹ <http://www.lccsa.org.uk/assets/documents/consultation/carter%20review%2013072006.pdf>. See for example recommendation 5.10 page 15.

² Court Statistics Quarterly to December 2012. Ministry of Justice, May 2013

³ http://www.magistrates-association.org.uk/dox/consultations/1285770478_55-cases-sent-to-crown-court.pdf

⁴ Crimes in England and Wales, year ending December 2012, Office of National Statistics, April 2013.

11. Our members have commented on how early disclosure of advance information is working well, together with delivery of the IT efficiency programme, which has significantly improved IT provision in the magistrates' courts. CILEx looks forward to Lord Justice Leveson's final report.