

**CITY OF LONDON POLICE: SUITABLE FOR PUBLICATION -  
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<b>Committee(s):</b> Professional Standards and Integrity Sub Committee	<b>Date(s):</b> 29 November 2019
<b>Subject:</b> Public Committee Report CPS File Failures	<b>Public</b>
<b>Report of:</b> Commissioner of Police	<b>For Information</b>
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**Summary**

In late 2018, the City of London Police (CoLP) identified that a number of case files were not meeting the required standards set by Crown Prosecution Service (CPS). These 'CPS file failures' were unacceptably high and were resulting in cases being abandoned before reaching court. The CPS has a strict regime for compliance and a majority of the file failures were due to poor case file preparation, including sub-par compliance by individual officers and their supervisors.

In January 2019 the CoLP Crime Standards Board (CSB) was created to enhance the standards of investigations and to introduce measures to improve compliance with guidance, process and policy. Criminal Investigations covers a broad area of policing, and as such certain elements of the investigative journey have now been compartmentalised into guidance to allow for a thorough understanding and consistent approach by all officers and staff.

This report will provide an overview of the CPS file failings and will outline the measures that have been put in place to remedy/reduce the failures.

**Main Report**

**Background**

1	In autumn 2018 the CoLP Administration of Justice (AoJ) department became aware that a significant number of CoLP case files were being rejected and discontinued by the CPS. The reason for these file failures were predominantly issues surrounding process and procedure whereby officers/staff had not complied with the strict guidance in place for progression of case files to court.
2	The CPS has a rigorous acceptance criteria and can fail a file if a particular requirement isn't followed exactly as described. These parameters

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	sometimes do not take into context the wider operational challenges that are in play on a daily basis. This has led to the withdrawal of cases for a matter that could have been remedied with some minor contact with the officer in case (OIC). It is recognised however that the CoLP has fallen short on a number of cases which have resulted in file failures occurring when they really needn't have.
3	<p>In January 2019 the Inaugural CSB sat with Commander Gyford as Chair. The Terms of Reference (ToR) include the following Statement of Purpose:</p> <p><i>'To provide strategic oversight and direction for all aspects of crime investigation performance. This includes, but is not limited to: quality of investigations, crime supervision, identification of risk, victim care and satisfaction, offender management, crime data integrity, Niche/NCRS compliance, case file quality, outcomes and the monitoring and governance of an overarching Crime Standards Action Plan to deliver'</i></p>
4	A part of the ambition of the CSB is to improve the overall quality of investigations, including case file quality and supervisory oversight which plays an essential role in the timeliness and quality of file submissions.
5	In autumn 2018 a Disclosure Gold Group, and subsequently a Disclosure Working Group, were formed as part of the force's response the National Disclosure Improvement Plan. Since then City of London Police have been working closely with the Metropolitan Police and the CPS on a joint action plan. The internal disclosure group feeds into other forums around the force, including learning and development.
6	From September 2018, the Crime Directorate began reviewing the case files that had been failed by the CPS to examine the reasons for the failures and to introduce organisational learning to improve standards and the quality of file submissions, and give direct feedback to officers and implement service recovery. This process involves a detailed analysis of the file submission, and while this has been resource and time intensive, it is a valuable mechanism to extract the exact reasons why cases have failed.
7	The Crime Directorate have supplied a Detective Sergeant to act as Evidence Review Officer within the Uniform Policing Directorate (UPD). This officer has allowed for a consistent gatekeeping and quality assurance process to be implemented, with real time expert advice and feedback provided to officers at the time of file submission. This officer was drawn from the numbers in the crime directorate and not as an additional member of staff for a trial period.
8	To date, over 90 CPS file failures have been reviewed by the Crime Directorate. Administration of Justice also regularly review and QA files that are submitted. There are numerous, reoccurring reasons for failures. Often, more than one reason will be stated as a reason for the failure.
9	Having reviewed the failures and noting the reasons behind them, a detailed overview is provided every month which is fed back to the officer who

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	completed the file, their line manager(s) and Learning and Development. The reviewing officer (DS Yiannaki) has also conducted 1:1 meetings with the officers to outline their file failures and ensure appropriate measures and development are in place to avoid future mistakes and improve performance.
10	Repeat failures are to be met with senior management intervention, and then, if necessary a performance action plan for improvement. Line supervisors are also being held responsible for their role in the chain of submission.
11	The Crime Standards Board also has sight of the CPS file failure monthly report to ensure all areas of the business are kept appraised. This has informed Learning & Development who have designed bespoke training sessions to address the most common mistakes made. L&D are running a 3 sessions on Crime Standards in mid-November, borne directly from this theme.
12	It is important to note that the reviewing officer has not agreed with all of the CPS reasons and rationale for failure. 18 of the cases assessed by the CoLP were deemed to be incorrectly failed by the CPS. This included cases where the CoLP had sent evidence to the CPS who had then lost/mislaidd the material – and subsequently failed the case. These disagreements have been fed back to the CPS via the Administration of Justice representative, who meets with the CPS regularly to point out these challenges.

**Current Position**

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1. Early in 2018 CoLP CPS case file failures were unacceptably high. Good progress has been made with monthly performance available from February 2019 indicating an average failure rate broadly in line with the national average, although September has shown particularly poor performance with the CoLP slipping down the table. October's figures are due.

**Dashboard COLP**

Month	National Average Error Rate	CoLP Error Rate	Position out of 44 Forces (Lower is better)
Feb-19	31	14	5
Mar-19	30	32	32
Apr-19	28	34	34
May-19	30	27	22
Jun-19	29	30	31
Jul-19	32	23	11
Aug-19	29	24	22
Sep-19	28	35	38

— National Average Error Rate

— CoLP Error Rate

— Position out of 44 Forces (Lower is better)

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14	As is often the case with City of London Police statistical reporting, small numbers can often highlight extreme percentage changes, both positive and negative. To provide some context, the eligible files for September 2019 for the Metropolitan Police were 2050, of which 41.7% failed (854). This equates to 0.05% change (+/-) per file failure.
15	The eligible files for inclusion for the CoLP were 43, of which 34.9% failed (15). Therefore just one file failure for CoLP equates to a 2.3% change (+/-). Had we experienced 4 less failures (reducing our failure to just 25.7%) we would have been sitting at better than the national average, and in 25 <sup>th</sup> position.
<b>Conclusion</b>	
16	Since January 2019, the CoLP have proactively introduced measures to improve file standards and push performance in the right direction, with less cases failing overall. There has been an alignment to the national average, keeping within just a few percentage points of the average trend, month on month.
17	Clearly CoLP want to achieve better than just average, and the measures in place will continue to reinforce learning and practice across the force, reducing further the amount of failures that arise.

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