

**HM CROWN PROSECUTION SERVICE INSPECTORATE**

**BRINGING BACK QUALITY OF LIFE TO OUR COMMUNITIES**  
**A REVIEW OF THE PERFORMANCE OF**  
**THE CROWN PROSECUTION SERVICE**  
**IN RELATION TO DEALING WITH SOCIAL IMPACT CRIME**  
**AND ANTI-SOCIAL BEHAVIOUR**

**EXECUTIVE SUMMARY**

**Introduction**

1. This is the report of HM Crown Prosecution Service Inspectorate (HMCPPI) about how the Crown Prosecution Service (CPS) is dealing with social impact crime and anti-social behaviour.
2. “Social impact crime” refers to offences - often at the lower end of the criminal spectrum - which, because of their frequency and visibility, can have a disproportionate impact on members of the community individually and on communities as a whole. This type of crime is sometimes referred to as “low level crime”, but we have chosen not to do so in order to avoid any perception that this crime is minor in nature. This review has considered social impact crime together with anti-social behaviour because of the very close link between the two – most social impact crime constitutes anti-social behaviour, and anti-social behaviour can involve criminal offences.
3. The CPS has, with its criminal justice system (CJS) partners and other Government Departments, engaged in a process to improve its performance in dealing with social impact crime and anti-social behaviour. There is a clear recognition of the role that the CPS has to play in this respect, both within the Service itself and with its CJS partners. The CPS is addressing its performance in dealing with anti-social behaviour and social impact crime in a number of ways:
  - \* Anti-Social Behaviour (ASB) Expert Prosecutors have been appointed through funding provided by the Home Office.
  - \* Training is being prepared for all CPS prosecutors.
  - \* The general role of prosecutors is being expanded - with a view to improving their input into the criminal justice process on a more holistic basis - and this is complemented by a drive to improve and make more effective the working relationships with its CJS partners.
  - \* A Community Engagement Strategy is being piloted in three of the 42 CPS Areas and, after evaluation, will be implemented across England and Wales.

4. These are all positive steps to improve the performance of the CPS, but there are some aspects, particularly relating to their implementation, that need to be addressed. Where appropriate, therefore, we have made recommendations that will assist in ensuring that the progress being made by the CPS results in increased effective and efficient performance in relation to the handling of social impact crime and anti-social behaviour.

### **Decision-making**

5. In general, decision-making within the CPS is of a high standard, including that in cases involving the type of crime considered in this report. However, there is a perception held by a wide range of individuals in some other CJS agencies that, in relation to social impact crime, CPS prosecutors are inclined to discontinue cases inappropriately, particularly on the basis that it is not in the public interest to continue with the prosecution.
6. This perception is not confined to lower-ranking staff, but has been voiced by senior members of those agencies in public fora. The CPS needs to address this issue.

### **Anti-social behaviour**

7. In a move to improve CPS performance in relation to dealing with anti-social behaviour, ASB Expert Prosecutors were appointed - initially in 12 Areas, then increased to 13 and, since the report was written, to 14 - along with a small central team within CPS Headquarters. There is also a drive to improve the awareness of all CPS prosecutors in the issues involved.
8. There is close liaison between the CPS and the Home Office, with regular meetings taking place between the Home Office Anti-Social Behaviour Unit and the Director of the Business Development Directorate, who is taking the lead on behalf of the CPS.
9. Nevertheless, there is a need for further clarification as to what the expectations are of CPS prosecutors generally, and the ASB Expert Prosecutors in particular. There is a need for a clear strategy and personal job plan for each of these Prosecutors, setting out how they are expected to take their roles forward.
10. The collection and analysis of information relating to Anti-Social Behaviour Orders (ASBOs) - and breaches of them - needs to be improved to enable all CJS agencies to improve the performance management of dealing with anti-social behaviour. This would enable the agencies, through proper assessment and emphasis of performance, to identify any trends so that resources can be targeted appropriately.

## **The expanding role of CPS prosecutors**

11. The role of all CPS prosecutors has developed significantly over the recent past. They are increasingly providing the police with advice as to appropriate charges, a role which is being introduced in all CPS Areas on a statutory basis.
12. This new role necessarily means that CPS prosecutors need to have an awareness of the public interest in prosecuting offenders and the various diversions from the CJS available, to ensure that both of these are properly considered in all appropriate cases. This will enable them to be able to give the best advice to the police, which in turn will maintain and improve confidence in CPS decisions.
13. Prosecutors have also taken on other additional responsibilities in relation to the prosecution of cases, including the ability to make applications for ASBOs following a conviction in criminal proceedings.
14. The new approach to the responsibilities and expectations of prosecutors presents a number of challenges that need to be addressed, including a responsibility on the part of CPS managers to ensure that prosecutors have the facilities and resources available to them to acquire appropriate levels of awareness and knowledge.

## **Partnership with other CJS agencies**

15. All of the CJS agencies have been developing closer working partnerships with each other and there is now a greater recognition of the need for, and benefits deriving from, this. Many of the Government's targets for the CJS cannot be achieved without effective inter-agency co-operation. With some of the other agencies, in particular the police, the need for a close working relationship has long been recognised by the CPS. This partnership is being strengthened with the introduction of the charging initiative across England and Wales (where the CPS advise the police on charges, as mentioned above). However, the degree of partnership engagement between the CPS and other CJS agencies will necessarily differ, dependent on the role of the agency in question.
16. Local authorities have not traditionally been close working partners with the CPS, and their potential role in the CJS is not always readily recognised. With the increased involvement of local authorities in dealing with applications for ASBOs, there is now a greater overlap in some aspects of their work and that of the CPS. Although the situation varies between CPS Areas, there is often a lack of direct communication between these two agencies at both strategic and operational levels, which is an issue that needs to be addressed.
17. Local authorities are statutory members of Crime and Disorder Reduction Partnerships (CDRPs) and a review is currently being undertaken to consider improving and making more effective the interchange between CDRPs and Local Criminal Justice Boards (LCJBs), of which the CPS are members.

18. Independently of this, the CPS is taking steps to increase liaison with CDRPs in “Trailblazer” and “Together Action Areas”, but it needs to ensure that there is a proper strategic approach to engagement with local authorities and CDRPs, to ensure that all appropriate locations within CPS Areas are identified and their needs addressed.

### **Community engagement**

19. The CPS recognises the need for effective community engagement and the impact that this can have on public confidence. Proper and effective engagement with local communities will help CPS prosecutors to be aware of the issues affecting those communities, and the priorities that need to be given to them. This knowledge will enable prosecutors to ensure that the *Code for Crown Prosecutor’s* (the Code) test on public interest is properly applied in casework decisions about social impact crime and anti-social behaviour.
20. The CPS is introducing a new Community Engagement Strategy, which will be rolled-out out across England and Wales later in 2005 after evaluation of the pilot Areas. In the meantime, CPS managers need to ensure that all staff are kept fully aware of developments in community engagement, so that each of the Areas will be in a position to implement the new Strategy as soon as is practicable.

### **Training**

21. Many of the current developments and initiatives relating to social impact crime and anti-social behaviour call for additional skills and increased expertise by CPS staff. The range of potential training needs is wide - from administrative staff and prosecutors being able to identify and record cases involving potential ASBO applications, to prosecutors being fully conversant with all of the options available for disposing of cases.
22. This is an issue that the CPS recognises. An anti-social behaviour training pack has been produced, and it is proposed to train all CPS prosecutors. However, some ASB Expert Prosecutors remain unclear as to what is expected of them in relation to training. Aspects of training need to be addressed and a plan for its delivery across the country formulated.

### **Recommendations**

23. To assist the CPS in sustaining and improving its performance in relation to dealing with social impact crime and anti-social behaviour, we have made the following recommendations:
  1. CPS managers at Area and unit level ensure that any perceptions or misconceptions held by representatives of other agencies relating to the basis of decision-making, particularly in relation to decisions to discontinue cases involving social impact crime, are identified and addressed through effective partnership engagement (paragraph 3.24).

2. Chief Crown Prosecutors (CCPs) seek to develop protocols relating to applications for ASBOs, and the prosecution of breaches of them, with the police, local authorities and other interested agencies, in accordance with the guidance on such protocols issued by CPS Headquarters (paragraph 4.20).
3. CPS managers at national level engage with the Home Office to ensure that:
  - \* strategies for dealing with anti-social behaviour are clearly defined and communicated to all levels of CPS staff; and
  - \* specific job plans are devised and agreed for Anti-Social Behaviour Expert Prosecutors, which identify their role in carrying forward and improving CPS performance in this respect (paragraph 4.53).
4. CPS managers, in partnership with other CJS agencies where appropriate, develop effective performance management arrangements in relation to dealing with anti-social behaviour (paragraph 4.59).
5. CPS Area managers ensure that:
  - \* there are appropriate systems in place to ensure that the files relating to all cases where an application for an ASBO is to be made, or where there is a breach of an ASBO, are adequately marked so that administrative staff can readily identify them; and
  - \* all appropriate staff receive sufficient training and/or guidance to ensure that they are aware of the need to identify relevant cases and to record them accurately on the computer case management system (paragraph 4.69).
6. CPS managers at national and Area level ensure that, in addition to Trailblazer and Together Action Areas, other localities with particular issues or needs relating to social impact crime or anti-social behaviour are identified, and their problems appropriately addressed, through a greater awareness on the part of prosecutors of the need to work with other public Departments (paragraph 5.57).
7. CPS managers ensure that staff in all CPS Areas are kept aware of the developments in community engagement, so that when the new Strategy on Community Engagement is rolled-out, they are properly prepared to implement it without delay and are responsive to information that comes through more effective engagement (paragraph 6.12).
8. CPS managers at national and Area level devise, agree and implement a training strategy that ensures all appropriate staff receive the required training to enable them to acquire new skills or expertise to deal with social impact crime and anti-social behaviour effectively (paragraph 7.13).

## The way forward

24. Much of our research and fieldwork took place in August - December 2004 with some additional work through to March 2005, including the drafting of this report. We have continued to liaise with the CPS, and are encouraged by the continuing drive within the Service to ensure that it plays its part in tackling social impact crime and anti-social behaviour.
25. Local protocols with other agencies are now more widespread. An ASB Expert Prosecutor's seminar was held on 29 April 2005, and they are now formally assigned to work with specific CPS Areas, so that every Area can now access their expertise to help develop anti-social behaviour capability across the Service as a whole.
26. A closer working relationship has been forged with the Home Office Anti-Social Behaviour Unit. New job plans have been created for the (now) 14 Expert Prosecutors, anti-social behaviour cases will be monitored, and a performance management framework is being developed. Links are being exploited with drug intervention and prolific and priority offender programmes.
27. The CPS has transferred responsibility for the anti-social behaviour project from Policy Directorate to the Business Development Directorate from 1 March 2005. This recognises that the developmental phase of anti-social behaviour work is complete, and that social impact crime and anti-social behaviour work now needs to be embedded in the core business of the CPS, and to be implemented fully in all Areas. In furtherance of this, the CPS will hold a conference as a key event in communicating its Strategy, aims and objectives to all 42 Area Anti-Social Behaviour Co-ordinators and, through them, to all CPS staff.

The full text of the report may be obtained from the Business Support Group at HMCPS Inspectorate (telephone 020 7210 1197) and is also available at [www.hmcpso.gov.uk](http://www.hmcpso.gov.uk).

HMCPS Inspectorate  
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