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DISCLOSURE BY SUMMARY

FIRST YEAR REPORT ON THE PILOT SCHEME IN NEWCASTLE

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## P R E F A C E

After the enactment of section 48 of the Criminal Law Act 1977 regarding advance disclosure of the prosecution case, the Home Office established a Working Party to consider approaches for implementing the section. In 1981 the Working Party recommended creation of a pilot disclosure scheme as a means of examining the practicalities and costs of various methods of providing advance disclosure and for assessing their effects on elections for jury trial, rates of guilty pleas, waiting times and related issues. In response to this recommendation two pilot disclosure schemes were developed: one in the Newcastle Division of the Northumbria Police and the other in the Metropolitan Police. This report discusses the planning and design of the Newcastle pilot scheme and the results available as of 1 August, 1983. As the one year trial period involved in the scheme was not concluded until 31 October, 1983, the final results of the pilot scheme will not be available until mid-year 1984.

It is not possible to thank all the many agencies and individuals who have contributed to making the pilot disclosure scheme and this report possible. We would be remiss, however, if we did not recognise some of the more important contributions. Foremost among these was the commitment of S.E. Bailey, Chief Constable of the Northumbria Police and a member of the Home Office Working Party, to house a pilot scheme in his Force. This commitment resulted in an excellent plan which has been well implemented. The enthusiasm and support of the Force for the pilot scheme have been exemplary throughout, and many members of the Force have had a hand in its successful implementation.

The major responsibility for supervising the planning and implementation of the scheme has been ably carried by Assistant Chief Constable R. Thompson and Chief Superintendent I. Thynne of the Newcastle Division. Mr. D.E. Brown Chief Prosecuting Solicitor, also assisted greatly in the planning and monitoring of the scheme. Superintendent P.G. Aarvold, formerly head of the Newcastle Prosecutions Division, was responsible for detailed planning and for bringing the scheme into being. His energy, enthusiasm and initiative overcame every obstacle and resulted in an exceptionally well-developed and well-executed scheme. Inspector J.R. Henderson assisted with the planning and has carried the major responsibility for on-going implementation. His careful attention to detail has been critical to the continued well functioning of the pilot scheme. The scheme also owed much of its success to P.C. A. Spence, assisted by S. Mullarkey, who were responsible for the day-to-day screening of disclosure requests and collection of data for evaluation; to Chief Inspector D. Heathcote, Newcastle West, for his interest and his innovative approach to the scheme; to Inspector D. Wakenshah, Newcastle CID, for his advice and assistance; and Inspector E. Young for his aid with the training phase of the scheme.

The Law Society Sub-Committee on Contentious Matters has also assisted greatly with the planning and evaluation of the scheme. Chaired by J. Wilson, Esq. and including A. Dobbie, Esq. and B. Speker, Esq. as members, this committee, and other members of the society, gave generously of their time and talents. Mr. L.A. Gane, OBE, Clerk to the Justices for the Newcastle Magistrates' Court, aided the evaluation by making the records of his office available.

The major Home Office arrangements for the scheme were made by Mrs. B.H. Fair, Assistant Secretary, and Mr. B. Gange of the C-2 Division. Their continued interest and guidance has been critical to the development of a

scheme capable of faithfully testing disclosure based on summaries and has helped to make our work enjoyable throughout. J. Vennard and D. Moxon of the Home Office Research and Planning Unit also provided essential advice and assistance. Miss Vennard aided greatly in the original design of the scheme and the evaluation whilst Mr. Moxon has assisted in many important ways in the on-going evaluation, cheerfully suffering the myriad problems involved in computerised data processing and analysis while providing sound advice and much needed encouragement.

Needless to say this paper is the responsibility of the authors and does not necessarily reflect the views of any of the agencies or individuals associated with the scheme.

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DISCLOSURE BY SUMMARY: REPORT ON THE PILOT SCHEME IN NEWCASTLE

I. INTRODUCTION

In May 1982, the Northumbria Police began planning for a pilot scheme involving advance disclosure of the prosecution case in magistrates' court proceedings. The purpose of undertaking this project was to help develop knowledge about the feasibility, costs, and impacts of a system of disclosure based on the use of a case summary prepared by the police. The pilot scheme would apply to cases in which a defendant was arrested in the city of Newcastle-upon-Tyne, for an offence triable either summarily or on indictment.

The scheme developed in Newcastle builds upon a system of police preparation of case summaries that was already in existence in the Northumbria Police Force. It provides for disclosure to a defence solicitor, upon request, of a written summary of the evidence against the defendant, together with information about the defendant's prior convictions and a copy of any voluntary statement made by him to the police. Formal implementation of the pilot scheme got underway in November 1982. This report describes the development and implementation of the Newcastle scheme, and assesses the first eight months of operations. Whilst the report deals with a number of specific issues, three sets of questions are regarded as being central to the study.

1. Feasibility. Is it feasible, from the standpoint of the police, to provide disclosure via summary? Under what circumstances would it be difficult or impossible to provide disclosure in this fashion? What problems are encountered in the start-up and on-going implementation of such a scheme?

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2. Costs. What are the economic costs involved in operating a disclosure scheme such as the one in Newcastle?
  
3. Impact. What effects has the scheme had on the day-to-day work of the agencies and individuals involved in the criminal justice process? In particular, what have been the effects upon following:-
  - a) Defence practices with respect to seeking disclosure from the prosecution, preparing cases, and making tactical decisions such as choice of mode of trial and type of plea.
  - b) Court operations, with respect to waiting times, mode of trial decision, plea patterns, and case outcomes?

The methodology employed in the study has included interviews with practitioners, observation of court proceedings, and analysis of quantitative data concerning case processing. In this report, we place particular emphasis on the process of implementing the scheme, drawing heavily on data from the interviews, and also present preliminary findings from quantitative data collected during the period from June 1982 through June 1983. Succeeding sections of this report outline the system of arrest and case prosecution as it existed in Newcastle prior to the start of the Project (Section II); describe the process of planning and implementing the pilot scheme (Section III); present preliminary findings with respect to the central questions of feasibility, cost, and impacts (Section IV); and summarise our conclusion--on the basis of the information now available--concerning possible development of an advance disclosure system based on use of summaries.

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II. CASE PROCESSING AND DISCLOSURE IN NEWCASTLE PRIOR  
TO IMPLEMENTATION OF THE PILOT SCHEME

A. Crimes and Arrests in Newcastle: Overview

Newcastle-upon-Tyne, with a population of approximately 300,000, is the largest city in Northumbria and is the commercial and industrial capital of the North-East. The Newcastle division of the Northumbria Police—'B' Division—is the largest in the Force, consisting of 740 officers organised in five sub-divisions.

Reported crime in Newcastle has been increasing in recent years, with the increase in reported burglaries especially sharp. Over 40,000 crimes were recorded by police in Newcastle in 1982, and criminal proceedings were instituted against approximately 4,000 adults. Theft was by far the most common category of offence for which persons were arrested, but there were also a considerable number of arrests for assault or wounding, criminal damage, and burglary. Most of these arrests were for either-way offences—i.e., offences triable either in magistrates' court or in Crown Court.

In prosecuting crime cases, the police in Northumbria have for a number of years made extensive use of case summaries, and in most either-way cases have not taken or prepared written witness statements until clearly needed for a committal proceeding or a contested hearing. The theory underlying this system is that preparing written or typed statements of police officers and civilian witnesses at the time of charging is an unproductive use of police officers' time that could be better spent on patrol or other operational duties, since the statements will not be needed if the defendant pleads guilty (as many do) at the first or second court appearance. In many cases, no written statements—except perhaps the defendant's statement in an interview with police—would ever be prepared.



In certain types of cases, however, written statements would routinely be prepared. This would be done most commonly in assault cases (statement of the victim) and shoplifting cases (statement of the store detective). In most other types of either-way cases the police officer who made the arrest or was involved in the case in some other way would simply make notes about the case in his notebook. The notebook would be his principal record of the facts of the case and his involvement in it. During the period between the charge and the defendant's first court appearance (which could be only a few hours if the defendant was being held overnight, but was more likely to be about four weeks), the officer would prepare a summary of the facts for use in subsequent court proceedings. If the police expected that the defendant would plead guilty in magistrates' court (as would usually be the case, for example, if the defendant had made a statement admitting the offence), the summary would be typed on what was known as an "Anticipated Plea of Guilty" form (Northumbria Police Form Pros.94; see Appendix A).

The decision to charge a suspect would be made by an officer of at least the rank of sergeant, on the basis of facts outlined—usually verbally—by the officer in the case. If there was doubt about whether or what to charge, the matter would be referred to the Detective Inspector at the station, and if the case was especially difficult or contentious the advice of the Force's Prosecuting Solicitor might be sought. After the defendant had been charged, he would ordinarily be bailed to appear at magistrates' court on a Monday or Wednesday approximately four weeks in the future. In the four-week interim, the officer in the case would prepare the file, including the case summary. Other contents of the file would typically include a copy of the specific charge(s), information about the defendant's antecedents (including previous convictions, if any), a list of prosecution witnesses, and a copy of any statement

made by the defendant. If statements of police officers or civilian witnesses had been prepared, these would also be included. The file would be reviewed at the station by a Detective Inspector, then forwarded to the Division's Prosecutions Department. In cases where the defendant was held in overnight custody by the police (approximately 10-20% of all arrests in either-way cases), an abbreviated file--usually including a handwritten summary--would be prepared by the police in time for the first appearance in magistrates' court.

B. Prosecution and Defence

The Newcastle Division of the Northumbria Police Force has had a Prosecutions Department for a number of years. All cases, whether initiated by summons or charge, are channelled into the Prosecutions Department, which has an office immediately adjacent to that of the Force's Prosecuting Solicitor. The Prosecutions Department collates the cases by date of first court appearance, and prepares a list for the magistrates' court of cases scheduled for each date.

In previous years, the Prosecutions Department had handled a considerable amount of in-court prosecutions work, but since early in 1982 the Prosecuting Solicitor's Department has been responsible for all aspects of the in-court prosecution of crime cases. Under the system as it existed in mid-1982, the Prosecutions Department, after collating and scheduling the cases, would transmit the files to the Prosecuting Solicitor's Department. In about a quarter of the cases, the Prosecuting Solicitor's Department would already have a partial file of its own, as a result of having been contacted by police at the station where the arrest was made, either during the investigation or shortly after the defendant was charged. Within the Prosecuting Solicitor's office, the case would ordinarily be assigned to one of the seven assistant prosecuting solicitors in Newcastle. These full-time prosecutors handle over 90% of the prosecutions

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in magistrates' court. From time to time, however, that staff is so overburdened with work that it is necessary to retain solicitors in private practice to handle some cases.

There are approximately 30 firms of solicitors in Newcastle that handle criminal matters. The bulk of the defence work in the city is shared among about a dozen firms that have an active criminal law practice in magistrates' court and Crown Court. (Some of these firms handle prosecutions as well as defence work, while others only do defence work.) Overall, about two-thirds of the defendants arrested in Newcastle for indictable offences (including both purely indictable and either-way offences) are represented at proceedings in magistrates' court. Table 1 shows patterns of representation, by type of charge, for defendants who were arrested prior to the start of the pilot scheme. Not surprisingly, representation appears to be more frequent for more serious offences (e.g., 84.9% of the defendants charged with burglary had a lawyer), but it is also common for offences such as shoplifting and criminal damage.

No formalised system of disclosure in magistrates' court proceedings was in operation in Newcastle in mid-1982. Even on an informal basis, the police would not give copies of the case summaries to defendants or defence solicitors. However, if a defence solicitor requested a copy of any statement under caution made by his client and/or information about the client's prior convictions, these would be provided--usually by the Prosecutions Department, but sometimes by the sub-division where the arrest was made. Additionally, there would sometimes be a good bit of informal disclosure by assistant prosecuting solicitors. The extent of this would vary from case to case, however, and would depend very much on the personalities and policies of the particular solicitors involved in the case for the prosecution and defence.

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C. The Magistrates' Court

During the period prior to the start of the pilot scheme, the Newcastle Magistrates' Court had organised its business so that it handled virtually all of its crime cases only on Mondays and Wednesdays. All persons bailed by the police would be bailed to appear on either a Monday or a Wednesday approximately four weeks after the charge date. With as many as 250 cases on the lists for a single day, and with seven courts in operation at the Newcastle courthouse, the courthouse would be a busy place on a Monday or Wednesday morning. First appearances would generally be scheduled for Court No. 1, which meant that it was particularly busy. Solicitors often had cases in several different courtrooms on the same day, and there would be little opportunity for prosecution and defence solicitors to consult about any case in advance of a defendant's first appearance.

The Newcastle Magistrates' Court followed a "plea or go over" (POGO) system for first appearances in crime cases. If a defendant did not plead guilty at first appearance, his case would be adjourned, usually for a period of three or four weeks. Statistical data on waiting times were not available at the time planning for the pilot scheme got underway, but it was felt by the police that a great many cases were taking a long time (and numerous court appearances) to go from arrest to disposal.\*

The police were also concerned about patterns of disposal in either-way cases. First, they thought that there was an increasing tendency for defendants to elect trial in Crown Court. Additionally, they felt that in a high proportion of these cases—estimated at about 85% on the basis of a small-scale study done early in 1982—the defendant ended up pleading guilty in Crown Court. In these cases, the police would have to obtain witness statements and have them typed for the committal proceeding—a time-consuming and expensive process. One reason for the interest of the Northumbria

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\* This perception is confirmed by data collected during the project. See the discussion *infra* (pages 29-31) and Tables 5 - 8.

Police in undertaking a pilot disclosure scheme was the possibility that providing disclosure of the prosecution case at an early stage might reduce the number of committals and lead to more pleas of guilty in magistrates' court.

### III. THE IMPLEMENTATION PROCESS

#### A. The Design of the Pilot Scheme

Primary responsibility for planning the pilot scheme in Newcastle was assumed by senior officers in the Prosecutions Department, Chief Inspector G. Aarvold and Inspector R. Henderson. The scheme that they designed was intended to build upon existing practices of the Northumbria Force with respect to case preparation, and to be integrated with the existing prosecution process with a minimum of disruption. During the May-September period, a number of decisions were made regarding the scope and operational details of the scheme. These may be briefly summarised as follows:-

1. Scope and Duration. The pilot scheme would be limited to cases involving either-way offences in which the arrest had been made by the Northumbria Police and the case would be prosecuted within the Newcastle petty sessional area. Disclosure would be made only to defence solicitors, and only upon request. Disclosure would not be made in cases involving juveniles unless the juvenile was charged jointly with an adult. The scheme would be operated on an experimental basis for a one-year period.

2. Format for disclosure. A new A-4 size case file folder was designed for use in the pilot scheme. The top page of the folder (Northumbria Police Form 94A; see Appendix B) provides space to indicate the defendant's name and address, the charge(s), the date of first appearance in magistrates' court, and a short summary of the evidence in the case.

At the bottom of the page there is space to indicate whether the defendant has made a voluntary statement, and whether he has any prior convictions. Upon written request from a defence solicitor, this front page would be photocopied and provided to the solicitor together with a copy of any statements under caution made by the defendant, a list of prior convictions, and a list of exhibits. The summary of the case would include a description of the incident and an outline of the testimony expected to be given by witnesses. The names and addresses of witnesses would not be disclosed; witnesses would be identified only as "Witness A", "Witness B", etc. Where a police officer conducted an interview with a defendant, relevant excerpts (e.g., an admission of committing an offence or a denial) would be included in the summary, but a full transcript or statement of the interviewing officer would not be provided unless the defendant had made and signed the statement under caution. All of the disclosure forms would be typed, except in cases involving overnight custody when there was not sufficient time to get the typing done.

3. Time and Channels for Disclosure. It was agreed that in bail cases the police in the sub-division stations would endeavour to have the case files prepared and sent to the Prosecutions Department at least seven days in advance of the defendant's first court appearance. This would allow two to three weeks for preparation of the file and transmission of it to the Prosecutions Department, and would enable the disclosure to be made at or before first appearance. If the request was received sufficiently in advance of first appearance, the Prosecutions Department could respond by mail; in other cases, a photocopy of the top page of the form would be in the case file and could be given to the defence solicitor at first appearance. In the relatively small proportion of cases where the defendant was held overnight in police custody, the police would try to have the disclosure material prepared and available for disclosure at

court the following day. Gaps, if any, would be filled in later by preparing a supplementary disclosure document, if requested, between first and second appearance.

4. Evaluation Plans. Arrangements were made for the Vera Institute of Justice to assist in the evaluation of the scheme, pursuant to a contract with the Home Office. Vera representatives worked with senior officers in the Prosecutions Department in developing an evaluation design and preparing forms to be used for data collection purposes. It was agreed that the basic evaluation design would be a before-after comparison aimed at assessing the extent to which the scheme was actually used by solicitors and the extent to which it had an impact on elections for Crown Court trial, pleas, court appearances, and waiting times. Within this general framework, comparisons could be made between cases eligible for the pilot scheme after it started, to see whether the impacts varied depending upon whether or not the summary was disclosed. To supplement the analysis of quantitative data, interviews would be conducted with practitioners involved in the prosecution process. Data on the costs of operating the scheme would also be obtained and analysed. Collection of baseline data, intended to help provide a quantitative picture of the prosecution process as it operated prior to the implementation of the scheme, began in June 1982.

5. Legal status of the Scheme. No formal rules or guidelines were prepared to govern the operation of the scheme. Although the police undertook to provide the summaries in all either-way cases in which a request was made, it was understood that the defence had no legal right to obtain them.

6. Consultation with Practitioners. At an early stage in the planning process, the police informed the Clerk to the Justices and the

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\* Information is also being collected from the Gateshead Division. Comparison of this data with that from Newcastle will assist in determining whether changes in Newcastle are attributable to the disclosure scheme or other causes.

Newcastle Law Society of their interest in developing an experimental disclosure scheme. The Clerk took the position that the arrangements regarding disclosure should be worked out by the parties, without the active involvement of the court, but expressed a willingness to cooperate in whatever ways might be appropriate. The Law Society designated three of its members (all of whom practise actively in the magistrates' court) to participate in the planning of the scheme.

On 17 September 1982 a meeting of representatives of organisations interested in the pilot scheme was held at police headquarters in Newcastle. At this meeting, the plans were discussed in some detail, and general agreement was reached on the scope of the pilot scheme and the operational details, as outlined above. The representatives of the Law Society indicated that they favoured the introduction of the pilot scheme, and expressed the view that any advance disclosure to the defence would be welcomed. They also accepted an offer from the Chief Prosecuting Solicitor and Chief Inspector Aarvold to personally address a meeting of the Law Society prior to start-up of the scheme, at which the operation of the scheme could be discussed.

At this meeting, it was agreed that the pilot scheme would be put into effect for all cases in which a defendant was arrested on or after 1 November 1982. With the basic outlines and format of the schemes thus agreed upon, the next six weeks would be devoted to operational details, including training for the 740 police officers in the Newcastle division of the Northumbria Force.

B. Training

From the outset of the planning for the scheme, senior officers in the Northumbria Police Force saw that, in addition to providing a test of disclosure via summary, implementation of the scheme could also provide a vehicle

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for improving some aspects of investigation and case preparation practices. One area of particular concern was the preparation of case summaries, where it was believed that there was substantial room for improvement. The summaries, it was felt, should provide a succinct and accurate picture of the facts in the case, including all of the basic elements needed to establish that the defendant had committed the offence charged. The fact that the summaries would be turned over to defence solicitors meant that it was important that they meet minimum standards of acceptability; poorly prepared summaries would be a cause of embarrassment and conceivably might be used against the police in subsequent court proceedings. An early decision was made to provide training in the proper preparation of case summaries to all the police officers in the division.

One element in the training was the preparation of a Divisional Order, signed by the Chief Superintendent, which outlined the purpose of the pilot scheme and discussed the use of the new form for preparation of the summary. The second element was the preparation of a tape-slide programme, approximately 12 minutes long, designed to be shown to all officers in the sub-division. The tape slide programme, narrated by an assistant prosecuting solicitor, stresses the importance of preparing accurate summaries that reflect a thorough case investigation process—one which has produced sufficient evidence on all the elements of the offence charged. A third element was the preparation of a series of model summaries, using the new form. These models provided concrete examples of how a summary should be prepared in several different types of cases.

The key links in the training programme were the CID inspectors and sergeants. These were the officers who would have primary responsibility for explaining the pilot scheme to personnel in the five sub-divisions, and who would subsequently have major responsibility for vetting the summaries prior to transmitting case files to the Prosecutions Department. In mid-

October, the senior officers in the Prosecutions Department met with the inspectors and sergeants (approximately 20 in all) to present the tape-slide programme and review the operation of the scheme in detail. At this meeting a number of questions were raised about operational details of the scheme. The questions could all be answered, and the result was that key supervisory officers in each of the sub-divisions had a common understanding of the scheme prior to presenting it to the reliefs at the sub-division stations. One of the principal points that emerged at this meeting was the importance of having a verbatim copy of the charge(s) attached to the summary --inspectors and sergeants reviewing a summary wanted to be able to check to see that a defendant was properly charged in light of the facts presented in the summary and, conversely, to know that the summary showed that evidence was available to support the charge.

During the last week in October, the tape-slide programme was shown to all of the reliefs at each of the five sub-divisions. The general sense of the supervising officers in the division is that this training film had been well done and was helpful for training purposes. There is also general agreement that it would have been desirable to have had more time for training, prior to the introduction of the scheme; three or four weeks would have been better than one.

C. Liaison with Defence Solicitors

In late October, with the co-operation of the Newcastle Law Society, a meeting was held to discuss the pilot scheme with solicitors practising in the Newcastle Magistrates' Court. The Chief Prosecuting Solicitor, Mr. D. Brown, and Chief Inspector Aarvold addressed the meeting, which was attended by approximately 24 solicitors. Virtually all of the firms involved in criminal defence work in Newcastle were represented at the meeting, and the reception given the planned scheme was favourable.

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D. Start-up: Implementation During the First Two Months

The actual implementation of the pilot scheme went smoothly from the standpoint of police operations. Any case in which a defendant was charged with an either-way offence on or after 1 November 1982 was eligible for inclusion in the scheme, and from 1 November onward the new case summary form was used in all either-way cases. Very few practical problems arose in connection with completion of the form—mainly, it appears, because the procedures for preparing the form and the contents of the summary were (and were expected to be) very similar to the previously existing system. The main difference was that the end products—the summaries—would be disclosed to defence solicitors if they requested it.

In four of the five sub-divisions there were no operational changes as a result of the introduction of the scheme, although there is some sense that the summaries were now being more carefully vetted since there was a substantial possibility that they would be turned over to defence solicitors. However, in the fifth sub-division—the 'B-3' or City West sub-division—a significant change was introduced into the process of case preparation. In this sub-division a policy was adopted of requiring police officers, whenever possible, to obtain written statements from witnesses as early as possible. The statements could be in handwritten form and could be very brief, but they were expected to provide a basis for the summary. The theory behind this policy, which was put into effect by the Chief Inspector of the sub-division, was that in a high percentage of cases it would ultimately become necessary to prepare a full file including written statements. It would be less work, he reasoned, to prepare the statements when the events were fresh in everyone's mind than to prepare them many weeks later. Additionally, with the statements

attached to the summary, a supervising officer was in a better position to review the summary; he could verify that the summary accurately reflected the evidence available. In mid-January, he reported that the initial experience with this approach seemed very positive: statements were being taken in many more cases than in the past, but they tended to be very short (rarely more than 10-12 lines) and he felt that the amount of additional work was negligible. Most of these cases involved relatively minor offences. None of the supervising officers from other sub-divisions were enthusiastic about this approach, however, feeling that it would produce additional strains on police manpower.

One aspect of the new system that seemed to pose a potential difficulty was the identification of non-police witnesses by letters or numbers (e.g., Witness A, Witness No.1) instead of by their own names. There were some fears that this might prove to be confusing, particularly in cases involving several witnesses. Supervising officers found, however, that this very rarely posed a problem, perhaps because the cases rarely involved more than two witnesses. There was general agreement that it was desirable to protect the identity of witnesses, although in some situations it would be desirable to indicate the role of the witness in the case—e.g., "Witness A, a Store Detective", in a shoplifting case.

Among supervising officers who met to discuss the scheme at police headquarters in mid-January, there was a general sense that introduction of the scheme had gone smoothly and that the quality of the summaries had improved considerably. There was also some improvement in the promptness with which they were prepared and submitted to the Prosecutions Department.

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The principal surprise, during the start-up period of the scheme, was that relatively few defence solicitors took advantage of the availability of the summaries. As of 5 January, a total of 130 either-way cases involving arrests made on or after 1 November 1982 had been "finalised" in Newcastle Magistrates' Court, 59 of which involved a solicitor representing the defendant. In only 11 of these cases (18%) did the solicitor request disclosure of the summary. To some extent, of course, the initial figures represented a biased sample of cases. Given the four-week extended bail system, coupled with a general practice of adjourning cases for another three to four weeks if a defendant did not plead guilty at first appearance, it meant that most of the disposals during this period were pleas of guilty (usually at first appearance) to relatively minor offences. With a more fully representative sample of cases, it was conceivable that different patterns might appear.

E. On-going Operation of the Scheme, January-June 1983

During the first six months of 1983, the functioning of the scheme continued essentially as it had begun, with two exceptions. First, early in 1983, a "beat crime" system was introduced in the Newcastle Division of the Northumbria Police. Previously, whenever a member of the uniformed force had been involved in an arrest, supervision of further investigation and of preparation of the case file (including the summary) had been the responsibility of a CID officer, either an inspector or a sergeant. Under the beat crime system, the uniformed force would have full responsibility for all aspects of investigation and preparation of most of the cases in which it made the initial arrest. This meant, among other things, that uniformed inspectors--some of whom had had no CID training or experience--would be responsible for vetting the case summaries. One question was whether, after this changeover, the quality of the summaries would remain up to the generally very good standard set during the first two months of the scheme.

The general sense of senior police officers is that the standard of the summaries has not been adversely affected by the change.

The second development is a change in policy by the Prosecutions Department with respect to its interpretation of a request for disclosure. During the first six months of the scheme, the Prosecutions Department would provide the summary to any defence solicitor who asked for it, but the request had to be specifically for the summary. Very often, a defence solicitor would write to ask for a copy of a voluntary statement made by his client and for his record of previous convictions. These would always be furnished (as had been the practice prior to start-up of the scheme), but the summary would not be furnished unless it was specifically asked for. At the six-month point in the project, this policy was changed: in responding to any request for information about a case involving an arrest made on or after 1 May 1983, the Prosecutions Department automatically included a copy of the summary.

IV. PRELIMINARY FINDINGS

A. Feasibility - Impact of the Scheme on Police Operations

Implementation of the pilot scheme appears to have had little effect upon long-established police practices with respect to investigation and case preparation in Newcastle. In four of the five sub-divisions, the practices followed under the pilot scheme are virtually identical to what they had been prior to its implementation. From the perspective of the police in these sub-divisions, the only changes are in the format of the form on which the summary is prepared and in the fact that outsiders--i.e., defence solicitors--may be reading the summaries, which increases the motivation to have them meet an acceptable standard of quality. In these sub-divisions, it is still the practice to obtain and prepare written witness statements before or shortly after charging a defendant in only a limited number of situations--principally assault and shoplifting cases, plus some relatively serious cases where it is clear from the outset that the case is likely to be dealt with in Crown Court. In most other-way cases, written statements of police officers and civilian witnesses are still prepared only when it becomes apparent--because the defendant has elected trial in Crown Court or because he has elected summary trial and pleaded not guilty--that this must be done. In some situations, this means that the investigation must be re-opened many weeks after the arrest. (A decision to elect trial in Crown Court, for example, is often not made until the defendant's third appearance in magistrates' court, which in the case of a bailed defendant is seldom less than 10 weeks after the arrest). At that point, civilian witnesses must be located and interviewed, and their statements reduced to written form and signed.

In the fifth sub-division--the "B 3" or City West sub-division--the practice of preparing written statements before or immediately after charging

a defendant whenever feasible has continued throughout the period of the pilot scheme. The Chief Inspector who instituted this practice feels that it has worked effectively and has not produced any noticeable burden on the police. The statements are prepared in handwritten form and tend to be very brief--seldom more than a dozen or so lines. The statements are included in the case file from the outset, and supervisors reviewing the file thus have an evidential base against which to verify the contents of the case summary. The Chief Inspector in B3 feels that the quality of the summaries in his sub-division has improved markedly since this practice was instituted, and notes that it puts the police in a position to go forward rapidly with a prosecution.\*

Practices of the police and the prosecuting solicitor with respect to disclosure have, of course, changed as a result of the implementation of the pilot scheme. The most obvious change involves the disclosure of the case summary. Prior to implementation, a copy of this summary would not have been given to a defence solicitor; now the solicitor automatically receives a copy if he requests it.

The extent to which the scheme may have affected informal practices of prosecutorial disclosure (or vice versa) is not known. It is clear from our interviews, however, that some informal disclosure occurred prior to the implementation of the pilot scheme and that informal discussions still

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\* No attempt has been made, in this report, to compare the outcomes of cases initiated in the B3 sub-division with cases in which the defendant was arrested and charged in the other four sub-divisions along dimensions such as rates of guilty pleas, elections for trial in Crown Court, waiting times, and number of court appearances. It would be premature to do this now, because the pool of cases from which such comparisons could be made is still relatively small. The size of the pool increases each month, however, and by the Fall of 1982 it should be possible to see if any differences emerge in the way comparable cases are dealt with under the two approaches. The quantitative data has been collected by methods which should make such comparisons possible.



take place. It is conceivable, however, that the dynamics of these discussions may have changed as a result of the scheme. It is now possible for a defence solicitor to know something about the case (and to have discussed the police summary with his client) in advance of a discussion with the prosecuting solicitor. The nature and timing of informal disclosure by the prosecution is a subject that will be explored more fully in coming months.\*

B. Costs

The costs of implementing a disclosure scheme--especially the costs to police forces--has been an important concern ever since the enactment of Section 48 of the Criminal Law Act 1977. Because the Northumbria Police Force was already producing case summaries for its own purposes prior to the inception of the pilot scheme, the Newcastle scheme was viewed from the outset as a low cost method of disclosure.

Information is now available about costs to the police of planning and conducting the pilot scheme. The total costs are estimated at £5,416.90 for the year ending 30 April 1983, on page 21.

As this summary indicates, the actual costs of the disclosure scheme over the first six months of operation have been about £2,500. These are primarily the administrative costs involved in responding to disclosure requests. The cost calculations, it should be noted, do not include the time spent by police officers attending training sessions at which the tape-

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\* It is possible that the low rate of requests for the case summaries (about 25%) during the first several months of the pilot scheme may be, at least in part, a reflection of the availability of more complete information through informal disclosure.

Costs of Pilot Scheme in Newcastle 1 May 1982 - 30 April 1983

1.	<u>Planning</u> (May - October 1982; January 1983)		
	a) Time of Prosecutions Dept. personnel - designing disclosure form, developing systems, participating in conferences, etc.	£672.80	
	b) Travel to Home Office conference	111.36	
		<hr/>	
		£786.16	£786.16
2.	<u>Training</u> (October 1982)		
	a) Time of Prosecutions Dept. personnel in preparing tape/slide script and other training materials	£243.80	
	b) Cost of six tape/slide presentations	345.31	
	c) Copies of sample case summaries	90.00	
		<hr/>	
		£679.11	£679.11
3.	<u>Administration of the Disclosure Scheme</u> (1 November 1982 - 30 April 1983)		
	a) Time of Prosecutions Dept. personnel - preparing information, reviewing summaries, responding to requests etc.	£2,132.79	
	b) Clerical/Typing time (Prosecutions Dept.)	252.35	
	c) Net cost of new disclosure forms	100.00	
	d) Photocopies of completed summaries, for disclosure 393 sheets @ £0.03	11.79	
		<hr/>	
		£2,496.93	£2,496.93
4.	<u>Evaluation</u>		
	a) Pre-implementation data collection (1 June 1982 - 31 October 1982); time of Prosecutions Dept. personnel	£678.40	
	b) Post-implementation data collection (1 November 1982 - 30 April 1983); time of Prosecutions Dept. personnel	771.68	
	c) Photocopies of data collection forms 154 sheets @ £0.03	4.62	
		<hr/>	
		£1,454.70	£1,454.70
			<hr/>
			£5,416.90
			<hr/> <hr/>
	TOTAL		

slide presentation was made and questions were answered about the scheme. These sessions varied in length, but were generally under 30 minutes. Since the content of these sessions related mainly to already existing force procedures of crime files, it was felt by the police that their cost should not be attributed to the disclosure scheme.

More difficult questions regarding costs are raised when the basic approach to disclosure via summary is compared to other possible approaches to disclosure. There is little doubt that preparation of a case summary is less expensive for the police than preparation of a full file containing typed and signed witness statements. For example, the study done for the Royal Commission on Criminal Procedure by Gemmill and Morgan-Giles estimates that, on average, an additional 2.6 'equivalent constable hours' are required to prepare a full file instead of a short file (RCCP Research Study No. 9, Arrest Charge and Summons: Current Practice and Resource Implications, para. 4.7, Appendix G.).

Preliminary analysis of the data from Newcastle suggest, however, that there is a third type of case which should be considered in making such time and cost comparisons: those in which a short file (utilising a summary, but no witness statements) is prepared in the first instance, but in which statements are ultimately needed because the defendant pleads not guilty and elects summary trial or elects Crown Court trial. Results to date indicate that over 35% of the Newcastle cases are of this kind (pp.32-33 below). If the police at this point (well after the crime) have to locate the witnesses, take the statements and have these typed and signed, the police will obviously incur costs beyond those necessary for the summary and often will incur costs beyond those necessary if full statements had been taken and prepared in the first instance.

In Newcastle, such problems arise to some extent but are limited by long-

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standing force policies which require the taking of statements at the time of the event if the crime is a serious one, there are a large number of civilian witnesses or there is a likelihood of a contested trial. Under the pilot scheme summaries are prepared in these as well as other cases. The statements, however, are not typed unless the case goes to summary trial or the defendant elects a Crown Court trial. Under this method of delayed statement preparation, the police must still locate the witnesses in order to get their signatures if statements prove necessary, but the procedure saves the cost of typing the statements in those cases in which there is a guilty plea. In a force in which early statements were not taken in this way, delayed preparation would obviously be more costly.

Further analysis of this third category of cases must await the development of data that more accurately indicate the proportion of cases in which this two-stage process takes place, and a more careful assessment of the costs involved. It seems clear, however, that such a two-stage process can be expensive in some circumstances and that the relative cost of disclosure by summary vis-a-vis disclosure via statement is more complicated than it had seemed at the outset of the research. In this connection, the practices (and costs) of the procedure being followed in the B3 sub-division in Newcastle, where short hand-written statements are being obtained in most cases at the time of charge, will warrant attention as the pilot scheme continues.

C. Utilisation of the Scheme by Defence Solicitors

Under the pilot scheme, case summaries are disclosed following receipt of a request from the defendant's solicitor. Results to date indicate that such requests are made in less than a quarter of the cases involving represented defendants.

Table 2 summarises patterns of disclosure for defendants arrested during

the first two months of the pilot scheme.\* Of a total of 554 cases, 346 defendants (62%) were represented in magistrates' court, and 208 were not. Formal disclosure of the case summary was requested in 82 cases, which is 24% of those eligible for the scheme. One third of the disclosures were made prior to the defendant's first appearance and two thirds after. It appears that disclosure is rarely made at the first appearance itself, although it is possible that informal disclosure may take place at this time.

Why has there been such a low rate of requests by defence solicitors for copies of the case summary? Solicitors who practice actively in magistrates' court in Newcastle, have suggested several possible reasons for the low take-up rate:

- (i) Particularly at the outset of the scheme, some solicitors were not aware of it. Additionally, some solicitors who knew about the scheme had not transmitted the information to their secretaries, so that requesting a copy of the summary did not become something that was done routinely when the solicitor was retained by a defendant.
- (ii) Some solicitors are aware of the pilot scheme and will request and use the case summary when they feel that it might be helpful, but will not waste time and postage to request it when they don't think it will help in their preparation of the case.
- (iii) For some solicitors, the opportunity to obtain a copy of the case summary when the case is in magistrates' court is usually irrelevant; their clients will (on their advice) almost always elect trial in Crown Court anyway, of ten for reasons other than obtaining disclosure. The committal papers will include witness statements, which are more useful to them than the summary.

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\*Data are now available for defendants whose cases in Newcastle Magistrates' Court were completed by mid-June 1983. However, an analysis of all completed cases would reflect a disproportionate number of cases that were dealt with at first or second appearance. In order to minimize this bias, and take account of the fact that many cases require a long time to go through the system (approximately 30% require over 4 months), it was decided to limit this analysis to cases in which the defendant was arrested in November or December 1982. By mid-June of 1983, over 90% of these cases should have completed the court process.

- (iv) For some solicitors, formal disclosure of a copy of the summary is irrelevant because they can obtain informal disclosure of the case file (including the contents of statements, if any have been prepared) by talking directly to the assistant prosecuting solicitor who is handling the case.

It seems likely that each of these reasons provides at least a partial explanation for the low rate of requests for disclosure of the summary. In addition to asking why disclosure is requested relatively infrequently, however, it is also useful to examine the practices and attitudes of the solicitors who do commonly request disclosure of the summaries. Interviews were conducted with several of these "heavy users" to attempt to get some sense of their attitudes toward the scheme and to understand how they used the summaries. In general, their views about the scheme were very positive. They felt that it provided basic information about the case which they could be assured of getting every time they represented a defendant, regardless of who was handling the prosecution. Sometimes the information was very helpful in developing the defence position and making decisions about strategies and tactics. The following comments are illustrative:

"It gives me a platform to work off. Very often clients can't remember what happened. [Once I have a copy of the summary], I say "Read this", it saves a lot of time in getting a general picture of the case."

"In my firm we always ask for the summary. If there is information available about the prosecution case, we owe it to the client to find out about it. It rarely changes what we know about the case from our first interview with the client, but it's helpful to see it; it supplements what the client says."

"It's a starting point for taking instructions. You say to your client, "the prosecution says this" and ask him to respond. Then you are taking instructions on what you assume in the case to answer."

"We've found the summaries very useful. It lets you know what the prosecution case is, and puts you in a position to deal with it quickly. You can take instructions and prepare whilst the case is still hot--sometimes even at first appearance."

"The summary is helpful in giving you a sense of whether the prosecution will be relying on admissions, but you don't get adequate information on the verbals from a summary. If there is an admission but no written statement, you need to know the context. In these cases, if there is a conflict between the police and the defendant, I'll usually elect and get the details in the committal papers."

"My experience is that most of these cases are--or should be-- guilty pleas. In the bulk of these, the prosecution has got it right. With the summary, you can go ahead quickly--everyone agrees on what the facts are, and it avoids delays."

Three general patterns of behaviour seem to exist among solicitors with respect to requesting the summaries. Some (like those quoted above) will request it routinely in every case. A second group rarely or never requests the summary. Whilst little is known about the reasons for this lack of interest, it is clear that this group includes some solicitors whose clients almost invariably elect Crown Court trial; they will be getting full statements at the committal stage. The third group consists of soli-

citors who request the summaries more selectively, usually on the basis of what they have learned in the initial interview with the client. Again, some comments may help to illustrate the reasoning behind this approach:

"I don't ask for a summary in every case, but I will ask if I think it will help me--if my client had been drinking, for example, or if I know that his mental faculties are not very good."

"If I've decided [for tactical reasons] that there ought to be an election, I won't ask for the summary. I'll be getting the statements anyway."

D. Impact of the Scheme on Court Operation and Case Outcomes

A full analysis of the impact of the pilot scheme on court operations and patterns of disposal must await the more extensive data that will be available after the conclusion of the pilot period. However, some preliminary observations can be made on the basis of the information available for the first two months of implementation.

1. Disposals. One of the major arguments in favour of advance disclosure in either-way cases has been that such disclosure would lead to fewer elections for trial in the Crown Court and to more guilty pleas in magistrates' court.

Table 3 presents a summary of disposals in cases where the defendant was arrested during the first two months of the pilot scheme (November and December 1982) compared to disposals of defendants arrested prior to the commencement of the scheme. It indicates that represented defendants who



were arrested after the scheme got underway did elect jury trial less frequently than those in the pre-project period—37% as compared to 42%. Guilty pleas in magistrates' court also increased slightly among represented defendants after the start of the scheme, going from 34% to 40%. However, these differences are too small, and the analysis too incomplete, for any conclusions to be drawn as to whether this change will persist or whether it is brought about by the disclosure scheme. In this connection it is worth noting that similar changes—on a smaller scale—appear for unrepresented defendants.

Looking only at cases in which the arrest took place after the start of the pilot scheme, it is useful to compare disposal patterns in cases where disclosure was requested with those in which there was no request. Whilst the number of defendants arrested in the first two months of the project is too small for extensive analysis (particularly in light of the low rate of requests for disclosure), a preliminary comparison of these groups of cases nonetheless reveals interesting patterns.

As Table 4 indicates, the proportion of elections for trial in the Crown Court by represented defendants who request disclosure of the summary is almost identical with the proportion of elections by represented defendants who make no request. This suggests that disclosure of the summary has no effect on rates of election. Defendants who request disclosure do, however seem to fare somewhat better in terms of case outcome than those who do not. They are committed to Crown Court at the behest of the prosecutor less frequently, they are less likely to plead guilty in magistrates' court, and they are more likely to have the prosecution offer no evidence.

While these data tend to suggest that disclosure does not produce some of the results expected, they should be interpreted very cautiously. The number of cases and the differences are small. In addition it is very possible that the cases in the two groups are not really comparable. Solicitors may be more

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likely to request disclosure in cases where, on the basis of the initial interview with their client, they feel that disclosure may be helpful in obtaining a favourable disposal in magistrates' court. The "no-request" group, by contrast, may include a higher proportion of cases in which the solicitor makes an initial determination that a favourable disposal at magistrates' court is unlikely and that election of Crown Court trial is the best strategy. Nevertheless, the contrast is intriguing and will be followed further in subsequent analysis.

In considering possible effects of the pilot scheme upon the rate of election of Crown Court trial, it is useful to take account of comments made by defence solicitors in Newcastle concerning the range of tactical reasons for electing to be tried in Crown Court. Whilst it is not possible to assess the relative importance of different reasons for election, the following observations suggest that a wide range of factors may influence this tactical choice.

"You go to Crown Court because you think you'll get a better deal for your client there. The magistrates are hard on some types of offences. A Crown Court judge—who deals with a broad range of cases—is likely to take a more objective view in these kinds of cases."

"If you've got a case to fight, you'll have a better chance at Crown Court, before a jury."

"The magistrates' court is a bit conservative about granting Legal Aid. But Legal Aid will almost certainly be granted if there is a committal."

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"If you elect trial, your client will be out longer. It gives him a chance to get himself organised, and that can be helpful at the time of sentence."

"If there's going to be a dispute about statements made by the defendant to the police, I'll almost always advise a client to elect Crown Court trial."

As these comments indicate, there are a number of different reasons that, alone or in combination, appear to influence the decision to elect Crown Court trial.\* The strength and nature of the prosecution case is sometimes mentioned as a factor affecting this choice, but defence solicitors who have been interviewed express doubt that the availability of a case summary will be a decisive factor in a significant number of cases.

2. Delays. Prior to the commencement of the pilot scheme, the magistrates' court process in Newcastle was widely regarded by participants--on both the prosecution and defence sides--as taking longer than seemed desirable. Tables 5-8 provide an overview of the delay problem, presented in terms of overall time from arrest to completion of the case in magistrates' court and in terms of number of appearances in magistrates' court both for cases commenced prior to the start of the scheme and for those in which the arrest

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\* The comments indicate a feeling, reflected in virtually all of the interviews with solicitors in Newcastle, that--at least in certain types of situations--Crown Court judges are likely to be more lenient than magistrates, and that this is often an important consideration affecting the choice of mode of trial. Data are being collected on case processing times and disposals in the Crown Court on cases where defendants have elected jury trial, but the data collection is in a very early stage as of the time of this report. However, preliminary indications are that approximately three-quarters of the defendants who elect Crown Court trial end up pleading guilty in that court.

was made during the first two months of operations. It seems clear from the tables that the perceptions of system participants concerning the existence of a delay problem were accurate, at least with respect to cases involving defendants who were represented. Only about one-third of these cases were completed within a two month period after arrest, while 20 percent required more than four months to complete. Over half of them required four or more court appearances. By contrast, cases involving unrepresented defendants were generally dealt with rapidly--only 22 percent took more than two months to complete and only 10 percent required four or more court appearances. Over 80 percent were dealt with at first or second appearance, most commonly by a guilty plea.

Both the time from arrest to adjudication and the number of court appearances show a slight decrease for defendants arrested during the first two months of project operation. It seems doubtful, however, that the decreases can be attributed to the pilot scheme, particularly since similar trends appear for unrepresented defendants (who are not eligible for the scheme) as for represented defendants.

Cases in which a represented defendant is committed to the Crown Court seem

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to pose particular problems. They are especially important to consider for two reasons. First, they comprise a large portion of the business of the court. Prior to the start of the pilot scheme, about 42 percent of the represented defendants were electing Crown Court trial and another 11 percent were committed for trial at the behest of the prosecution or by the court on its own. Whilst the percentage of defendants electing trial dropped to 37% during the first two months of the pilot scheme, committals not made at the defendant's election rose slightly to 12 percent.

In these cases, there appears to be a two-stage process of investigation and case preparation. In the initial stage (between arrest and first appearance), the police prepare a summary but generally do not take statements. The process of obtaining the statements and putting them in a form suitable for disclosure takes place only after it is clear that there will be a committal--and often this is not known until many weeks after the defendant is arrested. When a defendant elects trial, the committal takes place within two months of the arrest in about a quarter of the cases. More than 60 percent of these cases require four or more appearances in magistrates' court.

Another category of cases requiring multiple appearances and long periods of time to complete are those involving contested summary trials. About 8 percent of the represented defendants in either-way cases actually have a contested summary trial. More than two-thirds of them take over four months to complete. In almost all of these cases, as in all of the cases that result in a committal, the police will obtain and prepare witness statements--usually starting to do this (except in the B3 sub-division) only after the defendant has entered the not guilty plea and a contest date has been fixed.

Taking the committal and not guilty pleas together, it is clear that in

a very significant portion of the either-way cases in Newcastle--roughly 35-40% of the total, and over half of the cases in which there is a defence solicitor involved--it will ultimately be necessary for the police to obtain and prepare statements. When this process only begins at the point where it is obvious that there will be a committal proceeding or a contested summary trial (which is seldom before the defendant's second or third appearance), some delays are inevitable--it will take time to locate the witnesses, take the statements, and get them typed, signed, and photocopied.

V. CONCLUSIONS

The main reason for conducting the pilot scheme in Newcastle is to develop knowledge about the practical implications of implementing a system for advance disclosure of the prosecution case based on use of case summaries. As is true of any pilot scheme undertaken in a single area, results must be interpreted cautiously; there are necessarily some unique features in the setting where the experiment is conducted. The Newcastle experiment has, however, been very helpful in testing the concept of disclosure via summary and in identifying problems that would have to be addressed in considering the adoption of this approach on a broader scale.

It is clearly feasible, from the standpoint of the Northumbria Police, to provide disclosure via summary. Implementation of the pilot scheme, which was built on a pre-existing system of preparing case summaries for use in court, caused no disruption of police operations. Indeed, there is some sense that the quality of the summaries improved somewhat after the implementation of the scheme.

The costs of implementing the scheme have been low, especially when special costs attributable to the evaluation have been subtracted. The estimated annual cost of operation of the scheme is about £5,000; this consists principally of time spent on administration of the scheme by personnel already assigned to the Prosecutions Department.

However, although the scheme is feasible and inexpensive in the context of the Newcastle arrest-prosecution system, there are some important features of that system that must be borne in mind in considering whether a system for disclosure via summaries should be instituted throughout the country.

First, the system of preparing summaries is well-established in the Northumbria Police Force. Officers have been trained in the preparation of summaries from the outset of their police careers, and the standard of quality is generally good. In many other police forces, even though summaries may be prepared routinely, this is a function which has historically been a low priority; the case summaries prepared in these forces are often very sketchy and incomplete. Thus, it would seem that for police forces that already have a system of preparing good quality summaries, implementation of this type of disclosure scheme would be easy and inexpensive; where such a system is not already in place, training would be necessary and some re-allocation of police functions and resources would be required.

Second, it is important that the pilot scheme operates in a system that allows plenty of time to prepare, type, and vet the summary in most cases. A four week bail period is the norm. If first appearance were to take place more quickly (see, e.g., Report of the Home Office Working Group, on Magistrates' Courts, para 6.7; Justices Clerks' Society Response to the Report of the Home Office Working Group, para. 2.4), the pressures on police would be greater than they are under the Newcastle scheme.

Third, the fact that the scheme has proven inexpensive to implement in Newcastle leaves open the question of whether a disclosure system based on summaries is less expensive, in the long run, than one based on statements-- at least in either-way cases. The preliminary data from Newcastle suggests that in a significant percentage of these cases witness statements will ultimately have to be prepared anyway. Whilst more information will be necessary to make an assessment of comparative costs, it is possible that a system that involves early preparation of statements in either-way cases (where this is feasible) may prove to be no more expensive than one based on initial preparation of summaries only.

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It is too early to assess the impact of the scheme with confidence. Requests for the summaries ran at a relatively low rate (about 21%) during the first six months of the scheme. Solicitors who requested the summaries found them generally helpful in connection with case preparation but doubted that they would have a significant effect on decisions concerning mode of trial. Quantitative data available for cases in which defendants were arrested during the first two months of the scheme indicate that its introduction is associated with a decrease in elections of Crown Court trial and an increase in guilty pleas in magistrates' court. Waiting times and number of court appearances also show a decrease in these cases. However, since the same trends appear in cases involving represented defendants who do not request the case summary and for unrepresented defendants (who are not eligible for the scheme), it seems doubtful that these changes can be attributed to the pilot scheme.

This report has covered only the first eight months of operation of the pilot scheme and—because of the time lag between arrest and disposal of cases—has been able to take account of quantitative data on case outcomes only for cases where the arrest was made during the first two months of operation. Subsequent evaluation reports will have a much larger pool of cases to analyse for the post-implementation period, and will provide a firmer basis for drawing conclusions about the impact of the scheme and its potential for broader application. At this point it can fairly be said that the introduction of the scheme has gone smoothly in Newcastle and is generally regarded there as having contributed to an improvement in the administration of justice. An assessment of its impact, and of the relative merits of a disclosure system based on summaries vis-a-vis other approaches, will require further information and analysis.

TABLE 1

PATTERNS OF REPRESENTATION, BY CATEGORY OF CHARGE, FOR  
DEFENDANTS ARRESTED PRIOR TO START OF PILOT SCHEME

<u>Category of Charge</u>	<u>Percent Represented (N = 1576)</u>	<u>Percent Unrepresented (N = 692)</u>	<u>Number</u>
Assault, Wounding	81%	19%	232
Burglary	85%	15%	404
Shoplifting	58%	42%	577
Theft from Vehicle	68%	32%	133
T.D.A.	80%	20%	219
Other Theft	57%	43%	337
Handling	80%	20%	92
Fraud/Forgery (Deception)	74%	26%	116
Criminal Damage	59%	41%	158
OVERALL	69%	31%	2,268

TABLE 2

PATTERNS OF DISCLOSURE OF CASE SUMMARIES  
DURING FIRST TWO MONTHS OF PILOT SCHEME

<u>Represented Defendants</u>	<u>Number</u>	<u>Percent</u>
<u>Formal Disclosure</u>		
a) Before First Appearance	27	
b) At First Appearance	1	
c) After First Appearance	<u>54</u>	
Total - Formal Disclosure	82	24%
<u>No Formal Disclosure</u>	<u>264</u>	<u>76%</u>
TOTAL	346	100%
<u>Unrepresented Defendants</u>	208	100%
TOTAL DEFENDANTS	554	

TABLE 3

MODES OF DISPOSAL IN EITHER-WAY CASES, FOR DEFENDANTS  
ARRESTED BEFORE AND AFTER START OF PILOT SCHEME

<u>Mode of Disposal</u>	<u>Defendants Arrested Before 1 November 1982</u>		<u>Defendants Arrested Between 1 Nov 1982 and 31 Dec 1982</u>	
	<u>Represented N = 1589</u>	<u>Unrepresented N = 699</u>	<u>Represented N = 412</u>	<u>Unrepresented N = 208</u>
Evidence Withdrawn	5%	2%	6%	2%
Contested Summary Trial				
Acquitted	2%	-	1%	-
Convicted	6%	2%	4%	1%
Guilty Plea	34%	87%	40%	94%
Election to Crown Court	42%	6%	37%	1%
Prosecution/Court Committal to Crown Court	11%	2%	12%	1%

TABLE 4

MODES OF DISPOSAL IN EITHER-WAY CASES DURING FIRST TWO MONTHS  
OF PROJECT, BY WHETHER OR NOT SUMMARY WAS DISCLOSED  
(REPRESENTED DEFENDANTS ONLY)

<u>Mode of Disposal</u>	<u>Summary Formally Disclosed N = 82</u>	<u>No Formal Disclosure N = 330</u>
Evidence Withdrawn	9%	5%
Contested Summary Trial		
Acquitted	1%	1%
Convicted	5%	4%
Guilty Plea	37%	40%
Elect Crown Court	41%	39%
Pros/Ct Committal to Crown Court	7%	13%
TOTAL	<u>100%</u>	<u>100%</u>

TABLE 5

TIME INTERVALS BETWEEN ARREST AND MAGISTRATES' COURT ADJUDICATION,\*  
FOR DEFENDANTS ARRESTED BEFORE AND AFTER START OF PILOT SCHEME

Time Interval	Defendants Arrested Before 1 Nov. 1982		Defendants Arrested in November and December 1982	
	Represented N = 1,589	Unrepresented N = 690	Represented N = 412	Unrepresented N = 207
0 - 15 Days	8%	17%	11%	14%
16 - 30 Days	8%	35%	9%	36%
31 - 45 Days	9%	15%	11%	23%
46 - 60 Days	9%	11%	11%	11%
61 - 75 Days	10%	8%	13%	7%
76 - 90 Days	11%	3%	12%	1%
91 - 120 Days	15%	5%	17%	1%
121 - 150 Days	11%	4%	10%	1%
151 - 180 Days	6%	1%	4%	1%
Over 180 Days	12%	3%	2%	1%

TABLE 6

NUMBER OF COURT APPEARANCES IN EITHER-WAY CASES, FOR DEFENDANTS  
ARRESTED BEFORE AND AFTER START OF PILOT SCHEME

<u>Number of</u> <u>Appearances</u>	<u>Defendants Arrested</u> <u>Before 1 Nov. 1982</u>		<u>Defendants Arrested in</u> <u>November and December 1982</u>	
	<u>Represented</u> <u>N = 1,589</u>	<u>Unrepresented</u> <u>N = 699</u>	<u>Represented</u> <u>N = 412</u>	<u>Unrepresented</u> <u>N = 207</u>
1	7%	63%	13%	77%
2	18%	18%	20%	14%
3	23%	9%	22%	3%
4	20%	5%	19%	2%
5	13%	2%	11%	5%
6	9%	3%	8%	-
7	5%	1%	3%	2%
8 or more	5%	-	3%	-
	<hr/>	<hr/>	<hr/>	<hr/>
	100%	100%	100%	100%
	<hr/>	<hr/>	<hr/>	<hr/>

TABLE 7

MODE OF DISPOSAL BY NUMBER OF COURT APPEARANCES, FOR REPRESENTED DEFENDANTS  
ARRESTED BEFORE START OF PILOT SCHEME

<u>Mode of Disposal</u>	<u>Number of Appearances</u>								<u>Total</u>
	<u>1 App</u>	<u>2 Apps</u>	<u>3 Apps</u>	<u>4 Apps</u>	<u>5 Apps</u>	<u>6 Apps</u>	<u>7 Apps</u>	<u>8 or more Apps</u>	
Evidence Withdrawn	3	8	23	15	15	7	9	9	89
Contested Summary Trial									
Acquitted	0	5	4	12	7	1	0	0	29
Convicted	0	17	27	26	12	13	5	5	105
Guilty Plea	100	175	120	88	30	20	10	15	558
Election to Crown Court	9	77	197	171	133	96	51	48	782
Prosecution/Court Committed to Crown Court	4	14	35	45	27	29	16	28	198
TOTAL	116	296	406	357	224	166	91	105	1,761



TABLE 8

MODE OF DISPOSAL BY NUMBER OF COURT APPEARANCES, FOR REPRESENTED DEFENDANTS  
ARRESTED DURING FIRST TWO MONTHS OF PILOT SCHEME

<u>Mode of Disposal</u>	<u>Number of Appearances</u>								<u>Total</u>
	<u>1 App</u>	<u>2 Apps</u>	<u>3 Apps</u>	<u>4 Apps</u>	<u>5 Apps</u>	<u>6 Apps</u>	<u>7 Apps</u>	<u>8 or more Apps</u>	
Evidence Withdrawn	1	8	7	4	2	3	0	1	26 (6%)
Contested Summary Trial									
Acquitted	0	0	2	2	0	1	0	0	5 (1%)
Convicted	1	4	4	3	3	0	2	0	17 (4%)
Guilty Plea	50	46	30	27	9	6	1	2	171 (38%)
Election to Crown Court	0	18	46	39	29	16	10	9	167 (38%)
Prosecution/Court Committal to Crown Court	0	11	11	8	10	9	1	8	58 (13%)
TOTAL	52	87	100	83	53	35	14	20	444

**ANTICIPATED GUILTY PLEA FILE**

Division..... Crime Complaint No.....  
 Officer Charging (*Name and number*)..... C.I.D. Officer allocated to case.....

Station..... Tel. Ext. No..... Station..... Tel. Ext. No.....

**PRISONER(S)**

	Name ( <i>Alias if known</i> )	Age and D. of B.	Address
(a)	.....	.....	.....
(b)	.....	.....	.....

Appearing at..... Magistrates' Court

- (a) Bail Custody on..... (b) Bail/Custody on.....
- Offence(s) Charged [*Continue on separate sheet if necessary*]

- Arrested (a) ..... a.m./p.m. .... Place.....  
 (b) ..... a.m./p.m. .... Place.....
- Amount of money in possession on arrest (a) ..... (b) .....

**INSTRUCTIONS TO PROSECUTIONS**

- Plea Remand, Custody, Bail Surety Number of Witnesses..... (*Submit full details on separate sheet*)
- Can case be dealt with immediately Reason for remand

- \* Reason for objections to Bail/Request for Surety

- Offences to be taken into consideration ... YES/NO (*Three copies to be attached*)
- Written Statement obtained from Prisoner ... YES/NO (*Two copies to be attached*)
- Property: Total value stolen £..... Total value recovered £.....
- Full details of Property recovered

- Time/Date/Place and from whom recovered

- Compensation to be applied for ... YES/NO
- Names and addresses of Claimants (*include amount claimed*)

Block out Dates Officer and/or witnesses not available							
1	8	15	22 29	1	8	15	22 29
2	9	16	23 30	2	9	16	23 30
3	10	17	24 31	3	10	17	24 31
4	11	18	25	4	11	18	25
5	12	19	26	5	12	19	26
6	13	20	27	6	13	20	27
7	14	21	28	7	14	21	28
1	8	15	22 29	1	8	15	22 29
2	9	16	23 30	2	9	16	23 30
3	10	17	24 31	3	10	17	24 31
4	11	18	25	4	11	18	25
5	12	19	26	5	12	19	26
6	13	20	27	6	13	20	27
7	14	21	28	7	14	21	28
1	8	15	22 29	1	8	15	22 29
2	9	16	23 30	2	9	16	23 30
3	10	17	24 31	3	10	17	24 31
4	11	18	25	4	11	18	25
5	12	19	26	5	12	19	26
6	13	20	27	6	13	20	27
7	14	21	28	7	14	21	28



9. Appearing: (A) On Bail/In Custody

(B) On Bail/In Custody

10. Plea/Remand/Custody/Bail/Request Surety/Conditions:

11. Witnesses (Name and Address):

12. Can Case be Dealt with Immediately? YES/NO.

Reason for Remand/Adjournment:

13. Objections to Bail:

14. Details of Property Recovered and POFP No.:

15. Time, Date, Place Recovered/Whom:

16. Compensation Applied for. YES/NO.

17. Name/Address Claimant:

18. Checked:

Date:

Block out Dates Officer and/or witnesses not available	
1 8 15 22 29	1 8 15 22 29
2 9 16 23 30	2 9 16 23 30
3 10 17 24 31	3 10 17 24 31
4 11 18 25	4 11 18 25
5 12 19 26	5 12 19 26
6 13 20 27	6 13 20 27
7 14 21 28	7 14 21 28
1 8 15 22 29	1 8 15 22 29
2 9 16 23 30	2 9 16 23 30
3 10 17 24 31	3 10 17 24 31
4 11 18 25	4 11 18 25
5 12 19 26	5 12 19 26
6 13 20 27	6 13 20 27
7 14 21 28	7 14 21 28
1 8 15 22 29	1 8 15 22 29
2 9 16 23 30	2 9 16 23 30
3 10 17 24 31	3 10 17 24 31
4 11 18 25	4 11 18 25
5 12 19 26	5 12 19 26
6 13 20 27	6 13 20 27
7 14 21 28	7 14 21 28