

Revised TSJ Characteristics - 2023

1. Quality assured Police files

- strict timelines for file submission;
- effective chase up and escalation systems;
- consequences for non-compliance.

A mechanism to deliver:

- a review of police charged files pre-charge;
- assistance with submission of files and liaison with the prosecution;
- availability of and facilities for the defence to view multi-media evidence at the police station;
- early provision of unused material in NGAP cases;
- entry of defence solicitors' details on the charge, postal requisition or summons, when appropriate;
- compulsory training on file preparation for offices and supervisors.

2. Anticipated plea hearings

- GAP cases in GAP courts and NGAP cases in NGAP courts;
- decision where the case is to be listed made at point of charge;
- GAP courts characterised by high volume and swift turnover, as many cases as possible sentenced at first hearing;
- NGAP courts requiring advanced preparation by prosecution, police and defence, and sufficient time to allow every case to be meaningfully progressed;
- GAP and NGAP court sitting in parallel where possible, so incorrectly anticipated cases can be transferred to the correct court.

3. Brigading cases

- an optimum number of cases listed in each type of court session;
- sufficient time to fully consider each case:
 - e.g., a maximum number of 25 slots in GAP court, with consideration given to the Probation Service's capacity to prepare on the day reports when required
 - e.g., a maximum number of 15 slots in NGAP court, giving time for full case management hearings

4. Optimum bailing patterns

- to allow full preparation of cases by police, CPS and defence, dependent on case type;
- to enable sufficient time to construct the case file, carry out a full review, prepare applications and undertake constructive engagement;
- to ensure that defendants are bailed to attend court before the time that their hearing is to start – i.e., 9.30 a.m. and 1.30 p.m.;
- a suggested timescale of 14 days between charge and first hearing for GAP cases;
- a suggested timescale of 28 days between charge and first hearing for NGAP cases.

5. Early and effective case preparation

- to promote early engagement between defence, prosecution and court;
- to allow defence solicitors sufficient time to prepare the case;
- for the CPS to ensure file ownership at this stage – i.e., that there are allocated lawyers for NGAP cases, for review, early decision making;
- for the CPS to include contact details of the allocated lawyer in the case within the IDPC to enable the defence to directly contact the prosecutor;
- for IDPC to be published onto Common Platform a minimum of 5 days before the first hearing;
- for the Defence to self-serve IDPC from the Common Platform;
- an expectation that the CPS and defence, wherever possible, will engage before the first hearing, and
- for the use of TEAMS meetings to be considered to enable such early engagement.

6. The right personnel at the hearing

- to ensure that NGAP courts are conducted by knowledgeable and proficient people with robust case management skills and decision-making ability
- to be presided over by a suitably experienced and proficient District Judge (MC) or a Bench of magistrates and legal adviser;
- to be conducted by dedicated, trained Crown prosecutors and practised, reasonable defence solicitors

7. Disclosure of Unused Material

- disclosure requirements to be complied with by police in accordance with DG and Attorney General's Guidelines
- in NGAP cases, early provision of unused material within the IDPC
- in GAP cases, a standardised form that confirms that the prosecution understands their common law duties (*ex parte* Lee)
- in anticipated GAP and overnight custody cases (where a Not Guilty plea is entered at first hearing),
 - provision of unused material will be made by the prosecution
 - in accordance with the court directions for the timescale of service, dependant on date of trial.

8. Clear expectations of effectiveness at first hearing

- An expectation that the first hearing will be effective
- In Guilty plea cases, an expectation that the defence will engage with the PSR process;
- In Not Guilty plea cases, for all parties to ensure that there is:
 - robust case progression; with clear identification of trial issues;
 - clear indication of witness requirements;
 - remote support and participation of police staff and other investigative bodies, to enable issues to be dealt with in real time, rather than to have to adjourn;
 - availability of and facilities for the defence to view multi-media evidence, to be provided at court
 - use of indications of sentence (*Goodyear* directions) in appropriate cases;

- In cases to be sent to the Crown Court, for all parties to ensure that there is:
 - comprehensive completion of the BCM questionnaire to assist the parties, court, and judge;
 - an understanding that to obtain maximum credit for plea it is essential that, for either way offences, a guilty plea is entered at the Magistrates' Court,
 - an understanding that for indictable only offences, that there is an unambiguous indication of guilty plea recorded on the BCM form.
 - clear identification of trial issues and areas of agreement between the parties;
 - the establishment of a timetable with directions for case progression before the PTPH;
 - the recording of details of other evidence or action that may be required to ensure the effectiveness of the PTPH - e.g., whether facilities to view multi-media evidence such as CCTV or BWV will be required;
 - directions given by the magistrates' court to timetable any action required before PTPH;
 - an expectation of continued dialogue between the parties between first hearing and PTPH to ensure ultimate trial readiness;

9. Clear expectations of trial readiness

- An expectation that the trial hearing will be effective;
- A determination to minimise ineffective trials;
- There will be:
 - ongoing robust case progression on all contested cases, with clear identification of trial issues;
 - ongoing support and participation from police, including prompt submission of upgrade file;
 - ongoing indication of witness requirements;

10. Clear expectations of governance

- strong local governance to provide scrutiny and accountability for performance data and dashboards
- effective communications between each CJA at an operational and strategic level
- accountability for any lack of sustained improvement
- joint performance measures for each Criminal Justice agency
- distinct local arrangements for measuring effectiveness