

Putting the Summary back in Summary Justice

Smarter Justice, Safer Communities was the title of last year's summary justice reform document from the Scottish Executive. It states that the remedy for failings in the summary justice system is to improve partnership working through better case handling and management information, and engagement of local communities. It also calls for greater speed and efficiency and smart disposals to tackle re-offending behaviour. Why are they so keen to improve? In Scotland alone the cost to the public is over £2.2 billion. (Scottish Executive Budget Figures 2004/05).

Vanguard is a consulting firm whose reputation has been built from translating the principles behind the Toyota Production System for service organisations. In the last year Vanguard has been working with Local Criminal Justice Boards in both Grampian and West Lothian to improve the summary justice system. Vanguard's methodology starts with conducting "check" - taking a view of the "what and why" of current performance as a system. To conduct "check" teams were established comprising of front line staff from the Police, Fiscal Service, Courts and later the Social Work Department. They uncovered startling data previously invisible to the managers of the system. Victims of crime can find that cases fall before seeing the inside of a court room due to insufficient evidence or inconsistencies in Police statements and reports. Witnesses are requested to give evidence many months after the event often turning up in court four or five times before being told that their testimony is no longer needed. Even where the accused pleads guilty at the first court calling the case will likely continue a further 2 or 3 times for social work reports as the accused fails to turn up for the social work interviews. In many cases warrants are issued leading to further wasted witness, police and court time. Victims can wait for over 18 months from the date of incident to a court disposal. At the extreme, offenders can continue to harass their victim as court cases continue to be put off awaiting the outcome of previous offences. Perhaps the saddest story is for the offenders themselves often young males from poorer backgrounds; the system fails to intervene early, their first offence takes so long to get through the system that by the time they get a court disposal they already have a further stream of offences awaiting court hearings.

Our work confirmed that the partners in the justice system were not working to the same purpose, at best they were duplicating work within each area at worst they were working against each other.

Why does the present system work so poorly? The short answer is that the work is not designed as an end to end system for achieving fast justice and it falls far short of the Scottish Executive's vision of stopping re-offending. Astonishingly for a service which claims to be "summary justice", summary is defined as swift in the Oxford dictionary none of the agencies knew how long it took from the reporting of an incident to the Police to obtaining a disposal in court.

"Check" reveals the "system conditions" that govern performance. In this case structures and measures were the prime causes of sub-optimisation. "Check" revealed that the work has been designed on the principles of specialisation. The Police are specialists in solving crimes, the fiscal service specialises in deciding what evidence is needed to take a case to court and the court service specialises in getting access to justice. These principles of work design are based on economies of scale and whilst this work design can increase productivity in each agency it isolates the agencies making it impossible for them to work together. The court service is concerned with scheduling cases, the Fiscal is concerned with hitting their target for marking cases and the Police are concerned with hitting their target for getting their reports in on time. Remarkably no-one is focused on getting justice. Cases are not passed on "clean" as

agencies attempt to hit targets. This leads to cases not getting to court, falling in court or being continued in court over and over again. There is a focus on "productivity" at the expense of purpose. The purpose of the system is to get fast justice, to achieve that the agencies must focus on the reasons why cases fall and why cases continue. There is little point in increasing the number of cases you can get through in an hour if they later fall in court. This leads to a paradox, productivity improves, targets are hit, but the performance of the system is worse as a result.

Perverse consequences are common to all target regimes. The Scottish Executives' remedy, better case handling and management information could lead to a focus on efficiency as opposed to purpose. They may be able to handle more cases through court (improve productivity) but these cases will still be calling up to 13 times as the conditions that cause no proceedings, cases churning and late guilty pleas are not addressed. The real solution is to redesign the work according to system principles.

Measures were developed that related to "what mattered" to customers and were across the whole system, for example, how long it took from initial incident to court disposal. This allowed staff from all agencies to focus on "purpose" and not "productivity". By identifying the "value" work and developing a system to do only the "value" work "waste"; duplication, logging, unnecessary hand-offs and tracking was stripped out of the system. Finally, expertise was moved to the front of the system to ensure that work was received and passed on "clean". For example, Police officers contacted a Procurator Fiscal before completing a Police Report, ensuring that the expertise of the Fiscal in knowing what stands up in court was transferred to the front line; Social Workers completed reports in court where appropriate cutting out wasteful appointments and court dates were issued by Police Officers.

The re-design carried out in Grampian has been evaluated and the results are encouraging. Elapsed time from an incident being reported to the Police to a court disposal was cut from an average of 211 days to 39 days. The number of cases not proceeded with reduced from 13% to 4%. The number of cases deserted at court reduced from 11% to 1%. Warrants reduced from 29% to 11% and the time taken to serve a warrant reduced from an average of 39 days to an average of 6 days. Where before the purpose of the system was to meet productivity targets the purpose of the system has become get justice fast and stop re-offending behaviour. One mother of an accused said, 'it's great that my son has been seen so quick it has been a real wake up call for him'. A police sergeant of 30 years remarked 'it's the first change that has really improved things in all my years with the force.' Police officers advised that the time to do reports had halved. It is impossible to extrapolate how this re-design will impact the whole summary justice system, but the results from the Grampian Criminal Justice Board are indicative and the West Lothian Criminal Justice Board are discovering similar improvements, their full evaluation will be issued shortly. Clearly, much still needs to be done to tackle crime in Scotland and re-offending behaviour, as Einstein said 'we can't solve problems by using the same kind of thinking that created them', perhaps the time has come in Scotland to try a different approach.

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