

# Inspecting the CPS

Andrew Billington describes his experiences as a lay inspector for the Crown Prosecution Service.

Lay inspectors with HM Crown Prosecution Service (CPS) were first appointed in October 2000, at the specific request of the Attorney General. They accompany CPS Inspection teams with the particular remit of assessing CPS dealings with the public, especially the complaints process, public interest decisions and the service's interactions with victims and witnesses.

When I was asked to become a CPSI lay inspector, I admit to being surprised such a role existed. My knowledge of the CPS was sketchy and out-of-date, and my previous contact with the criminal justice system (CJS) had led me to believe that lay involvement was only welcome in the form of jury service. Thus, from the start, I was curious to know what part I could play in inspecting a key part of a system I had always found so distant and whose accountability to me as a member of the public I found a mystery. I also wanted to see if CPSI could provide lay inspectors with the tools they need to undertake the work, if they would truly listen to the inspector's findings and, if, as a result, change would be affected.

***The strength of the lay inspector lies with their detachment from the system and their ability, with training, to bring their own experience to the inspection.***

Currently most lay inspectors are recruited through agencies which have some regular contact with the criminal justice system, such as Victim Support, Nacro and the CAB. A minority (including myself) have had little contact; mine being first as a social worker and later in work with HM Prisons staff. However, as a senior manager with the HIV charity the Terrence Higgins Trust, my experience working with those routinely facing discrimination and prejudice (as do all people with HIV) would be highly relevant to the role of lay inspector.

My initial contact with CPSI was very positive. I received a comprehensive and easily comprehensible information pack detailing the role, before attending an induction course, which was lucid, practical and clearly defined the areas of responsibility for the lay inspector. At the induction, and on the subsequent inspection, I found CPSI staff anxious to welcome me as a team-member, listen to my views and help demystify those many aspects of the system that I found impenetrable. As a result, I embarked on my first witness interview clear about my role, equipped with a prepared list of questions from the CPSI and accompanied by a casework inspector ('optional' - though I was glad of the support, given the novelty of the situation). I was similarly clear about my responsibilities when

assessing public interest decision-making and responses to complaints. Having this clarity of role from the outset is the key to volunteers delivering their best work since it helps to quickly build both skills and confidence.

More encouraging to me than my experience during the inspections, was the discovery that recommendations I had made that were included in the final report had led to change. For instance, in one area witnesses were 'paraded' before the jury at the start of every case to ensure that they weren't known to the defendant. It was clear that witnesses were unhappy about this practice. The CPSI report recommended it be changed, and it was. Other lay inspectors have similar stories. Evidence of helping affect change is a prime motivating factor for lay inspectors, as indeed it usually is for most volunteers.

Whilst my experiences of working with the CPSI were positive, much of my contact with the rest of the criminal justice system was less so. The CPSI encourages its lay inspectors to comment on any aspect of the work of the CPS or criminal justice system as they see fit and to observe beyond their

immediate remit. For example, I was involved, with a caseworker, in interviewing other workers within criminal justice, such as court staff. Some individuals were keen to talk to me, generally those more familiar with a volunteer lay role, such as Witness Support staff. Others were less enthusiastic. Some appeared to ignore my presence, and I felt them to be unsure of why I was involved and unfamiliar with the situation, in spite of a careful introduction from the accompanying casework inspector.

This sometimes alienating experience was amplified by the language and terminology often used by staff. Having worked for seven years within a clinical setting in the NHS, I am very used to jargon and understand the reasons why it is endemic in most public institutions, including the courts. Whilst I enjoyed the challenge of deconstructing jargon (like a crossword puzzle), it makes the real task harder and can obscure issues. Jargon is, of course, sometimes used for that very purpose. Other lay inspectors with more experience may have seen through the argot, although I suspect some was so specialised as to be understood only by those in the immediate 'know'. They may also have been more familiar with the layout of courts and court procedure which seems to be designed to confuse and intimidate.

As a member of the public, albeit an informed one, working within institutionalised criminal justice and court environments, I was grateful that my role was clearly defined. Training, suggested plans for interviews and support from CPSI staff were crucial, and I felt I had had received the appropriate tools for the tasks prescribed.

As my understanding of the system grew so did my desire to probe further, for instance, to ask more questions of CPS and court staff. However, I felt it would be difficult to do so successfully without a clearer understanding by everyone involved in the inspection of the lay inspector's role. There would also need to be a wider acknowledgement of the involvement of lay members of the public in the criminal justice system, which is only used to seeing members of the public as jurors, defendants, victims and witnesses. In one of my inspections I saw the latter's needs put below those of the court. It is therefore difficult to imagine that same court might welcome those witnesses as inspectors.

The lay inspector role within the CPSI is at an early stage in its development. I have seen it to be effective in bringing about change. Lay inspectors do identify problem areas that may otherwise go unnoticed or identify more sharply the impact these may have on the general public. It is clear to me that with more training and support, and better briefing for the local area team and court staff, the role of the inspector can develop further.

As lay inspectors develop in knowledge and confidence over a number of inspections, so will the depth of their scrutiny. The strength of the lay inspector lies with their detachment from the system and their ability, with training, to bring their own experience to the inspection. Drawing from as many different backgrounds as possible will result in inspections being more searching than ever, but to do this careful thought needs to be put into training for those inspectors whose knowledge of criminal justice procedures may be limited. My own experience demonstrated the problems that someone unfamiliar with the detail of the system might have. However, I believe careful recruitment, training and support can overcome this. ■

*Andrew Billington is Head of THT Direct and Information Services at the Terrence Higgins Trust.*

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So despite the punitive rhetoric displayed by over half of our informants, deeper knowledge of the background of the offender and the crime often resulted in viewers identifying and sympathising with offending or imprisoned characters. This process of empathetic identification, and the awareness and knowledge that it generates, is crucial to any shift taking place along the scale of punitiveness towards leniency.

### **Soap viewers may feel less threatened by the contradictions between their punitive and lenient tendencies and judgements because soap operas empower viewers.**

The research findings suggest that viewers may find it easier to handle the cognitive dissonance generated by the identification with the offender that may occur in soaps because of certain conventions of form associated with classical melodrama. In other words soap viewers may feel less threatened by the contradictions between their punitive and lenient tendencies and judgements because soap operas empower viewers. The popularity of soap operas can indeed be explained, to a large extent, by the way this genre subjectively empowers viewers by compelling them to process complex information and knowledge in order to pass judgement on particular characters or situations - and, often, to revise this judgement in the light of new information. The soap viewer is empowered by always being in a privileged position of knowledge and in possession of relevant information denied to characters. Equally important, the soap opera typically presents problems from multiple perspectives and viewpoints, which encourage the viewer to weigh up the evidence and come to a judgement.

Where respondents could empathise with the offender, a less punitive attitude was adopted. This is clearly more likely to occur when there is depth of insight into the offender's character, motivation and social circumstances. Soap genres also proved to be significant in respondents' opinions of the judiciary and the police. But none could remember the actual sentence passed on any soap character, so their viewing seems to have contributed little or nothing to their perceived knowledge of sentencing. The

complex relationship between knowledge (albeit of a rather *ad hoc* nature) and opinions and values was most evident in the case of soap discussions.

It is important to stress that knowledge and values are not easily disentangled and are often at odds. Entrenched punitive attitudes are resistant to change and are closely related to political outlook and world view. It was recognised by a majority of our

respondents that television is a major way for the public to inform themselves. Moreover, television can be a useful medium for informing the public about the criminal justice system, especially at a time when crime reporting has become increasingly like titillating entertainment, as well as being increasingly politicised. For the most part it seems that even though people are highly critical of the criminal justice system, they are content to leave it to the professionals and resigned to the fact that the administration of justice goes on with or without them. Even so, a consensus view emerged that television was in theory capable of shifting public attitudes in favour of alternative community based sentences. However, whether it was desirable for television to do so was considered to be quite another matter. The idea that television drama, or the creativity of writers, should be somehow interfered with in order to change minds and hearts, albeit in progressive directions, was regarded as tantamount to producing government propaganda, or social engineering of a benign kind. ■

*Marie Gillespie and Eugene McLaughlin are based in the Faculty of Social Sciences of the Open University.*

M. Gillespie et al 'Media, crime stories and the shaping of public attitudes, knowledge and opinion towards crime and sentencing' (a summary report) will be released this autumn.