

- 1. Bob Fousert: Given the recent disclosures on the national news, would Cllr Keane tell the Panel if he has made enquiries as to how many cases brought to court by the Constabulary over the last two years have collapsed because of failure by police and prosecutors to disclose evidence? Can he assure the Public that he has satisfied himself that robust measures are in place in order to prevent such miscarriages of justice?**

The following response also covers the question from Cllr Findlow.

As stated in the meeting on Friday 02 February, I have sought assurances from the Constabulary in relation to proper procedure but my role as Police and Crime Commissioner for Cheshire is to scrutinise the Acting Chief Constable and not the CPS or Court Service in the same way as this is beyond my remit. Nevertheless, I have made enquiries into procedure and I am satisfied that measures are in place to prevent issues in relation to disclosure. This is clearly an area of on-going concern and one as the newly appointed Chair of the Cheshire Criminal Justice Board that I will continue to raise to ensure that both I and the public can be further assured that they have a robust criminal justice system.

The following response has been obtained by the Constabulary.

Management information regarding court outcomes is held by the CPS. According to CPS records there are six cases in the past two years where disclosure has featured as an element of acquittal at court. One of those cases relates to a complaint of rape. The circumstances of that case have been fully explored by the Constabulary and we are entirely satisfied that both police and CPS have satisfied their obligations under the Criminal Procedures and Investigations Act (CPIA). The Act requires that the police and CPS regularly review information gathered as part of an investigation as to whether it undermines the prosecution case or supports the defence. This obligation continues way beyond the point of charge and investigations will continue to gather evidence and information sometimes right up to trial. In the case referred to above, for reasons beyond the control of the police a new barrister was instructed for the prosecution at the point of trial. That barrister deemed that other accounts undermined the credibility of the victim and on that basis withdrew the prosecution. This is not a failure of disclosure.

In terms of measures which are currently in place, the Constabulary has a strategic lead for disclosure at chief officer level and tactical lead at Detective Superintendent. There is a joint working group with the CPS to develop consistent processes and training for officers and lawyers and the Head of Criminal Justice meets with the Recorder of Chester HHJ Roger Dutton and Chief Crown Prosecutor Siobhan Blake on a monthly basis to review performance in the Crown Court. The Constabulary is working with the CPS to update its guidance to officers in light of the recent cases in the Metropolitan Police area and is reviewing the recently published national disclosure action plan to ensure compliance with latest guidance.

2. Question from meeting on 10 January 2018

With reference to minute 108, Cllr L Riley requested that the question asked by Councillor A Dawson, relating to what training the Commissioner had received in relation to his powers and the requirement to be open and transparent, be raised again.

The question was:-

“Councillor Dawson referred to a further article in Policing Insight magazine published in July 2017 which discussed the Commissioner’s relationship with the Police and Crime Panel, together with his approach to openness and transparency. He also asked the Commissioner what training he had received since his election in relation to his powers and the requirement to be open and transparent. - The Commissioner indicated that he had received induction training and that he was confident that his Office fully met the appropriate standards”.

I have nothing further to add to the answer that I previously provided during the meeting on Wednesday 10 January 2018.