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The game is up: Proposals on incorporating effective case management into criminal investigations

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Over recent years, there has been a marked change in the handling of criminal cases before the Courts. The introduction of the Criminal Procedure Rules in 2005, along with initiatives such as Simple Speedy Summary Justice and more recently, Stop Delaying Justice, has created a shift away from slow moving cases and ambush defences. As a result, there is a presumption that criminal cases will progress from the very first hearing, fewer hearings are being adjourned and advocates on both sides are expected to be better prepared and ready to disclose their case from the outset.

This paper will present an argument that it is now time to bring the principles behind these initiatives into the investigation stage of proceedings. By promoting better case management from the point of arrest, it is submitted that delays in resolving cases can be even further reduced, without affecting, but potentially improving fairness for all parties. Whilst the disclosure is given by many investigators, there is currently no rule that states that disclosure must be given at the police station stage. The authors contend that a requirement to provide disclosure at the police station, even in summary form, will allow more effective advice to be given to suspects and in turn improve the interview process. Early disclosure should prevent delays in bringing cases before the court and will also assist in ensuring that progress is made at the first hearing. Furthermore, by avoiding the need for unnecessary police bail appointments, and timely charging procedures, it is contended that summary justice can be achieved efficiently, fairly and in a manner that reduces tactical considerations in the police station.

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