



**CROWN PROSECUTION SERVICE**

## **Annual Report**

**for the period April 1999 - March 2000**

from the Director of Public Prosecutions  
to the Attorney General

Presented to Parliament in pursuance of  
section 9 of the Prosecution of Offences Act 1985, Chapter 23

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# Letter to the Attorney General

This report to you, on our performance and activities in the year to 31 March 2000, covers a year of enormous change, and a year of investment in the future.

We began to implement the Glidewell reforms by re-organising into 42 Areas co-terminous with police force boundaries; we encouraged a new collegiate style of management at both national and local levels, and adopted new systems and procedures to reflect the demands of a decentralised national service; and focussed more on the core business of prosecuting, placing greater emphasis on the more serious cases. Examples of the high standard of casework are given throughout the report.

We dealt with 1.4 million cases in the magistrates' courts, and 125,000 cases in the Crown Court. We reached many of our most important performance targets, and we improved on our performance overall on the previous year. We are justly proud that we kept within our expenditure targets in this first year of the new structure during which difficult resource allocation decisions had to be made.

We worked closely with the police to improve the quality and timeliness of police files. Unless police files contain the information we require, and are submitted on time, we cannot carry out our prosecutorial duties efficiently, and effectively, and justice is not served. The latest figures show that only 43% of police files were both on time and of the right quality.

We played an active role in the new joined-up approach to criminal justice at national and local level to deliver the Government's overarching aims and objectives. Nationally, we were on many inter-departmental groups, including the Organised Crime Strategy Group which developed domestic and European measures to combat organised crime, leading to the preparation of the UK Strategic Response.

Improving performance across the system at local level through Trials Issues Groups was another priority, particularly for youth cases where we developed good practice guidelines which were well received by our partners locally; and to implement the Narey initiative to reduce delays in the system. It is imperative the Narey initiative delivers the benefits it promises, and we continue to work very closely with our partners, particularly the courts, to ensure it does so.

Improving the service to victims and witnesses was a major concern, and many local Trials Issues Groups were involved with new witness support schemes. In response to the Glidewell and Macpherson recommendations that we should take responsibility for communicating our decisions direct to victims and witnesses, rather than via the police, we began to pilot arrangements in six Areas. Work continues to determine the best method of communication - national rollout will start in April 2001.

Chief Crown Prosecutors did much to raise the public profile of the Service within their local communities, for example, engaging with the media, developing links with community organisations, and visiting schools, colleges, and hospitals.

We made a concerted effort to deal with equality and diversity issues within the Service. We established a Diversity Unit to develop a plan and to monitor our performance on this key issue. And, in February 2000, I appointed an independent investigator, Mrs Sylvia Denman CBE, to investigate and advise on the specific issue of race equality. Her preliminary report was published in May 2000, and her recommendations for further work are being taken forward.

In October 1999, Dr Bonny Mhlana of the University of Hull reported on his three year study of the decision-making process of the Service, aimed at assessing the effect of ethnic factors. His report was very positive, and indicated that there was no evidence of unfair discrimination against ethnic minorities in our decision-making process.

In January 2000, I appointed to the Board two non-executive directors who have brought invaluable outside experience, particularly on issues concerning diversity, and management of change. My management team was strengthened further by three other outside appointments to the posts of Director, Human Resources, Head of the Diversity Unit, and Head of Training.

Early in 2000, a staff survey and stress audit was carried out in partnership with the Departmental Trade Union side. The return rate was 65%. The stress audit found that 24% of staff defined themselves as highly stressed. The major concerns from the staff survey were the need for more resources, more effective allocation of staff, and other resources, improved staff management, more effective IT development, and the need to develop an image of the Service of which everyone could be proud. Changes already planned, and being put in place, for example, our IT programme, and a number of other measures will, I hope, redress this unacceptable situation. On a more positive note, the staff survey found that the strengths of the Service were the nature, diversity, and importance of the work, the support and friendship of colleagues, and good terms and conditions of service.

I am indebted to the staff of the Service for the unstinting effort they have once more put in during this period of great upheaval, and uncertainty. They have maintained a high level of professionalism throughout, improving on last year's performance, which in all the circumstances is very creditable indeed.

I commend to you this my second Annual Report.

David Calvert-Smith QC

Director of Public Prosecutions

*David Calvert-Smith*



# The Crown Prosecution Service

**The Aim of the Service reflects the Government's priorities for criminal justice. It is**

- to contribute to the reduction both of crime and the fear of crime and to increase public confidence in the criminal justice system by fair and independent review of cases and **by firm, fair and effective presentation at court.**

Our objectives support the Aim. They are

- to deal with prosecution cases **in a timely and efficient manner in partnership with other agencies**
- to ensure that the charges proceeded with are appropriate to the evidence and to the seriousness of the offending **by the consistent, fair and independent review of cases in accordance with the Code for Crown Prosecutors**
- to enable the courts to reach just decisions **by fairly, thoroughly and firmly presenting prosecution cases, rigorously testing defence cases and scrupulously complying with the duties of disclosure**
- **to meet the needs of victims and witnesses** in the criminal justice system, in co-operation with the other criminal justice agencies

**Our priorities for 1999-2000 were**

- making a decentralised national Service work
- implementing new structures and procedures
- making new local networks work
- planning for new legislation and criminal justice system initiatives
- taking forward equality and diversity
- modernising information technology

## OUR VISION AND VALUES

Our Vision is to be a prosecuting authority of stature, providing the best possible service to the public. We want to be an organisation which values its people, performs to a high standard, inspires pride, works in partnership, and is professional.

Our Values reflect the sort of attitudes and behaviour we want to encourage in the Crown Prosecution Service. We want to be open and honest, and to ensure that people have a say before decisions are taken, to work together in partnership with colleagues and other agencies to get the best result, and to be committed one hundred percent to personal and professional integrity and independent decision-making.

# 1 Introduction to the Crown Prosecution Service

The Crown Prosecution Service is the principal prosecution authority in England and Wales.

We advise the police on possible prosecutions, and take over prosecutions begun by them. We are responsible for the preparation of cases for court, and for their presentation at court. We work in partnership with the police, the courts, and other agencies throughout the criminal justice system. In 1999-2000, we dealt with 1.4 million cases in the magistrates' courts, and 125,000 cases in the Crown Court.

The role of the Service is to prosecute cases firmly, fairly and effectively, when there is sufficient evidence to provide a realistic prospect of conviction, and when it is in the public interest to do so.

The Code for Crown Prosecutors, which is issued under section 10 of the Prosecution of Offences Act 1985, is of fundamental importance to the core business of the Service. It serves two functions of equal value. It provides guidance to prosecutors on the general principles to be applied in all decisions made throughout the prosecution process. It also acts as a public statement of policy, allowing everyone to see and understand the basis upon which those important decisions are made. The Code is reproduced at Annex A. During the year we began a review of the Code - details are set out in the next Section.

Examples of the range of our casework, and of our increasing involvement in local communities, are given throughout this report.



*A lawyer and caseworker discuss a case.*

In 1999-2000, we reached many of our most important targets, and we improved on our performance overall on the previous year. In doing so, we kept within our expenditure targets. We worked closely with our criminal justice system partners to achieve the outcomes involved in the Government's aims for the criminal justice system as a whole.

## **The New Organisation and Structure**

The Head of the Crown Prosecution Service is the Director of Public Prosecutions (the Director), David Calvert-Smith QC. The Director is superintended by the Attorney General, who is accountable to Parliament for the Service. The post of Chief Executive was created in 1998 to enable the Director to concentrate on the prosecution and legal process. Mark Addison is Chief Executive.

The past year saw the implementation of the first phase of one of the most radical organisational change programmes ever undertaken by a Government department. In April 1999 we launched the new 42 Area structure so that each Area was co-terminous with a police force boundary, except for London, which includes both the Metropolitan and City of London police forces. Each Area is headed by a Chief Crown Prosecutor, supported by an Area Business Manager, to reflect the greater

separation between legal and management responsibilities. A list of Chief Crown Prosecutors and Area Business Managers is at Annex B.

### **CPS Area and Police Force Boundary Map**

Each Area published a report setting out its performance during 1999-2000. The reports reflected the Service's commitment to high standards of case review, preparation and presentation. The reports highlighted successful prosecution of high profile cases and efforts to speed up the youth justice process. The reports also demonstrated the commitment of individual Areas to working with their local criminal justice system partners, and to serving their local communities by, for example, improving the service to victims and witnesses, developing links with community organisations, and visiting hospitals and other centres of the community.

The Chief Crown Prosecutors, responsible for ensuring the highest professional and ethical standards in providing a local prosecution service, were directly involved in decisions concerning the more serious cases, and where appropriate, presented cases in Court.



*Chris Yule Chief Crown Prosecutor, Suffolk*

At the beginning of the year, the Director constituted a Board to help him and the Chief Executive to discharge their accountabilities, and the Service's statutory and management functions. Membership comprises the five Headquarters functional Directors, the Chief Inspector, Chief Crown Prosecutor for London, and nine other Chief Crown Prosecutors, each representing a group of Areas based on the Government Offices for the Regions, and Wales, known as family groups. The Heads of Communications and Strategic Planning also sit on the Board. In January 2000, the Director appointed to the Board two non-executive directors, Mike Pitt, Chief Executive of Kent County Council, and Sukhvinder Stubbs, formerly



*Mike Pitt*



*Sukhvinder Stubbs*

Chief Executive of the Runnymede Trust. They brought with them invaluable outside experience, particularly on issues concerning diversity, and management of change.

The nine Chief Crown Prosecutors are appointed on a rotation basis. At the end of March 1999, four of them retired from the Board, and their places taken by a colleague from within their family group.

During the year we ran three open competitions to fill key posts in the new Headquarters structure. The successful candidates were all from outside the Civil Service. Indi Seehra was appointed Human Resources Director in October 1999. Shelagh Preston was appointed Head of Training in March 2000. Dr Rohan Collier will take up appointment in late July 2000 as Head of the new Diversity Unit.

In December 1999, the Board met to determine the key priorities for the Service in 2000-01. The priorities, which need to be set against the backdrop of the Service's objectives, are to do with local structures and partnerships, valuing staff, equality and diversity, modernising the Service through IT, improving the service to victims and witnesses, and developing the role of the Service in respect of links with Europe and the fight against organised/transnational crime. The Attorney General agreed that these priorities, developed in the context of criminal justice system priorities and those of wider Government, were the right ones for the Service for 2000-01.

We also worked closely with the Home Office and other agencies on domestic and European measures to combat organised crime, leading to the preparation of the UK Strategic Response. In recognition of the pace of developments in this area, and the need to maximise levels of expertise and forge links with key players, including European prosecutors, we created a new Senior Civil Service post (Head of European and International Division) with a specific remit to identify the strategic and operational measures necessary to enable the Service to play its full part in this vital work.

### **Crown Prosecution Service Inspectorate**

The past year saw important changes in the status, responsibilities and accountabilities of the Crown Prosecution Service Inspectorate.

A decision was taken, when the Service restructured into 42 Areas, that the existing Branch inspection programme would be suspended; it was clear that inspections carried out in the new Areas during a period of such substantial restructuring could not produce a reliable evaluation of performance. In any event, the structural changes within the Service, together with further changes in its working arrangements to give effect to the recommendations of the Narey report and the Glidewell report (in particular the proposals for Trials Units and Criminal Justice Units) required significant adaptation of the Inspectorate's methodology. The Glidewell report also contained recommendations that there should be a stronger independent element in the Inspectorate and that it should have a wider remit. The Government, in its response to Glidewell, decided to place the Crown Prosecution Service Inspectorate on an independent statutory basis and the necessary legislation was, at the time this report was written, awaiting Royal Assent. The changes within the Inspectorate necessary to adapt it to the revised structure of the Service, and its own revised role can be summarised as follows

- A two-year rather than the four-year cycle of inspections. This change was made specifically at the request of the Director and the Chief Executive, the inspection process being a major source of assurance for them as to the quality of casework and overall performance in Crown Prosecution Service Areas.
- The inspection process continues to focus mainly on the quality of casework decision-making and casework handling, but also extends to all matters which go to support the casework process. In effect, the Inspectorate will examine all aspects of performance basing its work on 12 non-legal themes, in addition to the existing legal themes.

Notwithstanding these changes, the fundamental purpose of the Inspectorate remains unchanged: to promote the efficiency and effectiveness of the Crown Prosecution Service through a process of inspection and evaluation; the provision of advice; and the identification and promotion of good practice.

Against this background, the work of the Inspectorate for 1999-2000 has focused on the concluding stages of the Branch inspection programme, and the programme of thematic review work. Three important thematic reviews were published in 1999-2000 - the thematic review of adverse cases together with those relating to disclosure and advocacy. We say more about the disclosure and advocacy reviews in Section Two. Much work was undertaken in adapting the methodology and working arrangements of the Inspectorate and the new Area inspection programme began on a phased basis in November 1999. The first two Area reports (Dorset and Merseyside) were published shortly after the end of the reporting period. The widened scope of the inspection process has resulted in the recruitment (from outside the Civil Service) of a new category of inspector to concentrate on operational and management issues.

### **CPS Area and Police Force Boundary Map**



## 2 A year of investment for the future

The common theme of this section is closer working with our partners in the criminal justice system to create an environment to deliver both the Government's aims and objectives for the system as a whole, and our own aim, objectives and priorities. Supporting this theme is the improved effort we have put into training to ensure the success of a raft of initiatives, for example diversity, ECHR, IT, and to improve the quality of casework performance, for example, the training programmes for Higher Court Advocates and Designated Caseworkers.

### HIGHER COURT ADVOCATES

In February 1997, the then Lord Chancellor, and the designated judges granted limited higher court rights of audience for employed solicitors. Crown Prosecutors who were solicitors could qualify to appear in the higher courts, and have represented the prosecution in appeals, committals for sentence, Plea and Directions Hearings, other preliminary hearings, and as junior advocates in contested trials.

The Access to Justice Act 1999 widened the higher court rights of audience of employed lawyers. Section 36 provides for full rights of audience to all employed lawyers upon qualification. The Service's solicitors who are already Higher Court Advocates will have full rights of audience in all criminal courts from the day section 36 comes into force. Those of our barristers who are able to satisfy the Bar Council's requirements will also enjoy full rights. Both solicitors and barristers are required to undergo the Service's higher court advocacy training course before being allowed to appear for the prosecution in the higher courts.

### DESIGNATED CASEWORKERS

Section 7A of the Prosecution of Offences Act 1985 as amended by section 53 of the Crime and Disorder Act 1998 empowers the Director to designate suitably trained non-legal staff to review and present a defined range of casework before the magistrates' court. The casework that a person designated under the Act may review and present before the magistrates' court is governed by criteria issued by the Director, and is reproduced at Annex C. In accordance with section 7A(7) of the 1985 Act, the Director is required under section 9 to set out in his Annual Report certain information on the criteria for designation, training and instructions to non-legal staff exercising their powers under the Act. This information is also set out at Annex C.

To supplement the statutory requirements the Service has issued internal guidance outlining the responsibilities of a Crown Prosecutor when supervising a Designated Caseworker, and has also provided the Designated Caseworkers with their own ethical statement to aid them in performing their new role. In developing this initiative, the Service consulted and worked with the Departmental Trade Union side.

### Criminal Justice Partnership

Last year, for the first time, overarching aims were set for the criminal justice system. In doing so, the Government provided a clear strategic direction for the criminal justice system.

The two aims are

- to reduce crime and the fear of crime, and their social and economic costs
- to dispense justice fairly and efficiently, and promote confidence in the rule of law.

Our commitment to play a full part in an effective criminal justice system has involved working towards these shared aims, and their supporting objectives and performance targets, both nationally and locally with our criminal justice system partners. This has been particularly so in the fields of youth justice, and improving the service to victims and witnesses.

A Ministerial steering group, chaired by the Home Secretary, and comprising the Lord Chancellor, the Attorney General and the Chief Secretary to the Treasury, oversees the new criminal justice system arrangements. The Ministerial Group is supported by a Strategic Planning Group of senior officials drawn from the criminal justice departments - the Crown Prosecution Service, the Home Office and the Lord Chancellor's Department - and a Criminal Justice Joint Planning Unit resourced from these departments.

A combined criminal justice system Strategic Plan (1999-2002) and more detailed Business Plan for 1999-2000 was launched jointly by the Home Secretary, Lord Chancellor and Attorney General on 31 March 1999. The plans showed how the Government expected the various departments and their agencies and services in the criminal justice system to work together, during the year, towards the shared aims, objectives and performance targets.

#### **R-V- JOHN ROBERT STAFFORD WRIGHT & BARRIE OWEN ALDEN**

After a trial lasting 6 weeks, both defendants were convicted of a substantial number of serious sexual charges. Wright was sentenced to a total of 8 years' imprisonment, and Alden to 15 years' imprisonment.

The prosecutions arose out of an ongoing police enquiry entitled 'Operation Flight', into historical abuse at children's homes and other establishments throughout the Gwent Area. Two lawyers from our Gwent branch assumed responsibility for all cases generated by the operation, and liaised closely with the police, attending weekly briefing meetings and contributing substantially to the course of the enquiry. The arrest of the defendants was thereby co-ordinated to ensure that all the relevant evidence had been obtained and reviewed by us prior to arrest.

The trial itself benefited substantially from a close working relationship between ourselves, the police, the Witness Service, and the Crown Court. This ensured that vulnerable, and often reluctant, witnesses were afforded the best possible opportunity to give their evidence in a stress-free environment. In particular, close liaison between the police and ourselves ensured that witnesses were brought to Court within a very short time of their being called to give evidence.

The case was a model for inter-agency liaison in serious and sensitive cases.

Two of the key performance targets shared with the Home Office and the Lord Chancellor's Department are to

- halve the time from arrest to sentence for persistent young offenders from 142 to 71 days
- improve the satisfaction level of victims, witnesses and jurors with their treatment in the criminal justice system

## **Youth Justice**

We worked hard with our local criminal justice system partners to meet the Government's aim of reducing the time it takes to prosecute persistent young offenders. The figure of 142 days was the recorded average overall time from arrest to sentence in 1996. In 1998, the average overall time from arrest to sentence was 125 days. In 1999, the average reduced to 108.

In recognition of the importance we attach to Youth Justice, it is a standing item on the agenda of each Board meeting. In the Summer of 1999, a member of the Board was given responsibility for developing good practice guidelines aimed at improving youth justice. The guidelines were well received throughout local criminal justice system areas, and have gone some way to help improve performance.

## **Victims and Witnesses**

Together with our criminal justice system partners, we are committed to providing the fullest possible support to victims and witnesses of crime. The recommendations of Sir Iain Glidewell and also Sir William Macpherson's report into the death of Stephen Lawrence proposed that we should take responsibility for communicating our decisions direct to victims and witnesses, rather than via the police. In November 1999 we started to pilot arrangements in six of our Areas where we give victims an explanation when the prosecution decision is to discontinue their case, or alter charges substantially. In cases involving child abuse, serious sexual offences and racially aggravated offences, we offer to meet victims to explain the basis for the decision, if a further explanation is required. This is in addition to our obligation under the Victim's Charter to meet families bereaved as a result of crime in order to explain the decision on prosecution. The pilots are a precursor to a scoping-options study during 2000-2001, which will determine the best method of direct communication. National roll-out will start in April 2001.

CPS Merseyside has developed a protocol to ensure that they, together with Merseyside Police and the Liverpool Social Services Directorate, offer an enhanced service to those individuals - complainants, witnesses and defendants - with a learning disability who may otherwise be denied access to justice.

The protocol assists in the early identification of appropriate measures, which are being brought in by the Youth and Criminal Evidence Act 1999. The purpose of the protocol is to formalise systems already in use which have proved successful and attracted positive comment from the judiciary, others in the criminal justice system, and most importantly those with learning difficulties themselves.

Under the initiative, witness profiles have been used in a number of cases. In one, prosecution and defence barristers and the judge were helped to understand that, although a witness in a rape case who had a learning disability might swear a lot if she became frustrated, she was merely expressing emotion rather than directing animosity at anyone. The profile also suggested how the barristers should ask questions to obtain clear answers from her. In another case, the profile explained how the barristers and the judge should respond when an epileptic witness lost concentration because of a seizure. It also explained how he sometimes found it necessary to talk about earlier matters before reaching the relevant point.

Both cases resulted in convictions.

## **Young Victims and Witnesses**

Cases involving children require particular care and sensitivity, and those handling them need special knowledge, skills and an understanding of the procedures that exist to help children in these circumstances.

Following the publication of the new Young Witness Pack in June 1998, we have been involved with other Government departments and organisations, including the NSPCC and Childline, in developing a video for young witnesses. The official launch of the video is expected to take place in late July 2000. Copies will then be made available to Areas for information, so that staff dealing with cases involving young witnesses are aware of the full range of material available to help prepare them to attend court.

## **Vulnerable or intimidated witnesses**

We were very heavily involved in the work to develop and implement the recommendations of 'Speaking up for Justice', the report of a review of vulnerable or intimidated witnesses in the criminal justice system which was published in June 1998. The recommendations of 'Speaking up for Justice' which required legislation were contained in the Youth Justice and Criminal Evidence Act, which received Royal Assent in July 1999. Implementation of the Act will be phased. Provisions on the admission of previous sexual behaviour evidence, and prohibitions on cross-examination in certain cases by the accused in person, are due for implementation in Summer 2000. The range of special measures to assist vulnerable or intimidated witnesses to give evidence are due to become available from the end of 2000. Implementation is being overseen by an inter-departmental steering group, in which we play a proactive role. The implementation programme, 'Action for Justice', was published by the Home Office in November 1999.

The Chief Crown Prosecutor for Hertfordshire, Charles Ingham, has been co-opted onto the board of the Hertfordshire Federation of Victim Support Schemes.



## **CHILD ABUSE DOCUMENT**

*'The interests of justice and the interests of the child are not alternatives'*

(Foreword to the Memorandum of Good Practice 1992.)

In North Wales, a joint Crown Prosecution Service/police force working group, with a consultative link to social services, developed and published a practical guidance document to provide a framework of effective procedures for multi-agency management of child abuse casework.

The document applies the three key principles of prosecuting child abuse cases - expedition, sensitivity and fairness - to the prosecution process from initial identification of cases to their presentation in court. The law and statutory requirements are detailed, with steers on appropriate use, so that the victims and witnesses in child abuse cases receive the protection of the law

and access to the judicial process.

The document, written by Karen Dixon, a Prosecution Team Leader at our Colwyn Bay office, has received an enthusiastic response from colleagues, police and social services. The document points to the need for continual improvement of the process for child abuse cases, but it is hoped that the guidance and procedure in the document will help make the experience less traumatic.

### **The Victim's Charter**

The Victim's Charter was developed and is monitored by an inter-agency group chaired by the Home Office, of which we are members. Our performance against the Charter is set out in Section Three.

### **Partnerships with law enforcement agencies and other prosecution authorities**

Our commitment to working in partnership with other prosecution authorities is well documented. We have worked over the past year on the continuing development of these relationships.

During the year we worked with the Immigration Service and the Association of Chief Police Officers to promote closer co-operation as a prelude to the implementation of the Immigration and Asylum Act. The Act, which was given Royal Assent on 11 November 1999, will enable the Immigration Service to seek advice and submit case files direct to us without having to refer matters via the police. On 1 January 2000, we launched a tripartite protocol with the Immigration Service and the Association of Chief Police Officers, to identify best practice and prepare the three services for the implementation of the Act.

In previous years' reports, mention has been made of the developing relationship between the Service and other prosecuting authorities, facilitated by the signing of the Prosecutors' Convention, an initiative by a previous Attorney General to promote close co-operation between prosecution authorities and ensure effective co-ordination of decision making.

Over the past 12 months, the Army, Navy and Royal Air Force prosecuting authorities have signed the Convention, and joined other new members such as the Civil Aviation Authority in bringing the total number of signatories to 17.

We recently joined the Whitehall Prosecutors' Group as an observer. The Group, chaired by the Department of Trade and Industry, includes many of the signatories to the Convention, and meets regularly to discuss and debate issues of mutual interest to prosecuting authorities, and the criminal justice system.

We have worked closely with the Association of Chief Police Officers and the Forensic Science Service to improve

communications between the three organisations and develop more efficient arrangements for the generation, prioritisation and submission of evidence stemming from scientific examination. The aim is to reduce delay and unnecessary court adjournments pending crucial scientific evidence. A framework protocol has been agreed nationally which facilitates local agreements between the Crown Prosecution Service, police and the Forensic Science Service. This provides a degree of uniformity, but allows flexibility to meet local needs. The majority of Chief Crown Prosecutors have signed protocols with the police and the Forensic Science Service, and it is anticipated that the remaining ones will do so in the near future.

We continued to play an active role in the forum set up to develop good practice guidelines between law enforcement agencies and the Internet Service Provider Industry.

### **A Review of the Criminal Courts**

In December 1999, the Lord Chancellor appointed Lord Justice Auld to conduct a review of the criminal courts. The review is expected to last 12 months. The Service has contributed to the review in a number of ways, for example:

- one of our lawyers, with front-line operational experience, Nasrin Khan, has been seconded for the duration of the review to the Secretariat supporting Lord Justice Auld *Nasrin Khan*
- staff from Areas and Headquarters have attended seminars arranged by Lord Justice Auld around the country
- a retired Chief Crown Prosecutor, Andrew Prickett, has been appointed as one of a number of expert advisers to the review



### **Quality prosecutions - working towards continuous improvement**

#### **The Code for Crown Prosecutors**

Since the last revision of the Code six years ago, changes such as the development of a decentralised service, and our wish to become more open in our decision-making processes, including an increased acknowledgement of the role of victims in the criminal justice process, have led us to look again at this core document. In addition, there have been a number of legislative changes that need to be reflected in the Code, the most fundamental of which is the Human Rights Act 1998.



To ensure that the review process is thorough and fair, we carried out the most comprehensive consultation process ever conducted by the Service. This involved a programme of written consultation at an international, national and local level, seeking the views of criminal justice system partners, defence solicitors, interest groups, and other Government departments, as well as our own staff and members of the public. We also sought the views of eminent academics, and informed criminal justice system commentators, at a seminar.

The enormous number of responses received are being analysed. Each suggestion is being considered in detail, and every aspect of the Code revisited. Drafts of the revised document will be produced by the review team, and circulated both externally and to selected members of staff for further comment, before the Director agrees the final version in consultation with the Attorney General.

The new Code, which it is hoped will carry us well into the 21st Century, will be published by the Director in Autumn 2000.

## **R-V- HAROLD FREDERICK SHIPMAN**

In what Mr Justice Forbes described as an 'historic' trial, Dr Harold Shipman, a sole General Practitioner from Hyde in Greater Manchester, was convicted at Preston Crown Court after a 4 month trial, of murdering 15 of his patients by administering to them substantial doses of morphine or diamorphine. He was also convicted of forging the will of one of the victims. When sentencing, Mr Justice Forbes recommended that Dr. Shipman should serve the rest of his life in prison.

The number of murder convictions recorded against Harold Shipman made him the most prolific serial killer the country has known, and ensured that the case attracted widespread media coverage. The important role that the Crown Prosecution Service played was reinforced by the television and press coverage given to the statement made by Robert Davies, the Crown Prosecution Service lawyer responsible for the case, immediately after the Jury's verdict.

The extent of publicity was also one of the factors that resulted in the Director subsequently advising the police that although there was sufficient evidence to proceed against Dr. Shipman in respect of a further 23 murders, it was not appropriate for such charges to be brought.

### **Disclosure**

We place great importance on the proper discharge of the Prosecutor's duty of disclosure of information to the defence. In the past year, we

- held a Disclosure Seminar on 18 May 1999, with delegates from the Bar, the Lord Chancellor's Department, the Home Office and defence practitioners
- worked closely with criminal justice system colleagues to develop best practice on disclosure
- worked with the Attorney General's office to formulate draft guidelines on disclosure, which were published for public consultation on 15 February 2000
- participated in the Disclosure Steering Group formed by the Home Office
- worked with the Crown Prosecution Service Inspectorate to develop a performance measure to test compliance with the rules of disclosure

In February 2000, the Crown Prosecution Service Inspectorate published the Report on its thematic review of disclosure. The Inspectorate found that the Criminal Procedures and Investigations Act 1996 (CPIA), which sets out statutory duties in respect of disclosure of prosecution material, was not working as Parliament intended. Moreover, the operation of the Act did not command the confidence of criminal practitioners.

While in a significant number of cases, our compliance with CPIA procedures was defective in one or more respects, there were also numerous other factors leading to the flawed operation of the Act in practice. These included the difficulties police officers experienced in producing full and reliable schedules of unused material for prosecutors, leading to an inadequate basis for the prosecutor's decision on disclosure. Lack of continuous involvement in the case of the disclosure officer, and a similar lack of continuity of contact between the Crown Prosecution Service lawyer and counsel, also contributed to failings of the procedures.

The Inspectorate produced findings which they felt would be a basis for better compliance with CPIA obligations. These findings are being considered carefully. A member of the Board has been asked to champion this work throughout the Service.

## **APPEAL OF BRIAN PARSONS**

In 1988, Brian Parsons was convicted of the murder of 86 year old Ivy Batten, in East Devon. Since his conviction, a campaign to prove his innocence, and some sensationalist media coverage, led to two internal police reviews of the case. Neither found anything untoward about the conviction. In December 1998 the Criminal Cases Review Commission (CCRC) referred the case back to the Court of Appeal. Working closely with a team of Devon and Cornwall police, and with Counsel instructed for the Crown, Crown Prosecution Service lawyers tirelessly reviewed the masses of evidence and information, gathered during and since the original inquiry. The team considered whether there was any substance in the many detailed points raised by the CCRC or solicitors for Brian Parsons. After a four week hearing in Autumn 1999, the Court of Appeal upheld the original conviction, one of the few occasions on which a CCRC reference back to that Court had not resulted in success for the appellant.

### **Advocacy**

In February 2000, the Crown Prosecution Service Inspectorate published a report on Advocacy and Case Presentation by the Service. The Inspectorate found that the conduct of the overwhelming majority of criminal prosecutions observed were professional and competent, whether involving the Service's own lawyers, Counsel, or agents. In particular Higher Court Advocates were found to have been well received by other Crown Court users. Their standards of case preparation and presentation compared favourably with their counterparts in independent practice. The Inspectorate made a number of recommendations and suggestions for improvement in advocacy and case presentation, and a Board member has been given responsibility for taking these forward.

Between January and March 2000, 47 of our lawyers trained as Higher Court Advocates. Training included assessment by the Nottingham Law School, who found the training, and those trained, to be of a high standard.

At the end of March 2000, a total of 194 specially selected caseworkers had been trained as Designated Caseworkers. Training involved a foundation course run by Areas, and a centrally run advocacy course. There was a 100% pass rate. The College of Law, which assessed those trained, found that they had reached a very high standard. This has been confirmed in practice by magistrates and defence solicitors.

### **R-V- ROBERT GOURLAY**

Carolyn Branford-Wood, from Dorset Area, was the first Higher Court Advocate to appear as junior to a Queens' Counsel, when she appeared with senior counsel in the prosecution of Robert Gourlay on a charge of rape. In the first trial the Jury could not reach a verdict, and for the re-trial, the prosecution brief had to be passed to another leading counsel. Both leading counsel enabled Carolyn to take a very real part in the case; there was a lot of preparation work for both trials, and she was able to assist leading counsel in the re-trial considerably in explaining to him all that happened in the first trial. In the second trial, she also led the police officers in giving evidence.

At the conclusion of the second trial, Gourlay was convicted. He had three previous convictions for rape, and faced a



mandatory life sentence.

## **THE KINGDOM OF SPAIN-V- AUGUSTO PINOCHET UGARTE**

The former Chilean dictator, Senator Pinochet, was arrested in London in October 1998, following a Spanish request for his extradition. It was alleged that whilst in power, Senator Pinochet's administration was responsible for kidnapping, torturing and murdering thousands of Chilean and other nationals. The Crown Prosecution Service Casework Directorate acted for the Spanish authorities in all the extradition hearings before the English courts. Over a 17-month period, the case went before the Divisional Court 4 times, the House of Lords 3 times and involved many hearings at Bow Street magistrates' court. In September 1999 the Deputy Chief Stipendiary Magistrate ruled that Senator Pinochet was liable to extradition. In February 2000, following a series of medical reports, which showed a marked deterioration in Senator Pinochet's health, the Home Secretary concluded that Senator Pinochet was not fit enough to be extradited and discharged the extradition proceedings. Thereafter, in accordance with our international obligations, the Service had to consider whether Senator Pinochet should be subject to a criminal prosecution in England. After careful consideration, taking into account the medical evidence, we advised the police that in view of his state of health any criminal proceedings would fail.

Senator Pinochet returned to Chile where the courts are still considering whether he should be prosecuted for human rights abuses.

A number of landmark legal principles were established by the case, including the House of Lords' decision that a former head of state is not entitled to immunity from prosecution in respect of acts carried out when in office.

## **R-V- KENNETH NOYE**

On 14 April 2000, Kenneth Noye was convicted at the Central Criminal Court of the murder of Stephen Cameron, on the M25 Swanley interchange on 19 May 1996. Stephen Cameron, 21, had been stabbed to death in front of his girlfriend and passing motorists. The conviction was the result of tireless efforts and close co-operation between the Kent Crown Prosecution Service, Kent County Constabulary, and counsel over many months, from the early stages of the investigation.

Noye, identified as the main suspect, had disappeared immediately after the killing. In August 1998, however, he was located in Spain, and identified to police by Stephen Cameron's girlfriend, Danielle Cable, as the assailant.

The prosecution team, including Elizabeth Howe, now Chief Crown Prosecutor for Kent, and Paul Plummer of Casework Directorate, advised police on the identification and other evidential issues, authorised the warrant on which Noye was arrested by Spanish police, and prepared the extradition papers, which were praised by the Madrid authorities.

The prosecution case was put together in meticulous fashion, and owed much also to the efforts of Alison Harris, and other caseworkers and administrative staff both in Area and Headquarters. Noye's own defence team remarked on the efficiency of the prosecution. Despite denying any involvement in the incident, and contesting his extradition, Noye was returned to Britain for trial amidst a blaze of publicity, which threatened to jeopardise the chances of a fair trial. Following a request from the Crown Prosecution Service, the Attorney General warned newspaper proprietors about the dangers of inappropriate reporting of the case: in the event, Noye contended that the publicity had prevented a fair trial, but was unsuccessful. Noye pleaded not guilty, but did not dispute the identification evidence, and instead claimed self-defence.

The work of the Crown Prosecution Service and police was greatly aided by the invaluable contribution of senior counsel.

After Noye's conviction, a joint press conference was led by Elizabeth Howe, with the senior investigating officer from Kent Constabulary, and Stephen Cameron's parents. This was the first time a press conference of this nature had been held at Crown Prosecution Service Headquarters.

There is no doubt that the close working relationship between the Crown Prosecution Service, police and counsel, and the huge investment of labour and resources on the part of all involved in the prosecution, were crucial in overcoming the many obstacles to the successful outcome of this complex, difficult and high profile case.

## **Making a decentralised national Service work**

The way we direct and control our business, following our move to the new 42 Area structure, is outlined in our Framework Document. The document describes the roles of Ministers, the Director and the Chief Executive. It also explains the relationship between Headquarters and Areas, and the accountabilities and responsibilities of the Chief Crown Prosecutors.

## **Human Resources**

Our statement of Vision and Values was distributed to all staff, and was published in the Service's 1999-2000 Business Plan. The statement is complementary to the principles of the Modernising Government agenda with its emphasis on service delivery.

Over the past year we developed a Human Resources Strategy to fit with our aspirations for the Service, and importantly, for our staff. The strategy provides direction for a three to five year time span. It defines our vision for how people working for the Service should perceive their employment and careers.

Elements include

- achieving diversity
- staff planning for the future
- developing people
- effective performance management
- rewards and motivation
- employee relations and communications
- management information

## **Investors in People**

We are committed to providing the highest possible standards of training and development for staff. By the end of March 2000, the Service had reached Investors in People accreditation in 25 Areas, 2 Headquarters Directorates and 2 Headquarters Divisions, covering 44% of our staff.



INVESTOR IN PEOPLE

## **Leadership Training**

One of the key short-term priorities identified by the Board in December 1999 was to develop leadership potential within the Service. It was decided to focus on Chief Crown Prosecutors initially, and then broaden the scope of the training to other managers.

Two external leadership development advisers, with extensive management experience at senior levels in other industry sectors, spent two consecutive days 'shadowing' each Chief Crown Prosecutor in the normal course of their work. One of the aims of the programme was to enable the Chief Crown Prosecutors to draw on experience of leadership and management practice from different work environments.

The two-day programme was flexible enough to meet the individual needs of each Chief Crown Prosecutor. The advisers provided workplace based coaching and support, including discussion and practical advice on management issues.

A further outcome of the programme will be the identification of any personal and generic development needs for Chief Crown Prosecutors and other senior managers.



*Peter Boeuf Chief Crown Prosecutor,  
London, and John Spraggon,  
leadership development adviser*

## **Communication and Consultation**

We improved internal communication and consultation throughout the Service during the past year. We invested in new information technology networks which enable all Areas to talk to each other, and to Headquarters. We also consolidated the mechanism of consultative groups, known as sounding boards, which involve cross-cuts of all staff at different levels. The Chief Executive chairs the national one, and there are equivalent groups locally to make sure that messages move around the Service, and that Headquarters is kept in touch with concerns that may develop at local level.

In October 1999, we held a senior management conference at which Chief Crown Prosecutors and Area Business Managers from all 42 Areas and senior managers in Headquarters sat down together to discuss issues of strategic importance. Conferences such as these are an essential part of running a national service with 42 Areas.

The family group comprising West Midlands, Staffordshire, Warwickshire and West Mercia Areas addressed a range of issues, including

- joint training of lawyers, caseworkers and administrative staff
- mutual assistance on interview boards
- the establishment of a Service Centre
- cross-border support for the review of possible criminal proceedings against police officers
- strategy on how the family group could fully utilise the skills of their special casework lawyers
- support to the family group representative on the Board in developing strategy.

## **Staff Survey and Stress Audit**

During 1999-2000, in partnership with the Departmental Trade Union side, we commissioned a full Staff Attitude Survey and Stress Audit which was undertaken by an experienced private sector organisation. There was a return rate of 65%.

The Stress Audit found that 24% of staff defined themselves as highly stressed. The major concerns of staff were the need for more resources, more effective allocation of staff and other resources, improved staff management, more effective information technology development, and the need to develop an image of the Service of which everyone could be proud. Respondents saw the strengths of the Service as being the nature, diversity, and importance of the work, the support and friendship of colleagues, and good terms and conditions of service.

A national action plan is being developed to address the concerns identified. Areas and Headquarters Directorates will be consulting their staff, and drawing up individual action plans.

## **Implementing new structures and procedures**

**Narey**

The successful pilot of the first phase of the Narey initiative ('Review of Delay in the Criminal Justice System'- the Narey Report) was completed at the end of March 1999. In July 1999, consultants Ernst and Young recommended national implementation of the early first hearing and case management provisions. The pilots demonstrated the potential for significantly reducing delay from charge to completion in the magistrates' courts, and that the attendance of lawyers at police stations or Criminal Justice Units to prepare cases for the next day did much to improve working relations between the police and ourselves. The scheme for providing out of hours advice to police was not recommended, due to lack of take up. Ministers accepted Ernst and Young's recommendations and national implementation took place from 1 November 1999.

## **Criminal Justice Units**

Chief Crown Prosecutors have been working in partnership with the police and in close consultation with other criminal justice agencies in the development of Criminal Justice Units. Different models of Criminal Justice Units are being developed locally to suit the needs and circumstances of individual Areas, each seeking to reduce duplication and delay in a new system of joint administration for all prosecutions initiated by the police in the magistrates' courts. At the end of November 1999, Chief Crown Prosecutors and Chief Constables for each of the 42 Areas and 43 forces produced joint outline plans setting out how they intended to implement Criminal Justice Units over the next two to three years.

In some Areas, full co-location is planned, either in centralised administrations serving the whole of the county, or in a number of decentralised locations servicing major magistrates' courts. In these instances, police administrators will be working alongside Crown Prosecution Service lawyers and caseworkers, sharing skills, exchanging information and experience, and rectifying deficiencies at an early stage. In other Areas, co-location is not possible in the short to medium term because of problems of geography, or the inflexibility of the existing estate, and electronic solutions are being developed to achieve similar reductions in delay and duplication.

Avon and Somerset Area has been in the vanguard of implementing the Glidewell reforms. The Chief Crown Prosecutor, David Archer, and the Chief Constable for the Area, Steve Pilkington, have worked closely together, and with their respective staffs, and enabled the creation of the first jointly administered co-located Criminal Justice Unit in England and Wales.

Our staff took up residence in newly refurbished accommodation within police premises in Bristol in June 2000. The Unit was officially opened by the Attorney General, Lord Williams of Mostyn QC on 26 June 2000. On the same day the Bristol Crown Court Trials Unit was also opened.

The creation of the Criminal Justice Unit will enable both the police and ourselves to benefit from improvements in efficiency, communication and administration. There will be a reduction in paperwork and an elimination of duplication of tasks, for example avoiding the creation of as many as 30,000 files. The resultant effect will be the ability to re-deploy staff from magistrates' court work to the more serious Crown Court cases.



*Opening of Avon and Somerset  
criminal justice unit*

Restructuring and co-location require some up front investment and we have recently been successful with a bid to the Treasury's Capital Modernisation Fund. £5 million has been provided to assist in the physical and information technology related costs associated with developing the various models for joint administration over the next two years.

### **Trials Units**

Coupled with the introduction of Criminal Justice Units, is the parallel development of Trials Units in which we will deal with those cases destined for hearing in the Crown Court. The speed at which Trials Units are established will depend to some extent on the success of the Narey initiative which should result in a smaller number of tightly focused magistrates' courts sittings, many of which can be handled by our Designated Caseworkers. This in turn should release a number of our lawyers to work on the more serious casework. In some Areas, there are plans to include a police presence in the Trials Unit to work with staff on file building, Crown Court liaison and witness warning. Many Areas have already moved to a system of working where the principal function of a group of lawyers is to prepare Crown Court cases for trial, be much more active in instructing counsel, and attending case conferences.

### **R-V- JEFFREY HALL**

Jeffrey Hall was charged with murder after a fatal assault on a man late at night.

The case was tried at Wolverhampton Crown Court in March, and Mr Hall was found guilty of manslaughter on the grounds of provocation. He was sentenced to seven years' imprisonment.

This was the first successful conviction in which a Crown Prosecution Service Higher Court Advocate - Sheri Warren - had acted as junior to prosecution leading counsel.

The Attorney General wrote to Sheri to congratulate her on an excellent performance, and the prosecution leading counsel commended her for her industry and grasp of the issues in the case.

## **R-V- MONOHAR RANGWANI**

Monohar Rangwani, a GP in Birmingham who had also acted as a police surgeon, was convicted of soliciting to murder and sentenced to seven years' imprisonment in February 2000.

After the end of a 15-year affair with Kumidini Khare, another doctor, both doctors had made allegations against each other. Dr Khare accused Dr Rangwani of rape, he accused her of fraud. In 1998, Dr Rangwani approached a former barrister (who also worked for the News of the World) and asked for Dr Khare to be killed. A meeting at a Birmingham hotel was secretly recorded, in which Dr Rangwani offered a journalist £5,000 to kill Dr Khare. He gave the journalists details of her movements and a prescription to obtain a drug popularly known as a 'liquid cosh'. The News of the World published the story before telling police.

Dr Rangwani was arrested and charged. The case raised issues about the effect of pre-trial publicity and entrapment.

We played a full part in the Indictable Only Pilot, which concluded at the end of 1999. This involved indictable only cases (those involving charges that can only be tried on indictment at the Crown Court, and not at magistrates' court) being transferred to the Crown Court for early case management by the judge after, generally, one hearing in the magistrates' court. The pilot has been evaluated, and a report will be submitted to Ministers in early Summer. Indications are that significant reductions in the time between charge and completion were being achieved during the pilot.

### **Joint Performance Management**

Joint Performance Management (JPM) takes place between ourselves and the police, to address issues of quality, and where necessary, timeliness of files.

The JPM process was adapted in November 1999 to coincide with the introduction of the Narey initiative. The process was changed to one of exception reporting for the majority of files which are now presented at court very soon after charge. Timeliness is no longer an issue for these files, a creditable 91% meet the timeliness standard, and a significant saving has been made in the administrative burden of the monitoring arrangements.

The original JPM process is now reserved for full files. These are the cases that proceed to summary trial in the magistrates' court, and those which are committed to the Crown Court. It is these cases which are the raw material for the criminal justice system, and upon which all other agencies rely. Latest figures show that 70% of these files are submitted on time and 57% meet the quality standard, although only 43% are both on time and at the right quality. We are exploring with the police opportunities for further JPM developments to both reduce the administrative burden, and to make a significant impact on the quality and timeliness issue.

### **Service Centres**

The move to a 42 Area structure led to a review of the administrative support services provided to Areas. The review reported to the Board in January 2000, and the thrust of its recommendations were accepted. The main recommendation was to provide administrative support through 10 Service Centres, each one dedicated to a family group of Areas. Areas are currently preparing plans for implementation in October 2000.

### **Making new local networks work**

#### **Alignment of boundaries**

As part of the move towards aligning boundaries within the criminal justice system, we were involved in developing proposals for the former Area Criminal Justice Liaison Committees, re-named Area Criminal Justice Strategy Committees, to move to a 42 Area structure on 1 April 2000. The Area Criminal Justice Strategy Committees have a central role in helping to deliver the

aims and objectives of the criminal justice system locally. New terms of reference were drawn up to guide the new work of the committees, and additional staff were provided to support their increased numbers.

Chief Crown Prosecutors forged good working relationships with the local Chief Constables and judiciary. This fostered healthy dialogue over casework standards and accountability.

Chief Crown Prosecutors also raised their profiles within local communities by attending schools, hospitals, universities and places of worship, court open days and community focus groups or events. Many of these were organised jointly with other criminal justice agencies.

Maurice Branch, a senior caseworker in Essex, organised a quiz night attended by members of the Bar, police and courts. Approximately £300 was raised and has been donated to the local hospice.

Jeff Corrighan, the Chief Crown Prosecutor for Durham Area, visited the front line of the Health Service when he arranged to spend a night in the Accident and Emergency Department of Dryburn Hospital. From Saturday night to Sunday morning, Jeff observed the comings and goings of patients waiting for treatment, including a rather noisy group waiting for treatment after a fight in a local club. Throughout the night, Jeff had opportunities to talk to the doctor on duty, the nursing staff, security staff and the receptionist, and learned a lot about their working environment and limited resources. The doctor on duty, in particular, highlighted deficiencies in Crown Prosecution Service witness care, which are now being addressed locally.

Jeff also spoke to two police officers who had brought in the victim of an assault. They said that it was 'good to see the Chief out and about at the sharp end'.

Jeff followed up this visit with a visit to the Health Trust's Health and Safety Committee. He talked to them about the role of the Crown Prosecution Service, the Code and other issues surrounding the decision to prosecute cases. He also set up a line of communication with the Head of Security, to keep him informed of the progress of any cases, and if necessary to talk to victims personally where there is a decision to reduce a charge or terminate proceedings.

Areas played a leading role in the local Trials Issues Groups, which managed many successful initiatives, such as Y2K transition, reduction of delays in youth cases, and implementation of the Narey initiative (dealt with in more detail elsewhere in this report). Local Trials Issues Groups agreed service levels which have increased efficiency, understanding and communication. They also helped to support the work of many new Witness Support Schemes around the country.

Many Areas agreed inter-agency protocols with organisations such as the Forensic Science Service in order to reduce delay in submitting evidence, and to keep standards high.

Joint training on topics of common interest to other agencies became more common. The Narey initiative, ECHR and other new legislation are all examples of topics in which inter-agency co-operation has resulted in successful training initiatives.

## **Planning for new legislation and criminal justice system initiatives**

### **Human Rights**

We identified, at an early stage, the significance of the implementation of the Human Rights Act 1998, and attached a high priority to preparing for the implementation of the Act in October 2000. Working closely with our partners in the criminal justice system, we pursued an active programme of work, raising awareness of human rights issues within the Service with regular articles in in-house journals, and presentations at Area training days. In Autumn 1999, we ran a highly successful series of lunchtime talks by eminent speakers from the human rights field. Audio tapes of the talks have been distributed to all Areas.



A comprehensive training course was developed, supported by extensive guidance on the practical implications of the European

Convention on Human Rights (ECHR) in criminal cases. ECHR experts advised on the training material, which has been shared with other prosecuting authorities, departments and organisations, such as the Serious Fraud Office, Inland Revenue, Customs and Excise and Bar Vocational Course Organisers. We provided training for prosecutors for the Office of the Director of Public Prosecutions for Northern Ireland, and worked with the Royal Ulster Constabulary on human rights issues. We are also working with the Environment Agency, the Department of Trade and Industry and the Local Government Association on their internal training for the Act.

An ECHR Steering Group directs training being delivered by 24 skilled internal trainers to some 3000 of our prosecutors and caseworkers. By the end of March, over 1000 prosecutors and caseworkers had been trained.

The Service has played an active part in the Whitehall ECHR Criminal issues Co-ordination Group, which has met frequently to discuss and review important areas of criminal law which will be affected by the Human Rights Act. The group has prepared guidance for all prosecution lawyers on key legislative provisions.

We are represented on the Government Human Rights Task Force, and we liaise with the police through the Association of Chief Police Officers Human Rights Working Group.

## **Taking forward equality and diversity**

### **A commitment to providing a working environment that is fair to all**

The Director has publicly stated that he is determined to ensure that racism and all other forms of discrimination have no place in the Crown Prosecution Service. The Service values everybody's contribution and believes that its success and future depend on the quality of service that is provided and the trust of the community it serves.

The Service aims to ensure that everyone has the opportunity to benefit from employment, training and development appropriate to their abilities and regardless of sex, colour, race, religion, ethnic or national origin, disability, age, marital status, working pattern, political persuasion, sexual orientation or gender re-assignment. In accordance with the Code for Crown Prosecutors, we also aim to ensure that our prosecution decisions are free from bias or discrimination and that all defendants, victims and witnesses are treated fairly and with respect.

The Service aims to be diverse and representative of the local community, to improve the service provided to all those who come into contact with it.

A number of initiatives have been implemented, and particularly over the last year, solid progress has been made. One such action was the establishment of a Diversity Unit in November 1999, to take forward the strategic aspects of equality and diversity, and to build on the equal opportunities work of the Service. This Unit, in association with related groups, has highlighted the issues for immediate action and pursued change in many areas. Changes to recruitment, selection, internal complaints procedures, and training and development are in progress.

A volunteer group that has been making progress in the areas of diversity and equality is the Equality Committee. This group was set up in June 1999 and consists of a rotational membership that reflects a cross section of staff including lawyers, caseworkers, and administrative staff. This group has been proactive at forming groups and publishing action plans in the specific areas of diversity and equality.

The Service has also formed links with a variety of associations that promote equality and diversity in the workplace. Such groups often have representatives present at relevant meetings and provide consultation to various staff on a number of matters.



# Equality MATTERS

Staff are kept up to date with the latest developments. A regular column on 'Equality Matters' features in the in-house newspaper, CPS News.

An equality video was produced in Autumn 1999 for all staff to view and discuss the issues raised in it with colleagues. The video has already stimulated debate in Areas and Headquarters about equality of opportunity, in the context of on-going action on diversity issues.



*CPS Equality video being filmed*

An independent investigator, Sylvia Denman CBE, was appointed on January 25th 2000, to conduct an Inquiry into racial discrimination in the Service. Mrs Denman's preliminary report was published at the beginning of May 2000. Her recommendations for further work are being taken forward. As part of the Inquiry, a Staff Advisory Group was set up to assist Mrs Denman to identify issues of concern to staff.

In March 2000, the Board set challenging targets to increase the representation of women, ethnic minorities and disabled staff over the next five years to 2005. The targets are set for middle and senior management grades where these groups are under-represented.

Changes are already becoming apparent. For example, the Service currently has 6.6% ethnic minority staff in the most senior grades, and has already reached its target for 2002 for this level. Targets will be kept under review.

The Director is a member of the Home Secretary's Steering Group, responsible for overseeing the programme of work to implement the recommendations of the Stephen Lawrence Inquiry Report.

We established a project team to draw up an action plan in response to the recommendations, which had either a direct or indirect impact on the work of the Service. The action plan was released to the press, and provided to every member of staff in February 2000. It demonstrates our commitment to, and involvement in, the work to take forward the recommendations.

We adopted the Inquiry's definition of a racist incident, which we incorporated into our Racist Incident Monitoring Scheme. We are also revising the scheme to take account of the new racially aggravated crime provisions contained in the Crime and Disorder Act 1998. The revised scheme will provide more information about our decisions and actions on cases identified as involving racist incidents. Our response to the Inquiry's recommendations to do with better communication with victims, and their family are dealt with earlier in this section.

In October 1999, Dr Bonny Mhlanga of the University of Hull reported on his three year study of the decision-making process of the Service, which assessed the effect of ethnic factors. The report was very positive, and indicated that there was no evidence of unfair discrimination against ethnic minorities in our decision-making process. He suggests two reasons for the findings, firstly, that we were performing our proper, independent role in selecting appropriate cases for prosecution, and downgrading or rejecting cases where the police brought inappropriate charges against minorities, and secondly that, if

anything, we may be discriminating in favour of ethnic minority groups.

Chris Yule, the Chief Crown Prosecutor for Suffolk, continues to be a proactive member of the Suffolk Multi-Agency Forum against Racial Harassment. The Area hosted the launch of the second Annual Report of the forum covering 1999-2000, which was prepared by the Service. The Director presented the report to ethnic community representatives during a visit to Ipswich in April 2000. In addition, the Chief Crown Prosecutor and Area Business Manager have met with ethnic community leaders to highlight the overall role of the Crown Prosecution Service, and emphasise the approach taken by the Service in relation to racially aggravated crime. As a result, a positive step has been taken on equal opportunities: a mechanism has been established whereby staff vacancies that arise in the Area are specifically brought to the attention of ethnic communities throughout the county.

On behalf of the then Hertfordshire/Bedfordshire Area Criminal Justice Liaison Committee, and assisted by NACRO, Monica Townsend, Chief Crown Prosecutor, conducted a brief survey of ethnic community groups to measure satisfaction with the criminal justice system. This was followed up by a half-day seminar at Her Majesty's Prison The Mount which was well attended by criminal justice system agencies, community group leaders and local authority representatives. The results will be published in Autumn 2000.

### **Modernising Information Technology**

The Glidewell report said that our use of modern information technology was scarce, and that early action needed to be taken to transform the Service into a computer literate organisation.

During 1999-2000, we developed an Information Systems Strategic Plan to take account of the strategies and initiatives of the Glidewell reforms, of the criminal justice system Integration of Business and Information Systems initiative, the initiatives of other criminal justice system agencies, and the Modernising Government agenda. The Board endorsed the plan on 18 November 1999.

We made a substantial contribution to the achievement of the Integration of Business and Information Systems medium-term strategy, and we are pursuing agreement of information exchange standards through that arena.



We were awarded £12 million from the Government's Capital Modernisation Fund in July 1999. This money, together with existing resources, is to fund the Connect 42 project. Connect 42 is step one of our modernisation programme to provide an information technology infrastructure to all 42 Areas. This will provide lawyers and caseworkers with access to modern personal computers for the first time. It will enable them to communicate with each other electronically, and with our partners in the criminal justice system. In preparation for the project, we tested the electronic use of legal reference material in one of our Areas, Surrey. The results helped to shape the Connect 42 project plan. A pilot of Connect 42 began in Sussex in March 2000.

Step two of the modernisation programme is the Compass project - a project to procure a managed service through a Private Finance Initiative contract. It will use the Connect 42 information technology infrastructure and complement it with a case

management system designed to meet the needs of front line staff. It will provide the facility for staff to work with electronic case files, and allow information to be exchanged much more easily in the criminal justice system.



*Work at a CPS branch*

We plan to join the Government Secure Intranet mid 2000-2001. In order to do so, we developed a security policy and programme to bring the security of our information technology systems up to the required standard. The Government Secure Intranet will provide secure electronic communication with other government departments, and provide access to the internet.

Much work went into the preparation of a risk assessment, business continuity plans, and associated actions to ensure that there was no material disruption to the Service's business and information technology processes as a result of the Year 2000 date change.

### **R-V- EDGAR PEARCE**

Edgar Pearce, the self-styled 'Mardi Gra' bomber, pleaded guilty at the Central Criminal Court to 20 offences including blackmail, causing explosions, possession of firearms, and assault charges.

This was a substantial case, involving a three and a half year blackmail and bombing campaign. Thirty-seven improvised explosive devices were sent to individuals or deployed in public places, injuring some members of the public, and putting others at risk. The police investigation was a long and complicated one, involving many days of surveillance and the use of hi-tech equipment.

Edgar Pearce originally pleaded not guilty, and the prosecution prepared voluminous papers for the jury in anticipation of a full trial. Pearce eventually pleaded guilty and was sentenced to a total of 21 years' imprisonment.

# 3 Expenditure and Performance

## Expenditure 1999-2000

In 1999-2000, the criminal justice system in England and Wales cost over £12 billion per year to run. We, together with the Serious Fraud Office, accounted for approximately 3% of the total.

Our total planned expenditure for 1999-2000 was £311 million. This was comprised as follows:

	£ million
<b>Administrative Costs</b>	
(mainly salaries and accommodation)	232
<b>Prosecution Costs</b>	79

Our outturn on expenditure to 31 March 2000 was £231 million on administrative costs, and £99 million on prosecution costs. The figure for prosecution costs was offset by £20 million received in costs awarded against convicted defendants. An additional £2 million was received and will be carried forward to 2000-01.

Prosecution costs include expenditure on counsel's fees, witness expenses and other prosecution costs. The Attorney General and the Lord Chancellor agreed to remove the disparity in fees paid to advocates in defence and prosecution work. From April 2000 there will be targeted increases in the lowest fees paid by the Service, where the disparity is greatest. From October 2000, after consultation with the Bar, there will be new graduated fee rates, and in April 2001 there will be a unified scheme covering all cases up to 25 days in length.

## Spending Review 2000

The 1999-2000 planning year saw substantial work on the Spending Review 2000. The review will determine funding available for the Service over the three-year period 2001-04. We worked to develop a bid to reflect the needs of the Service over that period, focussing on the outcomes we can deliver with the money we are given.

We also worked jointly with the Home Office and Lord Chancellor's Department to develop a submission to HM Treasury which will set criminal justice system resources for 2001-2004, and the outcomes those resources are expected to achieve.

New Public Service Agreements for the Crown Prosecution Service, and for the criminal justice system, setting out new targets, will be published in July 2000.

## Risk Management

The Board has supported the development of a corporate approach to risk management, recognising that effective management of risk is good business practice, and is a fundamental part of working towards our aim and objectives, and those of the criminal justice system.

The Service has worked to support the work of the Green Minister's Working Group, of which the Solicitor General is a member. Contracts are in place for recycling paper, copier and printer toner and lighting tubes. Plans to facilitate environmentally-friendly travel to and from work were submitted to the Department of the Environment, Transport and the Regions in respect of 22 of our buildings. The Service achieved its energy reduction target for 31 March 2000, and produced and published a Green Housekeeping leaflet, and an environmental procurement amendment for purchasing manuals.

## Performance 1999-2000

### Victim's Charter

The Victim's Charter sets out 27 standards of service that victims of crime can expect from criminal justice agencies.

There are several standards that impact in some way on the Crown Prosecution Service, either

because they are the sole responsibility of the Service or because we have a joint responsibility with another agency.

This is the third year that monitoring of performance against the standards has taken place.

#### STANDARD

- 'The Crown Prosecution Service, on request, will meet the family of someone killed as a result of crime, to explain their decision on prosecution'.

*The police will ask the victim about the effect of the crime on them, including fears about further victimisation and details of loss, damage or injury.*

- 'The police, crown prosecutor, magistrates and judges will take this information into account when making their decision'.
- 'If delays occur, court staff or a representative of the Crown Prosecution Service will explain why there is a delay and tell you how long the wait is likely to be'.
- 'While you are waiting to give evidence a representative of the Crown Prosecution Service will introduce himself or herself to you (wherever possible) to tell you what to expect'.
- 'The Crown Prosecution Service aims to pay expenses where possible within five days but not later than ten working days from receipt'.

#### RESULT

- 99% of requests for interview were granted. One request for a meeting was refused. It was considered inappropriate as the person making the request was a pivotal prosecution witness in two related cases.

- Inter-agency pilot schemes to test how this might be done concluded in 1999 and a national Victim Personal Statement Scheme is to be introduced from April 2001.

- In 1999-2000 we dealt with 60,634 contested cases in the magistrates' courts and 20,211 cases in the Crown Court - 20 complaints were received in relation to this standard.

- In 1999-2000 we dealt with 60,634 contested cases in the magistrates' courts and 20,211 cases in the Crown Court - 18 complaints were received in relation to this standard.

- We despatched payment of witness expenses within five working days in 91% of cases and within ten working days in 97.5% of cases

### Performance Targets

We made considerable progress in meeting our performance targets during the year, against a difficult background of the move to 42 Areas, a range of other changes, and pressure on resources. We improved our performance over last year. For some performance targets we have, for the first time, a baseline against which future performance may be gauged

**Objective 1:**

to deal with prosecution cases **in a timely and efficient manner in partnership with other agencies**

**Targets**

To send advance information within agreed timescales in 83% of cases.

To increase to 60% the proportion of cases in which committal papers are sent to the defence within agreed timescales.

To increase to 80% the proportion of Crown Court cases in which the brief is delivered to counsel within agreed timescales.

**Results**

This target was met. During 1999-2000 we sent advance information within agreed timescales in 86.6% of cases, compared with 82.3% in 1998-99.

This target was met. Committal papers were served within agreed timescales in 62.7% of cases during 1999-2000, compared with 51.9% in 1998-99.

This target was not met. During 1999-2000 briefs were sent to counsel within agreed timescales in 71.1% of cases, compared with 67.8% in 1998-99.

**Objective 2:**

to ensure that the charges proceeded with are appropriate to the evidence and to the seriousness of the offending **by the consistent, fair and independent review of cases in accordance with the Code for Crown Prosecutors**

**Targets**

To reduce the percentage of cases dismissed on a submission of no case to answer which are attributable to failures in the review process

To reduce the percentage of non jury acquittals in the Crown Court which are attributable to failures in the review process

**Results**

*(This was the first year for these targets)*

Dismissals no case to answer attributable to failings in the review process amounted to 0.01% of finalised cases in magistrates' courts, or 10 per 100,000.

Non jury acquittals amounted to 0.7% of finalisations in the Crown Court, or 7.2 per 1,000.

**Objective 3:**

to enable the courts to reach just decisions **by fairly, thoroughly and firmly presenting prosecution cases, rigorously testing defence cases and scrupulously complying with the duties of disclosure.**

**Targets**

To increase the percentage of cases which comply with Service advocacy standards\*.

\* *independent Inspectorate assessment.*

**Results**

*(This was the first year for this target)*

*The standards were met in 95% of cases.*

**Objective 4:**

**to meet the needs of victims and witnesses** in the criminal justice system, in co-operation with the other criminal justice agencies

**Targets**

To pay 100% of correctly completed witness expense claims within 10 days.

To reply to 87% of complaints which are made within 10 days of receipt.

**Results**

This target was not met. During 1999-2000, 97.5% of witness expenses were paid within the agreed timescales, compared with 95.5% in 1998-99.

This target was met. Timely replies were made in 88.3% of cases compared with 87.7% in 1998-99.

## Improving productivity

Target	Result
To increase to 100% the proportion of undisputed invoices paid within 30 days	This target was not met. 97% of invoices were paid within 30 days in 1999-2000, compared with 96% in 1998-99.

## Casework statistics

In these statistics, a **defendant** represents one person in a single set of proceedings, which may involve one or more charges. If a set of proceedings relates to more than one person then each is counted as a defendant. Sometimes one person is involved in several sets of proceedings during the same year: if so, he or she is counted as a defendant on each occasion. A defendant is also referred to in these statistics as a **case**.

The figures comprise cases dealt with by the 42 Areas of the Service, but do not include the specialised casework handled by Casework Directorate.

**Chart 1** shows as **sent by the police** the number of defendants whose case was received from the police during the year, and as **dealt with by the Service** the number of completed cases in 1999-2000 and the two preceding years. Both totals include cases in which the Service advised the police before proceedings began.

Our caseload was almost unchanged over the last year. The number of cases the police sent to us during 1999-2000 fell by 0.4% compared with 1998-99 and the number we dealt with rose by 0.8%.

Several factors may affect the number of cases sent to the Service, including the number of arrests, the number of offences cleared up by the police, and the number of offenders cautioned by the police.

### Chart 1 Magistrates' courts: caseload

**Chart 2** shows the different types of cases dealt with by the Service in magistrates' courts. They are:

**summary:** cases which can be tried only in the magistrates' courts;

**indictable/either way:** indictable only cases can be tried only in the Crown Court, but either way cases may either be tried in magistrates' courts or in the Crown Court;

**advice:** these are cases in which the Service advised the police before proceedings began;

**other proceedings:** non-criminal matters, such as forfeiture proceedings under the Obscene Publications Acts.

While the number of cases remained almost unchanged there was also little change in the make-up of those cases compared with the previous year:

### Chart 2 Magistrates' courts: types of cases

#### Chart 3

shows the breakdown of cases completed during the year. Cases may proceed in a number of ways, depending on the circumstances and on the decisions which the Service has to make in response:

**hearings:** cases which proceeded either to a guilty plea or to a not guilty plea and full trial;

**discontinuances:** when proceedings had to be discontinued in accordance with the Code for Crown Prosecutors. Circumstances often leave the Service no choice but to discontinue: for example when witnesses fail to attend court or change their evidence;

when defendants wait until the day of the trial before producing documents proving their innocence (such as a driving licence); or when the police are unable to fill gaps in the evidence;

**committals:** when, after a preliminary hearing in the magistrates' court, the defendant in a more serious case was sent (committed) for trial in the Crown Court;

**other disposals:** these comprise cases in which the defendant was bound over to keep the peace, and committal proceedings in which the defendant was discharged. Also included are cases which could not proceed because the defendant could not be traced by the police, or had died; or where proceedings were adjourned indefinitely. These cases are not discontinued. The majority could not proceed because the police could not find a defendant: if the defendant is subsequently traced, then the prosecution may continue.

### **Chart 3 Magistrates' courts: completed cases**

**Chart 4** shows the outcome of the 73% of cases which proceeded to a hearing, divided into guilty pleas, cases proved in the absence of the defendant, convictions after trial and dismissals.

98.3% of hearings resulted in a conviction, unchanged compared with the previous year.

### **Chart 4 Magistrates' courts: case results**

**Chart 5** shows as **received** the number of defendants who came before the Crown Court and as **dealt with** the number whose case was completed.

The number of cases received during 1999-00 was unchanged compared with the previous year, while the number dealt with fell by 0.3%.

### **Chart 5 Crown Court caseload**

**Chart 6** shows the categories of cases handled in the Crown Court:

**committed for trial:** all indictable only cases, and some either way cases, are sent (committed) from magistrates' courts for trial in the Crown Court;

**appeals:** defendants tried in magistrates' courts may appeal to the Crown Court against their conviction and/or sentence;

**committed for sentence:** some defendants tried and convicted by the magistrates are committed to the Crown Court for sentence, if the magistrates' decide that greater punishment is needed than they can impose.

The profile of casework in the Crown Court has changed over recent years as a result of the Plea Before Venue procedure, introduced in October 1997. This measure has led to more either way cases being dealt with as guilty pleas in magistrates' courts rather than committed to the Crown Court. The increase in committals for sentence over the same period represents cases in which the defendant pleaded guilty in magistrates' courts under the Plea Before Venue procedure, and was subsequently sent to the Crown Court for sentence.

### **Chart 6 Crown court case categories**

#### **Chart 7**

**magistrates' direction:** these are either way cases which the magistrates thought were serious enough to call for trial in the Crown Court;

**defendants' elections:** these are either way cases in which the defendant chose Crown Court trial;

**indictable only:** these are cases which can only be tried in the Crown Court.



Indictable only cases are the most serious of all. In 1999-00, these rose to 32.4% of the total compared with only 18.2% in 1991-92.

#### **Chart 7 Crown Court: source of committals for trial**

#### **Chart 8**

Cases committed for trial in the Crown Court can be completed in several ways:

**trials:** these include both cases in which the defendant pleaded guilty, and cases in which the defendant pleaded not guilty and the case proceeded to a contested hearing;

**cases not proceeded with:** when, for example, the defendant has serious medical problems; or has already been dealt with for other offences; or when witnesses are missing. Also included are cases in which the process of continuous review reveals shortcomings in the prosecution case. In these circumstances, the Service must offer no evidence, and the court will usually enter a formal verdict of not guilty;

**bind overs:** when charges do not proceed to a trial, and the defendant is bound over to keep the peace;

**other disposals:** when the prosecution cannot proceed, for example because a Bench Warrant has been issued for the arrest of a defendant who fails to appear; or when the defendant has died; or is found unfit to plead. If the police trace a missing defendant, then proceedings can continue.

Cases which could not proceed have risen over recent years, from 7.7% in 1997-98 to 11.1% in 1999-00. This is believed to be because the abolition of "live" committals in April 1997 removed the opportunity of testing witnesses before a case reaches the Crown Court.

#### **Chart 8 Crown court: completed cases**

#### **Chart 9**

shows the outcome of the 85.5% of cases which proceeded to trial. These are divided into guilty pleas, convictions after full trial, and acquittals. 88.6% of cases resulted in conviction, compared with 89.1% in 1998-99. Convictions have fallen slightly over recent years because the Plea Before Venue procedure has led to more guilty pleas in either way cases being entered in magistrates' courts rather than in the Crown Court.

11.4% of defendants were acquitted in Crown Court trials.

#### **Chart 9 Crown Court: case results**

#### **Chart 10**

shows the number of these acquitted by the jury at the end of the trial, and the number acquitted at the direction of the judge at the conclusion of the prosecution case. Judge directed acquittals fell from 2,532 in 1991-92 (11.9% of contested hearings) to 1,777 (8.8%) in 1999-00.

#### **Chart 10 Crown court acquittals**

#### **Agent Usage**

The proportion of half day sessions in magistrates' courts covered by lawyers in private practice during 1999-00 was 18.1%, compared with 19.4% for 1998-99.

#### **Awards of Costs**

When a case results in conviction, the court has the power to order the defendant to pay costs to the Service. We aim to offset the expense of prosecuting offenders by seeking awards of costs against convicted defendants wherever appropriate. During

1999-00, the magistrates' courts awarded costs in 54.1% of all convictions, and the Crown Court awarded costs in 6.8% of convictions.

# Annex A: The Code for Crown Prosecutors

(currently under review)

## 1. Introduction

**1.1** The decision to prosecute an individual is a serious step. Fair and effective prosecution is essential to the maintenance of law and order. But even in a small case, a prosecution has serious implications for all involved - the victim, a witness and a defendant. The Crown Prosecution Service applies the Code for Crown Prosecutors so that it can make fair and consistent decisions about prosecutions.

**1.2** The Code contains information that is important to police officers, to others who work in the criminal justice system and to the general public. It helps the Crown Prosecution Service to play its part in making sure that justice is done.

## 2. General Principles

**2.1** Each case is unique and must be considered on its own, but there are general principles that apply in all cases.

**2.2** The duty of the Crown Prosecution Service is to make sure that the right person is prosecuted for the right offence and that all relevant facts are given to the court.

**2.3** Crown Prosecutors must be fair, independent and objective. They must not let their personal views of the ethnic or national origin, sex, religious beliefs, political views or sexual preference of the offender, victim or witness influence their decisions. They must also not be affected by improper or undue pressure from any source.

## 3. Review

**3.1** Proceedings are usually started by the police. Sometimes they may consult the Crown Prosecution Service before charging a defendant. Each case that the police send to the Crown Prosecution Service is reviewed by a Crown Prosecutor to make sure that it meets the tests set out in this Code. Crown Prosecutors may decide to continue with the original charges, to change the charges or sometimes to stop the proceedings.

**3.2** Review, however, is a continuing process so that Crown Prosecutors can take into account any change in circumstances. Wherever possible, they talk to the police first if they are thinking about changing the charges or stopping the proceedings. This gives the police the chance to provide more information that may affect the decision. The Crown Prosecution Service and the police work closely together to reach the right decision, but the final responsibility for the decision rests with the Crown Prosecution Service.

## 4. The Code Tests

**4.1** There are two stages in the decision to prosecute. The first stage is the evidential test. If the case does not pass the evidential test, it must not go ahead, no matter how important or serious it may be. If the case does pass the evidential test, Crown Prosecutors must decide if a prosecution is needed in the public interest.

**4.2** This second stage is the public interest test. The Crown Prosecution Service will only start or continue a prosecution when the case has passed both tests. The evidential test is explained in Section 5 and the public interest test is explained in Section 6.

## 5. The Evidential Test

**5.1** Crown Prosecutors must be satisfied that there is enough evidence to provide a 'realistic prospect of conviction' against each defendant on each charge. They must consider what the defence case may be and how that is likely to affect the prosecution case.

**5.2** A realistic prospect of conviction is an objective test. It means that a jury or bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged.

**5.3** When deciding whether there is enough evidence to prosecute, Crown Prosecutors must consider whether the evidence can be used and is reliable. There will be many cases in which the evidence does not give any cause for concern. But there will also

be cases in which the evidence may not be as strong as it first appears. Crown Prosecutors must ask themselves the following questions:

### **Can the evidence be used in court?**

**a** Is it likely that the evidence will be excluded by the court? There are certain legal rules which might mean that evidence which seems relevant cannot be given at a trial. For example, is it likely that the evidence will be excluded because of the way in which it was gathered or because of the rule against using hearsay as evidence? If so, is there enough other evidence for a realistic prospect of conviction?

### **Is the evidence reliable?**

**b** Is it likely that a confession is unreliable, for example, because of the defendant's age, intelligence or lack of understanding?

**c** Is the witness's background likely to weaken the prosecution case? For example, does the witness have any dubious motive that may affect his or her attitude to the case or a relevant previous conviction?

**d** If the identity of the defendant is likely to be questioned, is the evidence about this strong enough?

**5.4** Crown Prosecutors should not ignore evidence because they are not sure that it can be used or is reliable. But they should look closely at it when deciding if there is a realistic prospect of conviction.

## **6. The Public Interest Test**

**6.1** In 1951, Lord Shawcross, who was Attorney General, made the classic statement on public interest, which has been supported by Attorneys General ever since: "It has never been the rule in this country - I hope it never will be - that suspected criminal offences must automatically be the subject of prosecution". (House of Commons Debates, volume 483, column 681, 29 January 1951.)

**6.2** The public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. In cases of any seriousness, a prosecution will usually take place unless there are public interest factors tending against prosecution which clearly outweigh those tending in favour. Although there may be public interest factors against prosecution in a particular case, often the prosecution should go ahead and those factors should be put to the court for consideration when sentence is being passed.

**6.3** Crown Prosecutors must balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the offender. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

*The following lists of some common public interest factors, both for and against prosecution, are not exhaustive. The factors that apply will depend on the facts in each case.*

### **Some common public interest factors in favour of prosecution**

**6.4** The more serious the offence, the more likely it is that a prosecution will be needed in the public interest. A prosecution is likely to be needed if:

**a** a conviction is likely to result in a significant sentence;

**b** a weapon was used or violence was threatened during the commission of the offence;

**c** the offence was committed against a person serving the public (for example, a police or prison officer, or a nurse);

**d** the defendant was in a position of authority or trust;

**e** the evidence shows that the defendant was a ringleader or an organiser of the offence;

**f** there is evidence that the offence was premeditated;

**g** there is evidence that the offence was carried out by a group;

**h** the victim of the offence was vulnerable, has been put in considerable fear, or suffered personal attack, damage or disturbance;

**i** the offence was motivated by any form of discrimination against the victim's ethnic or national origin, sex, religious beliefs, political views or sexual preference;

**j** there is a marked difference between the actual or mental ages of the defendant and the victim, or if there is any element of corruption;

**k** the defendant's previous convictions or cautions are relevant to the present offence;

**l** the defendant is alleged to have committed the offence whilst under an order of the court;

**m** there are grounds for believing that the offence is likely to be continued or repeated, for example, by a history of recurring conduct; or

**n** the offence, although not serious in itself, is widespread in the area where it was committed.

### **Some common public interest factors against prosecution**

**6.5** A prosecution is less likely to be needed if:

**a** the court is likely to impose a very small or nominal penalty;

**b** the offence was committed as a result of a genuine mistake or misunderstanding (these factors must be balanced against the seriousness of the offence);

**c** the loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgment;

**d** there has been a long delay between the offence taking place and the date of the trial, unless:

- the offence is serious;
- the delay has been caused in part by the defendant;
- the offence has only recently come to light; or
- the complexity of the offence has meant that there has been a long investigation;

**e** a prosecution is likely to have a very bad effect on the victim's physical or mental health, always bearing in mind the seriousness of the offence;

**f** the defendant is elderly or is, or was at the time of the offence, suffering from significant mental or physical ill health, unless the offence is serious or there is a real possibility that it may be repeated. The Crown Prosecution Service, where necessary, applies Home Office guidelines about how to deal with mentally disordered offenders. Crown Prosecutors must balance the desirability of diverting a defendant who is suffering from significant mental or physical ill health with the need to safeguard the general public;

**g** the defendant has put right the loss or harm that was caused (but defendants must not avoid prosecution simply because they can pay compensation); or

**h** details may be made public that could harm sources of information, international relations or national security.

**6.6** Deciding on the public interest is not simply a matter of adding up the number of factors on each side. Crown Prosecutors must decide how important each factor is in the circumstances of each case and go on to make an overall assessment.

### **The relationship between the victim and public interest**

**6.7** The Crown Prosecution Service acts in the public interest, not just in the interests of any one individual. But Crown Prosecutors must always think very carefully about the interests of the victim, which are an important factor, when deciding where the public interest lies.

### **Youth offenders**

**6.8** Crown Prosecutors must consider the interests of a youth when deciding whether it is in the public interest to prosecute. The stigma of a conviction can cause very serious harm to the prospects of a youth offender or a young adult. Young offenders can sometimes be dealt with without going to court. But Crown Prosecutors should not avoid prosecuting simply because of the defendant's age. The seriousness of the offence or the offender's past behaviour may make prosecution necessary.

## **Police cautions**

**6.9** The police make the decision to caution an offender in accordance with Home Office guidelines. If the defendant admits the offence, cautioning is the most common alternative to a court appearance. Crown Prosecutors, where necessary, apply the same guidelines and should look at the alternatives to prosecution when they consider the public interest. Crown Prosecutors should tell the police if they think that a caution would be more suitable than a prosecution.

## **7. Charges**

**7.1** Crown Prosecutors should select charges which:

- a** reflect the seriousness of the offending;
- b** give the court adequate sentencing powers; and
- c** enable the case to be presented in a clear and simple way.

This means that Crown Prosecutors may not always continue with the most serious charge where there is a choice. Further, Crown Prosecutors should not continue with more charges than are necessary.

**7.2** Crown Prosecutors should never go ahead with more charges than are necessary just to encourage a defendant to plead guilty to a few. In the same way, they should never go ahead with a more serious charge just to encourage a defendant to plead guilty to a less serious one.

**7.3** Crown Prosecutors should not change the charge simply because of the decision made by the court or the defendant about where the case will be heard.

## **8. Mode of Trial**

**8.1** The Crown Prosecution Service applies the current guidelines for magistrates who have to decide whether cases should be tried in the Crown Court when the offence gives the option. (See the 'National Mode of Trial Guidelines' issued by the Lord Chief Justice.) Crown Prosecutors should recommend Crown Court trial when they are satisfied that the guidelines require them to do so.

**8.2** Speed must never be the only reason for asking for a case to stay in the magistrates' courts. But Crown Prosecutors should consider the effect of any likely delay if they send a case to the Crown Court, and any possible stress on victims and witnesses if the case is delayed.

## **9. Accepting Guilty Pleas**

**9.1** Defendants may want to plead guilty to some, but not all, of the charges. Or they may want to plead guilty to a different, possibly less serious, charge because they are admitting only part of the crime. Crown Prosecutors should only accept the defendant's plea if they think the court is able to pass a sentence that matches the seriousness of the offending. Crown Prosecutors must never accept a guilty plea just because it is convenient.

## **10 Re-Starting a Prosecution**

**10.1** People should be able to rely on decisions taken by the Crown Prosecution Service. Normally, if the Crown Prosecution Service tells a suspect or defendant that there will not be a prosecution, or that the prosecution has been stopped, that is the end of the matter and the case will not start again. But occasionally there are special reasons why the Crown Prosecution Service will re-start the prosecution, particularly if the case is serious.

**10.2** These reasons include:

- a** rare cases where a new look at the original decision shows that it was clearly wrong and should not be allowed to stand;
- b** cases which are stopped so that more evidence which is likely to become available in the fairly near future can be collected

and prepared. In these cases, the Crown Prosecutor will tell the defendant that the prosecution may well start again;

**c** cases which are stopped because of a lack of evidence but where more significant evidence is discovered later.

## **11. Conclusion**

**11.1** The Crown Prosecution Service is a public service headed by the Director of Public Prosecutions. It is answerable to Parliament through the Attorney General. The Code for Crown Prosecutors is issued under section 10 of the Prosecution of Offences Act 1985 and is a public document. This is the third edition and it replaces all earlier versions. Changes to the Code are made from time to time and these are also published.

**11.2** The Code is designed to make sure that everyone knows the principles that the Crown Prosecution Service applies when carrying out its work. Police officers should take account of the principles of the Code when they are deciding whether to charge a defendant with an offence. By applying the same principles, everyone involved in the criminal justice system is helping the system to treat victims fairly, and to prosecute defendants fairly but effectively.

**11.3** The Code is available from:

Crown Prosecution Service  
Publicity Branch  
50 Ludgate Hill  
London  
EC4M 7EX

Telephone: 0207 796 8117

## Annex B: Chief Crown Prosecutors and Area Business Managers

Listed alphabetically by Area

### **CPS Avon & Somerset**

CCP:David Archer

ABM:Lesley Burton

### **CPS Bedfordshire**

CCP:Monica Townsend

ABM:Janet Altham

### **CPS Cambridgeshire**

CCP:Richard Crowley

ABM:Ian Farrell

### **CPS Cheshire**

CCP:Barry Hughes

ABM:Edwina Sherwood

### **CPS Cleveland**

CCP:David Magson

ABM:Margaret Phillips

### **CPS Cumbria**

CCP:David Farmer

ABM:John Pears

### **CPS Derbyshire**

CCP:David Adams

ABM:Adele Clarke

### **CPS Devon and Cornwall**

CCP:Andrew Cresswell

ABM:John Nettleton

### **CPS Dorset**

CCP:John Revell

ABM:Jason Putman

### **CPS Durham**

CCP:Jeff Corrighan

ABM:Brian Feetham

### **CPS Dyfed-Powys**



CCP:Simon Rowlands  
ABM:Christine Jones

**CPS Essex**

CCP:John Bell  
ABM:Paul Overett

**CPS Gloucestershire**

CCP:Withiel Cole  
ABM:Will Hollins

**CPS Greater Manchester**

CCP:Tony Taylor  
ABM:Kevin Fox

**CPS Gwent**

CCP:Chris Woolley  
ABM:Bill Fullerton

**CPS Hampshire**

CCP:Roger Daw  
ABM:Mark Sunderland

**CPS Hertfordshire**

CCP:Charles Ingham  
ABM:Liam Carroll

**CPS Humberside**

CCP:Bob Marshall  
ABM:Caron Skidmore

**CPS Kent**

CCP:Elizabeth Howe  
ABM:Ken Mitchell

**CPS Lancashire**

CCP:Dickie Dickenson  
ABM:Glynn Rankin

**CPS Leicestershire**

CCP:Martin Howard  
ABM:Laraine Jones

**CPS Lincolnshire**

CCP:Alison Kerr  
ABM:Angela Garbett

**CPS London**

CCP:Peter Boeuf

ABM:Alex Machray

**CPS Merseyside**

CCP:John Holt

ABM:Deborah King

**CPS Norfolk**

CCP:Peter Tidey

ABM:Adrian Mardell

**CPS Northamptonshire**

CCP:Colin Chapman

ABM: Fiona Campbell

**CPS Northumbria**

CCP:Nicola Reasbeck

ABM:Steve Guy

**CPS North Wales**

CCP:Paul Whittaker

ABM:Angela Walsh

**CPS North Yorkshire**

CCP:Bob Turnbull

ABM:Richard Cragg

**CPS Nottinghamshire**

CCP:Peter Lewis

ABM:Gail Pessol

**CPS South Wales**

CCP:Huw Heycock

ABM:Ian Edmondson

**CPS South Yorkshire**

CCP:Judith Walker

ABM:Christopher Day

**CPS Staffordshire**

CCP:Harry Ireland

ABM:Brian Laybourne

**CPS Suffolk**

CCP:Chris Yule

ABM:Diane Waddington

**CPS Surrey**

CCP:Sandie Hebblethwaite

ABM:Martyn Wray

**CPS Sussex**

CCP:Michael Kennedy

ABM:Barry Shepherd

**CPS Thames Valley**

CCP:Simon Clements

ABM:Graham Choldcroft

**CPS Warwickshire**

CCP:Mark Lynn

ABM:Sue Petyt

**CPS West Mercia**

CCP:Jim England

ABM:Lawrence Sutton

**CPS West Midlands**

CCP:David Blundell

ABM:Mike Grist

**CPS West Yorkshire**

CCP:Neil Franklin

ABM:Robert Stevenson

**CPS Wiltshire**

CCP:Nick Hawkins

ABM:Nadeem Nabi

## Annex C: Designated Caseworkers

### - Statutory powers of non-legal staff caseworkers designated under section 7A of the Prosecution of Offences Act 1985

#### Criteria for designation

Applicants for designation are required to have successfully completed probation and possess three years relevant experience as a caseworker or to have a suitable legal qualification. In their written application they are required to demonstrate that they meet the criteria and satisfy the personal competencies. A selection panel considers each application and those applicants who pass the sift are invited to appear before local interview panels. Successful applicants are thereafter recommended for specialised training.

#### Training

Applicants undertake an intensive CPS internal training programme which involves assimilating a comprehensive Resource Pack through distance learning and attending a Foundation Course (legal principles) and a separate Advocacy course. The training equips the applicant with the knowledge and advocacy skills to undertake the limited review and presentational role before the magistrates' court.

An applicant is only recommended for designation where at the conclusion of their training they pass an independent assessment of competence undertaken during the period.

To date 194 non-legal staff have successfully trained as Designated Caseworkers.

#### General instructions issued by the Director under section 7A(4) of the Act.

The document "*Designated Caseworkers Review and Presentation Criteria - Pilot Exercise*" is issued by the Director as instructions under the Act and is published below.

The criteria governs the nature of the casework that a Designated Caseworker may review and present before the magistrates' court. It is proposed to revisit the criteria once the review of the Narey measures has been completed and the findings published. In the meantime the published criteria has been extended to apply nationally.

### DESIGNATED CASEWORKER REVIEW AND PRESENTATION CRITERIA - PILOT EXERCISE

#### PRINCIPLE

The fundamental principle is that Designated Caseworkers will review and present magistrates' court cases which are straightforward and with no technical issues or complications of fact or law.

The cases must be anticipated guilty pleas meeting the criteria set out below, or involve minor road traffic offences which will be dealt with under the proof in absence procedure.

The criteria are intended to operate within the context of arrangements between the CPS and the courts which will involve cases meeting the criteria being marshalled and listed together.

The supervising Crown Prosecutor will adhere to these principles when allocating cases to the designated caseworker and, in addition, will have regard to the following:

- the nature and surrounding circumstances of the offence;
- the ability, training and experience of the caseworker;
- any other matter which may have a bearing upon whether the case is suitable for review or presentation by the caseworker.

#### CRITERIA

##### Guilty pleas

A Designated Caseworker who is suitably trained and supervised by a Crown Prosecutor may review and present cases in the magistrates' court where each of the following applies:

- the offence before the court is summary and/or triable either way, with the proviso that the either way offence must be considered suitable for summary disposal;
- the case involves only adult offenders;
- the accused is on bail and there is no objection to its continuance or the accused has been remanded in custody by the court following a guilty plea;

**and**

- there is no significant dispute as to the facts, and the offence is admitted in interview with police; or
- a police officer has witnessed the commission of the offence and the accused has given no indication that he intends to plead not guilty.

### **Road traffic offences - proof in absence**

A Designated Caseworker who is suitably trained and supervised by a Crown Prosecutor may also review and present cases in the magistrates' court where:

- the offence is a road traffic offence which could be dealt with under section 12 MCA 1980, but where there has been no response to the summons and the court proceeds to hear the case in the absence of the accused.

### **EXCLUSIONS**

A Designated Caseworker may not review or present a case in which any of the following applies:

- the offence is indictable only;
- there is likely to be a contested trial;
- the accused has elected jury trial or the magistrates' court has declined jurisdiction;
- the case is to be dealt with under the transfer procedures;
- the offence requires the consent of the Director of Public Prosecutions or the Attorney General;
- the case may be considered sensitive eg fatal accident, child victim, racial incident, accused is a serving police officer etc;
- the facts are disputed leading to the possibility of a "Newton" hearing or an order under section 58(7) and 58(8) Criminal Procedure and Investigations Act 1996 - derogatory mitigation;
- the offence is one which carries obligatory disqualification and where notification has been given in advance that evidence will be called in support of "special reasons" as to why the accused should not be disqualified.

### **GENERAL**

### **PRE-COURT REVIEW**

#### **Discontinuance/withdrawal/substitution of a charge**

- Where a caseworker wishes to discontinue a prosecution under section 23 of the Prosecution of Offences Act 1985 or withdraw/substitute a charge, the matter must be referred to the supervising Crown Prosecutor for a decision.

### **AT COURT**

#### **Adjourned hearings**

- In general a Designated Caseworker may not continue to present a case where an accused enters or indicates a not guilty plea. However, the caseworker may deal with issues arising upon the adjournment eg. fixing the trial date etc.

#### **Mode of trial representations**

- Where a not guilty or no indication is entered at plea before venue to an either way offence, the Designated Caseworker may retain conduct of the case where the court proceeds to consider mode of trial as part of the same hearing.

#### **Amendment/withdrawal of a charge**

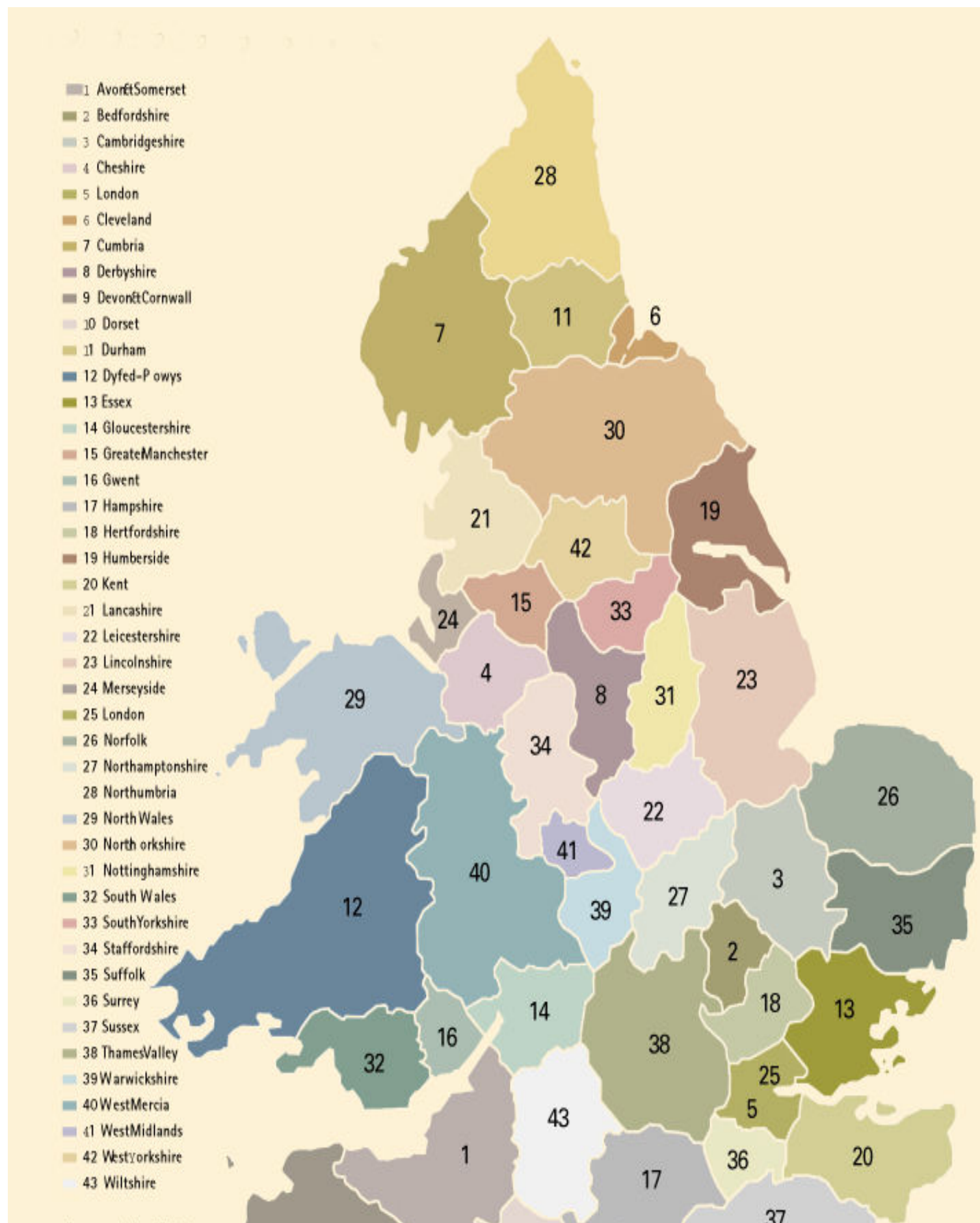
- Where it becomes apparent during the hearing that a summons requires minor amendment, eg errors as to value, date, location, vehicle description etc, the caseworker may apply to amend without reference to the supervising Crown

Prosecutor.

- In road traffic offences involving the production of documents, where a caseworker is satisfied that the substantive charge is no longer sustainable, he may withdraw the substantive charge without reference to a Crown Prosecutor and proceed on any alternative charges that are also before the court.
- In all other proceedings before the court the caseworker may not discontinue a prosecution or withdraw/substitute a charge without the agreement of the supervising Crown Prosecutor.

This document has been developed for the purpose of the pilot exercise and will be reviewed in due course to take account of the experience gained in the pilot areas.

# CPS Area and Police Force Boundary Map

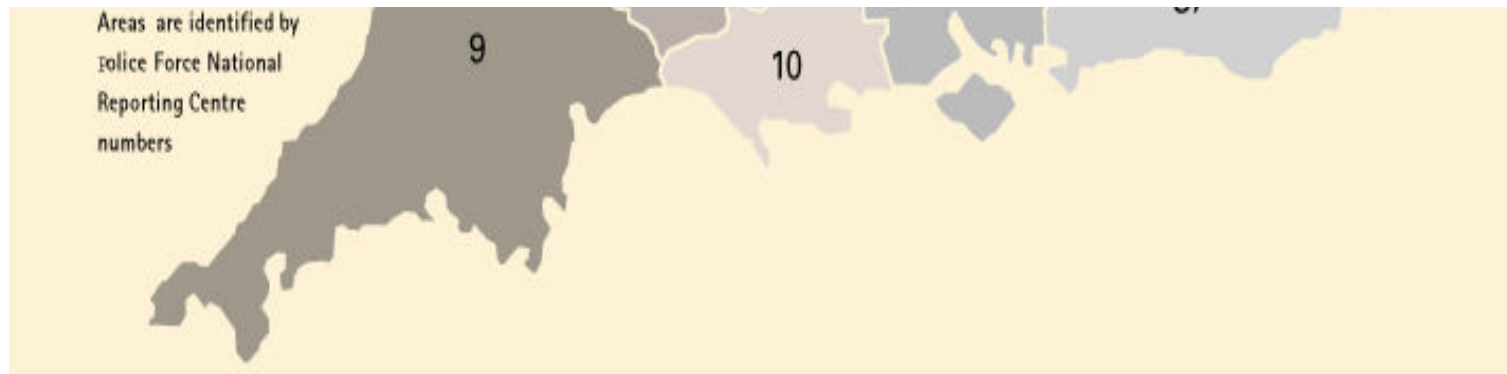


Areas are identified by  
Police Force National  
Reporting Centre  
numbers

9

10

6







## Chart 1

### Magistrates' courts: caseload



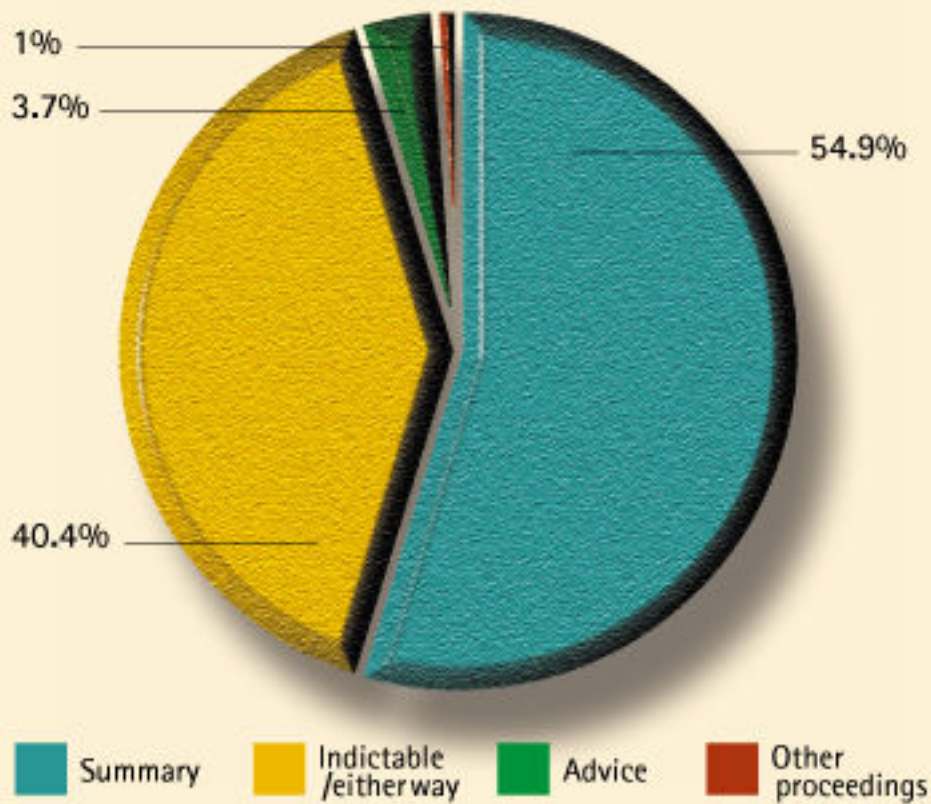
 Sent by the police

 Dealt with by the CPS

	1997-98	1998-99	1999-00
Sent by the police	1,415,232	1426,085	1,420,833
Dealt with by the CPS	1,418,801	1,423,200	1,434,194

Chart 2

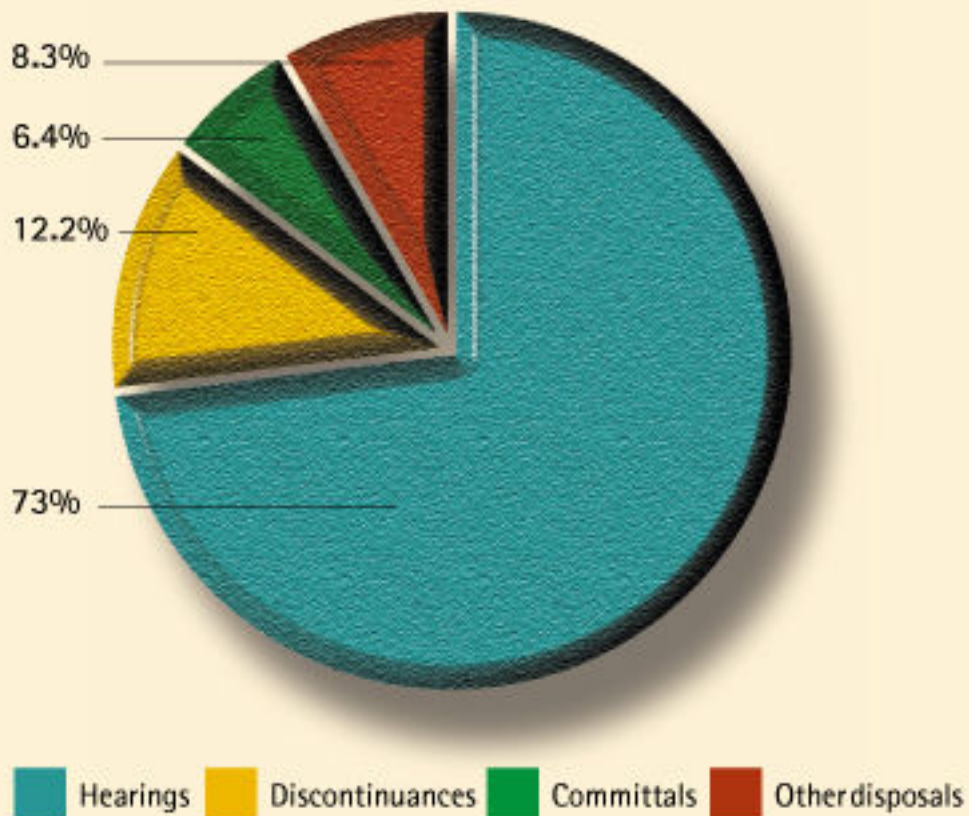
## Magistrates' courts: types of cases



	1997-98	%	1998-99	%	1999-00	%
Summary	794,441	56	784,044	55.1	787,461	54.9
Indictable/either way	559,749	39.5	569,976	40	580,019	40.4
Advice	53,233	3.8	57,351	4	52,625	3.7
Other proceedings	11,362	0.8	11,829	0.8	14,089	1
TOTAL	1,418,785		1,423,200		1,434,194	

Chart 3

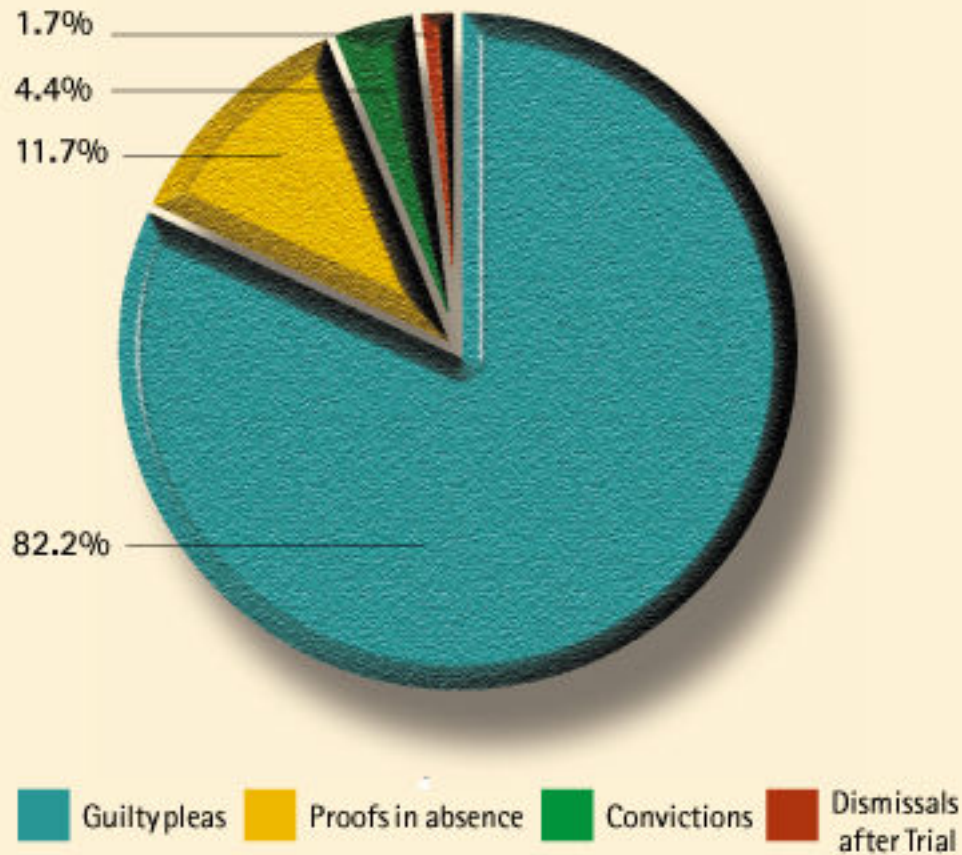
## Magistrates' courts: completed cases



	1997-98	%	1998-99	%	1999-00	%
Hearings	967,539	71.4	985,498	72.8	998,717	73
Discontinuances	164,438	12.1	161,112	11.9	166,861	12.2
Committals	104,784	7.7	93,157	6.9	87,885	6.4
Other disposals	117,447	8.7	114,250	8.4	114,017	8.3
Total	1,354,208		1,354,017		1,367,480	

Chart 4

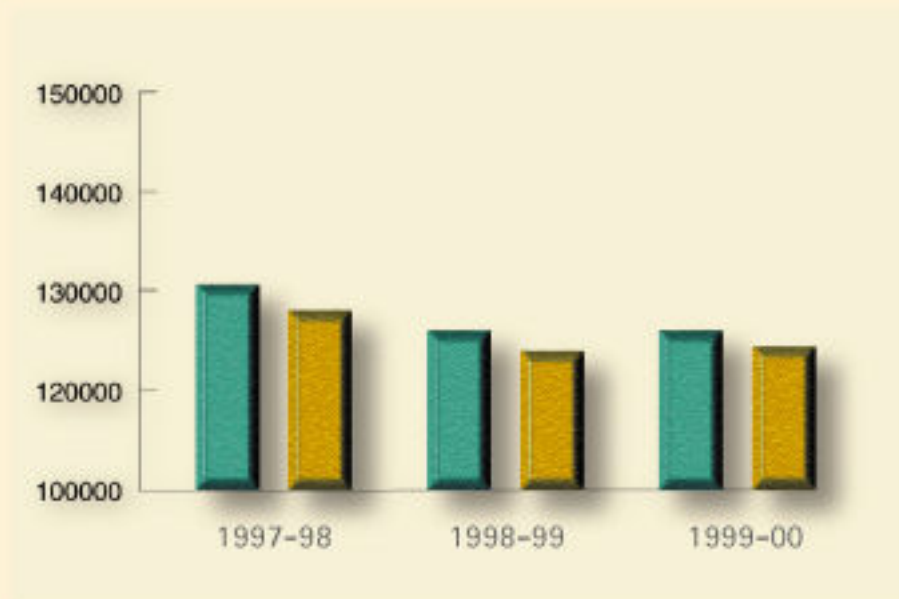
## Magistrates' courts: case results



	1997-98	%	1998-99	%	1999-00	%
Guilty pleas	788,364	81.1	811,335	82	824,888	82.2
Proofs in absence	111,687	11.5	113,426	11.5	117,396	11.7
Convictions	53,702	5.5	47,889	4.8	43,852	4.4
Dismissals	18,407	1.9	17,181	1.7	16,780	1.7
Total	972,160		989,831		1,002,916	



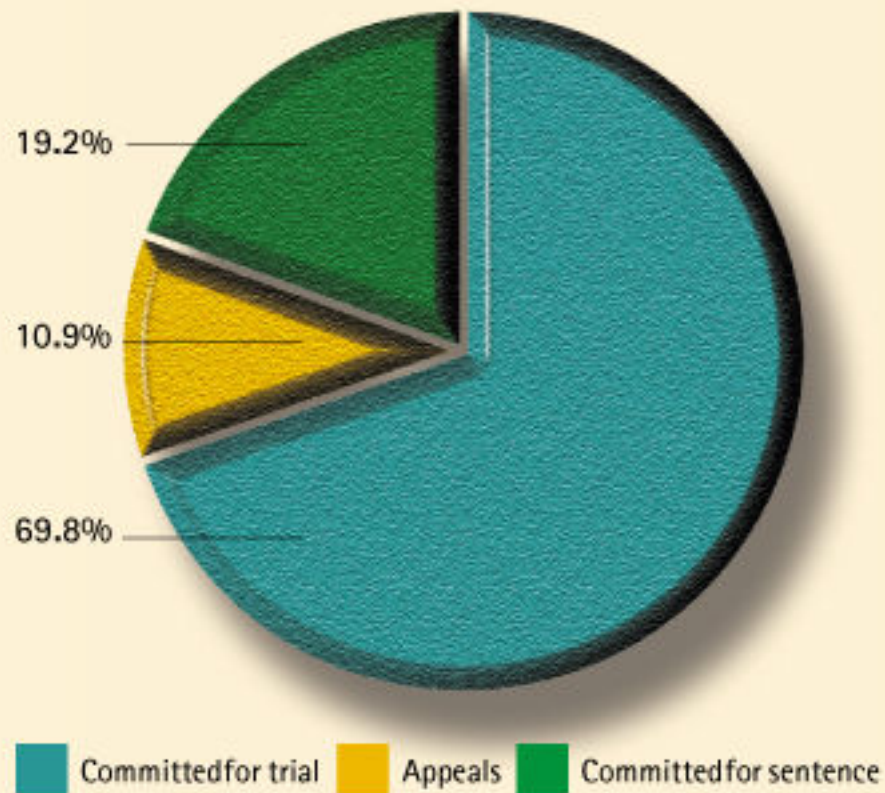
**Chart 5**  
**Crown Court caseload**



■ Recieved ■ Dealt with by the CPS

	1997-98	1998-99	1999-00
Recieved	130,328	126,014	126,013
Dealt with by the CPS	128,064	124,781	124,348

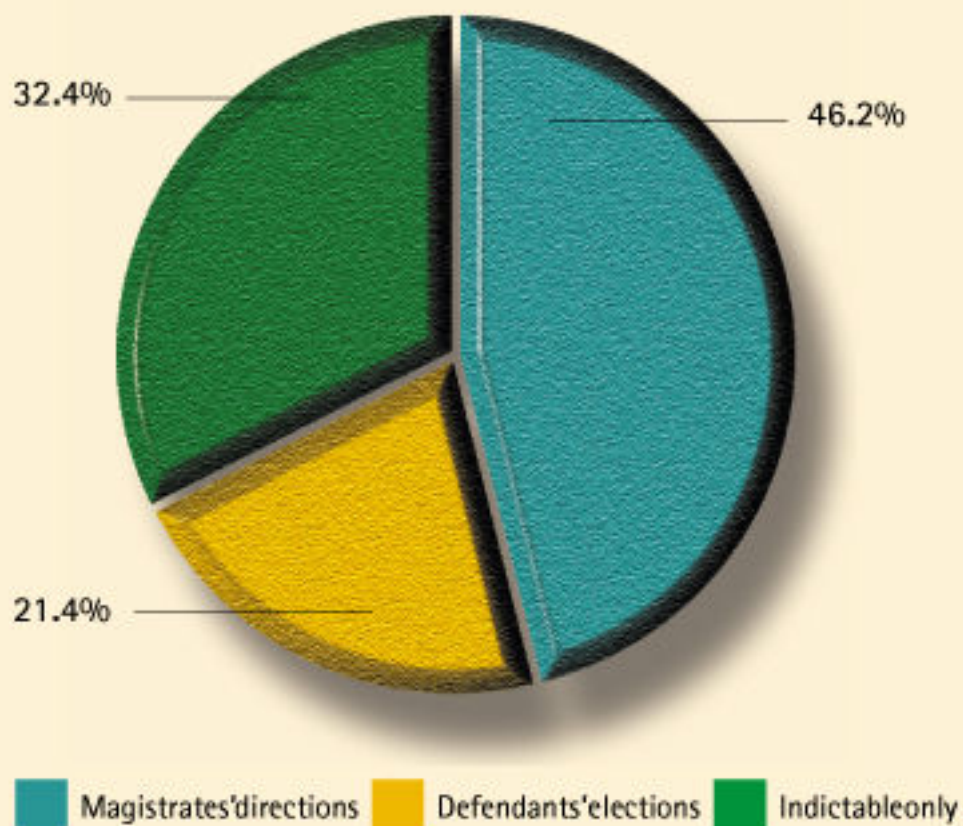
**Chart 6**  
Crown court case categories



	1997-98	%	1998-99	%	1999-00	%
For trial	105,063	82.1	89,578	71.8	86,831	69.8
Appeals	13,810	10.8	13,940	11.2	13,586	10.9
For sentence	9,171	7.2	21,203	17	23,931	19.2
TOTAL	128,044		124,721		124,348	

Chart 7

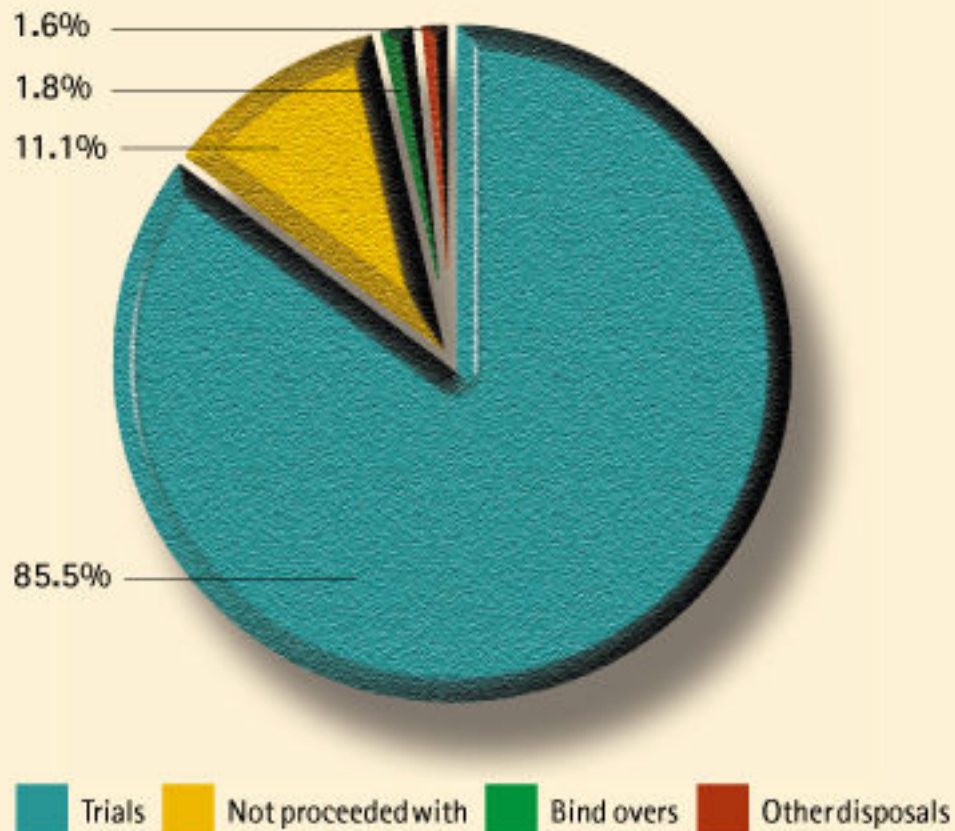
Crown Court: source of committals for trial



	1997-98		1998-99		1999-00	
		%		%		%
Magistrates'	56,069	53.4	44,269	49.4	40,097	46.2
Defendants'	21,653	20.6	18,391	20.5	18,572	21.4
Indictable only	27,341	26	26,918	30	28,162	32.4
Total	105,063		89,578		86,831	

Chart 8

## Crown court: completed cases

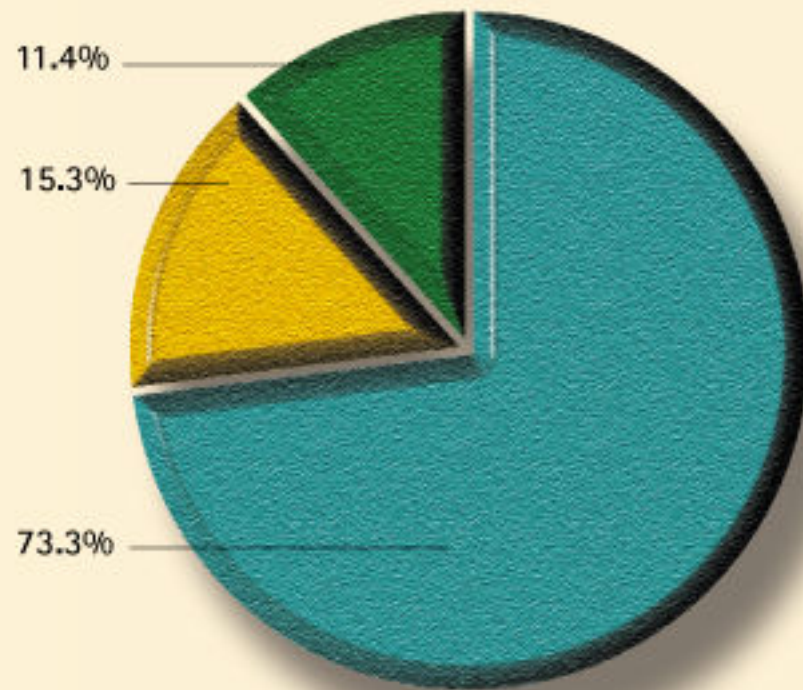


	1997-98	%	1998-99	%	1999-00	%
Trials	94,180	89.6	78,023	87	74,256	85.5
Not proceeded	8,130	7.7	8,849	9.9	9,616	11.1
Bind overs	1,541	1.5	1,520	1.7	1,533	1.8
Other disposals	1,232	1.2	1,246	1.4	1,426	1.6
Total	105,083		89,638		86,831	



Chart 9

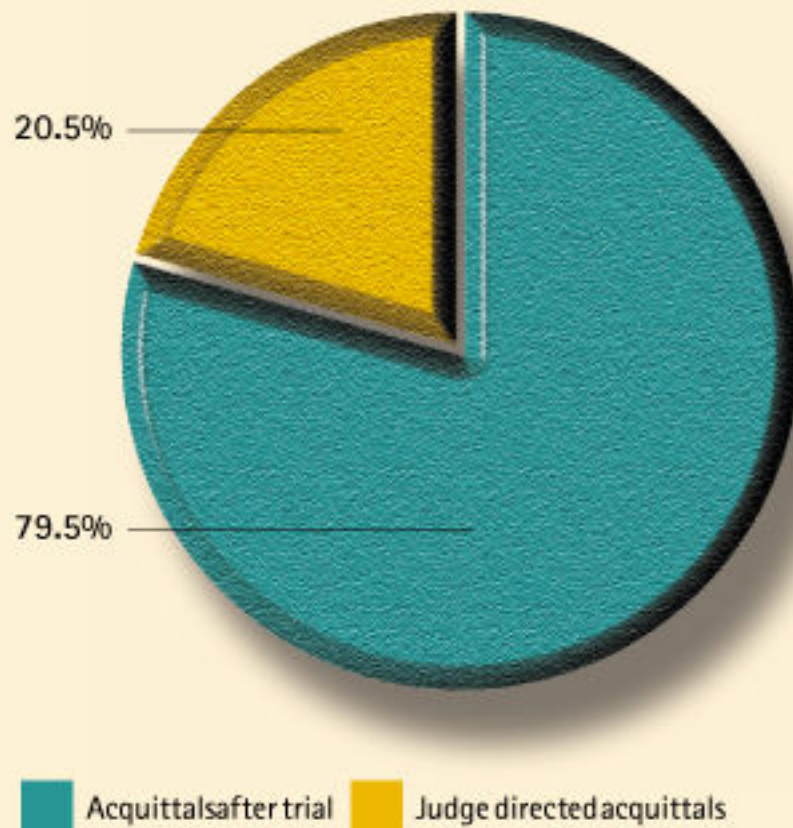
## Crown Court: case results



■ Guilty pleas
 ■ Convictions after trial
 ■ Acquittals

	1997-98	%	1998-99	%	1999-00	%
Guilty pleas	73,860	76.7	59,374	74.6	55,407	73.3
Convictions	13,413	13.9	11,561	14.5	11,553	15.3
Acquittals	9,012	9.4	8,668	10.9	8,658	11.4
TOTAL	96,285		79,603		75,618	

Chart 10  
Crown court acquittals



	1997-98	%	1998-99	%	1999-00	%
After trial	7,170	79.6	6,829	78.8	6,881	79.5
Judge directed	1,842	20.4	1,839	21.2	1,777	20.5
TOTAL	9,012		8,668		8,658	

