



Crown Prosecution Service

Annual Report

FOR THE PERIOD APRIL 1997 MARCH 1998

*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

*Ordered by The House of Commons to be printed
23 July 1998*

published by The Stationery Office

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Letter to the Attorney General



*from Dame Barbara Mills QC,
Director of Public Prosecutions*

I am pleased to report to you on our performance and activities in the year to 31 March 1998. As this Report shows, during this period the CPS has made further improvements to the quality, speed and efficiency of the service we offer. We have also continued to work productively with our partners in the criminal justice system, at local and national level, to achieve the goals of the system as a whole.

This work has taken place against a backdrop of considerable change. On 1 June 1997, following your announcement of the Government's intention to reorganise the CPS from 13 to 42 geographical Areas, I appointed a named Crown Prosecutor for each of the 42 Areas to liaise on prosecution issues with the Chief Constable of the corresponding police force and, in London, with the Commissioner for the Metropolitan Police and the Commissioner for the City of London Police. Meanwhile, you commissioned an independent review of the CPS, led by Sir Iain Glidewell.

The Report of the review was published on 1 June 1998. It makes some 75 recommendations. Taken together, they should result in a more devolved and

decentralised CPS. The Government has accepted the broad thrust of the Report, while inviting representations from those concerned on the detail of its recommendations. Many of these are internal to the CPS, but others affect the responsibilities of other Departments and agencies and will need to be considered in conjunction with them.

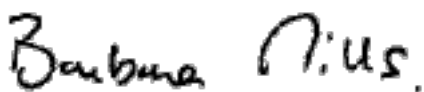
One key recommendation the appointment of a Chief Executive has been implemented immediately. I am delighted to welcome Mark Addison to the post.

We look forward to continuing the transition to 42 Areas and to putting in place the arrangements which will accompany it. It provides a genuine and exciting opportunity to consolidate the CPS' place as a key player in the criminal justice system for the 21st century, while also building on the achievements of the past 12 years.

In July 1997, I asked His Honour Gerald Butler QC to conduct an inquiry into cases where it had been alleged that death or serious injury had occurred whilst a person was in police custody. Publication of his Report has been delayed pending proceedings in one of the cases which he examined. The Report will be published as soon as practicable. The CPS will be considering the implications of the findings of his Report for future handling of cases of this type.

Change has also been a theme within the wider criminal justice system. Over the past year the CPS has worked closely with the police, the courts and others to implement a number of key recommendations arising from the Review of Delay in the Criminal Justice System (the Narey Report). We played a significant part in the cross-cutting Comprehensive Spending Review of the criminal justice system, which looked at the aims and objectives of the system as a whole, and endorsed the need for a stronger strategic planning and resource management framework across the criminal justice system. In co-operation with a range of other agencies, we participated in a number of initiatives designed to improve the standard of service to victims and witnesses. This Report gives details of these developments and initiatives, and of progress on higher court rights of audience and the treatment of young offenders. It also describes some, although by no means all, of the excellent collaborative work being done at local level.

In this, my last Annual Report, I would like to pay tribute to the outstanding dedication and professionalism of CPS staff. They have maintained a high level of commitment and service throughout a period of challenge and uncertainty. I thank them for their hard work and support, and I wish them, and the Service, well for the future.

A handwritten signature in dark ink, reading "Barbara Mills". The script is cursive and fluid, with the first name "Barbara" and the last name "Mills" clearly distinguishable.

Dame Barbara Mills QC,

15 June 1998

Introduction to the Crown Prosecution Service

The Crown Prosecution Service (CPS) is the principal prosecution authority in England and Wales. We advise the police on possible prosecutions and take over prosecutions begun by them. We work closely with the police, the courts and other agencies throughout the criminal justice system. In 1997-98 we dealt with more than 1.4 million cases in the magistrates' courts and around 128,000 cases in the Crown Court.

In May 1997, as part of the Government's commitment on law and order, the Attorney General announced the intention to reorganise the CPS from 13 geographical Areas to 42 one Area corresponding to each police force outside London, and one for London.

Against this background, the Attorney General commissioned an independent review of the CPS to inform the new local arrangements. The review has been led by Sir Iain Glidewell, a former Lord Justice of Appeal. A copy of Sir Iain's terms of reference is at Annex 1 to this Report.

As an interim measure, on 1 June 1997 the Director of Public Prosecutions (DPP) appointed a named Crown Prosecutor for each of the 42 Areas to liaise on prosecution issues with the Chief Constable of the corresponding police force and, in London, with the Commissioner for the Metropolitan Police and the Commissioner for the City of London Police.

In the meantime, during 1997-98 the CPS continued to operate in 13 geographical Areas headed by a Chief Crown Prosecutor. Areas fulfil their prosecution responsibilities to the local community through a network of 93 local Branch offices. Each Branch is led by a Branch Crown Prosecutor.

Some complex or specialist cases are dealt with in Central Casework, which is based in London and York. CPS national Headquarters staff are also based in London and York.

Each Branch has two or more prosecution teams of Crown Prosecutors and caseworkers. Each team is responsible for a part of the Branch's casework coming from particular police divisions and feeding into particular courts. In this way our structure matches that of the police and the courts at working level.

Branch Crown Prosecutors play a key role in demonstrating our commitment to forming successful partnerships within the criminal justice system. They work closely with their counterparts in the police and courts on a range of initiatives aimed at promoting a more efficient and effective local criminal justice system and improving the standard of service to victims and witnesses. We describe some of these initiatives in the next chapter.

As part of our commitment to strengthen CPS accountability to the wider local community, Branch Crown Prosecutors and other staff give talks to community groups and take part in local activities. Members of Parliament are invited to visit Branches in their constituency to observe what our casework involves.

In May 1997, each Branch published a report setting out its performance and describing major initiatives during 1996-97

Image - CPS Areas

Introduction

Image - Barrow Senior Crown Prosecutor Andrew Dodd is one of the many CPS staff to speak regularly to groups about

the CPS' work.

The reports were well received by local communities and by our criminal justice partners. In March 1998 each Branch published a further report on its performance for the financial year 1997-98. The reports reflect the success of Branches, and the expertise and dedication of Branch staff in carrying out casework. A wider involvement with the local community features strongly in many of the reports. Across the CPS our staff have worked to raise money for local charities; developed links with local educational establishments and community organisations; and participated in Open Days and other local events.

The practical benefits of a national prosecution service, delivered locally, include:

- enhanced accountability to Parliament for our performance. The DPP is superintended by the Attorney General, who is accountable to Parliament. The DPP may also be asked to appear before parliamentary committees to account for particular issues. In November 1997 the DPP appeared before the House of Commons Select Committee on Home Affairs to give evidence to its inquiry into police complaints and discipline procedures. In February 1998 the House of Commons Committee of Public Accounts heard her give evidence on the 'value for money' report on the CPS, published in December 1997 by the Comptroller and Auditor General;
- the development of national standards and their consistent application *The Code for Crown Prosecutors* and *Charging Standards*, for example;
- the involvement of local practitioners in national issues to ensure the 'workability' of new legislation and policies; and
- flexibility in coping with the prosecution implications of exceptional events and circumstances.

Image - *Open days at magistrates' courts and careers conventions give CPS staff the opportunity to tell the public about the CPS' role in the criminal justice system.*

R v Peter Owen and Stuart Royale

The victim was a student at Keele University who died of carbon monoxide poisoning at the house she rented from a local property owner. The central heating boiler fitted in the bathroom was the source of the carbon monoxide. The Health and Safety Executive and the police were involved in the investigation, a report about which was submitted to the local CPS Branch for advice on possible manslaughter allegations against the owner and gas fitter. The Branch advised that a manslaughter charge was appropriate. Eventually, both men pleaded guilty and were sentenced to terms of imprisonment. A letter of commendation from the Health and Safety Executive was received expressing appreciation of the skilful handling of the case by the CPS.

How we make our decisions

The Code for Crown Prosecutors (reproduced at Annex 2) is the authoritative guide to the decision to prosecute. The CPS prosecutes cases when there is sufficient evidence to provide a realistic prospect of conviction and it is in the public interest to do so. Careful judgement is required to achieve consistent, high quality decisions.

There are four main functions in the process:

- advising the police on possible prosecutions;
- reviewing prosecutions started by the police to ensure that the right defendants are prosecuted on the right charges;
- preparing cases for court; and
- advocacy at court.

Extract from letter from the Chief Constable, Dyfed-Powys Police, March 1998:

"In June 1996 a high value burglary occurred at Haverfordwest and at an early stage this crime was linked to a number of other similar crimes in South Wales and Gwent areas. Five persons have recently been convicted of this and other serious burglaries at Swansea Crown Court and the offenders all received custodial sentences.

"My officers have reported to me very favourably upon the co-operation and commitment afforded them by the Crown Prosecution Service. They have highlighted the dedication and invaluable advice and guidance (of the CPS staff who worked on the case)... On behalf of the Dyfed-Powys Police may I congratulate your staff on their commendable work."

Two commendations of our casework are given on this page.

Image - *Careful judgement is required to achieve consistent, high quality decisions.*

Building on Effective Partnerships

Criminal justice is delivered through a number of different agencies, including the police, the courts, the Home Office, the Lord Chancellor's Department and the CPS. The system is complex and fragmented and can succeed only if the agencies work together through effective partnerships with each other.

In May 1997, as part of its Comprehensive Spending Re-view, the Government commissioned a review "to look across the board at the aims and objectives of the criminal justice system and the way it is managed".

The Trials Issues Group

This Group, comprising senior representatives of criminal justice agencies, examines practical ways of improving the efficiency of the criminal justice system and enhancing the quality of service to victims, witnesses and other court users. The implementation of many national and local initiatives is co-ordinated by a network of 42 local groups. Over the past year, new streamlined procedures have been introduced to prosecute road traffic cases, and good practice guidance has been issued to secure the timely services of good quality interpreters.

Image - CPS staff discussing Narey Report proposals.

The CPS played a full role in the Review. The Review submitted its report to Ministers in March 1998, and their conclusions will be set out in a White Paper to be published in July 1998. Overarching aims and objectives for the system have been proposed to ensure for the first time that the system has a clear and coherent strategic direction. Individual agencies will be enabled to work co-operatively together to achieve the objectives of the system as a whole, and will be expected to account for their success in doing so. This will have implications for the way in which agencies work with each other in the future, and for the constitution of the various inter-agency groups which currently work on practical steps to improve the system.

ON REDUCING DELAYS

The CPS has been working closely with the police, courts and others, under the auspices of the Trials Issues Group, to co-ordinate the implementation of key recommendations of the *Review of Delay in the Criminal Justice System* (the Narey Report). This will include the provision by the CPS of weekend and evening 'on call' advice services, and a CPS presence in police administrative support units to work with the police on the speedy preparation of prosecution files and to present straightforward guilty plea cases in the magistrates' courts.

ON WORKING WITH THE POLICE

Effective partnerships with the police are essential to our success. Some examples are set out here.

Case file standards

The police provide the CPS with a case file containing evidence and other information needed to take the right decisions about the case upon receipt. The CPS has reached agreements with the police on the contents of case files and the timescale within which we should receive them.

Image - Working with the police.

As part of the drive to reduce administrative burdens on police forces, the CPS piloted a scheme to shorten abbreviated files and replaced the Record of Taped Interview (which police officers prepare after a tape-recorded interview) with short

descriptive notes. The pilot, which began in November 1995, was evaluated by the Home Office Research and Statistics Directorate in May 1997. As a consequence, the following improvements were introduced to reduce the administrative burden on police:

- a reduction in the number of forms to minimise duplication;
- simplification of the criteria for file submission and structure; and
- adoption of the short descriptive note procedure.

Joint CPS and police training

Following the success of joint training on the disclosure provisions contained in the Criminal Procedure and Investigations Act 1996, the CPS/Police Training Steering Group approved a three tier approach to joint training. This involves continued CPS input into existing police training; joint training on any new legal developments; and the identification of other themes and subjects suitable for joint training. The productive co-operation between the police and CPS on training issues has been strengthened by our representation on the Police Training Council.

Image - Joint CPS and police training.

The Gloucester joint initiative

In early 1997, the Gloucester Police suggested that communications and file handling could be expedited if the CPS had access to the computer system that they were developing. They recognised that the benefits which would accrue from a system capable of handling matters from the moment a crime was reported, or a defendant taken into custody, could not be realised fully without taking into account the processes undertaken by other agencies, notably the CPS.

Local negotiations proved fruitful, and a decision was taken to go ahead. It was agreed that the scheme would be implemented in three phases during 1998-99: first, the introduction of e-mail between the police and the CPS; second, the facility to transfer case files electronically between the police and the CPS; and third, the extension of the e-mail facility to the wider local criminal justice system.

The Durham joint initiative

In County Durham the police, the CPS and the magistrates' courts have worked together to design and install computer systems aimed at speeding up the exchange of information within the local criminal justice system, and thus ensuring that cases are dealt with fairly and expeditiously. The final links into a common database will be in place by October 1998.

In the meantime, we have maintained a CPS presence in Darlington police station and we have agreed with the other agencies in the local criminal justice system an expedited file procedure, whereby defendants intending to plead guilty appear before the court and are dealt with within five days of being charged.

Information flows

We have continued our programme of pilot projects to look at ways of improving information flows between the police, ourselves and other criminal justice agencies. For example, two Branches have helped to develop the use of the electronic case file and the electronic transfer of court results between agencies.

ON WORKING WITH THE COURTS

We work with the courts at both national and local level:

- nationally, on the Criminal Justice Consultative Council, through the Trials Issues Group, the Lord Chancellor's Department and the Court Service; and
- locally, on Area Criminal Justice Liaison Committees, local Trials Issues Groups, court user groups, and through discussion and negotiation between our local managers and court managers.

Examples of local working with the courts

In Sheffield, the agencies involved in the youth court addressed the problem of a small group of persistent young offenders consuming a large share of available resources, disregarding the authority of the court and regularly reoffending while on bail. A fast-track system was developed to deal with these offenders which has reduced the average time taken from first

court appearance (usually the day after arrest) to sentence.

Our South Yorkshire Branch has agreed a strategy with the magistrates' courts to tackle delay in both youth and adult cases which has, over 12 months, reduced the overall time taken to deal with the cases by two weeks.

Image - *Working with the courts.*

Our Basingstoke Branch has been working closely with the magistrates' courts in north Hampshire, particularly with regard to a fast-track scheme for young offenders. This initiative has attracted considerable praise.

CPS Wales has introduced expedited arrangements which ensure that defendants charged with less serious offences are bailed to appear in court in two to four days. More than half of these defendants plead guilty and are dealt with on their first appearance.

ON JOINT PERFORMANCE MANAGEMENT

Joint performance management is a process enabling two or more agencies to work together to improve the performance that each provides to the other. Regular meetings take place between local managers from each of the agencies to discuss aspects of performance and to agree strategies for improvement.

The CPS and the police

Last year we reported that 39 police forces and their associated CPS Branches were taking part in a joint performance management scheme examining three aspects of performance: the timeliness and quality of police files; reasons for discontinuing a prosecution; and reasons for avoidable Crown Court acquittals. By the end of March 1998 all police forces were committed to the scheme, which is beginning to demonstrate the following improvements in performance:

- the latest figures show that the timeliness of files has improved by 13%;
- joint action is being taken to reduce the number of prosecutions that are discontinued because of problems which could be avoided; and
- a better understanding of the reasons for Crown Court acquittals has helped the police and the CPS to identify learning points and provide joint training or guidance in instances where the acquittal was avoidable.

The CPS and the Crown Court

A pilot project, run at six Crown Court centres between October 1997 and March 1998, gathered data on ineffective trials, cracked trials, and cases involving video evidence. Local managers from the CPS and the Court Service explored reasons why hearings did not proceed, and agreed a number of procedural changes to secure improvements in performance.

The benefits emerging from the pilots are being assessed. The scheme will be introduced more widely if the evaluation is favourable.

The CPS and the magistrates' courts

A scheme to improve the service that criminal justice agencies offer to witnesses began in November 1997. Data is being gathered twice yearly at all magistrates' courts and Crown Court centres on the number of witnesses warned to attend court; the number who actually attend; the number who give evidence; and the time that they spend waiting. Local managers from each of the key agencies, including the CPS, are working together to devise ways of improving the notification of hearings to witnesses and reducing unnecessary attendance.

ON SERVICE LEVEL AGREEMENTS

Service level agreements have become an accepted way to improve local criminal justice. These are agreements between two or more criminal justice agencies which define the services that each will provide to the other. They commit the agencies to monitoring their performance. They are sometimes based on national agreements which set out key standards and procedures.

Examples of local service level agreements

The Justices' Chief Executive and the Branch Crown Prosecutor for West Glamorgan have signed a local service level agreement setting out the level of service provided by the CPS to local courts and by the courts' administration to the CPS.

The CPS Suffolk Branch Crown Prosecutor has negotiated a service level agreement with the Justices' Clerks and the police to begin fast-tracking certain categories of case through the magistrates' courts. The scheme began on 1 February 1998 and processing times are being cut dramatically. The experience of operating this agreement has proved valuable in making similar arrangements for persistent young offenders.

Image - CPS Derbyshire Branch local service level agreement.

The Gwent Branch Crown Prosecutor has signed a service level agreement with the Chief Probation Officer concerning the provision of information to the Probation Service. The agreement aims to assist the Probation Service in the preparation of reports for the courts, which will in turn help reduce delays in sentencing offenders.

An Inter-Agency Service Delivery Charter for Nottinghamshire and Derbyshire, which was pioneered last year, has been evaluated. The results paint an encouraging picture, with agencies delivering most of the services to the standards to which they committed themselves. The evaluation also identified areas of difficulty, for example where services had not been delivered, and where agencies need to apply extra effort in order to improve the operation of local criminal justice.

Relations with other prosecuting authorities

The Attorney General launched an important initiative in February 1998 to establish a Prosecutors' Convention to promote closer co-operation between all prosecuting authorities. The Convention will provide a structure for a co-ordinated approach to decision making and promote joint public announcements of prosecution decisions.

Each CPS Area has appointed a Prosecution Co-ordinator who is responsible for providing the initial point of contact. The Prosecution Co-ordinator also provides an identifiable and accountable local line of communication between the CPS and other prosecuting authorities.

Image -An example of the use of video evidence.

An agreement, in the form of a protocol, has been developed between the CPS, the Health and Safety Executive and the Association of Chief Police Officers. The protocol addresses areas of overlap in responsibility where there is a work-related death. It extends the principles of the Prosecutors' Convention by promoting a co-ordinated approach throughout from the investigation stage of an incident to the court hearing. The protocol is available to the public and will feature on the websites of both the CPS and the Health and Safety Executive in 1998-99.

ON VICTIM AND WITNESS CARE

Vulnerable or intimidated witnesses

The CPS treats cases involving vulnerable or intimidated witnesses with particular care. We ensure that such cases are dealt with as quickly as possible, and in a sensitive way. In cases involving child witnesses, we aim to minimise the trauma which a child may experience arising from the alleged incident and the process of giving evidence.

Our commitment to deliver high quality services to victims and witnesses has been a priority throughout the year. In particular, there have been significant developments designed to improve the position of vulnerable witnesses, including children. All the initiatives have been characterised by effective working partnerships with other criminal justice agencies. A number have benefited from wider collaboration.

Following an announcement by the Home Secretary in June 1997, an inter-departmental group, which included the CPS, considered ways of improving access to justice for vulnerable or intimidated witnesses. The views of interested organisations were sought, relevant research was considered and two special criminal justice conferences were held in November and December 1997. A report setting out a range of measures to assist vulnerable or intimidated witnesses was launched by the Home Secretary in June 1998 and is subject to a wide consultation exercise.

Image - The Young Witness Pack.

Young Witness Pack

The NSPCC and Childline gained the support of the CPS and of other government departments to improve the guidance and assistance available to young witnesses. As a result of this initiative, a range of new material has been produced:

- guidance to help young witnesses (aged up to 17) understand the court process; and

- a booklet providing advice on how to familiarise children with the court process and to prepare them to give evidence without prejudicing the rights of the defendant.

Fast-tracking child witness cases

Last year's Report contained details of local initiatives to ensure that cases involving child witnesses progress through the courts as quickly as possible. In January 1998 the Criminal Justice Consultative Council endorsed proposals from the Lord Chancellor's Department, the CPS and the Court Service for a scheme which will provide essential information to allow the development and spread of good practice. A report on child witness cases, which included a series of recommendations for improving the service we offer, was published by the CPS Inspectorate this year.

Image - David Evans, left, and Andrew Illingworth helped set up the CPS Video Transcription Service.

Improving the service to witnesses

In July 1997, following a successful six month pilot in 1996 at Crown Court centres in Lincoln, York and Luton, CPS Branches began supplying the names and addresses of prosecution witnesses to the Crown Court Witness Service under an agreement with Victim Support.

Copies of the document *List of Witnesses to Attend Court*, which is already sent to the police, are now sent simultaneously to local Witness Service co-ordinators.

Child video transcription service

In December 1997 the CPS assumed responsibility for the preparation and cost of full transcripts of videotaped interviews with children. This decision was made after extensive consultation with the police and the senior judiciary, following concerns about the lack of clarity and consistency in the arrangements which previously existed. We now deliver this important service nationally, from our York Headquarters.

Victim's Charter

The Victim's Charter sets out 27 standards of service that victims of crime can expect from criminal justice agencies. The Charter was developed, and is monitored by, an inter-agency group chaired by the Home Office. We are members of that group. There are several standards which impact in some way on the CPS, either because they are our sole responsibility or because we share responsibility for them with another agency. The Charter standards, and levels of performance achieved this year for those standards involving the CPS, are at Annex 3.

Working with Victim Support

We are consulting Victim Support over the development of a training programme for our staff on the proper care and treatment of witnesses. The programme will be launched in 1998-99.

Inter-agency pilot schemes

Last year's Report described two inter-agency pilot schemes the 'One Stop Shop' and the 'Victim Statement Scheme'. The idea of the 'One Stop Shop' scheme is that, when seeking information about a case, the victim need deal with one agency only. If the victim wants to know about the progress of their case, the police provide the information to them. Other agencies provide information to the police to pass on to the victim. In the case of the CPS, this is information about the discontinuance of a case or significant changes to charges. The scheme applies to some serious categories of case.

The Victim Statement Scheme resulted from a Working Group led by the DPP. Its purpose is to enable the victim to provide information about the impact of the crime on them. The agencies then take this into account in their decision making. The scheme applies to some serious categories of case. Inter-agency pilots have been looking at two ways of gathering the information the police taking statements from victims, and victims writing their own statements to the police.

The schemes will be evaluated, and a decision made about their wider implementation, during 1998-99.

ON WORKING WITH THE BAR

The CPS has worked with the Bar to develop a system in which barristers' chambers monitor their own performance against the Service Standard on Returned Briefs which we agreed with the Bar in 1996. Our aim is to work together to reduce the

number of briefs which are returned to us.

Each month, barristers' chambers report on their performance to those of our Branches who have sent them briefs. The reports are then discussed at regular meetings between local CPS managers and chambers to agree ways to improve performance.

ON RACIAL INCIDENTS

In September 1997 we published our first annual report on information gathered through our racial incident monitoring scheme. The report's findings have raised the profile of this type of crime within the criminal justice system and have led to a new agreement between the police and the CPS to ensure better reporting of such incidents by the police.

Tackling racial harassment

In April 1997 CPS London participated in a conference organised by Hounslow Borough Council to address the problem of racial harassment. The Chief Crown Prosecutor of CPS London addressed the multi-agency conference on the CPS review process and on the action taken by CPS London in identifying racially motivated cases and alerting the courts to the need to reflect such motivation in sentencing. He also spoke of the action taken locally in respect of the management of race relations. Work is now going ahead between the local CPS Branch, the council and local criminal justice system agencies to improve the management of racial harassment cases and address the particular concerns such cases can cause for victims and witnesses.

Image - *Law students discuss the CPS' role and its website with the Director of Public Prosecutions.*

During 1997-98 we commissioned a major survey to examine whether and, if so, to what extent ethnic considerations play any part in CPS decisions on young offenders. The survey is being conducted by Dr Bonny Mhlanga of Hull University and will be completed by summer 1998.

ON CITIZEN'S CHARTER ISSUES

In July 1997 we launched our own Internet website to supplement our Public Enquiry Point. This has made us more accessible by enabling members of the public to e-mail enquiries, comments and complaints about our work. The website includes summaries of the *CPS Annual Report* and Corporate and Business Plans, our Welsh language policy, and the text of *The Code for Crown Prosecutors*.

In December 1997 we introduced new complaints handling procedures to improve standards of service and accountability to the public. A Customer Service Unit has been established and the timeliness of our replies to complaints is being monitored. We have produced a leaflet, in English and Welsh, for the public explaining how the new procedures work. Details are also available from our website.

Managing The CPS

THE CPS AIM AND OBJECTIVES FOR 1997-98 WERE:

Aim:

- to provide a high quality prosecution service, working in the interests of justice.

Objectives:

- to deliver high quality, consistent casework decisions;
- to provide timely advice to the police and timely and accurate information to the police and others;
- to work closely with the police and others in the criminal justice system to secure and marshal the information needed for effective casework decisions;
- to explain and promote the role of the CPS in the criminal justice system;
- to identify and pursue issues of common interest with other criminal justice system agencies to improve the efficiency of the criminal justice system as a whole;
- to devolve responsibilities to the lowest appropriate level;
- to improve its management of performance; and
- to equip its staff to meet the CPS' business needs and encourage them to develop their full potential.

Comprehensive Spending Review

In common with other Government Departments the CPS participated in the Comprehensive Spending Review, which began in the summer of 1997. This involved:

- looking again at our aims, objectives and performance measures in the light of the Government's priorities for criminal justice and the overarching aims and objectives which emerged from the cross-cutting Review of the criminal justice system (referred to at the beginning of Chapter 2);
- examining our spending programme; and
- examining the scope for improving value for money through greater use of Private Public Partnerships.

The subsequent report was submitted to Ministers in March 1998. Their conclusions will be set forth in a White Paper, to be published in July 1998.

National Audit Office (NAO) report on the CPS

In December 1997 the NAO published the report of its value for money study of the CPS. The recommendations cover the role of CPS Headquarters and the role of the Chief Crown Prosecutors. The DPP appeared before the House of Commons Committee of Public Accounts on 2 February 1998 to give evidence on the report. The Committee's report was subsequently published on 29 April 1998.

ON THE CPS INSPECTORATE

In 1997-98, the CPS Inspectorate became fully operational. Its purpose is to inspect and evaluate the quality of the decisions and the decision making processes and activities that represent the core business of the CPS. This is an important check on the quality of our work.

Image

During the year, the Inspectorate published reports on 17 Branches. As part of their work programme, the inspection teams considered over 1,300 cases and agreed with the decisions taken in over 96% of them. They also agreed with over 91% of the advice that was given to the police before charge.

In addition to this solid endorsement of the quality of the decisions taken by Branch staff, the following themes have so far emerged from the Inspectorate's work:

- the standard of advocacy is generally good, although the cross-examination skills of the lawyers need to be developed;
- a significant amount of our advice work is not recorded, which means that we are underestimating the amount of pre-charge advice that we are providing to the police;
- a number of cases which are stopped by judges in the Crown Court are nevertheless properly brought. This suggests that there are factors beyond the control of the CPS which cause the cases then to collapse;
- improvements are necessary in the endorsements written in files that record the history of the case

Image - *Chris Newell Chief Inspector.*

Arising out of these inspections, the Chief Inspector made a total of 236 recommendations, covering 76 different areas of our work. Nearly all these recommendations have been accepted, and all the Branches including those still to be inspected are working on raising their standards, where appropriate.

This year, the Inspectorate also published its first thematic review report. This considered in depth, cases involving child witnesses. In a comprehensive study of current practice, the team made 26 helpful recommendations, designed to maintain and improve the service which the CPS provides in these very sensitive, and often difficult, cases.

ON HUMAN RESOURCE ISSUES

Training and development

In March 1998 we established a Training Strategy Group to provide an overview of our training and development plans; set organisational priorities for training and development of our staff to equip them better to do their job; and develop a framework for planning the delivery of the training and development needs of our staff. As part of this, we have committed ourselves to achieving the national standard for good practice for effective training and development of staff ***Investors in People***. A formal commitment, accompanied by a plan of action for achieving the standard, was made to the London East Training and Enterprise Council in March 1998.

Rights of audience

In February 1997 the then Lord Chancellor and the designated judges granted limited higher court rights of audience for employed solicitors. Crown Prosecutors who are solicitors can now qualify to appear in the Crown Court to represent the prosecution in appeals, committals for sentence, Plea and Directions Hearings and other preliminary hearings. They may also appear as junior advocates in other hearings.

A CPS legal trainee was presented with an award for her advocacy skills by the Nottinghamshire Law Students' Society. The award, which is made annually, is open to all trainee solicitors in Nottinghamshire.

Four trainees went through to the final. The trophy was presented by the President of Nottinghamshire Law Society.

Solicitors must receive accreditation from the Law Society before they can act as higher court advocates. An in-house training package has been developed to support Crown Prosecutors to qualify for accreditation. The package comprises a revision pack to prepare candidates for the Law Society's written examination, face-to-face tuition on examination techniques and an assessed practical advocacy course. The advocacy practical component was developed in partnership with Nottingham Law School, whose trainers present the course jointly with specially trained CPS lawyers and also conduct the assessments.

Image - *Advocacy skills award winner Alison Hallett with CPS colleagues.*

All candidates, including those with exemptions from the Law Society examinations, must pass our practical advocacy course before we will allow them to appear in the Crown Court.

During 1997-98 about 100 staff were trained. The programme provides an opportunity for staff to develop their legal competence and to exercise their skills in the higher courts.

Caseworker training scheme

Our caseworker training scheme, a distance learning package combining self study and written assignments, plays an important part in the development of caseworker skills. An improved scheme was launched in December 1997. It has two levels. The first level is essential for most caseworkers and is an integral part of their training. The second level is optional and offers caseworkers an opportunity to acquire higher level caseworker skills. The scheme is validated externally by the Institute of Legal Executives.

Image - *The Ethnic Minority Women's Network Group.*

Lay review and presentation

The Government's proposals to reduce delays in the criminal justice system also involve the use of our caseworkers to review straightforward guilty plea and minor motoring cases and to present these cases in the magistrates' courts. This will provide additional opportunities to develop further the role of our caseworkers and to improve the range and quality of their work. These proposals will be piloted in autumn 1998 and preparations are in hand to determine principles and criteria for this important development.

Image

Equal opportunities

As part of our continuing commitment to equal opportunities, during 1997-98 we have:

- formed a group for women from ethnic minorities to provide a forum to discuss problems, experiences and issues of common concern in relation to personal development. The group provides feedback on how policies, practices and current equal opportunities initiatives are perceived, and their impact on women from ethnic minorities. In the light of the success of this initiative we are considering introducing a similar forum for staff with disabilities;
- introduced training workshops, held quarterly, for our Area Equal Opportunities Officers. The workshops provide an opportunity for the interchange of ideas; and
- introduced a Racial Equality and Human Awareness course. The course is being run by local training officers and the aim is to deliver it to all senior managers, and to all staff in London, by the end of 1998.

A CPS member of staff in our Training Branch was presented with an award for her role in mentoring an ethnic minority law student. The award the Sheffield Hallam University Mentor of the Year Award was presented by Sir Herman Ouseley, Chairman of the Commission for Racial Equality. This was the third year in which the CPS successfully participated in the event.

A Senior Crown Prosecutor from CPS London's Havering/ Redbridge Branch also received a national award for her role in mentoring an ethnic minority law student.

Image - *CPS' childcare scheme.*

Childcare Support

During 1997-98 we developed a revised Childcare Support scheme to provide greater benefits to a wider range of staff with young children. The scheme provides a simple, flexible and cost-effective way of contributing towards the cost of childcare.

ON EFFICIENCY MATTERS

Over the past year the CPS has demonstrated its commitment to improving value for money through greater efficiency in the following ways:

- by continuing work on activity costing and benchmarking of Area performance;
- through the continuing rationalisation of the CPS estate, including reductions in vacant space and high cost buildings;
- by achieving procurement savings through the use of national call-off contracts and their extension to other purchases;
- through better management of staff sickness absence; and
- through prosecution case management plans.

Activity based costing

The activity based costing system produces staff costs for each activity in the prosecution process, from advice, review and case preparation, to presentation at court and conviction or otherwise. It is based on a breakdown of each activity into its constituent parts to measure the staff effort required.

Activity based costing provides an objective assessment to assist local managers in deploying staff more effectively and in coping with fluctuations in work load.

To build on this, we plan to introduce a regular programme of benchmarking to facilitate the development of good and efficient practice.

Case management plans

Case management plans enable us to control the cost of a prosecution by helping to ensure that unnecessary work is not undertaken and that tasks are accomplished within agreed timescales. The CPS has encouraged chambers and its own staff to increase the use of case management plans.

Private Public Partnership

During the year we examined the options for the next generation of information systems (IS) services for the CPS. As a result, and in close collaboration with our partners in the criminal justice system, we have been examining the possibility of procuring future IS services under the Private Public Partnership approach.

Resource accounting and budgeting

The commitment to introduce resource accounting and budgeting into central government was set out in the 1995 White Paper, *Better Accounting for the Taxpayer's Money*. Resource accounting and budgeting will provide our managers with better information to manage their resources. It will also enable the CPS to present a more meaningful statement of our financial affairs to Parliament and the taxpayer.

A new accounting system was introduced in April 1997 to support the implementation of resource accounting and budgeting. Policies and procedures have been developed in consultation with HM Treasury and the National Audit Office, and we are on course to meet the timetable set out in the 1995 White Paper.

Performance In 1997-98

FINANCIAL REPORT

This year

Our gross expenditure in 1997-98 was £320.6 million. The provision in Votes was originally £303.9 million. During the year, our budget for prosecution costs was increased by £12.4 million. The upward trend in court sittings, in the length of cases, in the proportion of indictable cases, and longer and more complex cases, all led to a significant increase in prosecution costs. Our running costs also increased by £4.5 million as the result of an in-year PES transfer from the Home Office to fund the costs to the CPS of recent criminal justice system initiatives.

The total expenditure of £320.6 million comprised running costs and capital expenditure of £225.4 million (£226 million in 1996-97) and prosecution costs (largely counsel's fees and witness expenses) of £95.2 million (£93.5 million in 1996-97). Our running costs include the salaries and other costs of our lawyers and caseworkers, and the costs of lawyer agents in magistrates' courts. Most of our running costs are therefore spent on prosecuting cases.

Next year

The financial provision for 1998-99 is £302.7 million, of which the running costs budget is £217.6 million. The CPS remains committed to improving its efficiency and we will look to increased devolution and the achievement of a better match of staff resources to workload as a way of delivering further savings. As part of the follow up to its Comprehensive Spending Review, the CPS is discussing expenditure plans for 1998-99 and beyond with HM Treasury. One of the key issues, in the light of the Comprehensive Spending Review exercise, is the future handling of prosecution costs, including counsel's fees and cost awards.

PERFORMANCE AGAINST OBJECTIVES AND TARGETS

We conducted a comprehensive review of our corporate performance measures during the year. A revised set of measures and targets was introduced on 1 November 1997.

Image - *An example of a court hearing.*

The performance measures are principally concerned with the quality and timeliness of our casework. While all are important, some are given greater priority. In this chapter we report on key points; the full results are at Annex 4.

This chapter also contains key points from CPS casework statistics; the full figures are at Annex 5.

Corporate performance measures key points

Prosecutors met the quality standard for casework decisions in 97.4% of advice cases and in 92.7% of prosecution cases. They met the quality standard for advocacy in 99.3% of the court hearings which were assessed.

Over the past year 66.3% of briefs were delivered to counsel within agreed timescales and 50.6% of committal papers were sent to the defence within agreed timescales.

Casework statistics key points

Our caseload in the magistrates' courts increased during the year. The number of cases that we dealt with during 1997-98 rose by 6.7%. Our caseload in the Crown Court also increased. The number of cases dealt with rose by 11.8%. Our casework continues to become more serious and complex in nature:

- in the magistrates' courts, indictable and either way cases rose by 6.9%; and
- in the Crown Court, indictable only cases, the most serious of all, rose to 26% from 25.3% last year.
- In the magistrates' courts, the overall conviction rate was 98.1%, compared with 98.0% in 1996-97.
- In the Crown Court, the overall conviction rate was 90.6% compared with 90.8% for 1996-97.

Conclusion

This report has described our achievements this year. We look forward to continuing the transition to 42 Areas and to putting in place the arrangements from Sir Iain Glidewell's review which will accompany it. Together, these provide a genuine and exciting opportunity to consolidate the CPS' place as a key player in the criminal justice system for the 21st century, while also building on the achievements of the past 12 years.

The Review Of The CPS

THE REVIEW OF THE CROWN PROSECUTION SERVICE: TERMS OF REFERENCE

The Terms of Reference for the Review were:

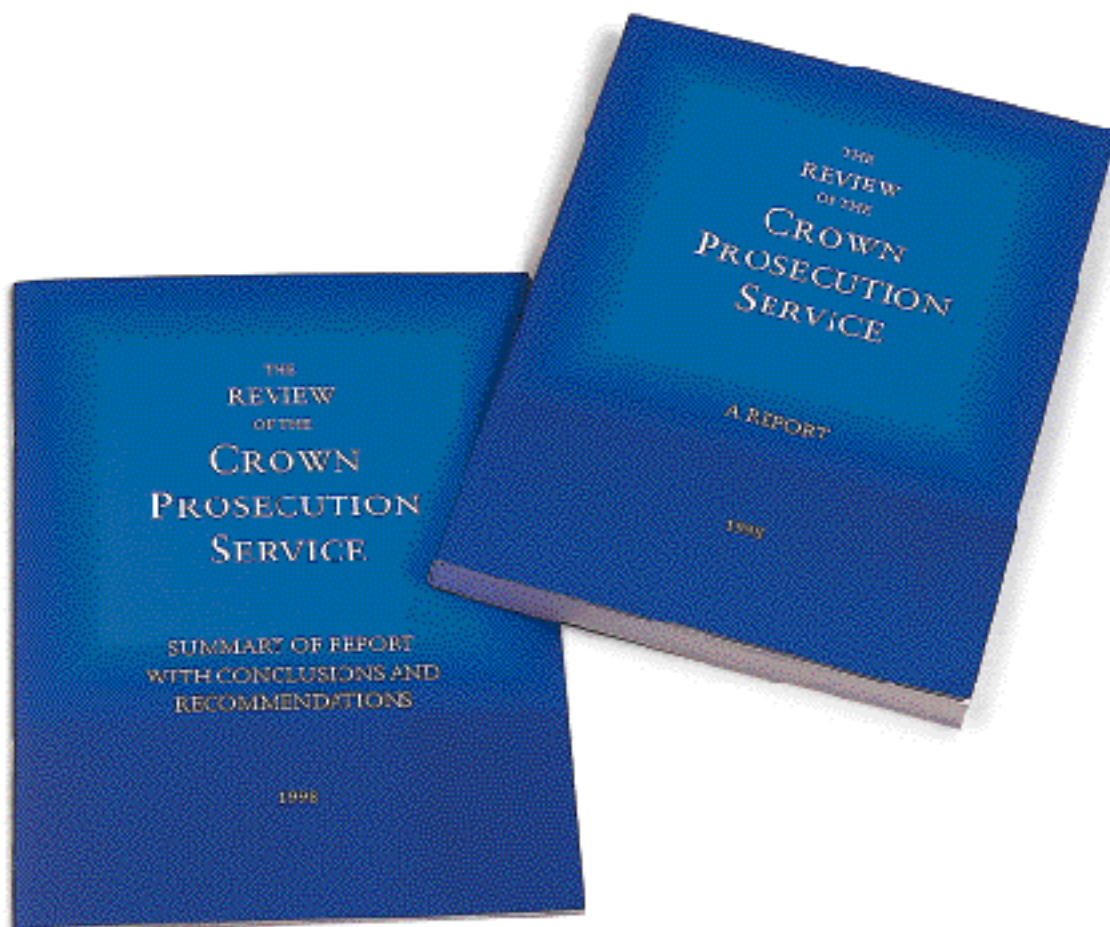
"Against the background of the decision that the CPS should in future be divided so that there are Chief Crown Prosecutors in all police force areas but within a national framework, to:

- Examine the organisation and structure of the CPS including the role of Headquarters, together with CPS policies and procedures and to consider whether and, if so, what changes are necessary in order to provide for the more effective and efficient prosecution of crime through local public prosecutors.

Without prejudice to the generalities of the above, for that purpose, to:

- assess whether the CPS has contributed to the falling number of convictions for recorded crime;
- consider the manner in which the CPS influences its relationship with the police;
- consider the validity of criticisms that the CPS has led to unjustified 'downgradings' of charges; and
- make and cost recommendations taking account of the need to operate within existing provision."

The Report of the Review was presented to Parliament and published on 1 June 1998.



The code for Crown Prosecutors

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 the 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: 0171-273 8117

Facsimile: 0171-273 8351

Victim's Charter Standards

VICTIM'S CHARTER STANDARDS: CPS PERFORMANCE

This is the first year that monitoring of performance against the standards has taken place. Monitoring commenced in November 1997.

STANDARDS

"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, Crown Prosecutor, magistrates and judges will take this information into account when making their decision."

This standard relates to the preceding one which says that 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.

"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 of a correctly completed claim form."

RESULTS

100% of requests for interview granted.

Inter-agency pilot schemes to test how this might be done are currently being evaluated. The quality standard for casework decisions demonstrates, to a limited extent, CPS compliance with this standard see Annex 4, Key Measure 1.

In 1997-98 we dealt with 1.4 million cases in the magistrates' courts and 128,000 cases in the Crown Court 22 complaints were received in relation to this standard.

In 1997-98 we dealt with 1.4 million cases in the magistrates' courts and 128,000 in the Crown Court 18 complaints were received in relation to this standard.

See Annex 4, Key Measure 5.

CORPORATE PERFORMANCE MEASURES

Except where stated otherwise, the following figures show the outcome for the period November 1997 to March 1998.

Key Measure 1

The quality of casework decision making, the quality of casework decisions and the quality of CPS advocacy in the magistrates' courts.

TARGETS

To increase the proportion of advice cases which meet the quality standard for casework decisions.

To increase the proportion of prosecution cases which meet the quality standard for casework decisions.

To increase the proportion of CPS advocacy which meets the national quality standard.

To reduce to 3.5% the proportion of cases dismissed on a submission of no case to answer in magistrates' courts.

To reduce to 9% the proportion of non-jury acquittals and bind overs in the Crown Court.

RESULTS

We met the quality standard for casework decisions in 97.4% of advice cases.

We met the quality standard for casework decisions in 92.7% of prosecution cases.

The national quality standard for advocacy was met in 99.3% of assessments, compared with 98.5% in the year ending March 1997.

During the year ending March 1998 3.7% of contested cases resulted in dismissal no case to answer, compared with 3.9% in the year ending March 1997.

In the year ending March 1998, 11% of completed cases in the Crown Court resulted in non-jury acquittal or bind over. This compared with 10% in the year ending March 1997. However, we were successful in reducing the proportion of judge directed acquittals, which are included among these cases, by identifying earlier, cases which should not proceed and thus saving the cost of a jury trial.

Key Measure 2

The timeliness of discontinuance decisions.

TARGETS

For those cases which have to be discontinued, to increase the proportion of cases discontinued before the second hearing.

RESULTS

We discontinued 27.4% of cases before the second hearing.

Key Measure 3

CPS processing times in respect of advance information, witness warning information and Crown Court case preparation.

TARGETS

To increase to 80% the proportion of advance information sent to the defence within the agreed timescales.

To increase to 90% the proportion of the cases where witness warning information is sent to the police 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

We sent advance information to the defence within 7 days in 77.3% of cases.

We sent witness warning information to the police within the target time in 72.3% of cases.

We delivered the brief within the target time in 66.3% of cases, compared with 61.3% last year.

Key Measure 4

Compliance with Trials Issues Group and other guidelines for advice, review and committal.

TARGETS

To increase to 75% the proportion of cases in which advice is sent to the police within agreed timescales.

To increase to 70% the proportion of cases in which the review of new case papers is carried out within agreed timescales.

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

RESULTS

We sent advice to the police within 14 days in 53.7% of cases, compared with 65.8% last year.

We reviewed new case papers in 7 days in 64.2% of cases, compared with 65.3% last year.

We despatched committal papers within the target time in 50.6% of cases, compared with 51.3% last year.

Key Measure 5

Compliance with Citizen's Charter commitments for: the payment of witness expenses; response time for complaints; and response times for correspondence from Members of Parliament.

TARGETS

To increase to 90% the proportion of prosecution witness expenses sent within 5 days, and to 100% sent not later than 10

working days from receipt of a correctly completed claim form.

To increase to 85% the proportion of complaints replied to within 10 days of receipt.

To increase to 95% the proportion of responses to correspondence from Members of Parliament within 15 days of receipt.

RESULTS

We despatched payment of witness expenses in 5 working days in 68% of cases. In the same period we despatched payment within 10 working days in 93% of cases, compared with 95% last year.

We replied to 86.7% of complaints within 10 days of receipt. Last year's figure, based upon limited information available, was 85.4%.

During the year ending March 1998 we replied in 15 days in 94% of cases, compared with 90.1% last year.

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 13 Areas of the Service, but do not include the specialised casework handled by Central Casework.

Chart 1 - Magistrates' Courts: Caseload

Chart 2 - Magistrates' Courts: Type of Case

Chart 3 - Magistrates' Courts: Completed Cases

Chart 4 - Magistrates' Courts: Case Results

Chart 5 - Crown Court: Caseload

Chart 6 - Crown Court: Case Categories

Chart 7 - Crown Court: Source of Committals for Trial

Chart 8 - Crown Court: Completed Cases

Chart 9 - Crown Court: Case Results

Chart 10 - Crown Court: Acquittals

Agent Usage

The proportion of half day sessions in magistrates' Courts covered by lawyers in private practice during 1997-98 was 11.3%, compared with 7% for 1996-97.

Awards of costs

When a case results in conviction, the court has the power to order the defendant to pay costs to the CPS. We aim to offset the expense of

prosecuting offenders by seeking awards of costs against convicted defendants wherever appropriate. During 1997-98, the magistrates' Courts awarded costs in 55% of all convictions, and the Crown Court awarded costs in 6.4% of convictions.

The total amount received in 1997-98 was £22.5 million.

The Courts also made 327 awards of costs against the CPS, amounting to £0.3 million.

Crown Prosecution Service

***Headquarters, 50 Ludgate Hill,
London. EC4M 7EX.***

Tel: 0171 273 8000

website address

<http://www.cps.gov.uk>

e-mail address for enquiries and comments

enquiries@cps.gov.uk

complaints can be sent to

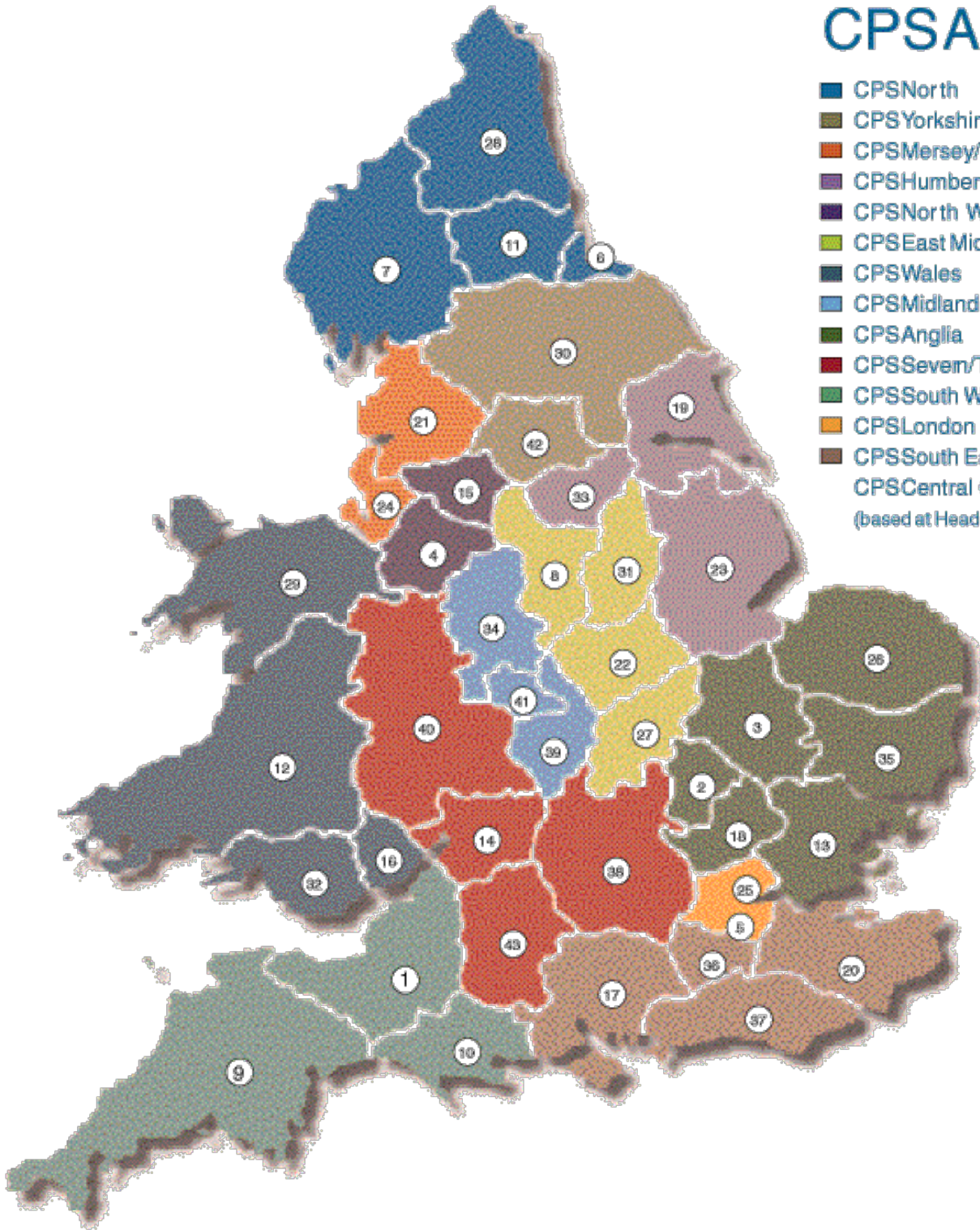
complaints@cps.gov.uk

public enquiry point

Tel: 0171 334 8505

CPS Areas

- CPS North
- CPS Yorkshire
- CPS Mersey/Lancashire
- CPS Humber
- CPS North West
- CPS East Midlands
- CPS Wales
- CPS Midlands
- CPS Anglia
- CPS Severn/Thames
- CPS South West
- CPS London
- CPS South East
- CPS Central Casework
(based at Headquarters in London)



Police Forces in England & Wales

(Forces are identified by their National Reporting Centre Number)

1Avon & Somerset	12Dyfed-Powys	23Lincolnshire	34Staffordshire
2Bedfordshire	13Essex	24Merseyside	35Suffolk

3 Cambridgeshire	14 Gloucestershire	25 Metropolitan	36 Surrey
4 Cheshire	15 Greater Manchester	26 Norfolk	37 Sussex
5 City of London	16 Gwent	27 Northamptonshire	38 Thames Valley
6 Cleveland	17 Hampshire	28 Northumbria	39 Warwickshire
7 Cumbria	18 Hertfordshire	29 North Wales	40 West Mercia
8 Derbyshire	19 Humberside	30 North Yorkshire	41 West Midlands
9 Devon & Cornwall	20 Kent	31 Nottinghamshire	42 West Yorkshire
10 Dorset	21 Lancashire	32 South Wales	43 Wiltshire
11 Durham	22 Leicestershire	33 South Yorkshire	



*Barrow Senior Crown Prosecutor
Andrew Dodd is one of the many CPS
staff to speak regularly to groups
about the CPS' work.*



Open days at magistrates' courts and careers conventions give CPS staff the opportunity to tell the public about the CPS' role in the criminal justice system.





*Careful judgement
is required
to achieve consistent,
high quality decisions.*



CPS staff discussing Narey Report proposals.



Working with the police.



Joint CPS and police training.



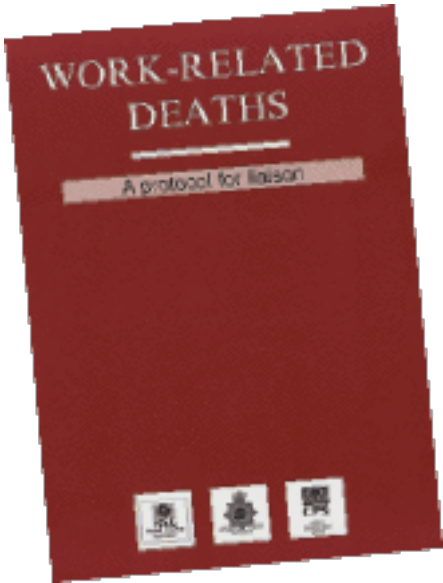
Working with the courts.



CPS Derbyshire Branch local service level agreement.



An example of the use of video evidence.





The Young Witness Pack.



David Evans, left, and Andrew Illingworth helped set up the CPS Video Transcription Service.



*Law students discuss the CPS' role and its website
with the Director of Public Prosecutions.*







Chris Newell Chief Inspector.

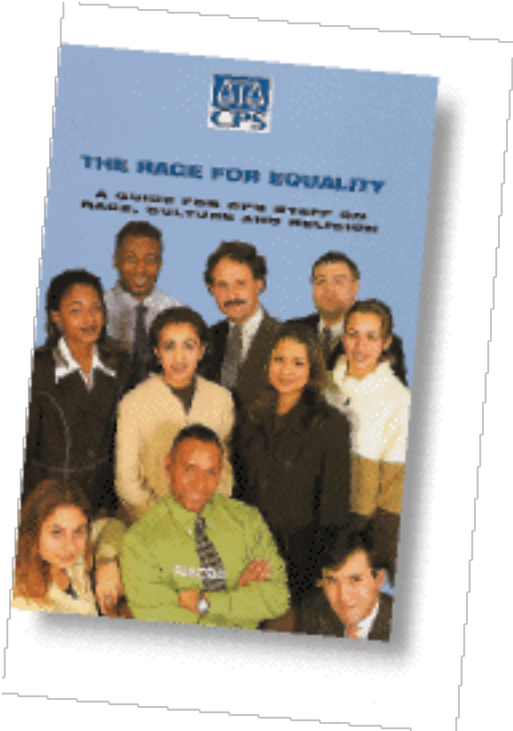




Advocacy skills award winner Alison Hallett with CPS colleagues.



The Ethnic Minority Women's Network Group.





CPS' childcare scheme.





An example of a court hearing.

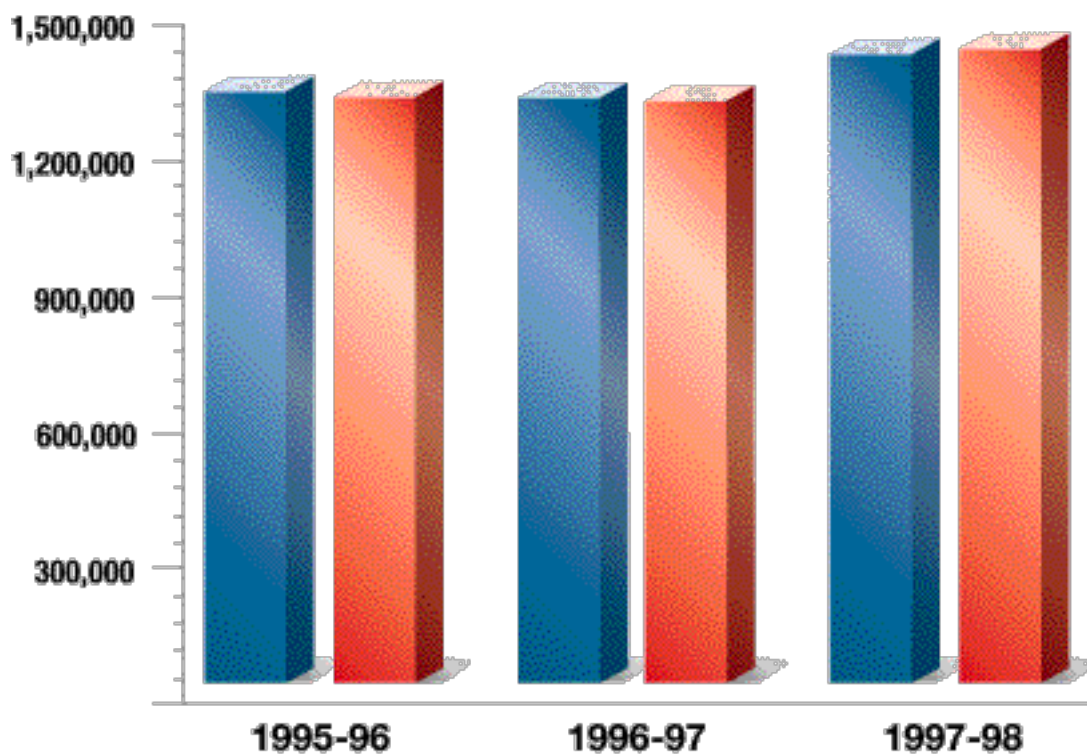
Chart 1

Magistrates' Courts: Caseload

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 CPS** the number of completed cases in 1997-98 and the two preceding years. Both totals include cases in which the CPS advised the police before proceedings began.

Our caseload increased during the last year. The number of cases the police sent to us during 1997-98 rose by 5.3% compared with 1996-97 and the number we dealt with rose by 6.7%.

Several factors may affect the number of cases sent to the CPS, including the number of arrests, the number of offences cleared up by the police, and the number of offenders cautioned by the police. The rise in CPS case numbers over the last year reflects improvements in police clear up rates, and an increase in the proportion of offences leading to a charge or summons.



	1995-96	1996-97	1997-98
Sent by the police	1,354,177	1,344,184	1,415,232
Dealt with by the CPS	1,352,330	1,330,317	1,418,801

Chart 2

Magistrates' Courts: Types of Case

Chart 2 shows the different types of cases dealt with by the CPS 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;

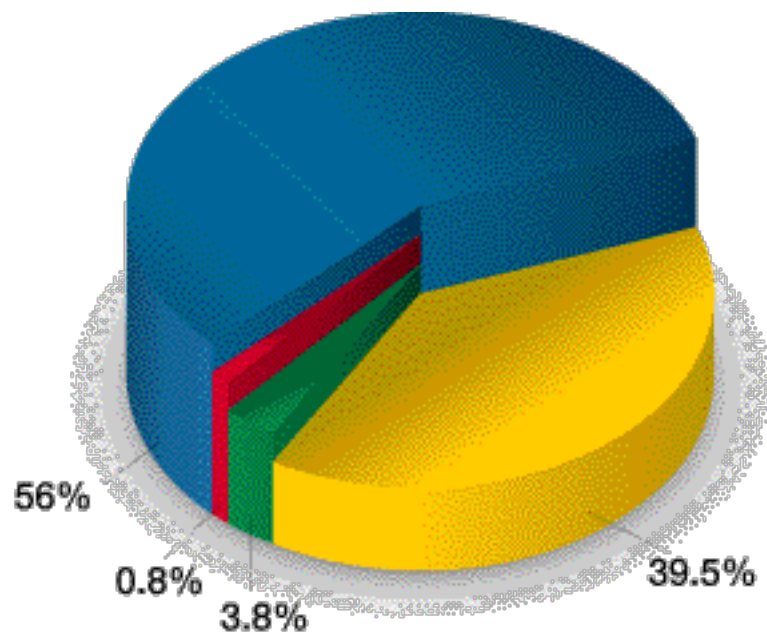
Advice: these are cases in which the CPS advised the police before proceedings began;

Other proceedings: non-criminal matters, such as forfeiture proceedings under the Obscene Publications Acts, and applications in respect of dangerous dogs.

In addition to the increase in the number of cases referred to the CPS, the weight of those cases became heavier in their seriousness and complexity. The number of less serious offences fell during the year:

- stationary motoring cases (such as parking offences) fell by 4.1%;
- other proceedings fell by 11.3%.
- the number of more serious offences referred to the CPS increased:
- moving motoring offences (such as speeding and drink driving) rose by 11.3%;
- non-motoring summary offences, including common assault, rose by 8.2%;
- indictable and either way cases, the most serious of all, rose by 6.9%.

The number of cases in which the CPS advised the police before a prosecution began increased by 17.7% during the year. It is believed that this increase was contributed to by pilot schemes in which prosecutors attended police stations to provide face to face advice before a defendant was charged.



	1995-96	%	1996-97	%	1997-98	%
Summary	769,023	56.9	748,651	56.3	794,441	56
Indictable/either way	507,169	37.5	523,643	39.4	559,749	39.5
Advice	53,433	4	45,216	3.4	53,233	3.8
Other proceedings	22,705	1.7	12,808	1	11,362	0.8
TOTAL	1,352,330		1,330,317		1,418,785	

Chart 3

Magistrates' Courts: Completed Cases

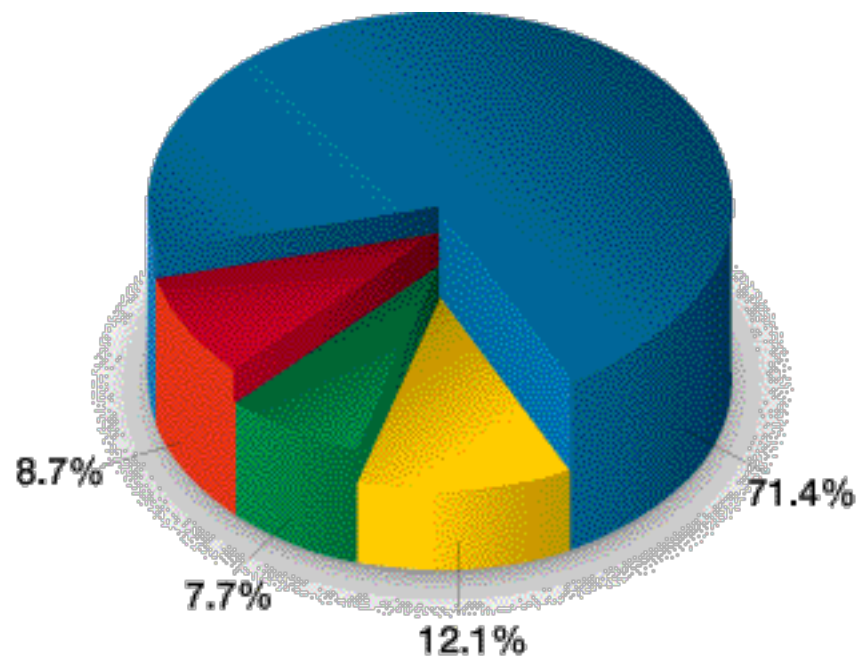
Chart 3 shows the breakdown of cases completed during the year. Cases may proceed in a number of ways, depending on the circumstances and on the decisions which the CPS has to make in response:

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 CPS 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.



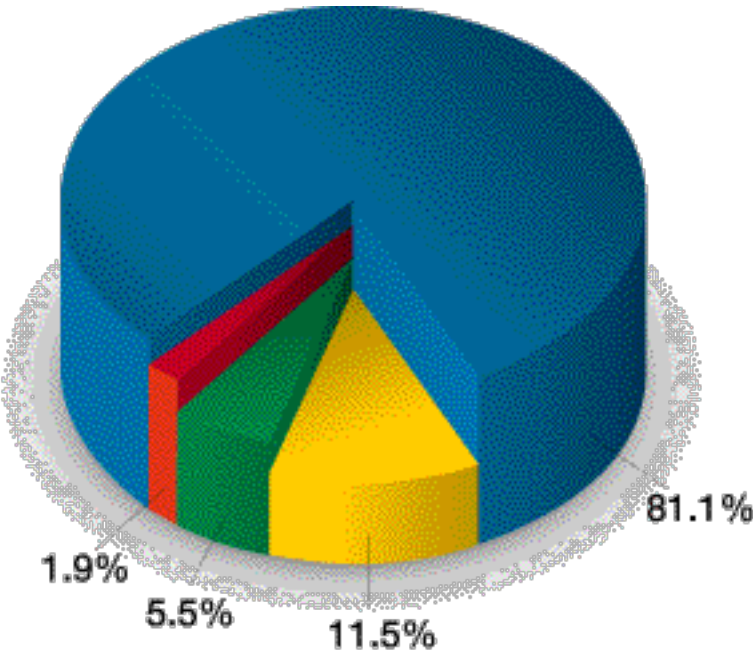
	1995-96	%	1996-97	%	1997-98	%
Hearings	899,594	70.5	897,596	70.5	967,539	71.4
Discontinuances	152,729	12	154,391	12.1	164,438	12.1
Committals	91,255	7.2	98,661	7.8	104,784	7.7
Other disposals	132,648	10.4	121,647	9.6	117,447	8.7
TOTAL	1,276,226		1,272,295		1,354,208	

Chart 4

Magistrates' Courts: Case Results

Chart 4 shows the outcome of the 71.4% of cases which proceeded to a hearing, divided into guilty pleas, cases proved in the absence of the defendant, convictions after trial and dismissals.

98.1% of hearings resulted in a conviction, compared with 97.9% in 1995-96 and 98% in 1996-97. In cases resulting in conviction, the proportion in which the defendant pleaded guilty was 82.7%, almost unchanged compared with the previous year.



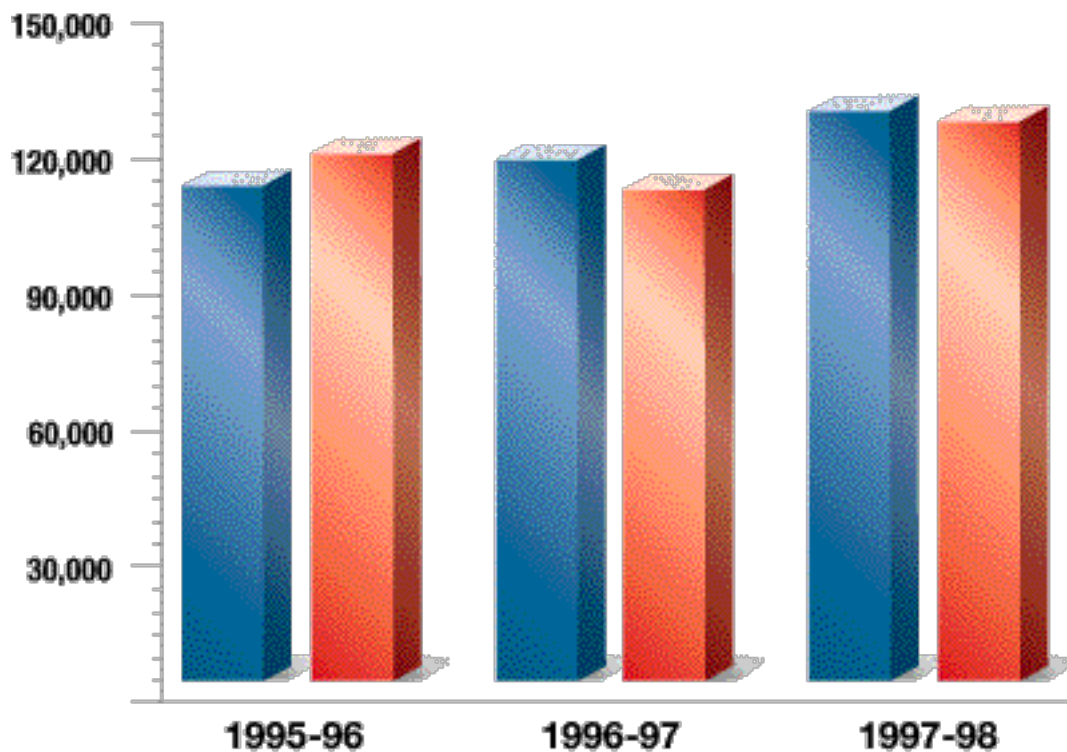
	1995-96	%	1996-97	%	1997-98	%
Guilty	731,314	80.8	734,229	81.4	788,364	81.1
Proofs in absence	93,831	10.4	97,145	10.8	111,687	11.5
Convictions after trial	61,417	6.8	53,393	5.9	53,702	5.5
Dismissals	18,637	2.1	17,769	2	18,407	1.9
TOTAL	905,199		902,536		972,160	

Chart 5

Crown Court: Caseload

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 1997-98 rose by 8% compared with the previous year, while cases dealt with rose by 11.8%. The increase in the number of defendants sent for trial by the magistrates may reflect a growth in more serious cases.



	1995-96	1996-97	1997-98
Received	114,992	120,716	130,328
Dealt with by the CPS	121,252	114,540	128,064

Chart 6

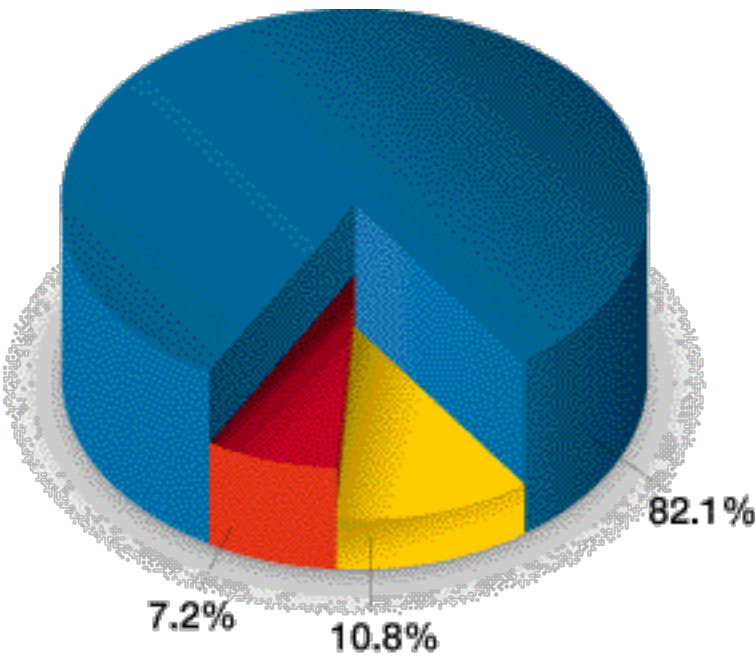
Crown Court: Case Categories

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.



	1995-96	%	1996-97	%	1997-98	%
Committed for trial	97,009	80	94,370	82.4	105,063	82.1
Appeals	19,771	16.3	14,606	12.8	13,810	10.8
Committed for sentence	4,463	3.7	5,563	4.9	9,171	7.2
TOTAL	121,243		114,539		128,044	

Chart 7

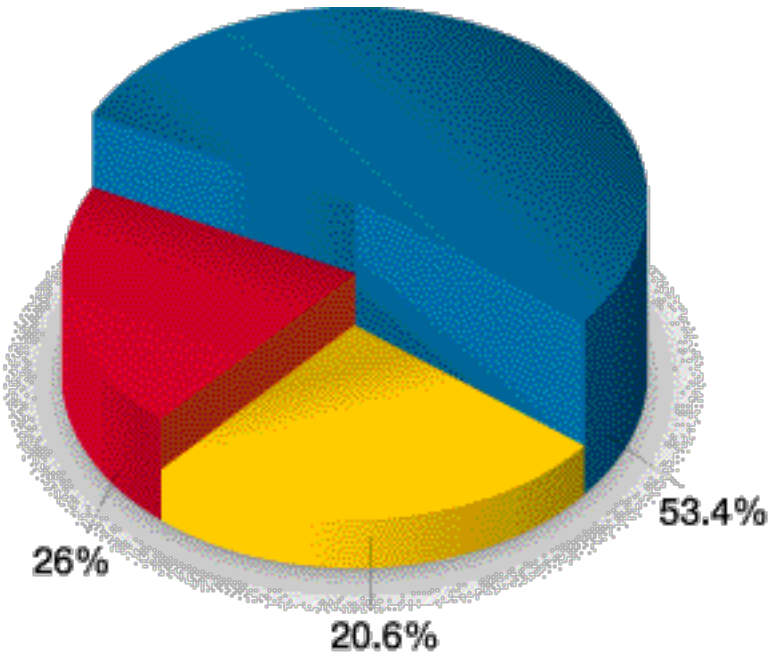
Crown Court:Source of Committals for Trial

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 1997-98, these rose to 26% of the total compared with 18.2% in 1991-92.



	1995-96	%	1996-97	%	1997-98	%
Magistrates' direction	50,158	51.7	49,026	52	56,069	53.4
Defendants' elections	24,768	25.5	21,472	22.8	21,653	20.6
Indictable only	22,083	22.8	23,872	25.3	27,341	26
TOTAL	97,009		94,370		105,063	

Chart 8

Crown Court: Completed Cases

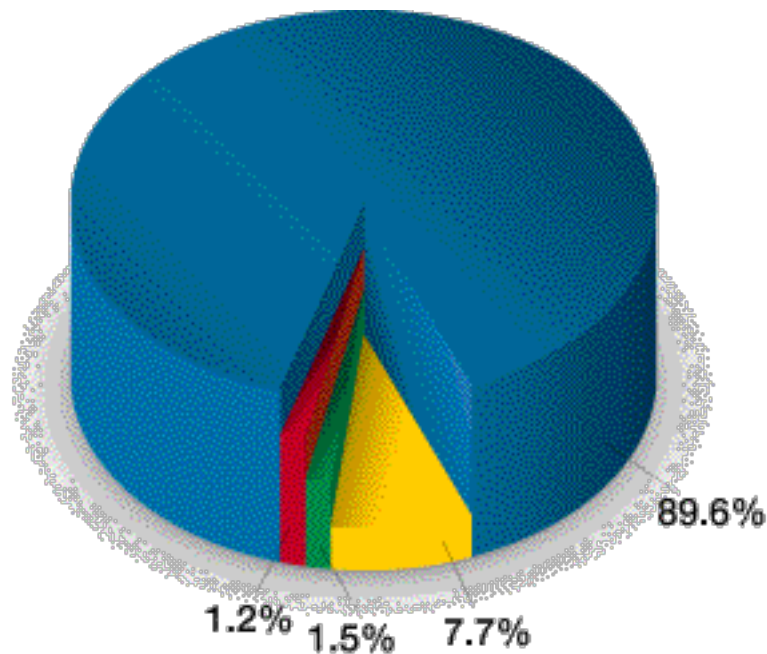
Cases committed for trial in the Crown Court can be completed in several ways:

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 CPS 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.

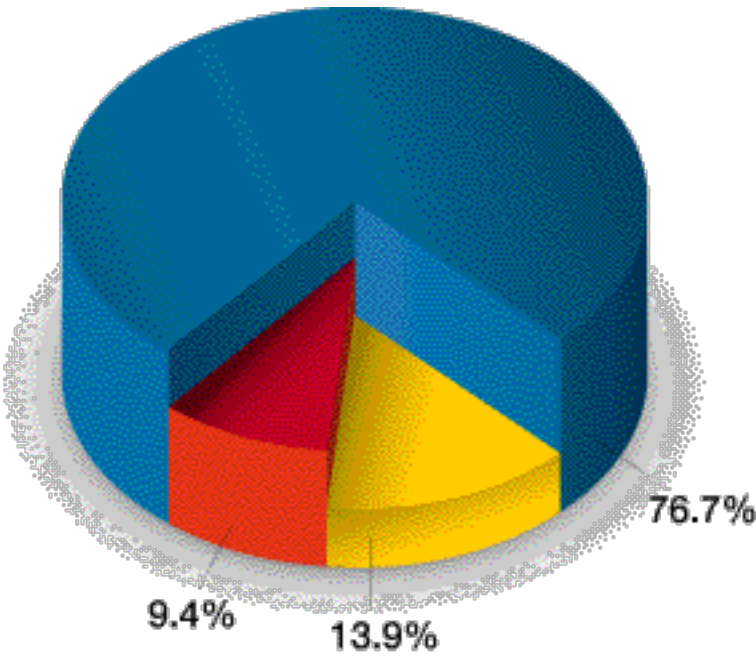


	1995-96	%	1996-97	%	1997-98	%
Trials (inc. guilty pleas)	85,616	88.2	84,948	90	94,180	89.6
Not proceeded with	7,882	8.1	6,626	7	8,130	7.7
Bind overs	1,461	1.5	1,130	1.2	1,541	1.5
Other disposals	2,059	2.1	1,667	1.8	1,232	1.2
TOTAL	97,018		94,371		105,083	

Chart 9

Crown Court: Case Results

Chart 9 shows the outcome of the 89.6% of cases which proceeded to trial. These are divided into guilty pleas, convictions after full trial, and acquittals. 90.6% of cases resulted in conviction, compared with 90.8% in 1996-97. In cases where defendants were convicted, the proportion pleading guilty fell from 88.2% in 1991-92 to 84.6% in 1997-98. The proportion of convictions in contested hearings following a plea of not guilty has risen over the same period from 54.6% to 59.8%.

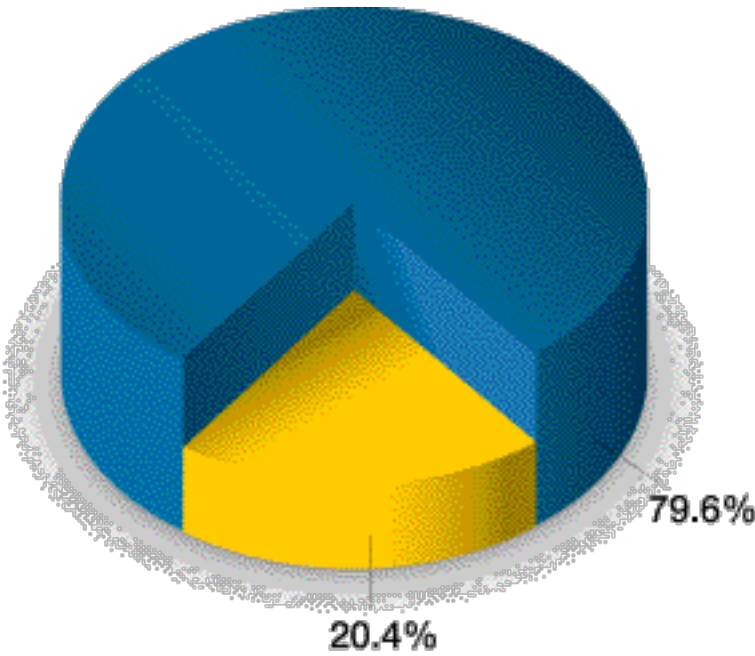


	1995-96	%	1996-97	%	1997-98	%
Guilty pleas	66,967	76.3	66,938	77	73,860	76.7
Convictions after trial	12,358	14.1	11,982	13.8	13,413	13.9
Acquittals	8,399	9.6	8,012	9.2	9,012	9.4
TOTAL	87,724		86,932		96,285	

Chart 10

Crown Court: Acquittals

9.4% of defendants were acquitted in Crown Court trials. 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 1,842 (8.2%) in 1997-98.



	1995-96	%	1996-97	%	1997-98	%
Acquittals after trial	6,451	76.8	6,364	79.4	7,170	79.6
Judge directed acquittals	1,948	23.2	1,648	20.6	1,842	20.4
TOTAL	8,399		8,012		9,012	

