



**CROWN PROSECUTION SERVICE**

## **Annual Report**

for the period April 1998 - March 1999

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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## CROWN PROSECUTION SERVICE

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## *Letter to the Attorney General*

I am pleased to report to you on our performance and activities in the year to 31 March 1999. The last 12 months have seen the start of a major reorganization of the Crown Prosecution Service, sparked by the Government's decision to devolve and decentralize the Service and to push our core business of prosecution further to the forefront of our work.

My predecessor, Dame Barbara Mills, QC, left on 31 October 1998 and this Report should acknowledge and admire the devotion to duty and courage she displayed over nearly 7 years. In addition to Dame Barbara, the Service has also lost a great fund of experience at the top of the organization which will be hard to replace. We owe all those who have left us an enormous debt of gratitude for their years of public service, not least because of their continuing loyalty in helping to plan the implementation of reforms which would take effect after their departure.

I would also like to pay a special tribute to the staff in the Service for their dedication, professionalism and sheer hard work during this time of unprecedented change. Without them we would not have met the formidable challenge presented by the logistics of moving to 42 Areas in April 1999; in taking forward the Glidewell reforms; and, at the same time, playing a full part in developing new ways of working for the criminal justice system.

The Glidewell reforms and those announced by Government started in June 1998 with the appointment of Mark Addison, as Chief Executive. Following my appointment, on 1 November 1998, Directors of Policy and Casework were chosen. Appointments were also made to the posts of Director, Finance, and Director, Business and Information Systems. We embarked on the process of selecting 42 Chief Crown Prosecutors, 3 Assistant Chief Crown Prosecutors and 42 Area Business Managers. This was an extensive process - selection of the Chief Crown Prosecutors was the largest ever recruitment exercise carried out by the Civil Service Commission. The calibre of candidates was high. This enabled us to select the right people with the key attributes for a new Service as envisaged by the Glidewell review, and with the ability to play the major role in seeing through the other changes we face as we move into the 21st century.

In this context, may I say that the new Chief Crown Prosecutors, Assistant Chief Crown Prosecutors and Area Business Managers were heartened by the advice to "walk tall" in their local communities you gave to them in your keynote address to the conference to launch the Service's new 42 Area structure, held on 12 April 1999. Everyone agreed the conference was a great success. Afterwards, Sir Iain Glidewell wrote to me and he has given permission to quote the following from his letter "everyone I spoke to gave me the sense that people are enthusiastic about the appointments and optimistic about the future... Much of this is the result of the skill and sensitivity with which you and Mark have handled the events of the past nine months. Obviously you have not solved every problem, but you are well on the way to ensuring that most of them are solvable."

There is much still to do, in taking forward the Glidewell review proposals; ensuring that the new structure works; working with our criminal justice partners to meet the Government's priorities on law and order, not least for youth justice; and, maintaining and improving the quality of our casework. But, it is on a positive note that I commend to you this, my first report as Head of the Crown Prosecution Service.



David Calvert-Smith

David Calvert-Smith, QC  
*Director of Public Prosecutions*

# Chapter 1

## *Introduction to The Crown Prosecution Service*

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

*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 work closely with the police, the courts and other agencies throughout the criminal justice system. In 1998-99 we dealt with more than 1.4 million cases in the magistrates' courts and around 125,000 cases in the Crown Court.*

The Code for Crown Prosecutors (reproduced at Annex 1) is the authoritative guide to the decision to prosecute. The Service prosecutes cases when there is sufficient evidence to provide a realistic prospect of conviction, and it is in the public interest to do so. Our role is to prosecute cases firmly, fairly and effectively, paying particular attention to the prosecutor's duties with regard to the disclosure of information to the defence. Careful judgment is required to achieve consistent, high quality decisions throughout the progress of a prosecution. Four main functions are involved:

- advising the police on possible prosecutions
- reviewing prosecutions started by the police to ensure the right defendants are prosecuted on the right charges
- preparing cases for court
- presenting cases at court

Examples of the range of our casework are given throughout this report.

The Head of the Crown Prosecution Service is the Director of Public Prosecutions. David Calvert-Smith was appointed Director of Public Prosecutions with effect from 1 November 1998. A new post of Chief Executive was created in June 1998 to allow the Director to concentrate largely on the prosecution and legal process. Mark Addison was appointed as Chief Executive in June 1998. The Director is superintended by the Attorney General who is accountable to Parliament for the Service. The Crown Prosecution Service is organised into geographical Areas each headed by a Chief Crown Prosecutor with a direct line of accountability to the Director of Public Prosecutions.

## **R V DALLAGHER**

This has been a momentous year for the Crown Prosecution Service as we embarked on a substantial change programme to take forward:

- the Government's decision that we would reorganise our prosecution work from 13 geographical Areas to 42 - one Area corresponding to each police force outside London, and one for London
- the recommendations of the independent review of the Service led by Sir Iain Glidewell (the report, "The Review of the Crown Prosecution Service", Cm 39960 was published in June 1998)
- the proposals in the Comprehensive Spending Review White Paper, published in July 1998, and those of the Public Service Agreement White Paper published in December 1998, with their far reaching implications for how the criminal justice system operates
- our key part in on-going criminal justice system initiatives, including preparation for the introduction of new legislation.

In his letter to the Attorney General introducing this, his first annual report, the Director pays tribute to staff. Throughout the year they have unstintingly given of their best to ensure that the adverse effect on the performance of the Service was kept to a minimum during this time of additional pressures and great upheaval.



*Launching the new 42 Crown Prosecution Service Areas*

## Chapter 2

### *The Criminal Justice System - A New Way of Working*

The Comprehensive Spending Review White Paper, published in July 1998, set out expenditure plans for the next three years together with performance measures and targets that departments would achieve with the public money they were given. The targets gave effect to the Government's manifesto commitments. Following the Comprehensive Spending Review, the Government decided to capture the main points of the three year expenditure deals and delivery of targets in the form of Public Service Agreements (contracts between departments and the taxpayer). The Public Service Agreement White Paper was published in December 1998. Section five of this report summarises the outcome for the Crown Prosecution Service which was included in the Public Service Agreement for the Law Officers' Departments. There was a separate Public Service Agreement for the criminal justice system as a whole to which we were party.

These developments provide a new agenda for the criminal justice system, which we welcomed. It will benefit the Service given the position it occupies between the police and the courts. For the first time, the criminal justice system has clear strategic direction to work more closely together to protect the public and deliver justice: a joined-up criminal justice system. This does not prejudice the professional independence of Crown Prosecutors in the decisions they take on individual cases, nor the decisions taken by other agencies in carrying out their professional duties.

#### **GREEK EMBASSY OCCUPATION**

**Following the arrest of 79 people who had occupied the Greek embassy between 16 and 18 February 1999, a team of prosecutors from Casework Directorate was formed very quickly to decide how best to deal with such a large number of defendants. It was agreed that they should all appear at court that day, if possible. With the invaluable co-operation of Horseferry Road magistrates' court, four courts were made available from 6.00pm onwards. The courts sat from 6.30pm until 12.04 am the following morning.**

The Government set two overarching aims with supporting objectives and performance targets. The aims are:

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

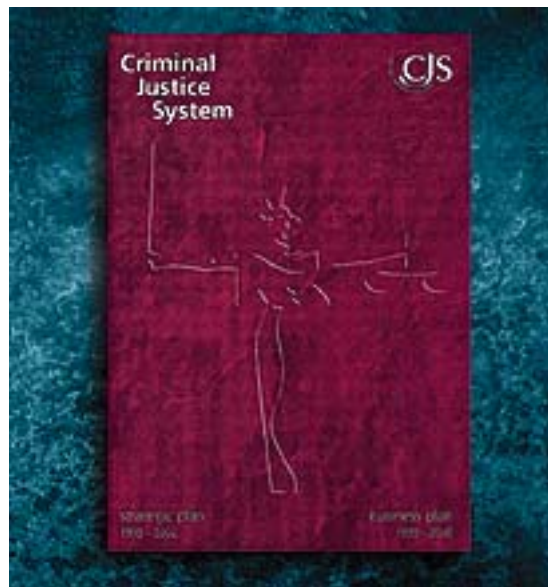
The key performance targets, shared with the Home Office and the Lord Chancellor's Department are to:

- halve the time from arrest to sentence for persistent young offenders from 142 days to 71 days by 31 March 2002
- reduce the time taken from arrest to sentence or other disposal for all offenders
- improve the satisfaction level of victims, witnesses and jurors with their treatment in the criminal justice system.

*The Attorney General has made delivery of the youth justice pledge a priority for the Service.*

New joint planning arrangements were established during the year to ensure that a joined up criminal justice system becomes a reality. A Ministerial Group chaired by the Home Secretary and including the Lord Chancellor, the Attorney General, and the Chief Secretary to the Treasury steer the programme. The Ministerial Group is supported by a criminal justice Strategic Planning Group of senior officials - Mark Addison, Chief Executive, is a member of the group. A new Criminal Justice Joint Planning Unit has been set up, staffed jointly by the Home Office, Lord Chancellor's Department, the Crown Prosecution Service, and the Treasury. Together with colleagues in the Home Office and Lord Chancellor's Department we have worked closely with the Joint Planning Unit to take forward Comprehensive Spending Review/Public Service Agreement proposals for the criminal justice system.

A combined Criminal Justice System Strategic Plan for 1999-2002 and Business Plan for 1999-2000 was launched jointly by the Home Secretary, the Lord Chancellor, and the Attorney General on 30 March 1999.



During the year we also played an active role in a number of inter-departmental working groups aimed at ensuring that the departments and their agencies and services which make up the criminal justice system made progress towards meeting the overarching aims and objectives. Both Area and Headquarters staff were involved. Issues covered included developing further shared performance targets on timeliness, victim and witness satisfaction, and efficiency; reviewing arrangements for local criminal justice committees; and looking at factors which might explain the difference between recorded crime and the number of defendants convicted.

An important feature of the new way of working is the delivery of a joined up criminal justice system at the local level. We have played a leading role in and have, ourselves, initiated a number of steps to improve performance of the system through local inter-agency partnerships which provide a basis for the new approach, for example:

- joint performance management arrangements with the police and the courts
- local service level agreements on the standards of witness care
- comprehensive inter-agency service level agreements which set out performance standards for different parts of the system such as the one which operates in Nottinghamshire/Derbyshire.

We were involved in setting up the initiative to achieve joined up information technology systems for case handling in the criminal justice system - IBIS (Integrating Business Systems and Information Systems). IBIS is developing a medium term strategy to ensure that information systems used in each organisation can exchange information, and that the working practices of each organisation are designed to make best use of information so that the individual parts of the criminal justice system can work together to achieve their objectives. The project is managed by a Board of senior officials from the Home Office, the Lord Chancellor's Department, ourselves, and the Police Information Technology Organisation. The IBIS Board is part of the new joint planning arrangements. It reports to the Ministerial Group.

**We are much encouraged by these developments - effective criminal justice system partnerships has been a top priority for us for a number of years.**



## Chapter 3

### *Preparing for the New Start in April 1999*

Preparing for the new start in April 1999 - developing a framework for considering the recommendations of Sir Iain Glidewell's review (the Glidewell review), and the logistics of moving to 42 Areas - was a formidable challenge. It was one which we met. A conference to launch the Service's new 42 Area structure was held on 12 April 1999. The Attorney General gave a keynote address on the new start and the major role the Chief Crown Prosecutors and Area Business Managers had to play.



*Chief Crown Prosecutors*

The Glidewell review said that there were three key respects in which the Crown Prosecution Service needed to change. Firstly, it needed to give greater priority to the more serious cases. Secondly, it must have a new organisation structure and style of management. Thirdly, it needed to establish firmly its proper role in the criminal justice process.

Recommendations made by the Glidewell review which affected the responsibilities of other Government departments and agencies were considered in partnership with them through joint working groups under the auspices of the Strategic Planning Group. This was the first time the new planning arrangements were used to address such a major report.

We set up a Glidewell Implementation Steering Group to oversee the implementation programme. The Steering Group was chaired by Mark Addison, the Chief Executive, who commissioned a number of internal groups to consider the implications of particular recommendations involving only the Crown Prosecution Service.



*Area Business Managers*

An implementation programme was developed and agreed with Ministers. It has five objectives:

- the re-organisation should be taken as an opportunity for a new start for the Crown Prosecution Service, building on the achievements of the past 12 years;
- the development of a form of Crown Prosecution Service management at both national and local levels which reflects the new structure and the demands of a decentralised national service;
- Crown Prosecution Service priorities should be re-ordered to focus more on the core business of prosecuting, placing greater emphasis on the more serious cases and providing greater separation of management from legal work, greater autonomy for the Areas and better prospects for staff;
- the agencies which make up the criminal justice system should have shared and mutually reinforcing objectives, and should co-operate together to achieve better results across the system as a whole, in accordance with the Government's decisions on the outcome of the cross-cutting spending review of the criminal justice system;

- decisions on the Glidewell recommendations should be reached as soon as possible and implementation of those decisions should be rapid and purposeful taking account of the need for phasing to provide a smooth transition and to contain costs.

In June 1999 the Attorney General gave the final Government response to the 75 recommendations made by the Glidewell review. In his final response (which took the form of an answer to a written Parliamentary Question), the Attorney General said:

*"I believe the Glidewell reforms have laid a sure foundation for a better Crown Prosecution Service and a better criminal justice system working for the benefit of the community. The CPS has embarked on its new start; by taking forward Sir Iain Glidewell's recommendations it is well on the road to fulfilling what Sir Iain Glidewell described as its potential to become a lively, successful and esteemed part of the criminal justice system."*

Sixty-four of the recommendations have been accepted, accepted in part or in principle, or implemented. Only two of the recommendations have been rejected, though even here the concerns that prompted the recommendations are being addressed in other ways. The remaining recommendations are either noted or considered. Work continues to take the accepted recommendations forward.

### **Achievements during 1998-99**

The Government has accepted proposals from the inter-agency working group, chaired jointly by a Chief Crown Prosecutor and a Chief Constable, which looked at the Glidewell review recommendations concerning closer co-operation between the Service and the police, file preparation, case management, and witness warning. The Government has decided that the police should retain responsibility for file preparation and witness warning. A national model for joint administration of criminal justice units, which incorporates the principles of flexibility and partnership has been accepted. We will be taking forward implementation of these arrangements in partnership with other agencies.

### **WAR CRIMES PROSECUTION**

**The prosecution of Anthony Sawoniuk at the Central Criminal Court for war crimes committed over half a century ago and in a distant country broke new ground for the Service. The first successful prosecution under the War Crimes Act 1991, the defendant was found guilty of massacring Jews in Nazi occupied Belarus. However, before Sawoniuk could be brought to justice, a Memorandum of Understanding between Russia, Belarus and Ukraine had to be negotiated to allow the police to conduct inquiries in those countries. Frail and elderly witnesses, most of whom spoke no English and had not travelled beyond their local towns, were escorted to London to give evidence. Caseworkers took on the special role of looking after the witnesses during their stay in London. Uniquely, the case was adjourned for the jury to visit the scene of the events in Belarus - the first time an English jury in a criminal case had travelled abroad.**

The group that considered Trial Units has developed a flexible framework, capable of adaptation according to local needs and circumstances. The Trial Units will provide a means by which our lawyers can focus on the most serious cases and through which our Higher Court Advocates will be able to exercise their rights of audience.

The proposals of the group that considered serious casework involve a unified structure - "National Casework" - to deal with casework which is not dealt with by Areas. "National Casework" means a single casework structure as part of Headquarters based in London, with two or more offices elsewhere.

We have been working with the Lord Chancellor's Department on the Glidewell review recommendation that the Crown Prosecution Service should play a greater part in the listing of cases in both the magistrates' courts and the Crown Court. These recommendations have been accepted. Improved case preparation by the Crown Prosecution Service and inter-agency moves towards better case management should lead to more effective listing practices which will ensure that cases are prepared and listed for trial more quickly. Work is underway on the preparation of national protocols to guide local arrangements in this respect.

The Glidewell review commented favourably upon the work of the Crown Prosecution Service Inspectorate. It did, however, make recommendations for introducing more independence into the Inspectorate, which it also recommended should have a

wider remit. The Government has subsequently decided that the Inspectorate should be placed on an independent statutory footing as soon as the legislative timetable permits. The appointment of a new Chief Inspector (Stephen Wooler) to oversee and take forward these changes was announced in December 1998 and took effect on 22 March 1999. Chris Newell was the Chief Inspector until December 1998.



We have drawn up a Management Framework Document for the Service through which Chief Crown Prosecutors have greater freedoms to decide how their objectives and priorities should be met. The relationship between Headquarters and Areas, and the accountabilities and responsibilities of both, is described in the document. For Headquarters, it focuses on the role of setting policy, advising, supporting and guiding Areas, maintaining a central monitoring role which aims to know more and control less, as envisaged by the Glidewell review.

We were very pleased with the quality and calibre of the successful candidates in the in-house competition we ran for the 42 Area Business Manager posts. A very useful induction conference was held for them in February 1999. More detailed training was provided by Headquarters in March and April.

During the latter part of the year an open competition was held to appoint 42 Chief Crown Prosecutors for the new Areas, and three Assistant Chief Crown Prosecutors for London. There were 209 applications, of whom 61 were from people outside the Service. Eighty-eight candidates were short-listed for interview. Again, it was heartening to have the quality and calibre of our lawyers confirmed.

New Directors were appointed through competition, to support the Director and Chief Executive and to take forward the changing role of Headquarters. Chris Newell was appointed Director, Casework; Garry Patten, Director, Policy; John Graham, Director, Finance; and Lonny Carey, Director, Business and Information Systems. An open competition for the Director, Personnel has started.

The Director, Chief Executive, the Headquarters Directors, and every Chief Crown Prosecutor and Area Business Manager have committed themselves to putting into effect statements which were developed during the year on vision and values. The vision represents the sort of organisation we want to become, one which values its people, performs to a high standard, inspires pride, works in partnership, and is professional. Our values - the sort of attitudes and behaviour we want to encourage - include being open and honest, working together in partnership, being committed one hundred per cent to personal and professional integrity, and taking independent decisions.

An important part of the implementation programme has been the development of "sounding boards" to improve communication and consultation throughout the Service. Area sounding boards link into the Chief Executive's Sounding Board, providing regular fora for communication and consultation.



*London Area Sounding Board (1998-99)*

Involving people at all levels in the new sounding board arrangements has been complementary to the arrangements for consulting and negotiating with the recognised trades unions. The Service has signed a partnership agreement with the First Division Association (FDA). Under the agreement we recognise the right of the FDA to be consulted on and to voice the concerns of its members - lawyers and senior managers. In turn, the FDA recognises that the Crown Prosecution Service must work within the overall framework and policies set by the Government, including financial confidentiality and other resource

requirements. Both parties share the aims of providing a high quality and independent prosecution service, recognising the ethical and professional obligation of staff and of supplying Ministers with top quality advice and assurance.

### **OPERATION OCARINA**

**An eight week trial concluded towards the end of March 1999 with the conviction of ten members of the same family. They had been found guilty of attempting to defraud insurance companies, the DSS and the Criminal Injuries Compensation Board of almost £3 million by exaggerating injuries sustained in accidents. The case made use of evidence presented on CD ROMS (including unused material), video evidence and surveillance footage. The defendants were sentenced to periods of imprisonment ranging from 9 months to 5 years.**

We have also invited the Public and Commercial Services Union (PCS) to enter into a similar agreement. The PCS represents caseworkers, administrators and some senior managers.

## Chapter 4

### *Playing a Full Part in Criminal Justice System Developments*

#### Reducing delays

Staff in our Branches at Burnley, Croydon, Tyneside, North Staffordshire, North Wales and Northamptonshire took part in piloting a number of initiatives arising from the "Review of Delay in the Criminal Justice System" (the Narey Report) from October 1998 to March 1999. The arrangements provided new opportunities for the police, the courts and ourselves to work closely together to set up new procedures and working practices.



Several initiatives were tested: the provision of out of hours legal advice to police officers; our staff attending police criminal justice (file preparation) units for early review of the case file; prompt prosecution of these cases, usually the next day; presentation of straightforward guilty plea cases by designated caseworker staff (lay presenters); early case management by the courts, with enhanced powers for single justices or justices' clerks; and a new procedure for fast tracking the most serious (indictable only) cases by moving them from the magistrates' court to the Crown Court after a single hearing.

Indications are that the pilots have been successful. Many more cases are being dealt with at the first court hearing; those cases which go forward for trial are being heard much more quickly; there are fewer adjournments; a reduction in the volume of paperwork and preparation time; and our lay presenters are performing well as advocates in the magistrates' courts.

#### **R V REID**

The defendant faced two counts of robbery and first appeared on 4 February 1999 before Bromley magistrates - part of a Narey pilot scheme area. A bundle of key statements, record of taped interview and list of previous convictions were sent to the defence and the court. On 16 February a preliminary hearing was convened at Croydon Crown Court at which the defendant pleaded guilty and was sentenced to two consecutive ten year sentences. That sentence was varied on 23 February to seven years on each count to run consecutively.



The whole project has been distinguished by a high degree of co-operation at national and local level between all the agencies involved, leading to a reduction in duplication and delay, speedier justice and an increasing awareness of mutual needs and dependencies.

Above all, the service to victims and witnesses has been considerably enhanced by an increase in the number of guilty pleas and the appearance of defendants in court within days of arrest and charge. The new procedures are likely to be introduced nationally from the beginning of November 1999, subject to final approval by Ministers on submission to them of the Evaluation Report. Implementation of the arrangements for fast tracking of indictable only cases is planned for the Summer of 2000.

### **Delivering the Government's youth justice pledge**

We have worked closely with our partners in the criminal justice system towards the reduction of the time it takes to deal with persistent youth offenders. The results are encouraging but more is still to be done. A recent report by the Crown Prosecution Service Inspectorate, in conjunction with the Inspectorates for the Constabulary and the Magistrates' Courts Service, concluded that the period upon which efforts need to concentrate the most is the time between first appearance and the commencement of a trial. In May 1999, the Youth Justice Board published a document called "Speeding up youth justice - best practice approaches to improved performance" which reached a similar conclusion. Our work in this key field in future will draw heavily on the recommendations contained in these reports - all Chief Crown Prosecutors have been exhorted to raise the stakes to achieve a step change in performance.

### **Pioneering new ways of presenting cases at court**

The last year has seen two important linked developments in the presentation of criminal cases at court. In August 1998, our own Higher Court Advocates (HCAs) began to present cases in the Crown Court, principally Plea and Directions Hearings and pleas of guilty. The number of Crown Court sessions that HCAs cover each week has been steadily increasing. Their performance has received favourable comment - the CPS Inspectorate said of one HCA they observed "he was well prepared and dealt with cases confidently and capably".

In November 1998, we began to use designated caseworkers, at the reducing delays pilot locations referred to earlier, to present straightforward guilty plea cases in magistrates' courts. Early findings of the evaluation of the reducing delays pilots show that representatives of other agencies are impressed by the standard of case presentation. One magistrate said that the designated caseworkers were "excellent and very professional in the way they present cases". Good reports have also been received from defence solicitors.

The reports on the good performance of our HCAs and designated caseworkers were pleasing. Both groups undergo a rigorous training programme - the good reports on performance confirm that the policy decision to embark on such a programme was the right one.

### **Joint Performance Management (JPM)**

#### **- with the police**

We continue to operate JPM with the police as a means of securing improvements to file timeliness and quality; and for analysing reasons for avoidable discontinuance and Crown Court acquittals. Slow and steady progress is being made. Average timeliness of all police file submissions has improved by 25 percentage points, while file quality has been maintained at broadly the same level since the beginning of 1997.

#### **- with the courts**

We piloted a JPM arrangement with the Court Service to obtain reliable information on the reasons for ineffective and cracked trials in the Crown Court. These outcomes create distress and inconvenience for victims and witnesses and also result in waste and delay in the criminal justice system. There are clear benefits for both organisations in working more closely together towards a common objective and our Chief Crown Prosecutors will be discussing with their local court managers the opportunity of wider implementation of JPM arrangements.



*Crown Prosecution Service Chief Executive Mark Addison  
with Court Service Chief Executive Ian Magee*

We are applying JPM techniques with the Lord Chancellor's Department and other agencies in a project aiming to improve the service to witnesses, by reducing their unnecessary attendance at court, and the time they spend waiting to give evidence. The problems are complex but solvable in the joined up approach being taken by local Trials Issues Groups.

## **Victims and Witnesses**

### **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 Crown Prosecution Service, 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 with which we are involved are at Annex 3.

### **Helping witnesses with communication difficulties**

We are working closely with colleagues in the criminal justice system to improve facilities for witnesses with communication difficulties:

for those who have difficulties with the English language through better use of interpreters; and, for the Deaf and those who are speech impaired, to help them to communicate with hearing people through the national telephone relay service run by the Royal National Institute for the Deaf and British Telecom (Typetalk).

## **FAST TRACKING JUSTICE SCHEMES**

### **Dudley and Sandwell Branch**

This initiative has been a good example of inter-agency co-operation between the police, the courts, ourselves, defence lawyers, the probation service and social services. From 1 March 1999 all bail cases at the Dudley, Halesowen and Stourbridge magistrates' court have been fast tracked to appear before the court on the day after charge. Generally, defendants charged up to 6.00am appear in court at 2.00pm the following day. This includes cases which were likely to be guilty pleas and cases which would normally be described as appropriate for early administrative hearings. The scheme has been highly successful with over 40% of defendants pleading guilty on the first occasion.

### **"24 hour justice" - Northumberland**

An expedited files scheme has been running across the county since October 1998. The custody sergeant plays a key role in identifying cases suitable for the expedited court and liaises daily with our lawyer who attends the police station. There are expedited court sittings every afternoon and defendants are bailed to the next available court date. 56% of expedited cases were dealt with at the first hearing.

A similar scheme introduced in North Tyneside has produced the same results.



## **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. Although significant changes have been made in recent years to the way in which young witnesses give their evidence, everyone involved in these cases is aware of the need for further action. This year we have continued to contribute our own practical experience to the considerable knowledge and expertise of others in taking forward a range of action to afford greater protection to young witnesses.

Much of the work which has taken place builds on the success of previous joint ventures. 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 which will complement the guidance already available. The video will be available next year and will help support children to give their best evidence in criminal proceedings.

We have also been assisted by child care and other criminal justice professionals in developing guidance about pre-trial therapy for child witnesses. Following detailed consideration of the issues, we were able to launch a wide consultation exercise on the draft guidance in February 1999. Over 600 copies of the guidance were distributed and many individuals and organisations have taken considerable time and care in providing responses. These views will be of assistance in further developing guidance on this difficult topic, which we hope to publish in partnership with the Department of Health later this year.

## **Speaking Up for Justice Report**

Last year we reported on our involvement in the review of vulnerable or intimidated witnesses in the criminal justice system. The report of that review - *Speaking Up For Justice* - published in June 1998 recommended a coherent and integrated scheme to provide appropriate support and assistance for vulnerable or intimidated witnesses, including children.

The proposals in the report are being taken forward by an Inter-departmental Steering Group in which we have an active part. The Group was established in the Summer of 1998. Those recommendations requiring legislation are contained in Part II of the Youth Justice and Criminal Evidence Bill which during the period covered by this report was before Parliament. A comprehensive programme of work will support the measures in the Bill and the development of the other proposals of the report.

## **Disclosure of unused material**

The Criminal Procedure and Investigations Act 1996 introduced fundamental changes to the rules regarding the disclosure of unused material in criminal proceedings. As anticipated it has taken time for agencies in the criminal justice system to adjust to their new obligations.

Because of our firm belief that proper and timely disclosure lies at the heart of a fair trial, and in particular, of the prosecutor's duty in this respect, a programme of work was initiated to re-focus on the basic principles of disclosure. An important part of



this programme in the last year included the preparation for a Disclosure Seminar on 18 May 1999. In addition to the new 42 Chief Crown Prosecutors, delegates were drawn from the Bar, the Lord Chancellor's Department, the Home Office and defence practitioners.

### **European Convention on Human Rights (ECHR)**

The Human Rights Act 1998 (HRA) heralds a significant change in criminal law. The Act, which incorporates into domestic law the rights and freedoms guaranteed under the ECHR, comes fully into force on 2 October 2000, although certain provisions have been in force since the Act received Royal Assent on 9 November 1998. Planning for all the implications of the HRA has been underway for some time. A project team has been developing the necessary detailed guidance and training for staff, to enable them to meet both the legal and intellectual challenges that incorporation will bring.



### **Stephen Lawrence Inquiry**

We are finalizing our own action plan to address the recommendations of Sir William Macpherson's report into the death of Stephen Lawrence. We also contributed to the Home Secretary's Action Plan and the Chief Executive is a member of the Home Secretary's Steering Group which will oversee implementation of the plan. Other staff are playing a full part in taking forward the recommendations by working with criminal justice colleagues on specific issues raised in the report.

### **Racist Incidents**

We published our second annual report on the Crown Prosecution Service's Racial Incident Monitoring Scheme for the year ending 1998. Publication of the report was welcomed and once again attracted considerable media interest.

We have made a number of changes to the monitoring scheme for the year commencing 1 April 1999. This was partly to take account of the new offences of racially aggravated crime introduced last year by the Crime and Disorder Act 1998 and also because of the move to 42 new Areas from April 1999. In future, the scheme will provide information not only on a national basis but will also provide it at Area level. This will make it much easier for Chief Crown Prosecutors to share information with their criminal justice colleagues and others locally.

### **"VISA" - CASEWORK DIRECTORATE ANTI CORRUPTION TEAM**

Set up on short notice in June 1998, the Visa team was created in response to a request from the Metropolitan police for a specialist team dedicated to prosecuting police corruption. Dealing with extremely sensitive material, the team works in a secure environment and all members of the team are security cleared.

Since its inception the team has reviewed and advised upon a large quantity of material obtained by the Complaints Investigation Bureau of the Metropolitan police. To date, some 37 serving and former officers, and others, have been charged with offences as a direct result of advice from Visa lawyers. The first of a series of major corruption trials is expected to begin at the Central Criminal Court in September 1999.

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

During the year we have continued to build links with prosecutors from other jurisdictions to combat transnational crime. The Service has been working with the Home Office to ensure that the United Kingdom achieves the objectives set by the European Union Multi Disciplinary Group on Organised Crime, in co-operation with other Member States.

We belong to the Partnership for Action Against Wildlife Crime, which seeks to raise public awareness of wildlife crime. Regular meetings of Partnership members facilitate the exchange of information, experience and expertise on wildlife issues among those who are involved in the investigation and prosecution of wildlife offences. In recent months the partnership has particularly promoted the use of DNA technology and other forensic techniques in investigations. There has been an increased

number of successful prosecutions of serious wildlife offences, many of which have been reported in detail in both the local and national press.

There is a growing concern about crime resulting from use of the internet. We play an active role in the forum set up to develop good practice guidelines between law enforcement agencies and the Internet Service Provider industry. (The Association of Chief Police Officers/Internet Service Provider/Government Forum.) We have made a valuable contribution to the Forum during the year - we chair the Legal sub-group which researches and identifies areas of legal uncertainty relating to the use of information from the internet as evidence and makes recommendations to resolve any ambiguities in this area; and we are members of the Communications sub-group which was set up to handle the media strategy for the Forum.

*Our involvement in the Forum enabled us to host the first "Crown Prosecution Service Computer and Internet Crime Conference" which we organised jointly with the Computer Related Crime Research Centre at Queen Mary and Westfield College. The conference took place in early June 1999. The aim of the conference was to raise awareness of computer crime issues among prosecutors. Approximately 120 delegates attended the conference and speakers from a range of organisations took part.*

Last year we reported on the Attorney General's initiative to establish a Prosecutors' Convention which aims to promote close co-operation between all prosecuting authorities. We are pleased to report that, following useful dialogue between ourselves and the Army Prosecuting Authority, they have also become signatories to the Convention along with the Royal Air Force and Royal Navy Prosecuting Authorities.

We have been working closely with the Immigration Service and the Association of Chief Police Officers to develop a protocol which promotes liaison and effective casework handling procedures. The Immigration and Asylum Bill includes a provision allowing the Immigration Service to refer immigration cases direct to the Crown Prosecution Service, rather than via the police, as at present. The direct access provisions will not come into force immediately but the work being done on the protocol is an important first stage in preparing for this new working relationship.

### **R V DREWE**

**The conviction of John Drewe at Southwark Crown Court for forgery, conspiracy to defraud, theft and using a false instrument was one of the biggest art frauds of modern times thought to have been worth £1 million. Over almost a decade, Drewe commissioned fakes from fellow conspirator, John Myatt, and passed them off as genuine through auctioneers and galleries. Aware that the provenance of paintings was crucial to the process of buying and selling works, Drewe gained access to the records of the Tate Gallery and the Victoria and Albert Museum where he created false histories for the paintings.**

### **OPERATION KINGWOOD**

**Operation Kingwood was brought to a successful conclusion in early 1999 when a total of 70 years imprisonment was imposed on conspirators who managed the supply of heroin, cocaine and amphetamines in Lincoln. The head of the network ran a highly efficient operation through three principal outlets in the City. Never in possession of drugs himself, the evidence against him was eventually secured by means of a bugging device.**

## **PERSONAL SAFETY TRAINING**

**CPS Humber has achieved much success in delivering personal safety training for staff attending court. The training has been extended to include volunteers from the Witness Service and local crime prevention officers have been co-opted to assist with tuition. The training course continues to run and has attracted much interest from our criminal justice system partners.**

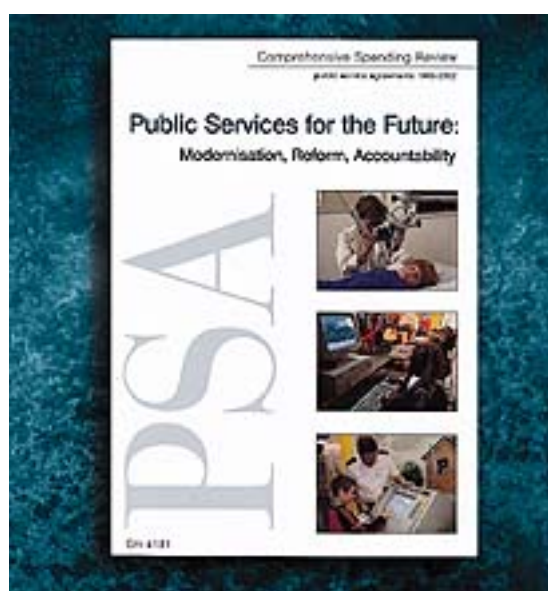
# Chapter 5

## *Managing the Crown Prosecution Service*

### Outcome of the Crown Prosecution Service's Public Service Agreement

#### The CPS's new aim, objectives and performance targets

The Government's programme for public services for the future - modernisation and more accountability, the new overarching aims and objectives for the criminal justice system and the recommendations of the Glidewell review - gave us the opportunity during the year to look once more at our aim, objectives and performance targets. This review was carried out by a working group led by a Chief Crown Prosecutor and including a representative sample of people from across the Service. Other groups were consulted as thinking developed. The result is a re-stated aim and four objectives - they give a powerful message about our purpose, independence and professionalism. They are supported by performance targets which the Service undertook to deliver in the Public Service Agreement.



The new aim which reflects the Government's priorities for criminal justice and our unique role 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 prosecution at court.

The new objectives which spell out what is involved in the delivery of our core business of prosecuting 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.

The new performance targets will be concerned with:

- the timeliness of advance information to the defence; committal papers to the defence and briefs to counsel
- a reduction of the number of cases which fail because of a fault in the review process
- compliance with the Code for Crown Prosecutors; the Service's advocacy standards; and with the rules on disclosure
- an annual customer (court) satisfaction survey
- timeliness of witness payments; other invoices; and replies to complaints
- compliance with the Victim's Charter standards

- a reduction in unit costs; accommodation costs per head; and sick absence

### **Financial provision for 1999-2000**

The financial provision for 1999-2000 is £312 million of which the running costs and capital budget is £230 million. In setting budgets for 1999-2000 the Comprehensive Spending Review acknowledged that the pressures on prosecution cost expenditure are likely to continue for some time. Discussions continue with the Treasury and Lord Chancellor's Department on the issue of the disparity of Counsel fees between the defence and prosecution.

It was also recognized that funding would be required in order to provide for the implementation of a number of criminal justice reforms, including those which result from the work on reducing delays in the criminal justice system, the Crime and Disorder Act 1998, and more complex and costly prosecutions arising from the introduction of the European Convention on Human Rights.

The performance targets and financial provision are set out comprehensively in our Business Plan for 1999-2000.



### **The Crown Prosecution Service Inspectorate**

1998-99 was the second full year of operation for the Crown Prosecution Service Inspectorate. Its purpose is to assist the Crown Prosecution Service improve its performance through a process of inspections and evaluation which combines objective and constructive criticism with the identification, promulgation and encouragement of good practice. Learning from collective experience is vital to achieving consistently high professional standards.

## COMBATING FRAUD IN THE EUROPEAN COMMUNITY

A joint Crown Prosecution Service/UCLAF ("Unite de Co-ordination de la Lutte Anti Fraude" - the body responsible for investigating fraud against the European Community) conference took place between 8 and 10 June 1998. It was attended by 80 delegates including prosecutors from the United Kingdom and throughout Europe. Co-funded by the Service and UCLAF, the seminar aimed to "inform prosecutors about UCLAF and the ways in which UCLAF could assist the investigatory and prosecuting authorities in individual countries" and to "improve co-operation between fraud prosecutors in different European jurisdictions".

During the year, the Inspectorate published reports on 26 Branches as well as two thematic reviews (cases involving domestic violence and the provision of pre-charge advice to police). It also completed work on two other thematic reviews (one undertaken jointly with the Magistrates' Courts' Service Inspectorate and HM Inspectorate of Constabulary) which have been published since the end of the reporting period, and an evaluation of the role of lay reviewers and lay presenters involved in the reducing delays pilots.

The Branch inspection programme involved the scrutiny of 6,777 cases covering pre-charge advice to the police, cases which had been discontinued by the Crown Prosecution Service or where there had been an adverse finding (usually cases stopped by judges in the Crown Court), together with a random sample of about 80 cases per Branch. As in the previous year, the inspection teams found a consistently high standard of decision-making by Branch staff: they agreed with the decisions taken in over 97% of cases and with the advice given in 95% of cases submitted by the police before charge. The Branch inspection reports contained a total of 435 recommendations covering most aspects of the advice, decision-making and preparation/presentation stages of casework. The vast majority have been accepted and reflected in action plans prepared by the Branches.

A theme which continued to dominate Branch reports in 1998-99 was the need for lawyers and caseworkers to maintain clear and concise endorsements relating to the history of a case on the file. Such continuity leads to better informed decision-making and avoids wasted effort. Other themes which emerged were:

- the maintenance of a consistently sound standard of advocacy;
- a variable picture so far as the handling of unused material is concerned;
- the need to improve the quality of instructions to counsel;
- a need in most Branches for greater emphasis on learning by collective experience.

The Inspectorate highlighted the potential for improved performance by reference to those Branches where structured arrangements exist for examining adverse outcomes to see what lessons may be learned. Several Branch inspections gave rise to real concern about the extent to which casework outcomes were being mis-recorded on the performance indicators.

## INTER-AGENCY TRAINING INITIATIVES

### **Delivery of Training to Clerks to the Justices - Bedfordshire**

A good example of local inter-agency co-operation, the staff in the Service's Anglia Area devised and delivered training to the Clerks to the Justices in Bedfordshire in November 1998. This was repeated at training days for all Clerks to Justices for the Eastern Region.

### **Training Evaluation Exercise - Cheshire**

Targeted at probationer and young-in-service constables to provide experience of giving evidence at court, this training endorses the good working relations between agencies in the Area. The sessions take place in the evenings and representatives give their time freely. Comments from delegates and others indicate the training is beneficial to both the police and the administrators of justice.

The Inspectorate's thematic review programme examines in more depth some of the recurring themes. For example, the recently published review of adverse cases demonstrated that, although cases which were stopped at early stages in the magistrates' courts and the Crown Court in which the Crown Prosecution Service was at fault, represented only 0.2% of its total caseload in 1998, this still amounted to almost 3,000 cases where the failure was, in the view of the inspectors, foreseeable by the Crown Prosecution Service. The human and resource implications were both significant. The report made 22 recommendations, designed to reduce the number of such outcomes. The future programme of thematic reviews will examine in more detail a number of the emerging themes: disclosure of unused material, advocacy, and compliance with case-recording procedures.

## **Human Resource issues**

### **Training and development**

The Training Strategy Group, established in March 1998, has been strengthened in the light of the Glidewell Review recommendations on training. Building on the work of its predecessor, the new Career and Training Strategy Group reviewed a priority programme for training and development for all staff. It developed a national framework for training and development priorities in October 1998 to help Areas formulate their own training and development objectives and priorities. While the framework is aligned to business objectives and priorities, which include the Glidewell reforms and new ways of working in the criminal justice system, it aims, in the longer term, to enable everyone to fulfil their full potential. Progress against the objectives and priorities was evaluated towards the end of the year and the results were used to inform the training and development objectives and priorities being formulated for 1999-2000.

We made a public commitment in March 1998 to achieve the IiP benchmark standard for effective investment in training and development. An action plan which set out how the Service intended to reach the IiP standard was prepared. Chief Crown Prosecutors and senior managers in Headquarters prepared their own action plan to achieve the standard. The pre-assessment process began in January 1999 and concluded in March 1999. Early indications are that significant progress has been made and that a number of Areas will be ready for formal assessment during 1999-2000.

Training, in partnership with the Nottingham Law School, to support Crown Prosecutors qualifying for accreditation from the Law Society to act as Higher Court Advocates (HCAs) continues. The programme provides an opportunity for staff to develop their advocacy skills and to exercise these skills in the higher courts. During 1998-99, 81 staff completed HCA training.

We have evaluated the training scheme introduced for caseworkers in November 1997. The findings were that new caseworkers receive particular benefit from the scheme. A consultation exercise was mounted to canvass views on the future operation of the scheme. The results were not known at the end of the period covered by this report.





*Presentation of a certificate to a Designated Caseworker*

The reducing delay pilots provided opportunities to develop further the role of caseworkers and to improve the range and quality of their work. Twenty-four caseworkers were specially selected and trained to present straightforward guilty pleas at early first hearings in the magistrates' courts. All of them passed a rigorous assessment of their standard of advocacy by Nottingham Law School, before being deployed on the pilot scheme.

During the year, training on racial equality and human awareness continued throughout the Service. The course, initially targeted at managers, is now offered to all staff. The aim of the course is to familiarise people with the legislation on equal opportunities, and to raise their awareness on the different forms of direct and indirect discrimination.

Training courses have also been held for line managers on managing attendance and monitoring sick absence in order to support our commitment to reducing the level of sick absence in line with the Government's targets.

### **Equal Opportunities**

During the year we developed proposals for taking forward equality and diversity in the Service. The proposals included setting up a permanent Equality Committee, which will be responsible for driving through policy and action on equality in the Service. The Committee will advise on all equality and diversity policies; the formulation and implementation of supporting action plans, including priorities; and arrangements for monitoring and evaluating progress. Its main focus will be on internal management issues, and improving equality and the representation of minority groups in the Service. The Committee will have a sub-group on race, which will also specifically consider race issues relating to prosecution policy and casework.



In two recent employment tribunal cases, the Service was found to have discriminated against an ethnic minority member of staff in each case. These decisions are of great concern, and we are determined to address the implications promptly and effectively. They increase our determination to take forward our programme of work on equality and diversity issues.

A booklet explaining cultural and religious differences and giving guidance on race issues entitled "The Race for Equality" was distributed to each serving member of staff in April 1998. New members of staff also receive a





personal copy on appointment.

The Ethnic Minorities Women's Network Group continues to provide a forum to discuss problems, experiences and issues of common concern in relation to personal development, as well as providing feedback on the

perception and impact of current equal opportunities initiatives on women from ethnic minorities.

In September 1998, the Department received an EASE (Ease of Access, Services and Employment) award for the efforts made on behalf of people with disabilities, having been nominated by staff who have been assisted. EASE awards are sponsored by Queen Elizabeth's Foundation for Disabled People and the Crown Prosecution Service was placed joint second in the Employment category, receiving a "Highly Commended" certificate.

### Childcare support

A new Childcare Support scheme was launched on 1 April 1998. The scheme provides a simple, flexible and effective way of contributing towards the cost of childcare through the distribution of childcare vouchers which are widely accepted by nurseries, playgroups and childminders. Over 600 staff are currently benefiting from the scheme.



# Chapter 6

## *Performance in 1998-99*

### Financial Report

The total planned expenditure for 1998-99 was £282 million. The allocation of budgets in 1998-99 maintained operational spending by Branches at previous levels and the budget reductions were found from within Headquarters. During the year the expenditure provision was increased to £308 million. The increase in running costs was made to fund the early transitional costs of the Glidewell reforms; to take forward rationalisation of the Crown Prosecution Service's estate; and to implement a number of criminal justice initiatives, including those arising from the Crime and Disorder Act 1998. A continuing upward trend in the level of court sittings, an increase in the number of indictable cases and significantly lengthier and more complex cases increased the pressures for additional prosecution expenditure of £17 million.

The total expenditure of £308 million comprised running costs and capital expenditure of £230 million (£224 million in 1997-98); and prosecution costs, largely counsel's fees and witness expenses, of £78 million (£75 million in 1997-98). 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 spent on prosecuting cases.

We have property interests in 106 locations. Over the year we have achieved some efficiency savings by rationalising our London offices and by reducing vacant space to only 2.6% across the national estate. Prudent housekeeping has reduced our annual expenditure on accommodation by over £2m to £34.7m.

### **R V APLEYARD AND 29 OTHERS**

**This case concluded in December 1998 and involved the prosecution of 30 Leeds United football supporters for public order offences in Sheffield city centre. Despite extensive efforts by the defence to split the trials into small numbers, the Crown were successful in trying all 30 defendants together. Twenty nine out of the thirty defendants were convicted and sentenced to varying degrees of imprisonment.**

### Performance targets

Our performance targets are principally concerned with the quality and timeliness of our casework. There are twelve - they are set out in annex 4. Whereas we did not reach the target in eight of them, we improved our performance in seven out of the twelve. We believe that this is an acceptable outcome, given the many distractions brought about by a sustained period of substantial change with staff being uncertain as to their future roles. Some key points are given here.

On quality, the proportion of cases dismissed on a submission of no case to answer in the magistrates' courts was reduced to 3.3%; the proportion of non-jury acquittals and bind overs in the Crown Court increased by over 2 percentage points during the year because of an increase in the level of contested hearings as a result of the Plea Before Venue procedure, which was introduced from October 1997; and because committals in which witnesses gave live evidence were abolished with effect from April 1997 - this removed the ability of the prosecution to test witnesses before cases reached the Crown Court.

Other reasons for cases failing in both the magistrates' courts and Crown Court are many and although some are undoubtedly down to the prosecution, for example a legal element missing from the prosecution case, others are not necessarily the fault of the prosecution, for example, a witness may fail to attend court or come up to proof; or, the court hearing may be detrimental to the health of either the victim or defendant.

On timeliness, the proportion of cases in which advance information was sent to the defence within agreed timescales increased by 5 percentage points; the proportion of cases in which committal papers were sent to the defence within agreed timescales increased by 1.3 percentage points; and the proportion of briefs delivered to Counsel within agreed timescales increased by 1.5

percentage points

### **Casework statistics**

During 1998-99, receipts in the magistrates' courts rose by 0.8% compared with 1997-98, and the number of cases we dealt with rose by 0.3%. The number of cases received in the Crown Court fell by 3.3% compared with the previous year, while the number dealt with fell by 2.6%.

The number of cases dealt with rarely corresponds with the number received in any given year, because some proceedings remain incomplete at the end of the year: these are carried forward and dealt within in the following year.

While the number of cases dealt with has changed little in the magistrates' courts and has decreased in the Crown Court, our casework continues to become more serious and complex in nature:

- in the magistrates' courts, indictable and either way cases, the most serious of all, rose by 1.8%
- in the Crown Court, indictable only cases rose to 30% from 26% last year
- in the magistrates' courts, the overall conviction rate was 98.3% compared with 98.1% in 1997-98
- in the Crown Court, the overall conviction rate was 89.1% compared to 90.6% in 1997-98.

A comprehensive set of casework statistics is at Annex 5.

# Chapter 7

## *Conclusion*

*This report has described our performance and activities as we prepared for the move to 42 Areas in April 1999; in taking forward the Glidewell review reforms; in playing a full part in developing new ways of working for the criminal justice system; and in ensuring that the adverse effect on the performance of the Service was kept to a minimum during this period of unprecedented change. We look forward to the new ways of working; to continuing the implementation of the Glidewell review reforms; and to ensuring that the new structure works. We must recognise that, as a consequence of a decentralised national Service which allows our Chief Crown Prosecutors more freedoms and greater responsibility, we shall have more diversity of approach, and that mistakes will be made from time to time. When mistakes do happen, hopefully rarely, our approach will be positive and supportive so that we can learn from them, work through them in a collegiate spirit, and use them to improve our performance for the future. We will welcome diversity in response to local circumstances, but seek consistency where it matters. More freedoms and greater responsibility will bring to our staff increasing confidence, greater respect for them by others, and improved local justice.*

# Annex 1

## *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 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 2

### *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 Corringhan

#### **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:John Stephenson

#### **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: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

ABM:Ian Edmondson

**CPS South Yorkshire**

CCP:Judith Bermingham

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 3

### *Victim's Charter Standards: CPS Performance*

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

Standard	Result
<ul style="list-style-type: none"> <li>'The Crown Prosecution Service, on request, will meet the family of someone killed as a result of crime, to explain their decision on prosecution.'</li> </ul>	<ul style="list-style-type: none"> <li>100% of requests for interview granted.</li> </ul>
<ul style="list-style-type: none"> <li>'The police, Crown Prosecutor, magistrates and judges will take this information into account when making their decision.'</li> </ul>	<ul style="list-style-type: none"> <li>Inter-agency pilot schemes to test how this might be done are currently being evaluated.</li> </ul>
<p><i>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.</i></p>	
<ul style="list-style-type: none"> <li>'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.'</li> </ul>	<ul style="list-style-type: none"> <li>In 1998-99 we dealt with 65,070 contested cases in the magistrates' courts and 20,229 in the Crown Court - 26 complaints were received in relation to this standard.</li> </ul>
<ul style="list-style-type: none"> <li>'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.'</li> </ul>	<ul style="list-style-type: none"> <li>In 1998-99 we dealt with 65,070 contested cases in the magistrates' courts and 20,229 in the Crown Court - 18 complaints were received in relation to this standard.</li> </ul>
<ul style="list-style-type: none"> <li>'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.'</li> </ul>	<ul style="list-style-type: none"> <li>We despatched payment of witness expenses within five working days in 82% of cases and within 10 working days in 95.5% of cases.</li> </ul>

## Annex 4

### *Performance Targets*

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

#### Targets

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

During the year ending March 1999, 3.3% of contested cases resulted in dismissal no case to answer, compared with 3.7% for the year ending March 1998.

In the year ending March 1999, 13.6% of completed cases resulted in non-jury acquittal or bind over, compared with 11% during the year ending March 1998. This was because:

- the Plea Before Venue procedure, introduced with effect from October 1997, had the effect of raising the level of contested hearings in the Crown Court; and
- committals in which witnesses give live evidence were abolished with effect from April 1997. This removed the ability of the prosecution to test witnesses before cases reach the Crown Court.

### *The timeliness of discontinuance decisions*

#### Targets

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

#### Results

We discontinued 27.9% of cases before the second hearing. (No comparison available - first full year of measurement)

### *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 within agreed timescales.

#### Results

We sent advance information to the defence within agreed timescales in 82.3% of cases compared with 77.3% during

the period November 1997 to March 1998.

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

We sent witness warning information to the police within the target time in 65.3% of cases compared with 72.3% during the period November 1997 to March 1998.

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

We delivered the brief within the target time in 67.8% of cases compared with 66.3% in the period November 1997 to March 1998.

### ***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.

#### **Result**

We sent advice to the police within the target time in 64.4% of cases compared with 53.7% during the period November 1997 to March 1998 .

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

We reviewed new case papers within the target time in 58.9% of cases compared with 64.2% during the period November 1997 to March 1998.

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

We despatched committal papers within the target time in 51.9% of cases compared with 50.6% during the period November 1997 to March 1998.

### ***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.

#### **Results**

During the year ending March 1999 we despatched payment of witness expenses in 5 working days in 82% of cases compared with 68% in October 1997 to March 1998. In the same period we despatched payment within 10 working days in 95.5% of cases compared with 93% in October 1997 to March 1998.

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

We replied to 87.7% of complaints within 10 days of receipt compared with 86.7% during the period November 1997 to March 1998.

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

We replied in 15 days in 92.9% of cases compared with 94% during the year ending March 1998.

# Annex 5

## *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 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: types of cases**

### **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 1998-99 was 13.4%, compared with 11.3% for 1997-98.

## **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 1998-99, the magistrates' courts awarded costs in 53.5% of all convictions, and the Crown Court awarded costs in 7.3% of convictions.

The total amount received in 1998-99 was £23.4 million.

The courts also made awards of costs against the CPS, amounting to £0.9 million.



**CROWN PROSECUTION SERVICE**

Headquarters, 50 Ludgate Hill,  
London. EC4M 7EX

Tel: 0207 796 8000

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

e-mail address for enquiries and comments

[enquiries@cps.gov.uk](mailto:enquiries@cps.gov.uk)

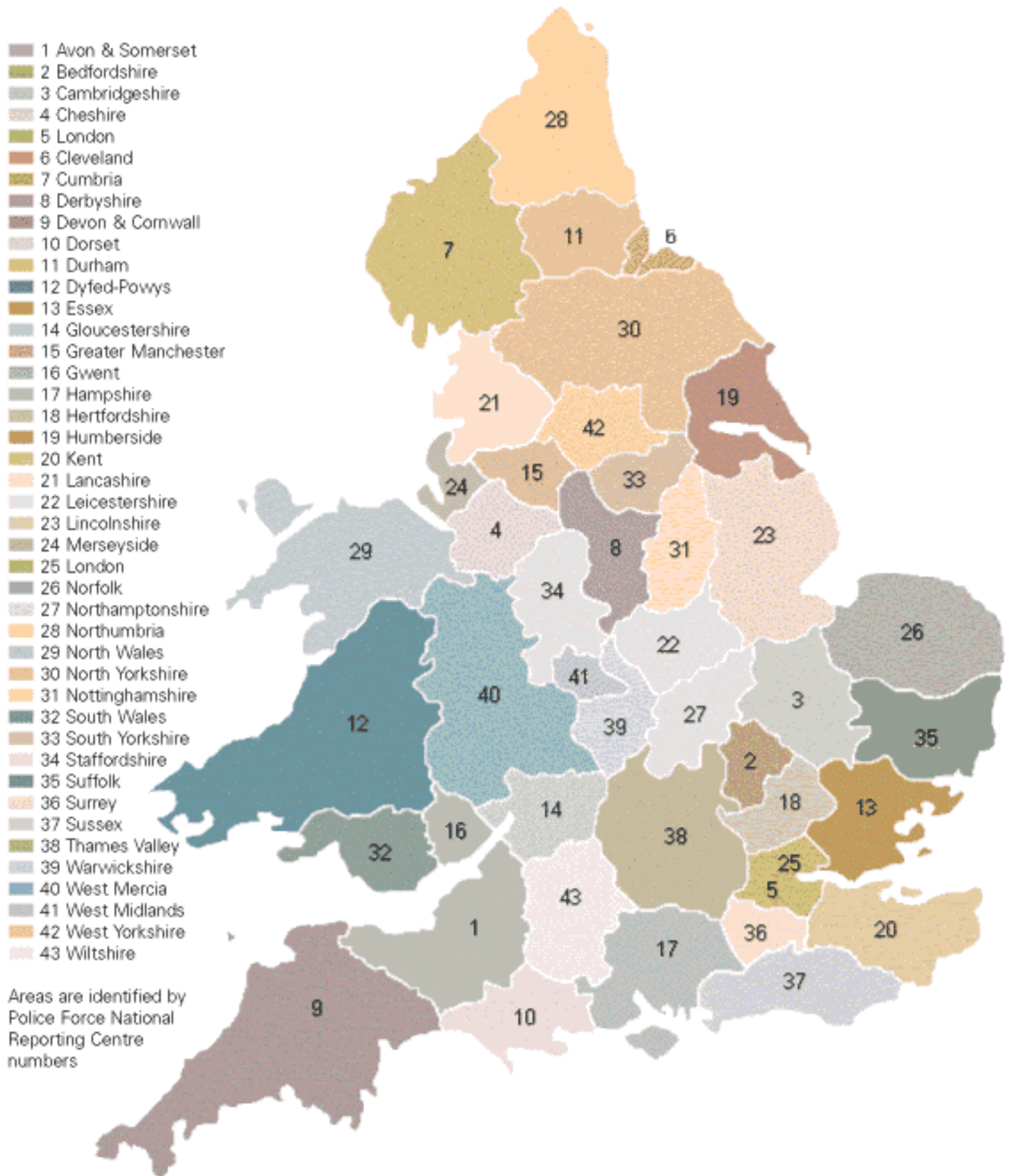
complaints can be sent to

[complaints@cps.gov.uk](mailto:complaints@cps.gov.uk)

public enquiry point

Tel: 0207 796 8505

CPS Area and Police Force Boundary Map







*Chief Crown Prosecutors*



*Area Business Managers*

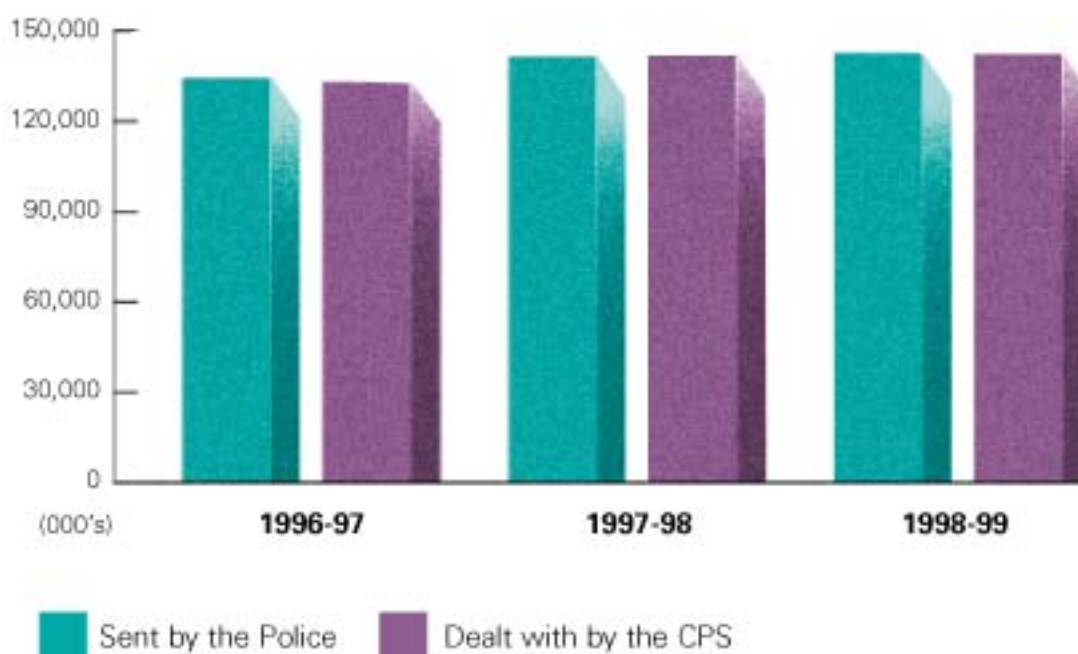


*London Area Sounding Board (1998-99)*



## Chart 1

### Magistrates' courts: caseload



	1996-97	1997-98	1998-99
Sent by the police	1,344,184	1,415,232	1,426,085
Dealt with by the CPS	1,330,317	1,418,801	1,423,200

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 1998-99 and the two preceding years. Both totals include cases in which the CPS 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 1998-99 rose by 0.8% compared with 1997-98 and the number we dealt with rose by 0.3%.

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.



## Chart 2

### Magistrates' courts: types of cases

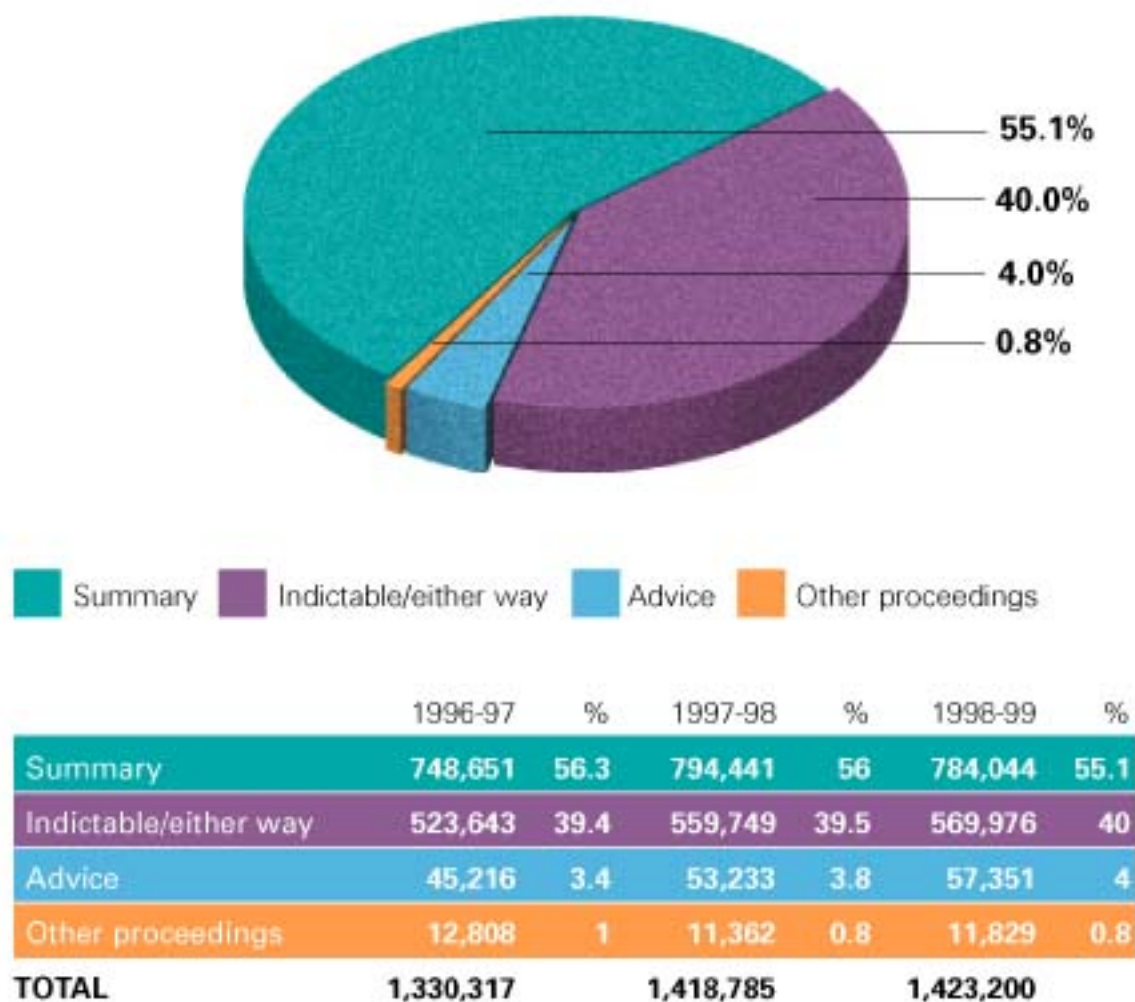


Chart 2 shows the different types of cases dealt with by the CPS in magistrates' courts. They are:

**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 be tried in either 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.

While the number of cases referred to the CPS was little changed, they became slightly heavier in their seriousness and complexity. The number of less serious offences fell during the year:

- summary motoring cases fell by 2.7%.

Meanwhile the number of more serious offences referred to the CPS increased:

- non-motoring summary offences, including common assault, rose by 1.6%;
- indictable and either way cases, the most serious of all, rose by 1.8%.

The number of cases in which the CPS advised the police before a prosecution began increased by 7.7%

during the year. This increase was contributed to by pilot schemes in which prosecutors attended police stations to provide advice before a defendant was charged.

## Chart 3

### Magistrates' courts: completed cases

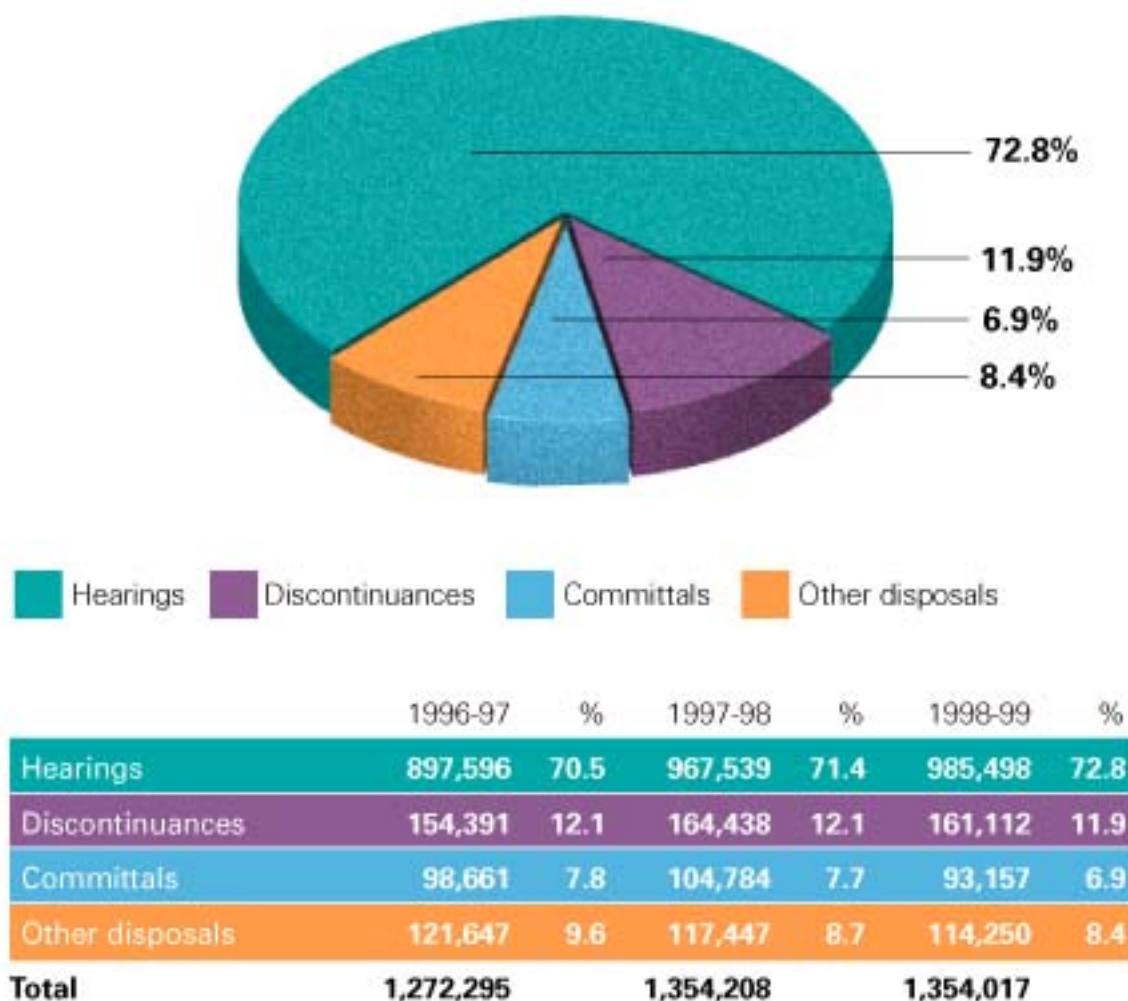


Chart 3 shows the breakdown of cases completed during the year. Cases may proceed in a number of ways, depending on the circumstances and on the decisions which the CPS has to make in response:

**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.



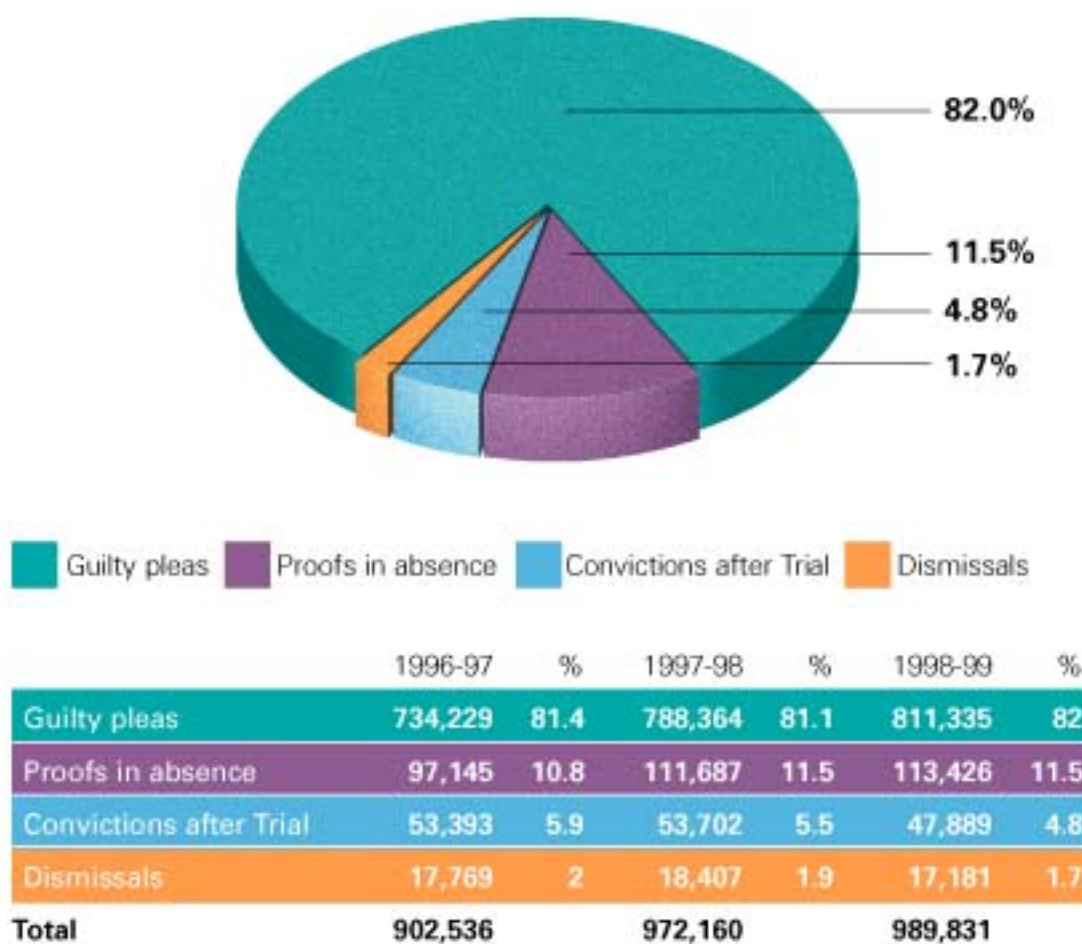
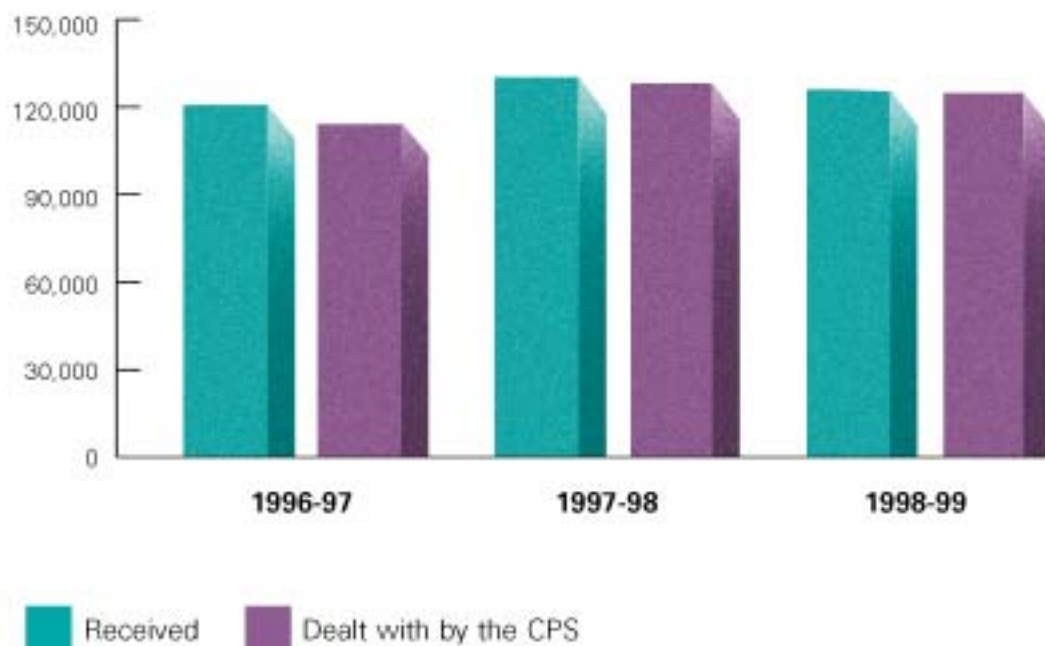
**Chart 4:****Magistrates' courts: case results**

Chart 4 shows the outcome of the 72.8% 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, compared with 98% in 1996-97 and 98.1% in 1997-98. In cases resulting in conviction, the proportion in which the defendant pleaded guilty was 95.1%, compared with 94.4% for the previous year.

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

	1996-97	1997-98	1998-99
Received	120,716	130,328	126,014
Dealt with by the CPS	114,540	128,064	124,781

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 1998/99 fell by 3.3% compared with the previous year, while the number dealt with fell by 2.6%. Case numbers have fallen as a result of the Plea Before Venue procedure, introduced with effect from October 1997, which has led to more cases being completed in the magistrates' courts rather than committed to the Crown Court.

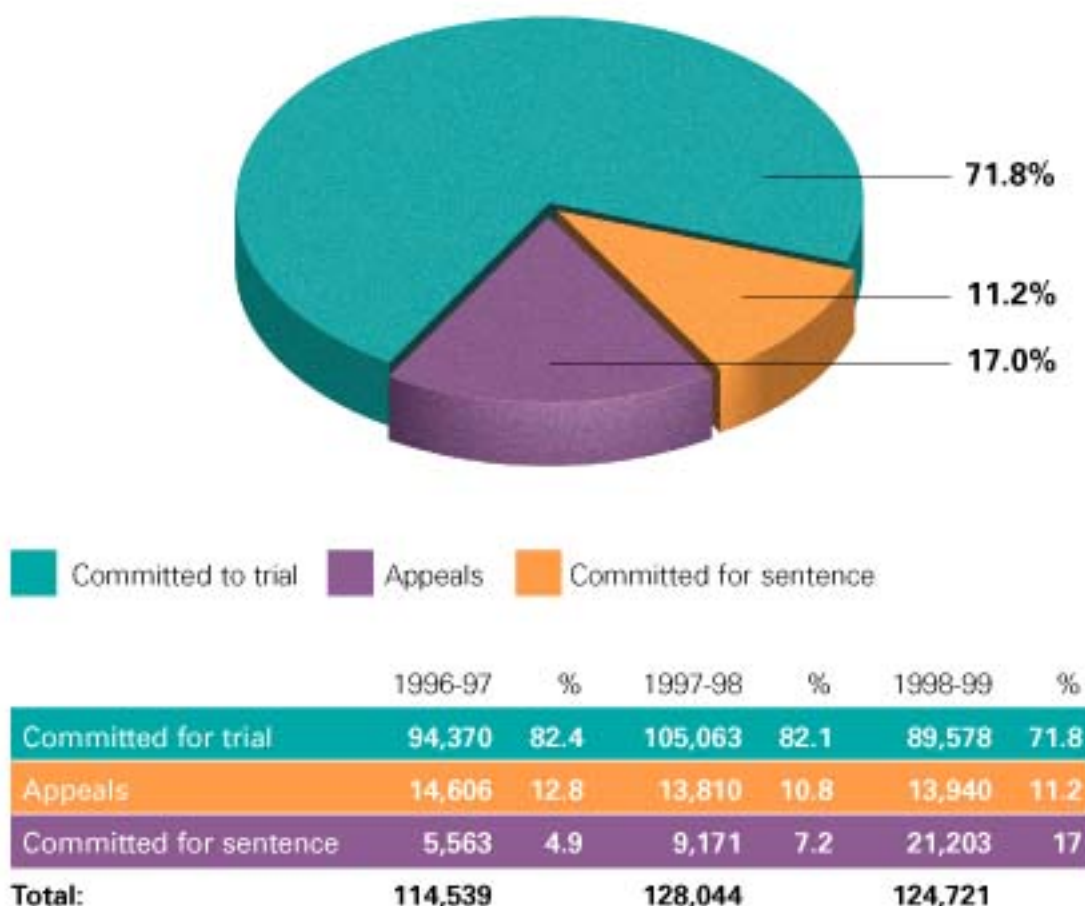
**Chart 6:****Crown court case categories**

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.

The increase in committals for sentence during 1998-99 represents either way 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.



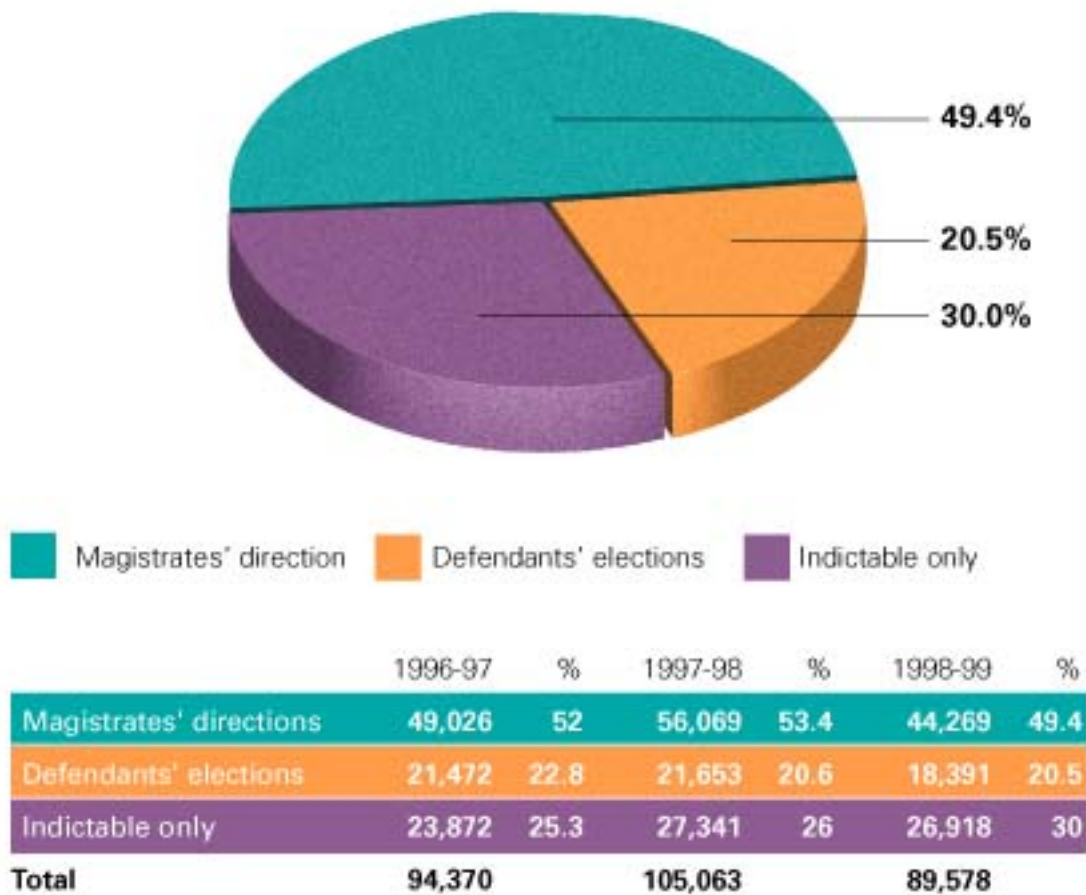
**Chart 7:****Crown Court: source of committals for trial**

Chart 7 shows the source of committals for trial in the Crown Court

**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 1998-99, these rose to 30% of the total compared with 18.2% in 1991/92.

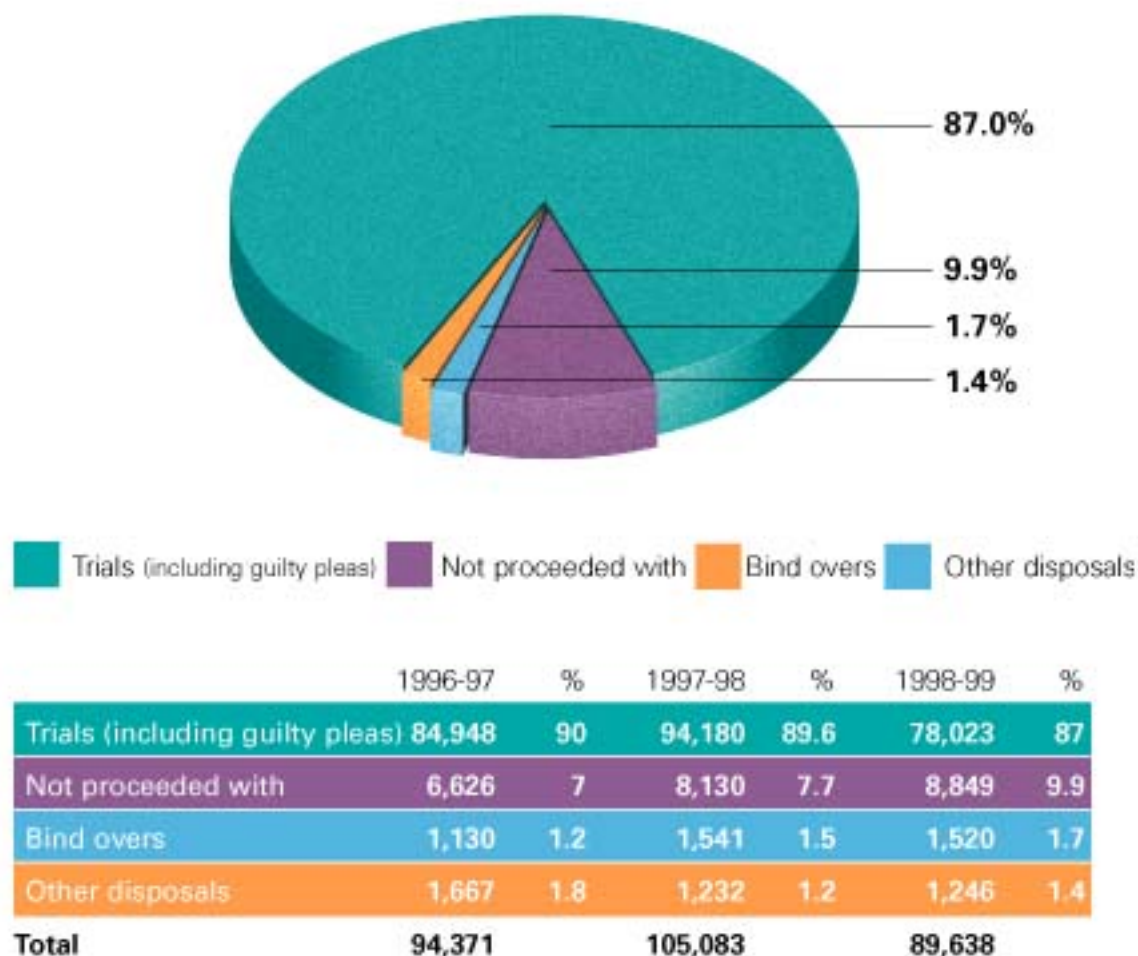
**Chart 8:****Crown Court: completed cases**

Chart 8 shows completed cases in the Crown Court.

**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.

Cases which could not proceed rose from 7.7% in 1997-98 to 9.9% in 1998-99. 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.

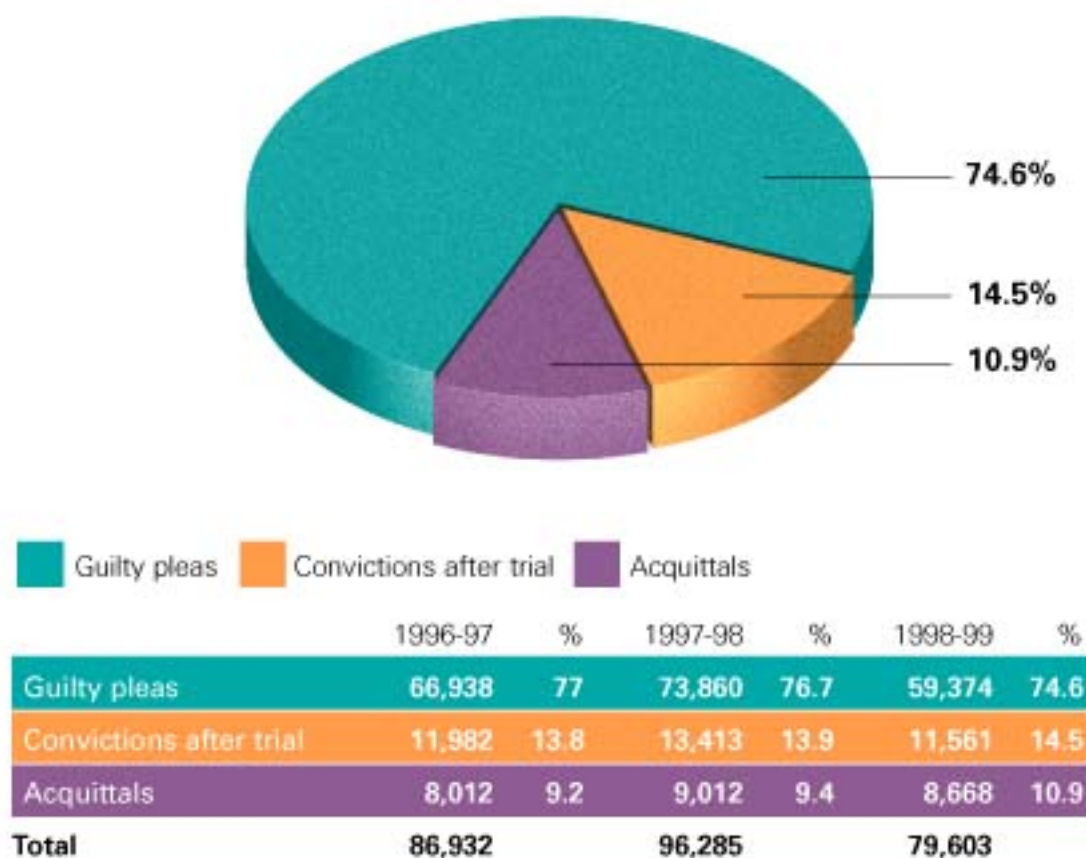
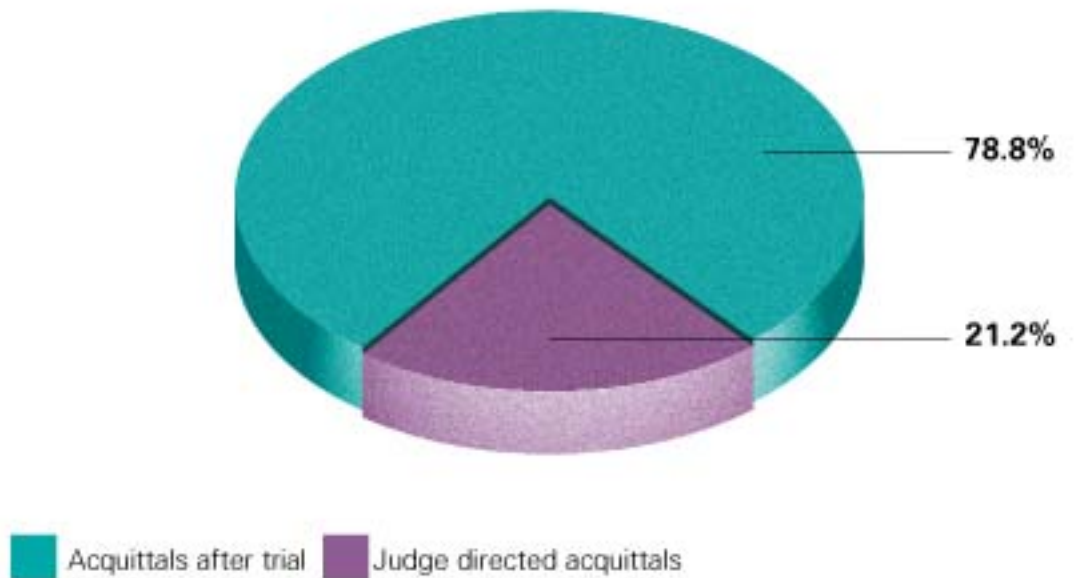
**Chart 9:****Crown Court: case results**

Chart 9 shows the outcome of the 87% of cases which proceeded to trial. These are divided into guilty pleas, convictions after full trial, and acquittals. 89.1% of cases resulted in conviction, compared with 90.6% in 1997-98. In cases where defendants were convicted, the proportion pleading guilty fell from 88.2% in 1991-92 to 83.7% in 1998-99. The proportion of convictions in contested hearings following a plea of not guilty has risen over the same period from 54.6% to 57.2%.

However, during 1998-99 there was a fall in the proportion of guilty pleas (from 76.7% to 74.6% of hearings), and a corresponding increase in acquittals (from 9.4% of hearings to 10.9%). This was 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.

**Chart 10:****Crown Court acquittals**

	1996-97	%	1997-98	%	1998-99	%
Acquittals after trial	6,364	79.4	7,170	79.6	6,829	78.8
Judge directed acquittals	1,648	20.6	1,842	20.4	1,839	21.2
<b>Total</b>	<b>8,012</b>		<b>9,012</b>		<b>8,668</b>	

10.9% 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 1,839 (9.1%) in 1998-99.

