ANNUAL REPORT
for the period April 2003 - March 2004

From the Director of Public Prosecutions to the Attorney General

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

Ordered by the House of Commons to be printed 15 July 2004
I am pleased to report to you on the performance and reform of the Crown Prosecution Service during 2003-04 and in doing that acknowledge the contribution made by Sir David Calvert-Smith QC.

The CPS made great strides under David’s leadership over the last five years, we shall now build on that and take our proper place as a world-class prosecution service that is able to make the fullest possible contribution to the Criminal Justice System and to society.

The Crown Prosecution Service is an organisation with a strong record of achievement during 2003-04. We have over 7,600 staff. These include 2,300 frontline prosecutors and 4,000 legal caseworkers. Almost 94% of our people work in or support our local frontline delivery of prosecution services, increasingly working alongside police colleagues whilst holding to our values of fairness, impartiality and integrity. So that in prosecuting criminal activity actively, robustly, promptly and fairly we aim for safe convictions in which the public can have confidence.

We manage a budget of almost £500 million a year, with a further £127 million managed as prosecution costs. This is not a small organisation. It is a large one. We are by far the biggest law firm in the country.

In 2003-04, we dealt with almost 1.4 million prosecutions. Over one million defendants were convicted in magistrates’ courts and almost 73,000 defendants were convicted in the Crown Court. Well over 90% of all cases result in a guilty plea or a conviction.

These are good figures and very few organisations can match them. They show the substantial contribution the CPS is making to delivery of the Government’s PSA targets to narrow the justice gap. And Chief Crown Prosecutors chaired over half of the new local Criminal Justice Boards charged with the responsibility to deliver those PSA targets.

We have successfully piloted charging - the biggest transformation in our history. Without doubt prosecutors taking responsibility for charging will have the biggest impact of any reform in raising the performance of the CJS. The work so far in introducing ‘shadow’ charging arrangements, the roll out of statutory schemes in priority Areas, the support of a CPS Direct service, offering police out-of-hours advice and charging, shows what we in the CPS – in Areas and in Headquarters – can achieve by working with the police as a prosecution team.

The victims and witness care pilots run in five Areas in partnership with local police colleagues were so successful that we have been able to develop the most compelling business case for funds from the Invest to Save budget to roll out these programmes nationally. Witnesses deserve the best treatment we can offer as we deal with the crime they have suffered or witnessed. Our victim and witness care programme ‘No Witness; No Justice’ is the start to delivering that sort of service. Once it is national in scope, the benefits from this initiative are going to be felt across the whole system.

But it is not just about the role that we play in the CJS. We are equipping our people with the right tools, skills and support to do their job as well as it can possibly be done. We have in place a highly professional senior management team: CCPs and the Casework Director are highly experienced prosecutors and leaders. Our HQ team draws on people with a strong delivery background; some like me from completely outside the Civil Service bring a different perspective to our work. We have introduced a new Business Development Directorate in HQ to support Areas in the delivery of PSA targets; we have enhanced the Area Business
Manager cadre; and the Senior Management Team in London, which is responsible for approximately 20% of CPS work, has been strengthened and restructured with top posts re-advertised and filled by fierce, open competition. And competition for those sorts of jobs should be fierce.

We are raising leadership skills for our senior, middle, and most important in my view, our aspiring managers through ‘Transform’ our new leadership and management development programme. All Area Business Managers and the first tranche of Unit Heads have completed the initial training as a start to equipping them with more effective leadership skills.

And we have the best IT in the CJS. We set ourselves the challenging target of rolling out our case management system between April and December and we achieved it. That is a remarkable success. The COMPASS Case Management System developed in partnership with LogicaCMG is now fully functional in all Areas and we have rolled-out the next phase of COMPASS development to provide case management support for charging.

These are excellent achievements and they set a strong foundation for the public prosecution service in the coming years. They reflect the professionalism, enthusiasm and commitment of everyone who works here.

Ken Macdonald

KEN MACDONALD QC
Director of Public Prosecutions
THE CROWN PROSECUTION SERVICE

Role
The Crown Prosecution Service (CPS) was established in 1986 to prosecute criminal cases investigated by the police in England and Wales. In undertaking this role, the CPS advises the police on cases for possible prosecution, reviews cases submitted by the police for prosecution, prepares cases for court and presents those cases at court.

Code for Crown Prosecutors
Before proceeding with a prosecution, Crown Prosecutors must first review each case against the Code for Crown Prosecutors. The Code is designed to make sure everyone knows the principles the CPS applies when carrying out its work. Those principles are:

• whether there is enough evidence to provide a realistic prospect of conviction against each defendant on each charge, and, if so,

• whether a prosecution is needed under the public interest.

The Director of Public Prosecutions is under a statutory duty to publish the Code for Crown Prosecutors. The fourth edition of the Code was published in October 2000. The changes were matters of emphasis rather than principle. The CPS is a public authority for the purposes of the Human Rights Act 1998. In carrying out their role, Crown Prosecutors must apply the principles of the European Convention on Human Rights in accordance with the Act.

Organisation
The Service is headed by the Director of Public Prosecutions, Ken Macdonald QC, who succeeded Sir David Calvert-Smith QC in November 2003. The Director is superintended by the Attorney General who is accountable to Parliament for the Service. The Chief Executive is Richard Foster, who is responsible for managing the business day to day, allowing the Director to concentrate on prosecution and legal issues.

The CPS has 42 Areas across England and Wales matching police force boundaries. Each Area is headed by a Chief Crown Prosecutor who is responsible for the delivery of a high quality prosecution service to his or her local community. Each Chief Crown Prosecutor is supported by an Area Business Manager, and their respective roles mirror, at a local level, the division of responsibilities between the DPP and the Chief Executive. Administrative support to the Areas is provided through a network of 10 Service Centres each responsible for providing effective services to a ‘family group’ of Areas.

Aim
The CPS works in partnership with the police, courts, the Home Office, the Department for Constitutional Affairs (DCA) and other agencies throughout the criminal justice system 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 Crown Prosecution Service’s overall aim, which reflects the Government’s priorities for the Criminal Justice System, is to:

Deliver a high quality prosecution service that brings offenders to justice, helps reduce both crime and the fear of crime and thereby promote public confidence in the rule of law through the consistent fair and independent review of cases and through their fair, thorough and firm presentation at court.
SUMMARY OF CPS PERFORMANCE AND ACHIEVEMENTS

Cases for advice and prosecution

• Caseload has increased. The number of defendant cases sent to us by the police during 2003-04 rose to 1.57 million, an increase of 9.9% compared with 2002-03.

• This increase reflects the impact of prosecutors assuming responsibility for the decision to charge in all but the minor cases. Over 2003-04, prosecutors gave advice on prosecution and charge in 195,000 cases, a three-fold increase on 2002-03.

Case results

• During 2003-04, over one million defendants were convicted in magistrates’ courts and almost 73,000 defendants were convicted in the Crown Court. The CPS made a substantial contribution to the Criminal Justice System’s target to narrow the justice gap although only the more serious offences fall within the scope of this measure.

• The percentage of cases discontinued continues to fall, from 16.2% in 2001-02, to 15.5% in 2002-03 and now to 13.8% in 2003-04.

• 98% of cases proceeding to a hearing in magistrates’ courts and 90% of such cases in the Crown Court resulted in a conviction.

• Unsuccessful outcomes in magistrates’ courts fell from 23.2% of all outcomes in 2002-03 to 21.1% in 2003-04, a reduction of 9.1%.

• Unsuccessful outcomes fell from 25.5% of all Crown Court outcomes in 2002-03 to 25.4% in 2003-04, a reduction of 0.3%.

People

• At the end of March 2004, the CPS employed a total of 7,666 people, 620 more than at the same time the previous year. This includes 2,612 prosecutors and 4,885 caseworkers and administrators. Around 94% of all staff are engaged in or support frontline prosecutions.

• The CPS has 529 prosecutors able to advocate on Crown Court cases and in the Higher Courts and 254 Designated Caseworkers to present cases in magistrates’ courts.

Delivery of Public Service Agreement targets

• Latest available figures show 1,104,539 offences were brought to justice in the year ending December 2003.

• The proportion of ineffective trials in the Crown Court has reduced from the 24% baseline to 17.8%, for the quarter ending April 2004, an improvement of 6.2% points.

• For the magistrates’ courts, the proportion of ineffective trials has reduced from 31% to 27.1% for the quarter ending April 2004, an improvement of 3.9% points.

• The British Crime Survey for the year to December 2003 shows 40% of the public believe the CJS is effective in bringing people to justice, a 1% increase on year ending March 2003.

• The CPS is taking a leading and influential role in Local Criminal Justice Boards. Half of the 42 Local Criminal Justice Boards were chaired by Chief Crown Prosecutors in 2003-4.
CPS Reform

• Each CPS Area has worked with local police colleagues to introduce non-statutory ‘shadow’ charging arrangements, in advance of statutory provision in the Criminal Justice Act. These arrangements are being supported by ‘CPS Direct’, a telephone-based service offering police an out-of-hours advice and charging service.

• The CPS in partnership with the police has successfully piloted ‘No Witness. No Justice’ victim and witness care arrangements. The partnership has been awarded £27 million from the Government’s Invest to Save initiative to support national implementation of the scheme.

• The CPS is working with the DCA on effective trial management pilots, where victims and witnesses as customers of the court know in reasonable time when cases will be heard and can be confident that arrangements will not be changed. Plans are being developed for the roll-out of these effective trial management arrangements across England and Wales.

• The CPS has appointed 12 specialist Prosecutors in ‘hot spot’ Areas, to concentrate on prosecuting anti-social behaviour and low-level disorder offences, and to support local authorities in the application and enforcement of any breaches of those orders.

• The COMPASS Case Management System is now fully functional in all 42 Areas with over 7,000 staff trained in using the system. At the end of April 2004 there were over one million cases registered on the system.

• The CPS has developed, in partnership with external training providers, a leadership and management development programme - Transform - for our managers. All Area Business Managers and the first tranche of Unit Heads have completed initial training as a start to equipping them with more effective leadership and management skills.
Criminal Justice System Performance

Public Service Agreement (PSA) Targets

The PSA targets for the CPS and the Criminal Justice System from the Spending Review 2002 are:

I. To improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice, to 1.2 million by 2005-06, with an improvement in all CJS areas, a greater increase in the worst performing areas and a reduction in the proportion of ineffective trials.

II. To improve the level of public confidence in the Criminal Justice System, including increasing that of ethnic minority communities, and increasing year on year the satisfaction of victims and witnesses, whilst respecting the rights of defendants.

III. To increase value for money from the Criminal Justice System by 3 per cent a year.

Delivering these targets is the joint responsibility of the Crown Prosecution Service, Home Office and Department for Constitutional Affairs. Spending Review 2000 included PSA targets to improve the delivery of justice and public confidence.

Performance in delivering those PSA targets over 2003-04 is set out on the following pages.
## Narrowing the Justice Gap

### Performance Measures

<table>
<thead>
<tr>
<th>Description</th>
<th>Latest Outturn</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increasing the number of offences for which an offender is brought to justice. (Offences which result in conviction, caution, or in which the offence is taken into consideration). The gap between offences brought to justice and the overall level of recorded crime is sometimes referred to as ‘attrition’.</td>
<td>Latest performance on offences brought to justice is 1,104,539 for year ending December 2003.</td>
</tr>
<tr>
<td>An improvement in all CJS Areas</td>
<td>39 of the 42 CJS areas have improved their performance on the baseline year of 2001-02.</td>
</tr>
<tr>
<td>A greater increase in worse performing areas</td>
<td>Areas performing below the average were identified for the purpose of setting area targets for 2004-05, which were sent to areas in February 2004.</td>
</tr>
<tr>
<td>A reduction in the proportion of ineffective trials.</td>
<td>The proportion of ineffective trials in Crown Court centres has reduced from 24% (baseline) to 17.8%, quarter ending April 2004, an improvement of 6.2% points. For the magistrates’ courts the proportion of ineffective trials has reduced from 31% to 27.1%, quarter ending April 2004, an improvement of 3.9% points.</td>
</tr>
</tbody>
</table>
The CPS also has specific measures that serve as proxy indicators for its contribution to narrowing the justice gap. Targets for 2003-04 were to reduce the proportion of unsuccessful outcomes in the magistrates’ courts and in the Crown Court by 5%. Performance in 2003-04 was as follows.

<table>
<thead>
<tr>
<th>Annual target</th>
<th>Outturn</th>
</tr>
</thead>
<tbody>
<tr>
<td>To reduce by 5% the proportion of unsuccessful outcomes in magistrates’ courts.</td>
<td>Unsuccessful outcomes in magistrates’ courts fell from 23.2% of all outcomes in 2002-03 to 21.1% in 2003-04, a reduction of 9.1%.</td>
</tr>
<tr>
<td>To reduce by 5% the proportion of unsuccessful outcomes in the Crown Court.</td>
<td>Unsuccessful outcomes fell from 25.5% of all Crown Court outcomes in 2002-03 to 25.4% in 2003-04, a reduction of 0.3%.</td>
</tr>
</tbody>
</table>

Unsuccessful outcomes comprise all outcomes other than a conviction. Taken together, unsuccessful outcomes in magistrates’ courts and in the Crown Court fell from 320,870 in 2002-03 to 293,851, in 2003-04, a reduction of 27,019 (8.4%). In proportional terms the fall was from 23.4% of all outcomes to 21.4%, a reduction of 8.5%.
### Performance Measures

<table>
<thead>
<tr>
<th>Description</th>
<th>Latest Outturn</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improve the level of public confidence in the Criminal Justice System</td>
<td>Latest performance from the British Crime Survey for the year to December 2003, shows that 40% of the public believe the CJS is effective in bringing people who commit crimes to justice.</td>
</tr>
<tr>
<td>This will be met if, by the year ending March 2006, the level of public confidence has increased, compared to the baseline year ending March 2003</td>
<td></td>
</tr>
<tr>
<td>- including increasing that of ethnic minority communities</td>
<td>Baseline established of 49%, year ending March 2003. Latest British Crime Survey figures for December 2003 show confidence has increased to 53%.</td>
</tr>
<tr>
<td>This will be met if, by 2005/06, the level of confidence amongst black and minority ethnic people is statistically higher than that during the baseline year ending March 2003</td>
<td></td>
</tr>
<tr>
<td>- increasing year on year the satisfaction of victims</td>
<td>Baseline data for victims to be established July 2004.</td>
</tr>
<tr>
<td>This will be met if the level of satisfaction of victims increases year on year during April 2003 to March 2006, with the final year showing a statistically significant increase over the first year</td>
<td></td>
</tr>
<tr>
<td>- increasing year on year the satisfaction of witnesses</td>
<td>Baseline data for witnesses to be established July 2004.</td>
</tr>
<tr>
<td>This will be met if the level of satisfaction of witnesses increases year on year during the target period from April 2003 to March 2006, with the final year showing a statistically significant increase over the first year</td>
<td></td>
</tr>
<tr>
<td>- respecting the rights of defendants</td>
<td>The rights of defendants are protected by law. Any evidence that a defendant’s rights have been infringed would be thoroughly investigated.</td>
</tr>
<tr>
<td>This will be met if the level of satisfaction of victims increases year on year during the target period from April 2003 to March 2006, with the final year showing a statistically significant increase over the first year</td>
<td></td>
</tr>
</tbody>
</table>
Performance Measures

To increase value for money from the Criminal Justice System by 3% per annum

The CPS contribution to the target will be met if by year ending March 2006, there is an improvement in efficiency or value for money of at least 3% compared with the year ending March 2003.

Some CPS-led initiatives will have efficiency and value for money benefits for the police and the courts as well as the CPS.

Latest Outturn

• The rollout of the shadow and statutory charging schemes will provide a better grip on cases from the outset, reducing the number of cases that are discontinued and increasing the number of early guilty pleas. Both will save time and effort on the part of the police, CPS and courts.

• Increasing the proportion of cases dealt with by joint police and CPS Criminal Justice Units and Trials Units is producing overall efficiency savings in estates and better value for money through joint administration and streamlined case management processes. By September 2003, these Units were handling around 50% of all CPS prosecution cases.

• The CPS has developed proposals for greater use of designated caseworkers to deal with straightforward guilty plea cases in magistrates’ courts, freeing up prosecutor resources to deal with trials in magistrates’ courts and the more serious cases heard in the Crown Court.

• The CPS is introducing eProcurement across the Department as a platform for increasing efficiency and achieving significantly improved terms from its suppliers of goods and services. In conjunction with this initiative it is introducing framework agreements for a variety of goods and services where savings and efficiencies can be realised.

• Roll-out of a COMPASS case management system is automating clerical case handling and case tracking processes.
A number of targets for the CJS were not carried forward into PSA for SR2002.

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Latest Outturn</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduce by 2004 the time from arrest to sentence or other disposal for all defendants by: reducing the time from charge to disposal for all defendants, with a target to be specified by 31 March 2001, and dealing with 80% of youth court cases within their time targets.</td>
<td>Ministers agreed that each LCJB would set timeliness targets for their area, with no overall target. Targets have now been set in each area.</td>
</tr>
<tr>
<td>Maintain the 71 day target to deal with persistent young offenders from arrest to sentence.</td>
<td>The average time taken from arrest to sentence for persistent young offenders over 2003-04 was consistently below the 71-day target and for the quarter to March 2004 was 66 days.</td>
</tr>
</tbody>
</table>

**Criminal Justice Boards**

New Local Criminal Justice Boards (LCJBs) were introduced from 1 April 2003. These Boards bring together Chief Officers of local criminal justice agencies to deliver the Public Service Agreement targets in their Area, and drive through criminal justice reforms. Chief Crown Prosecutors chaired around half of the 42 local Boards in 2003-4. Each local Board has produced delivery plans for narrowing the justice gap, ineffective trials and public confidence and report on progress to a new National Criminal Justice Board. The Director of Public Prosecutions and the Chief Executive, along with the Home Secretary, Lord Chancellor and Attorney General and other criminal justice ministers are members of the National Board.

**Criminal Case Management Programme**

The Criminal Case Management Programme was launched in November 2003 to co-ordinate delivery of three important, and inter-reliant reform initiatives: the Charging Initiative; the Effective Trial Management Programme; and ‘No Witness, No Justice. The Ministerial Champion for the Programme is the Attorney General, and the Programme Director is Jane Furniss, Head of the trilateral Criminal Justice Performance Directorate.
The CPS set itself a challenging reform agenda over 2003-04 to make the maximum contribution to the development of the Criminal Justice System. Broadly, these were to strengthen the prosecution process, to rebalance the criminal justice system in favour of the victim and community and to raise the Service’s capability to deliver PSA targets and CJS reform.

**STRENGTHENING THE PROSECUTION PROCESS**

**Charging**

Lord Justice Auld recommended in his Review of the Criminal Courts, that the CPS should be given greater legal powers to determine the decision to charge in all but minor cases. The development and implementation of new charging arrangements was the top priority for the Service in 2003-04 and, following successful pilots in five CJS Areas, the recommendation to extend the role of the CPS in charging suspects was accepted. Enabling legislation in the Criminal Justice Act was passed in November 2003.

In advance of that legislation, the CPS has worked as a prosecution team with the police to introduce ‘shadow’ charging arrangements in each Area during 2003-04. These arrangements are already delivering considerable benefits, with prosecutors working closely with police to build robust cases for prosecution and helping to narrow the justice gap.

The CPS has reprioritised existing funding to support the roll-out of the statutory charging scheme in 14 Priority Areas during 2004, where the impact of charging will make the greatest difference, and, subject to additional funding, have plans for a phased introduction of the statutory scheme to all 42 Areas.

**R-v-Huntley**

On Sunday 4th August 2003 Holly Wells and Jessica Chapman disappeared from their homes in Soham. Their bodies were found 13 days later in Lakenham, Suffolk. Ian Huntley was charged with murder and Maxine Carr with conspiring to pervert the course of justice. From the start the CPS worked in the police operations centre and provided advice throughout the case. CPS Cambridgeshire, along with the police, obtained 6,820 statements, 7,431 exhibits and almost 24,000 documents. After a six week trial Ian Huntley was convicted of two counts of murder and jailed for life. Maxine Carr received three and half years in prison.

**R-v-Fitzgerald**

Police charged Mark Fitzgerald with burglary in April 2002. After significant investigation he became the prime suspect in the murder of 92 year old Lily Myers who had died in hospital after being knocked to the ground during a burglary at her home. Leeds Trial Unit advised the police on the conduct of the murder inquiry and the evidence required. Links needed to be made between the jewellery and footwear impressions at the burglary sites, to those found at Fitzgerald’s home. The trial unit advised police on how to deal with Fitzgerald’s partner and a 15 year old accomplice who became a protected witness. Regular meetings were held between the CPS, police and counsel to build a solid case. Fitzgerald was convicted of five burglaries and the manslaughter of Lily Myers for which he received 15 years in jail. Speaking after the verdict DI John Gilbody stated that “It’s the best working relationship with the CPS and counsel I’ve ever had on a case.”
CPS Direct
Suspects are charged with criminal offences right around the clock and the transfer of responsibility for charging decisions to the CPS means that prosecutors have to be available 24 hours a day, 365 days a year.

To meet this challenge, in September 2003 the CPS introduced a pilot scheme known as CPS Direct in three Areas. By dialling a single national number, police officers can speak to experienced prosecutors working from home through the night and at weekends and on public holidays. The officer can fax or e-mail statements and other written material to the prosecutor via a separate line and IT links give the prosecutor access to on-line legal reference materials. The prosecutor generally provides an immediate decision over the telephone and written confirmation follows by fax or e-mail within 15 minutes.

The pilot scheme proved highly successful and by the end of March 2004 CPS Direct had received over 12,000 calls and has provided 9,000 written decisions and advices on cases ranging from motoring offences to murder. CPS Direct will expand to provide cover for around 60% of the country by October 2004.

Effective Trial Management Programme
The Effective Trial Management Programme (ETMP) aims to reduce the number of ineffective trials by improving case preparation and progression from point of charge through to trial or earlier disposal. ETMP builds on the better case file preparation being delivered by the Charging initiative and the improved information available on victims and witness needs from the "No Witness, No Justice" project.

Six early test sites (Bedfordshire, Essex, Greater Manchester, North Wales, West Midlands and West Yorkshire) have already designed and implemented the ETMP proposals and have introduced an improved case management system. Implementation in the remaining Criminal Justice Areas will take place throughout 2004 and early 2005.

These principles will be reflected in the Criminal Case Management Framework, which Lord Goldsmith, Lord Falconer, Baroness Scotland and the Lord Chief Justice will issue in July. For the first time, the Framework will provide practitioners in local areas from across the Criminal Justice System with a consistent guide to their own, and their partners’ roles and responsibilities, together with operational guidance on case management good practice. It is intended that the Framework will lead to a clearer understanding of what should be done, and by whom, so that cases are prepared appropriately and can be brought to a conclusion with the minimum of delay and without unnecessary adjournments.

Reducing Street Crime and breaking the link between drugs and crime
The primary purpose of the Street Crime initiative was to bring down levels of robbery in 10 police force areas from record levels. The Joint Inspection Report on the Street Crime Initiative by Her Majesty's Inspectorate of Constabulary and Her Majesty's Crown Prosecution Inspectorate was published on 29th July 2003 and noted that together, with the police and other CJS agencies, we have achieved this. There have also been significant improvements in the 'charge to conviction rate' in street crime cases, increasing by 27% for adults and 40% for juveniles. In April 2004 the Criminal Justice Intervention Programme coverage was doubled and the programme, with it’s objective of breaking the cycle of drug misuse and crime, now operates in 19 Criminal Justice Areas.
Persistent Offenders
The Persistent Offender Scheme launched in April 2003 was subject to an early review at the end of 2003 by a Joint Inspectorate team. The feedback from practitioners and central stakeholders was that targeting persistent and prolific offenders is best done at the local level, targeting individuals according to the nature and volume of crime and harm they cause along with any other local considerations. Taking these views into account, on 30 March 2004 the Prime Minister announced a new strategy aimed at reducing the harm which prolific and other priority offenders cause which will replace the current persistent offender scheme.

Recovering Proceeds of Crime
The confiscation provisions of the Proceeds of Crime Act 2002 have made it easier for the police and prosecutors to recover assets from criminals.

During 2003-04, the CPS has developed a network of Asset Recovery Champions, across all 42 CPS Areas together with a delivery unit in CPS Headquarters to support them. One immediate benefit of this approach has been a 155% increase in the number of court orders obtained by the CPS to preserve a defendant’s assets pending the outcome of the criminal proceedings.

Following conviction, a court may make assumptions regarding a defendant’s assets and order payment of a sum of money that far exceeds the benefit gained by the defendant from the offences for which he was convicted. In a recent case in Derbyshire, for example, a confiscation order was made in the sum of £1.5 million following guilty pleas to the theft of petrol to the value of £219.

Building upon the Service Level Agreement between the Association of Chief Police Officers (ACPO) and the CPS signed in December 2002, CPS Areas have been entering into local agreements with individual police forces to ensure that potential confiscation cases are recognised and taken forward in the courts. Both the CPS and the magistrates’ courts have adopted a revised National Best Practice Guide to Confiscation Order Enforcement to ensure that once confiscation orders have been made, they are paid.

The CPS Central Confiscation Branch has continued to enforce confiscation orders made under the Drug Trafficking Act 1994 (DTA) and Part VI of the Criminal Justice Act 1988, as amended by the Proceeds of Crime Act 1995, recovering £9.2 million this year.

R-v-Dady
Daniel Dady was accused of stealing £100,000 of jewellery. He protested his innocence to the crime and stated he did not need to steal as he had inherited £20,000 from his father. The jury at Norwich Crown Court found him guilty and Dady was sentenced to prison for four years and seven months. After the trial CPS Norfolk together with Norfolk Constabulary’s Financial Unit submitted an application to seize the inheritance under the Proceeds of Crime Act. The application was successful and the £20,000 was given to the victim as compensation.

Tackling Serious, Organised and International Crime
In February 2004, the Government announced its decision to create a new, dedicated national agency to fight serious and organised crime - the Serious and Organised Crime Agency (SOCA). The new Agency, which will be operational in 2006, will draw together the responsibilities which currently fall to the National Crime Squad, the National Intelligence Service, parts of the Home Office dealing with organised immigration crime and the investigation and intelligence arms of HM Customs and Excise in tackling serious drug trafficking.

The CPS will be the principal prosecutors for the new agency and is working closely with the Home Office and other agencies to provide a dedicated group of specialist prosecutors who will work closely with investigators to provide comprehensive advice and develop strong cases for prosecution. These prosecutors will stay with each case from the outset of investigations and play an important role in presenting the cases in court.
Extradition Act
In November 2003, the CPS completed specialist training to equip CPS prosecutors and colleagues across the CJS to deal with the new streamlined extradition procedures that came into force on 1 January 2004. The training dealt with the introduction of the European Arrest Warrant for European Union cases. The CPS led this initiative on behalf of the CJS and trained 131 CPS and CJS colleagues. In January and February 2004 this training was ‘exported’ to two of our main extradition partners, France and Italy. Fifty senior French CJS officials, prosecutors and judges and over 100 of their Italian counterparts attended a specially designed one-day seminar to explain our new procedures.

Human Trafficking
In 2003, the CPS consulted all 25 European Union Member States through a questionnaire to establish a baseline understanding of the issues each country faced, their current legislation and “what works” in tackling crimes alleging human trafficking. This was followed up with an international conference in London at which 150 delegates from 20 European Union jurisdictions identified key priorities for more successful human trafficking prosecutions.

Victim and Witness Care Project: ‘No Witness, No Justice’
In March 2003 the Prime Minister and the Attorney General commissioned a pilot project to improve victim and witness care. The No Witness, No Justice programme is a Crown Prosecution Service and Association of Chief Police Officers partnership supported by the Criminal Justice Group and the Prime Minister’s Office of Public Services Reform. At pilot sites in Essex, Gwent, North Wales, South Yorkshire, and the West Midlands, representatives from CJS agencies worked together as a team to ensure that the service provided to victims and witnesses is properly tailored to the needs of each individual. Victims and witnesses are provided with the support and information they need through the life of the case to attend court and give best evidence.

As part of the care arrangements, victims are provided with a single point of contact to give them the information and support they need, provide somewhere to go in order to raise issues, concerns or special needs they may have. Prosecutors explain their decisions to victims, who are entitled to know how their cases are being handled and are provided with updates on progress and the outcome of their case.

Following encouraging early results the Government announced an award of £27 million from its Invest to Save Fund to support national implementation of the scheme. As a result, dedicated Witness Care Units will be introduced into all Areas in a phased programme of implementation between April 2004 and December 2005.

ACPO Conference in Birmingham
This conference was attended by the Police and CPS ‘prosecution team’ to communicate how we are coordinating and delivering major change to the CJS through the Charging, No Witness, No Justice and Effective Trial Management projects.
Improving the service to vulnerable or intimidated witnesses

The CPS continues to work closely with other Government Departments and organisations to meet the needs of vulnerable or intimidated witnesses. In September 2003, a joint CPS/VOICE UK conference was held in Derby to discuss vulnerable witness issues to which people with learning disabilities contributed. The event included a play ‘Jake’s Justice’ which was specially commissioned by the CPS and has since been performed at a number of Area events. In November 2003, the Bar Council video ‘A Case for Special Measures’ was launched which was partially funded and designed by the CPS.

Intermediary support to witnesses

In February 2004, a pilot started in Merseyside, in which Court-approved intermediaries were able to assist vulnerable witnesses to understand and answer questions posed during a trial. These arrangements are being extended to the other pilot areas of South Wales, Thames Valley, West Midlands, Devon & Cornwall and Norfolk.

Improving Witness Support for Vulnerable Witnesses

The CPS has formed a partnership with Liverpool City Council to develop a workshop on Vulnerable Witnesses: Support, Preparation & Profiling. So far nine CPS Areas have held this event, which is intended to promote better local arrangements between the Police, CPS, courts and Social Services and support vulnerable witnesses to give evidence.

CPS Humberside helping vulnerable witnesses

Two elderly victims of theft were spared the ordeal of appearing in court after a live TV link allowed them to give evidence to a Hull Crown Court jury from their own homes. The link, used for the first time in Humberside, was jointly funded by Humberside CPS and the police. It meant that the two ladies, aged 72 and 91, were able to give evidence at the retrial of their carer who stole cash from their homes. As a result, Angela Atkins was sentenced to 18 months in prison after the jury convicted her on two counts of theft. Humberside CCP Nigel Cowgill said special measures such as these will improve the support provided to vulnerable witnesses to ensure that trials go ahead wherever possible.

Tackling Anti-Social Behaviour

In November 2003, the Prime Minister launched the Home Office Action Plan on Tackling Anti-Social Behaviour. As part of this multi-agency project the CPS has appointed 12 specialist Prosecutors in ‘hot spot’ Areas to concentrate on prosecuting anti-social behaviour and low level disorder offences. They also support local authorities in the application and enforcement of any breaches of those orders. The expert prosecutors will also be working with Crime Reduction Partnership groups and local communities to establish projects to reduce anti-social behaviour. Good practice from the hot spot areas will be used at the Community Justice Centre planned for Merseyside.
Improving Community engagement
In 2003 good practice guidance on community engagement was formulated, by a joint HMCPSI/CPS committee. In January 2004, the CPS began to develop a national strategy for Community Engagement. Work will continue throughout 2004-05 and will include up to three ‘Breakthrough Pilots’ to trial elements of the strategy, helping the CPS to meet the needs of local communities.

Race for Justice
The findings of the independent Diversity Monitoring Project were published in October 2003. Entitled ‘Race For Justice’, the research study examined over 15,000 CPS files across 10 Areas to see whether there was any bias or discrimination on the grounds of race and gender through the prosecution process. Whilst the statistical evidence of bias or discrimination was inconclusive, significant issues were highlighted which could have a disproportionate impact on women and black and minority ethnic defendants. Ten recommendations were made to the CPS to improve the quality and management of its review and prosecution of racial and religious crimes. All of these recommendations were accepted and are being acted upon.

Public Policy Statement on Racially and Religiously Aggravated Crime
In July 2003, the CPS Policy on Prosecuting Racist & Religious Crime was launched by the Attorney General and the Director of Public Prosecutions. The policy was the result of a series of national and regional consultations with over 120 black and minority ethnic, community, faith, statutory and voluntary groups and organisations. This was the largest ever consultation on a CPS Public Policy Statement.

The Policy Statement has been translated into 12 community languages and is supported by a leaflet and guidance for prosecutors.

“Religiously aggravated crime is still a relatively new piece of legislation but with the work we are doing to communicate our policies I hope that members of all faith communities will have the confidence to come forward and report crimes directed against their beliefs.”

R-v-Ratcliffe
Port Vale supporter Sean Ratcliffe was charged with being racially offensive under the Football (Offences) Act 1991. The case was originally heard before Trent Magistrates court who acquitted Ratcliffe on the basis that the chant of “Paki” at a football match was ‘mere doggerel’ and had caused no offence. The Staffordshire CPS did not agree with this assessment and the Director brought an appeal to the High Court. On 16th June 2003 Lord Justice Auld ruled that the word was derogatory and racist in the context used in this case. The case was returned to the magistrate’s court with an order to convict. Ratcliffe was banned from Premiership and Nationwide games for three years and fined £150 in the same week as the CPS launched its policy on Racist and Religious Crime.
**Building a representative workforce**

The CPS continues to recruit a workforce that is representative of the community it serves. In 2003-04, the CPS exceeded Civil Service recruitment targets, with 13.9% of staff from black and minority ethnic communities, compared to a Civil Service benchmark of 7.6%; 66.4% of permanent CPS staff are female compared to a benchmark of 51.8%, and 4.4% are disabled, compared to 3.7% across the Civil Service. Over 1,500 CPS people take the opportunity to work part-time.

**CPS Avon & Somerset Employment initiative**

A major initiative to recruit more people from Bristol’s black and ethnic minority communities has been launched. CPS volunteers manned an exhibition giving career advice and handing out leaflets at a special careers fair held at the Silai for Skills Community Project. The aim of the fair was to encourage more black and minority ethnic people to consider a career in the public services. Volunteers including lawyers, caseworkers and administrators answered over 50 queries, gave out information and took part in workshops illustrating what the CPS does and the variety of jobs available in the Service.

**RAISING THE CPS CAPABILITY TO DELIVER**

**Improving Recruitment**

During the year the CPS has undertaken a review of its approach to recruiting people into the organisation and promoting those within it. The review included the views of over 400 staff and identified and assessed approaches used by other organisations, particularly those with reputations for being ‘employers of choice’.

**On-Line Recruitment**

As part of improving its recruitment practices the CPS has introduced on-line recruitment. Launched in our North East Service Centre, the on-line recruitment campaign was aimed at attracting 200 lawyers to the CPS nationwide. The campaign involved an intensive print media campaign which directed potential lawyers to the CPS careers website where they could apply on-line and upload their CVs. Candidates could also find out information on other careers/vacancies, the working benefits of the CPS and job descriptions.

The on-line recruiting process reduced hours of paperwork for both candidates and CPS staff, enabled recruiters to gather valuable equality/demographic information, as well as open up the CPS to more prospective candidates. The next stage of on-line recruitment has already started with other jobs now being advertised on-line at www.cps.gov.uk.

The Human Resources Directorate won recognition from the Society for Personnel Officers in Government and the recruitment and advertising industry during 2003/04 for their ‘caped crusader’ advertising campaign. These awards are seen as not only a reward for those who were involved in the project, but as evidence that the CPS is seen as an employer that is improving its public image. The Directorate was also shortlisted for best team of the year in the 2004 Public Finance awards and highly commended in the National Training awards.
Improving Staff Satisfaction

The results for the 2004 staff survey ‘Your Voice 2004’ show considerable progress against the previous survey held in 2002. The 2004 survey, the first ever to be conducted on-line within CPS, attracted a response rate of 67%, a 4% improvement on 2002. The scale and breadth of improvements in staff attitudes and satisfaction are considerable. There has been a 28% improvement in the belief that the recruitment system operated by the CPS is fair and objective; a 19% improvement in the belief that CPS provided good career progression opportunities; an 18% improvement in opportunities for personal development and growth; and a 16% improvement in those who think that the quality of service offered by the CPS is good.

Some areas for improvement and development were also highlighted in the survey and are being addressed. We are currently rolling out a completely new recruitment process and have overhauled our induction and new entrant training arrangements. The survey confirmed that we still have further work to do on improving leadership and management skills and an action plan to take forward these survey results will also include, among other things, some work on Health and Safety and communications issues. The lowest scores were around the public perception of the CPS. But there is a marked improvement, up 9%, in how well the CPS is felt to be working with other parts of the CJS.

Managing Absence

The CPS continues to manage absence following the Cabinet Office’s ‘Working Well Together’ report published in 1998. The overall trend is improving but long-term sickness absence remains high. According to latest available data 9.7% of employees had been on long-term sick absence during 2002.

During 2004 the CPS will be looking at reducing the overall sick absence rate, including the arrangements for recording, monitoring and reporting sick absence information to managers, reviewing relevant policies and providing training on all aspects of sick absence.

Increasing Opportunity

As the largest legal services employer in the UK, the CPS has a unique role to play in setting the standard amongst the legal profession for development and training. We have earned a reputation for providing high quality career development opportunities for all our staff.

CPS Law Scholarship

Henrietta Momodu, unit business manager in the Equality and Diversity Unit and mother of three, started at the CPS in 1991 as a typist. “I had just been considering whether or not to go back to school to study law as my interest had shifted to becoming a lawyer. I knew I was not in a position to afford the school fees because I have a young family and probably would not be able to afford it for many years. This scholarship has given me an opportunity to realise this dream without the worry of where the school fees will come from. Considering I have a young family, as much as I would be tempted to say I would have gone ahead with the course regardless, it would not, financially, have been possible. The scholarship scheme is one of the best programmes the CPS has had since I joined.” Henrietta is also taking Common Professional Examinations which she will be completing in 2005.
Higher Courts Advocates
The CPS increased the number of Higher Court Advocate (HCA) training places in 2003-04, from 100 to 150 and this number will increase again to 200 in 2004-2005. There are now 529 trained HCAs qualified to present cases in the Crown Court, allowing the CPS to develop its in-house advocacy skills. An approach for deploying HCAs as effectively as possible in the Crown Court is currently being piloted in Hertfordshire and Hampshire and Isle of Wight to test what a move into full scale advocacy might look like at local level.

Designated caseworkers
The CPS currently employs 254 designated caseworkers (DCWs) to present straightforward guilty plea cases in magistrates’ courts. During 2003-04, a review of the role of designated caseworkers recognised the vital advocacy role that they undertook and that there was scope and potential amongst the existing cadre of DCWs to extend that role. A training programme has been developed to allow DCWs to play a greater role in presenting cases in magistrates’ courts.

Law Scholarship Scheme
The CPS Law Scholarship Scheme provides a comprehensive education and training framework for those employees who want to become prosecutors. This Scheme supports a range of qualifications, including A Level, Law Degree, Institute of Legal Executives, Bar Vocational Course and the Legal Practice Course and the stages of progression to becoming a lawyer. The Scheme extends opportunities for higher education to those staff who have no post-school qualifications, widens access to, and diversifies, the legal profession and helps the CPS to ‘grow its own’ lawyers.

The Scheme was launched in June 2003 and there are already 235 scholars throughout England and Wales. Approximately 75% of the scholars are women and 20% are from black and minority ethnic communities. Most of the scholars are between 25 and 34 years old. In CPS London, 80% of the scholars are women and 46% are from black and minority ethnic communities.

Legal trainee scheme
The CPS is authorised by the Law Society to take trainee solicitors; many of its offices are also approved by the Bar Council to offer pupillage. The legal trainee scheme is the final stage of the Law Scholarship Scheme. Since the scheme was re-launched in April 2001, 35 trainee solicitors and 19 pupils have completed their training with the CPS. We currently have 50 trainee solicitors and eight pupils on the scheme.

Strengthening Leadership
Transform was launched as a leadership and management development programme for the CPS in April 2003. Since that time a comprehensive programme of development has been delivered to Area Business Managers and Unit Heads, accredited to Master’s Degree level with Leeds Metropolitan University. The programme makes use of 360° feedback, workshops, coaching and action learning groups to help these key managers cope with the changing demands of the modern CJS. New and aspiring managers, both lawyers and administrators, have been offered a programme accredited by the Institute of Leadership & Management and Service Centre Managers have been attending a series of one-day workshops.

In addition, Transform has delivered programmes on risk management, the race equality scheme, community engagement and a series of masterclasses on Employment Law. Feedback from these programmes has been overwhelmingly positive and Transform will continue to offer high quality development to key managers, including CCPs, during 2004-05.

Building strong management teams
The CPS has enhanced the Area Business Manager (ABM) cadre and five new ABMs have been appointed since April 2003. There have been 12 new Chief Crown Prosecutor appointments over the year and eight senior appointments in CPS London have completed the restructuring of that management team.
Building an equal and diverse Prosecution Service

The CPS is transforming its reputation to become a beacon employer and prosecutor on equality and diversity issues. The Year One Review of the CPS Race Equality Scheme was published in May 2003 and impact assessments conducted on key functions of CPS business identified in the first year of the scheme. The Commission for Racial Equality has commended this Review as an example of good practice and has recognised the CPS Equality Plan as a model. They are working with us to promulgate the approach we have developed. The National Audit Office is using the CPS as an equality and diversity case study because of our increasing cooperation and consultation with external stakeholders and local communities.

Equality of opportunity

The CPS actively promotes development programmes such as the Prince’s Trust Scheme, the Pathways programme and the Civil Service Disability Bursary Scheme. These are designed to identify and develop black, minority ethnic and disabled managers with the potential to reach the Senior Civil Service.

European Year of Disabled People

CPS took the opportunity of 2003 being the European year of disabled people to raise disability awareness across the Service. The CPS national conference on disability held in December 2003, was addressed by speakers from across the Civil Service, the Disability Rights Commission and a victim with learning difficulties. A booklet on disability was launched at this conference for all staff to use as a reference guide. A short video was produced and shown to all staff to highlight disability issues.

Each Area now has an Ability Advisor who will be a central point of guidance and information on all aspects of disability. The Advisors will be able to draw on specialist bodies, such as Access to Work, the Shaw Trust, RNIB, RNID, and the Employers Forum on Disability to arrange specific assistance and information.

Equality and Diversity Awards

In February 2004, the CPS held its second Equality & Diversity Recognition Awards event in Liverpool. Awards were given to those who had developed innovative projects in employment, policy or casework. The Awards enabled the CPS to recognise the achievements of teams, groups and Areas who have demonstrated outstanding performance in promoting equality and diversity within the CPS and who have helped to raise public confidence in the CJS. Winners included CPS Thames Valley for its family friendly policy which has been innovative and groundbreaking and CPS Gwent for contacting the Muslim community prior to the Iraq war reassuring them that racially aggravated incidents would be prosecuted.
Introducing Electronic Case Management
The roll out of the COMPASS Case Management System to all 42 Areas in England and Wales was completed in December 2003 on time and within budget. There are more than 7000 case management system users in over 350 locations and 42 CPS Areas. At the end of April 2004 there were over one million cases registered on the system.

In parallel to the rollout of the COMPASS Case Management System, we have continued to develop our technology to support changes to the prosecution process and in April 2004 rolled out the next phase of system development to all Areas in support of the introduction of Statutory Charging.

“The CPS COMPASS system is more than just a way of managing casework. It is a leading example of the sort of business transformation tool that is needed across the Criminal Justice System if we are going to achieve the challenging targets that we have set ourselves” Attorney General June 2004.

Linking to police systems
Over the year, the CPS has continued to work closely with Criminal Justice Information Technology and Police Information Technology Organisation colleagues to develop an electronic interface between the police Case Preparation system and the COMPASS Case Management System. This interface will provide a key component in using electronic case files throughout the Criminal Justice System and be a significant step towards joining up IT in the Criminal Justice System.

Secure e-mail
The CPS has worked with other Criminal Justice Organisations to develop the use of the Criminal Justice Secure Email network. The CPS has moved over 400 information exchanges from post and fax to e-mail following a series of inter-agency workshops in each Area. The CPS will continue to develop use of the service and is playing an active role in Lord Justice Hooper’s Criminal Practitioners’ Working Group, which is seeking to encourage use of secure communications by chambers and solicitors.

Procurement
The CPS is implementing eProcurement as part of its approach to modernise and streamline its procurement activities. The first phase of the roll-out has now been completed. This has made a significant contribution to its value for money targets and improved the way the Service procures its goods and services.

Procurement improvements include Compass, Payroll Services and Video Transcription Services. The CPS has also worked with other parts of the CJS to establish a cross-CJS panel for the appointment of receivers under the new Proceeds of Crime legislation.

Sustainable Development
The CPS is continuing to reduce energy use and manage its buildings in a more environmentally friendly manner. The CPS also continues to ensure that appropriate aspects of sustainable development are included in criteria when evaluating suppliers for the provision of goods and services. We are incorporating sustainable development criteria into our new Standard Specification for Works and suppliers are actively encouraged to put forward innovative solutions that address sustainable development.
Business Development Directorate
In April 2003, the CPS implemented the recommendations of a review of HQ that sought to improve the focus on delivery by introducing a new Business Development Directorate, led by an experienced CCP. This Directorate is providing a greater focus and support to Areas on meeting PSA targets and supporting the Director and Chief Executive on regular performance reviews with CCPs and ABMs from the priority Areas.

Centre of Excellence
Over 2003-04, in response to the Cabinet Office Improving Programme and Project Delivery report, the CPS has established a Centre of Excellence Team to support HQ Directorates in delivering key business change projects. This work is building on the lessons learned from the successful COMPASS and Charging programmes which have both passed Office of Government Commerce gateway reviews with flying colours. The Centre of Excellence is also supporting two pilot Areas in Merseyside and Northumbria in co-ordinating and managing the raft of CPS and CJS reforms.

Improving planning arrangements
Following reviews by HMCPSI and our internal auditors we are improving our approach to planning with a clearer link between national and local Area plans and individual job plans so that everyone knows their personal role in PSA delivery. A new performance management system has been developed that allows the CPS Board to gain regular assurance on performance on PSA and its own targets, and on the key projects that comprise its business strategy. The Board is supported in this by a Chief Executive’s Group, which has been established to manage and review progress of the Service’s overall reform programme.

Setting the future direction of the CPS
Over 2003-04, the CPS reviewed its business strategy in partnership with the Attorney General, senior managers, frontline staff, CJS partners and other stakeholders. As a result of that review and consultation, the vision for the Service is to become:

’a world-class, independent prosecuting authority, at the heart of the criminal justice system, providing a valued public service that meets the needs of victims and communities, makes a real difference to the lives of local people and helps to build a fairer and more decent society’

Over the next five years we will be concentrating on delivering that vision, through a business strategy built upon:

• Strengthening the prosecution process
• Driving change and delivery in the criminal justice system
• Being champions for justice and the rights of victims
• Inspiring the confidence of the communities we serve
• Being renowned for fairness, excellent career opportunities and the commitment and skills of all our people
2000 Spending Review
Spending Review 2000 determined the baseline level of funding available to the CPS in the three years from 2001-2002 to 2003-2004. Announced in July 2000, the SR2000 settlement for the CPS was £374/391/403 million and enabled the Service to build its capacity to deliver on key criminal justice objectives.

2002 Spending Review
Spending Review 2002 re-visited funding for 2003-2004 and in the settlement announced in July 2002, the CPS gained an increase in resource of £10.1/28.7/43.8 million over three years and £2.7/3.4 million capital over the latter two years of the review period.

The revised baseline of funding of £413 million in 2003-2004 provided for the costs of the COMPASS case management system together with resources to improve the level of co-ordination between criminal justice departments.

The SR2002 settlement recognised the important role of the CPS in leading criminal justice reform and the three years to 2003-04 marked a significant period of growth for the Service.

CJS Reserve
Established as part of the 2000 Spending Review plans, the Treasury created a criminal justice reserve worth £525 million over the three years up to 2003-04. Set aside to provide funding for unforeseen pressures and new Criminal Justice initiatives. Release of the reserve funding must be trilaterally agreed by the Attorney General, the Home Secretary and the Lord Chancellor.

The success of the criminal justice reserve in supporting joint planning and management of the criminal justice system in SR2000 led to the Treasury continuing its availability over the SR2002 period.

In 2003-04 Ministers agreed to invest £76 million resource in the CPS from the reserve. This was an increase of £15 million over 2002-03 in real terms.

The CJS Reserve funding contributed significantly to the PSA targets of Narrowing the Justice Gap and Improving Public Confidence. More specifically it funded elements of the charging programme, reforms in services to victims and witnesses, strengthened the CPS response to cross-border crime and terrorism and improved community engagement through Local Criminal Justice Boards.

Expenditure 2003-2004
The principal CPS expenditure programme is the prosecution of criminal cases brought forward by the police and the confiscation of the proceeds of crime. Our total planned net expenditure within the Departmental Expenditure Limit (DEL) to 31st March 2004 was £510 million. This represents an additional investment of £55 million in real terms to support the implementation of the shadow charging scheme, the development and implementation of the COMPASS case management system, improving the recovery of proceeds of crime and dealing with additional caseload to help achieve the Narrowing the Justice Gap target.

<table>
<thead>
<tr>
<th>£ Million</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration Costs (mainly salaries and accommodation)</td>
</tr>
<tr>
<td>Of which CJS Reserve</td>
</tr>
<tr>
<td>Net Prosecution Costs</td>
</tr>
</tbody>
</table>

Our outturn on expenditure to 31 March 2004 was £398 million on administration costs and a net expenditure of £112 million on prosecution costs which is offset by costs awarded against convicted defendants. Prosecution costs expenditure includes counsel’s fees, witness expenses and other general costs incurred in the preparation of cases for court.

A capital budget of £12 million was also available to the CPS in 2003-04, £6 million of which was provided by the Capital Modernisation Fund.
EXPENDITURE
CASEWORK STATISTICS

In these statistics, a defendant represents one person in a single set of proceedings, which may involve one or more charges. A set of proceedings usually relates to an incident or series of related incidents that are the subject of a police file. 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.

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

Chart 1: Magistrates’ courts: caseload
Chart 1 shows as referred by the police the number of defendants whose case was received from the police for prosecution or for advice during the year, and as dealt with by the CPS the number whose case was completed in 2003-04 and the two preceding years. Both totals include cases in which the CPS advised the police before proceedings began.

Our caseload has increased. The number of defendant cases the police sent to us during 2003-04 rose by 9.9% compared with 2002-03 and the number we dealt with rose by 9.7%, although the bulk of this increase was related to the additional work that the CPS has undertaken in providing pre-charge advice to the police.

The number of defendants whose case referred to the CPS depends on several factors, including the number of arrests, the number of offences cleared up by the police, and the number of offenders cautioned by the police.

<table>
<thead>
<tr>
<th></th>
<th>2001-02</th>
<th>2002-03</th>
<th>2003-04</th>
</tr>
</thead>
<tbody>
<tr>
<td>Referred by the police</td>
<td>1,373,755</td>
<td>1,435,981</td>
<td>1,577,598</td>
</tr>
<tr>
<td>Dealt with by the CPS</td>
<td>1,359,205</td>
<td>1,435,763</td>
<td>1,574,468</td>
</tr>
</tbody>
</table>

It can be seen that summary cases increased by 5% to 836,973, while indictable and either way cases reduced by 7.1% to 525,345. Much of this reduction can be attributed to the involvement of prosecutors in providing charging advice that has the effect of weeding out weak cases early. This is further evidenced by the reduction in discontinuance in Table 3.
Chart 3: Magistrates’ courts: case outcomes

Chart 3 shows the outcome of defendant 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:

**Discontinuances:** when proceedings have 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. The figures include both cases discontinued in advance of the hearing and those withdrawn at court. Also included are cases in which the defendant was bound over to keep the peace;

**Warrants etc:** when the prosecution cannot proceed because a Bench Warrant has been issued for the arrest of a defendant who fails to appear; or the defendant has died; or where proceedings are 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;

**Discharges:** committal proceedings in which the defendant is discharged. The number of discharges recorded has increased in the last year because the new COMPASS Case Management System provides a more complete and accurate record than was possible in the past;

**Dismissals no case to answer:** cases in which the defendant pleads not guilty and prosecution evidence is heard, but proceedings are dismissed by the magistrates without hearing the defence case;

**Dismissals after trial:** cases in which the defendant pleads not guilty and proceedings are dismissed by the magistrates after hearing the defence case;

**Proofs in absence:** these are mostly minor motoring matters which are heard by the court in the absence of the defendant;

**Guilty pleas:** where the defendant pleads guilty;

**Convictions after trial:** cases in which the defendant pleads not guilty but is convicted after the evidence is heard.

<table>
<thead>
<tr>
<th>Outcome</th>
<th>2001-02</th>
<th>2002-03</th>
<th>2003-04</th>
<th>2004-05</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discontinuances (including bind overs)</td>
<td>13</td>
<td>197,799</td>
<td>197,680</td>
<td>175,779</td>
</tr>
<tr>
<td>Warrants etc</td>
<td>6</td>
<td>73,084</td>
<td>80,477</td>
<td>72,078</td>
</tr>
<tr>
<td>Discharges</td>
<td>0.1</td>
<td>758</td>
<td>1,006</td>
<td>2,225</td>
</tr>
<tr>
<td>Dismissals no case to answer</td>
<td>0.1</td>
<td>1,675</td>
<td>1,745</td>
<td>3,053</td>
</tr>
<tr>
<td>Dismissals after trial</td>
<td>1.2</td>
<td>14,913</td>
<td>15,452</td>
<td>15,997</td>
</tr>
<tr>
<td>Proofs in absence</td>
<td>9.4</td>
<td>114,509</td>
<td>126,518</td>
<td>152,757</td>
</tr>
<tr>
<td>Guilty pleas</td>
<td>64</td>
<td>781,878</td>
<td>811,583</td>
<td>800,525</td>
</tr>
<tr>
<td>Convictions after trial</td>
<td>3</td>
<td>36,918</td>
<td>40,391</td>
<td>52,201</td>
</tr>
<tr>
<td>Total</td>
<td>1,221,534</td>
<td>1,274,852</td>
<td>1,274,615</td>
<td></td>
</tr>
</tbody>
</table>

Convictions rose from 76.8% of all outcomes in 2002-03 to 78.9% in 2003-04, while unsuccessful outcomes fell from 23.2% to 21.1%

Significantly, the volume of successful outcomes—proofs in absence, guilty pleas, and convictions after trial—increased from 978,492 to 1,005,483. This was a positive development, although only convictions for serious offences count towards the criminal justice system’s key target of narrowing the justice gap.

The percentage of cases proceeding to a hearing (trial or guilty plea) resulting in a conviction was 98.1% which is little changed compared with the previous year.

Recent years have seen a gradual downward trend in discontinuance, from 16.2% in 2001-02 to 15.5% in 2002-03, and to 13.8% in 2003-04. Further decreases are anticipated in the future as the charging initiative takes effect.

Where a defendant pleads guilty to some charges in a set of proceedings, and not guilty to others, the above figures include both the guilty plea and the outcome of the subsequent contested hearing.
In addition to the above cases, which were completed in magistrates’ courts, the following numbers of defendants were committed or sent for trial in the Crown Court:

<table>
<thead>
<tr>
<th>Year</th>
<th>Committed for trial</th>
<th>Appeals</th>
<th>Committed for sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-02</td>
<td>86,794</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2002-03</td>
<td>92,649</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2003-04</td>
<td>100,490</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The increase in cases proceeding to the Crown Court reflects growth in the number of more serious cases handled by the Service.

Chart 5: Crown Court caseload

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

The number of defendant cases received during 2003-04 rose by 11.4%, while the number dealt with rose by 0.9%.

<table>
<thead>
<tr>
<th>Year</th>
<th>Received</th>
<th>Dealt with by the CPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-02</td>
<td>120,463</td>
<td>115,014</td>
</tr>
<tr>
<td>2002-03</td>
<td>125,123</td>
<td>125,709</td>
</tr>
<tr>
<td>2003-04</td>
<td>139,325</td>
<td>126,836</td>
</tr>
</tbody>
</table>

Chart 6: Crown Court case categories

Chart 6 shows the categories of cases finalised 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.

<table>
<thead>
<tr>
<th>Category</th>
<th>2001-02</th>
<th>%</th>
<th>2002-03</th>
<th>%</th>
<th>2003-04</th>
<th>%</th>
<th>2004-05</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committed for trial</td>
<td>84,335</td>
<td>73.3</td>
<td>94,546</td>
<td>75.2</td>
<td>95,234</td>
<td>75.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appeals</td>
<td>11,841</td>
<td>10.3</td>
<td>11,504</td>
<td>9.2</td>
<td>11,418</td>
<td>9.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Committed for sentence</td>
<td>18,838</td>
<td>16.4</td>
<td>19,659</td>
<td>15.6</td>
<td>20,191</td>
<td>15.9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>115,014</td>
<td></td>
<td>125,709</td>
<td></td>
<td>126,836</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Chart 7: Crown Court: source of committals for trial

- **Magistrates’ direction**: these are either way proceedings which the magistrates thought were serious enough to call for trial in the Crown Court;

- **Defendants’ elections**: these are either way proceedings in which the defendant chose Crown Court trial;

- **Indictable only**: these are more serious cases which can only be tried in the Crown Court.

In 2003-04, indictable only cases rose to 42.2% of the total compared with only 18.2% in 1991-92.
ANNUAL REPORT 2003 - 2004

ANNEX A

Chart 7: Crown Court: source of committals for trials

<table>
<thead>
<tr>
<th></th>
<th>2001-02</th>
<th>%</th>
<th>2002-03</th>
<th>%</th>
<th>2003-04</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Magistrates’ directions</td>
<td>36,740</td>
<td>43.6</td>
<td>40,274</td>
<td>42.6</td>
<td>41,997</td>
<td>44.1</td>
</tr>
<tr>
<td>Defendants’ elections</td>
<td>14,956</td>
<td>17.7</td>
<td>15,051</td>
<td>15.9</td>
<td>13,037</td>
<td>13.7</td>
</tr>
<tr>
<td>Indictable only:</td>
<td>32,639</td>
<td>38.7</td>
<td>39,221</td>
<td>41.5</td>
<td>40,200</td>
<td>42.2</td>
</tr>
<tr>
<td>Total:</td>
<td>84,335</td>
<td></td>
<td>94,546</td>
<td></td>
<td>95,234</td>
<td></td>
</tr>
</tbody>
</table>

Chart 8: Crown Court: case outcomes

Cases against defendants committed for trial in the Crown Court can by completed in several ways:

**Judge ordered acquittals:** If problems with a case are identified after it is committed or sent to the Crown Court the prosecution will offer no evidence to the court, and the judge will then order a formal acquittal of the defendant. Also included are cases where the defendant has serious medical problems; or has already been dealt with for other offences; or when witnesses are missing. Cases sent to the Crown Court under s51 Crime and Disorder Act 1998 and subsequently discontinued are also included in this total. Also included are cases in which charges do not proceed to a trial, and the defendant is bound over to keep the peace;

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

**Judge directed acquittals:** when the defendant pleads not guilty and a jury is sworn, but the judge directs an acquittal before the defence case is heard;

**Guilty pleas:** where the defendant pleads guilty;

**Convictions after trial:** cases in which the defendant pleads not guilty but is convicted by the jury;

**Acquittals after trial:** when the defendant pleads not guilty, and is acquitted by the jury after trial:

<table>
<thead>
<tr>
<th></th>
<th>2001-02</th>
<th>%</th>
<th>2002-03</th>
<th>%</th>
<th>2003-04</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judge ordered acquittals (including bind overs)</td>
<td>13,286</td>
<td>15.5</td>
<td>14,671</td>
<td>15.2</td>
<td>14,358</td>
<td>14.7</td>
</tr>
<tr>
<td>Warrants etc</td>
<td>1,590</td>
<td>1.9</td>
<td>1,766</td>
<td>1.8</td>
<td>2,171</td>
<td>2.2</td>
</tr>
<tr>
<td>Judge directed acquittals</td>
<td>1,471</td>
<td>1.7</td>
<td>1,500</td>
<td>1.6</td>
<td>1,538</td>
<td>1.6</td>
</tr>
<tr>
<td>acquittals after trial</td>
<td>6,485</td>
<td>7.6</td>
<td>6,573</td>
<td>6.8</td>
<td>6,652</td>
<td>6.8</td>
</tr>
<tr>
<td>Guilty pleas</td>
<td>51,824</td>
<td>60.5</td>
<td>58,624</td>
<td>60.9</td>
<td>59,537</td>
<td>61.1</td>
</tr>
<tr>
<td>Convictions after trial</td>
<td>11,000</td>
<td>12.8</td>
<td>13,099</td>
<td>13.6</td>
<td>13,119</td>
<td>13.3</td>
</tr>
<tr>
<td>Total</td>
<td>85,656</td>
<td></td>
<td>96,233</td>
<td></td>
<td>97,375</td>
<td></td>
</tr>
</tbody>
</table>

Convictions represented 74.6% of all outcomes, while unsuccessful outcomes amounted to 25.4% in 2003-04. In 2002-3 convictions represented 74.5% and unsuccessful outcomes 25.5%.

The percentage of cases proceeding to a hearing (trial or guilty plea) resulted in a conviction was 89.9% which is, unchanged compared with the previous year.

The above figures include acquittals following a mix of guilty and not guilty pleas as well as those in which the defendant pleaded not guilty to all counts on the indictment.

**Agent Usage**

The proportion of half day sessions in magistrates’ courts covered by lawyers in private practice during 2003-04 was 29.9% compared with 29.2% for 2002-03.
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. Even in a small case a prosecution has serious implications for all involved – victims, witnesses and defendants. 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 helps the Crown Prosecution Service to play its part in making sure that justice is done. It contains information that is important to police officers and others who work in the criminal justice system and to the general public. Police officers should take account of the Code when they are deciding whether to charge a person with an offence.

1.3 The Code is also designed to make sure that everyone knows the principles that the Crown Prosecution Service applies when carrying out its work. By applying the same principles, everyone involved in the system is helping to treat victims fairly and to prosecute fairly but effectively.

2. General Principles

2.1 Each case is unique and must be considered on its own facts and merits. However, there are general principles that apply to the way in which Crown Prosecutors must approach every case.

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

2.3 It is the duty of Crown Prosecutors to make sure that the right person is prosecuted for the right offence. In doing so, Crown Prosecutors must always act in the interests of justice and not solely for the purpose of obtaining a conviction.

2.4 It is the duty of Crown Prosecutors to review, advise on and prosecute cases, ensuring that the law is properly applied, that all relevant evidence is put before the court and that obligations of disclosure are complied with, in accordance with the principles set out in this Code.

2.5 The CPS is a public authority for the purposes of the Human Rights Act 1998. Crown Prosecutors must apply the principles of the European Convention on Human Rights in accordance with the Act.

3. Review

3.1 Proceedings are usually started by the police. Sometimes they may consult the Crown Prosecution Service before starting a prosecution. Each case that the Crown Prosecution Service receives from the police is reviewed to make sure it meets the evidential and public interest 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 case.

3.2 Review is a continuing process and Crown Prosecutors must take account of any change in circumstances. Wherever possible, they talk to the police first if they are thinking about changing the charges or stopping the case. 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. 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 meet 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 with 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. This is a separate test from the one that the criminal courts themselves must apply. A jury or magistrates’ court should only convict if satisfied so that it is sure of a defendant’s guilt.

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?

b. Is there evidence which might support or detract from the reliability of a confession? Is the reliability affected by factors such as the defendant’s age, intelligence or level of understanding?

c. What explanation has the defendant given? Is a court likely to find it credible in the light of the evidence as a whole? Does it support an innocent explanation?

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

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

f. Are there concerns over the accuracy or credibility of a witness? Are these concerns based on evidence or simply information with nothing to support it? Is there further evidence which the police should be asked to seek out which may support or detract from the account of the witness?

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”.

6.2 The public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. 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 suspect. 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 orientation, or the suspect demonstrated hostility towards the victim based on any of those characteristics;
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 nominal penalty;
b. the defendant has already been made the subject of a sentence and any further conviction would be unlikely to result in the imposition of an additional sentence or order, unless the nature of the particular offence requires a prosecution;
c. the offence was committed as a result of a genuine mistake or misunderstanding (these factors must be balanced against the seriousness of the offence);
d. the loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement;
e. 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;
f. a prosecution is likely to have a bad effect on the victim’s physical or mental health, always bearing in mind the seriousness of the offence;
g. 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;
h the defendant has put right the loss or harm that was caused (but defendants must not avoid prosecution solely because they pay compensation); or

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

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

The relationship between the victim and the public interest

6.7 The Crown Prosecution Service prosecutes cases on behalf of the public at large and not just in the interests of any particular individual. However, when considering the public interest test Crown Prosecutors should always take into account the consequences for the victim of the decision whether or not to prosecute, and any views expressed by the victim or the victim’s family.

6.8 It is important that a victim is told about a decision which makes a significant difference to the case in which he or she is involved. Crown Prosecutors should ensure that they follow any agreed procedures.

Youths

6.9 Crown Prosecutors must consider the interests of a youth when deciding whether it is in the public interest to prosecute. However Crown Prosecutors should not avoid prosecuting simply because of the defendant’s age. The seriousness of the offence or the youth’s past behaviour is very important.

6.10 Cases involving youths are usually only referred to the Crown Prosecution Service for prosecution if the youth has already received a reprimand and final warning, unless the offence is so serious that neither of these were appropriate. Reprimands and final warnings are intended to prevent re-offending and the fact that a further offence has occurred indicates that attempts to divert the youth from the court system have not been effective. So the public interest will usually require a prosecution in such cases, unless there are clear public interest factors against prosecution.

Police Cautions

6.11 These are only for adults. The police make the decision to caution an offender in accordance with Home Office guidelines.

6.12 When deciding whether a case should be prosecuted in the courts, Crown Prosecutors should consider the alternatives to prosecution. This will include a police caution. Again the Home Office guidelines should be applied. Where it is felt that a caution is appropriate, Crown Prosecutors must inform the police so that they can caution the suspect. If the caution is not administered because the suspect refuses to accept it or the police do not wish to offer it, then the Crown Prosecutor may review the case again.

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 and the defendant does not indicate a guilty plea. (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. Alternatively, 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, particularly where there are aggravating features. Crown Prosecutors must never accept a guilty plea just because it is convenient.

9.2 Particular care must be taken when considering pleas which would enable the defendant to avoid the imposition of a mandatory minimum sentence. When pleas are offered, Crown Prosecutors must bear in mind the fact that ancillary orders can be made with some offences but not with others.

9.3 In cases where a defendant pleads guilty to the charges but on the basis of facts that are different from the prosecution case, and where this may significantly affect sentence, the court should be invited to hear evidence to determine what happened, and then sentence on that basis.

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; and

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

The Code is a public document. It is available on the CPS Website: www.cps.gov.uk Further copies may be obtained from:

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

STATUTORY POWERS OF NON-LEGAL STAFF CASEWORKERS
DESIGNATED UNDER SECTION 7A OF THE PROSECUTION OF
OFFENCES ACT 1985

PRINCIPLE

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

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

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

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

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

CRITERIA

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

- the offence before the court is summary and/or triable either
  way, with the proviso that the either way offence must be
  considered suitable for summary disposal;
- the case involves only adult offenders;
- the accused is on bail and there is no objection to its
  continuance or the accused has been remanded in custody by
  the court following a guilty plea; and
- there is no significant dispute as to the facts, and the offence is
  admitted in interview with police; or
- a police officer has witnessed the commission of the offence
  and the accused has given no indication that he intends to
  plead not guilty.

Road traffic offences - proof in absence
A Designated Caseworker who is suitably trained and supervised by
a Crown Prosecutor may also review and present cases in the
magistrates’ court where:

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

EXCLUSIONS

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

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

Pre-court review
Discontinuance/withdrawal/substitution of a charge

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

AT COURT

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

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

Amendment/withdrawal of a charge
Where it becomes apparent during the hearing that a summons requires minor amendment, eg errors as to value, date, location, vehicle description etc, the Caseworker may apply to amend without reference to the supervising Crown Prosecutor.

In road traffic offences involving the production of documents, where a Caseworker is satisfied that the substantive charge is no longer sustainable, he may withdraw the substantive charge without reference to a Crown Prosecutor and proceed on any alternative charges that are also before the court.

In all other proceedings before the court the Caseworker may not discontinue a prosecution or withdraw/substitute a charge without the agreement of the supervising Crown Prosecutor.
1 Avon & Somerset
David Archer CCP
Sarah Trevelyan ABM
Fran Murrell SCM

2 Bedfordshire
Richard Newcombe CCP
Tim Riley ABM
Maurice Branch SCM

3 Cambridgeshire
Richard Crowley CCP
Adrian Mardell ABM
Maurice Branch SCM

4 Cheshire
Barry Hughes CCP
Angela Garbett ABM
Sarah Bailey SCM

5 and 25 London
Dru Sharpling CCP
Lesley Burton OD
Lesley Watt HR

6 Cleveland
Martin Goldman CCP
Margaret Phillips ABM
Christina Lattimer SCM

7 Cumbria
David Farmer CCP
John Pears ABM
Sarah Bailey SCM

8 Derbyshire
Brian Gunn CCP
Chris Mitchell ABM
Rita Spencer SCM

9 Devon & Cornwall
Andrew Cresswell CCP
John Nettleton ABM
Fran Murrell SCM

10 Dorset
John Revell CCP
Jason Putman ABM
Fran Murrell SCM

11 Durham
Portia Ragnouth CCP
Karen Pearson ABM
Christina Lattimer SCM

12 Dyfed-Powys
Simon Rowlands CCP
Jeff Thomas ABM
Ian Henly SCM

13 Essex
John Bell CCP
Susan Stovell ABM
Maurice Branch SCM

14 Gloucestershire
Roger Coe-Salazar CCP
Will Hollins ABM
Fran Murrell SCM

15 Greater Manchester
John Holt CCP
Kevin Fox ABM
Sarah Bailey SCM

16 Gwent
Martin Morgan CCP
Helen Phillips ABM
Ian Henly SCM

17 Hampshire & IOW
Nick Hawkins CCP
Denise Bailey ABM
Gill Stillwell SCM

18 Hertfordshire
Charles Ingham CCP
Linda Fox ABM
Maurice Branch SCM

19 Humberside
Nigel Cowgill CCP
Caron Skidmore ABM
Kim Bridges SCM

20 Kent
Elizabeth Howe CCP
Ken Mitchell ABM
Gill Stillwell SCM

21 Lancashire
Bob Marshall CCP
Angela Walsh ABM
Sarah Bailey SCM

22 Leicestershire
Martin Howard CCP
Jane Robinson ABM
Rita Spencer SCM

23 Lincolnshire
Alison Kerr CCP
Andrew Illingworth ABM
Rita Spencer SCM

24 Merseyside
Paul Whittaker CCP
Deborah King ABM
Sarah Bailey SCM

25 London
Dru Sharpling CCP
Lesley Burton OD
Lesley Watt HR

26 Norfolk
Peter Tidy CCP
Catherine Scholefield ABM
Maurice Branch SCM

27 Northamptonshire
Colin Chapman CCP
Fiona Campbell ABM
Rita Spencer SCM

28 Northumbria
Nicola Reasbeck CCP
Adelle Clarke ABM
Christina Lattimer SCM

29 North Wales
Ed Beltrami CCP
Wray Ferguson ABM
Ian Henly SCM

30 North Yorkshire
Robert Turnbull CCP
Liam Carroll ABM
Kim Bridges SCM

31 Nottinghamshire
Kate Carty CCP
Gail Pessol ABM
Rita Spencer SCM

32 South Wales
Christopher Woolley CCP
Edwina Sherwood ABM
Ian Henly SCM

33 South Yorkshire
Judith Walker CCP
Christopher Day ABM
Kim Bridges SCM

34 Staffordshire
Harry Ireland CCP
Brian Laybourne ABM
Irene Borrill SCM

35 Suffolk
Chris Yule CCP
Caroline Hodson ABM
Maurice Branch SCM

36 Surrey
Sandie Hebblethwaite CCP
Martyn Wray ABM
Gill Stillwell SCM

37 Sussex
Sarah Jane Gallagher CCP
Ian Everett ABM
Gill Stillwell SCM

38 Thames Valley
Baljit Ubhey CCP
Graham Choldcroft ABM
Gill Stillwell SCM

39 Warwickshire
Mark Lynn CCP
Ian Edmondson ABM
Irene Borrill SCM

40 West Mercia
Jim England CCP
Laurence Sutton ABM
Irene Borrill SCM

41 West Midlands
David Blundell CCP
Mike Grist ABM
Irene Borrill SCM

42 West Yorkshire
Neil Franklin CCP
Jean Ashton ABM
Kim Bridges SCM

43 Wiltshire
Karen Harold CCP
Karen Sawitzki ABM
Fran Murrell SCM

KEY
CCP Chief Crown Prosecutors
ABM Area Business Managers
SCM Service Centre Managers
OD Operations Director
HR Head of Human Resources