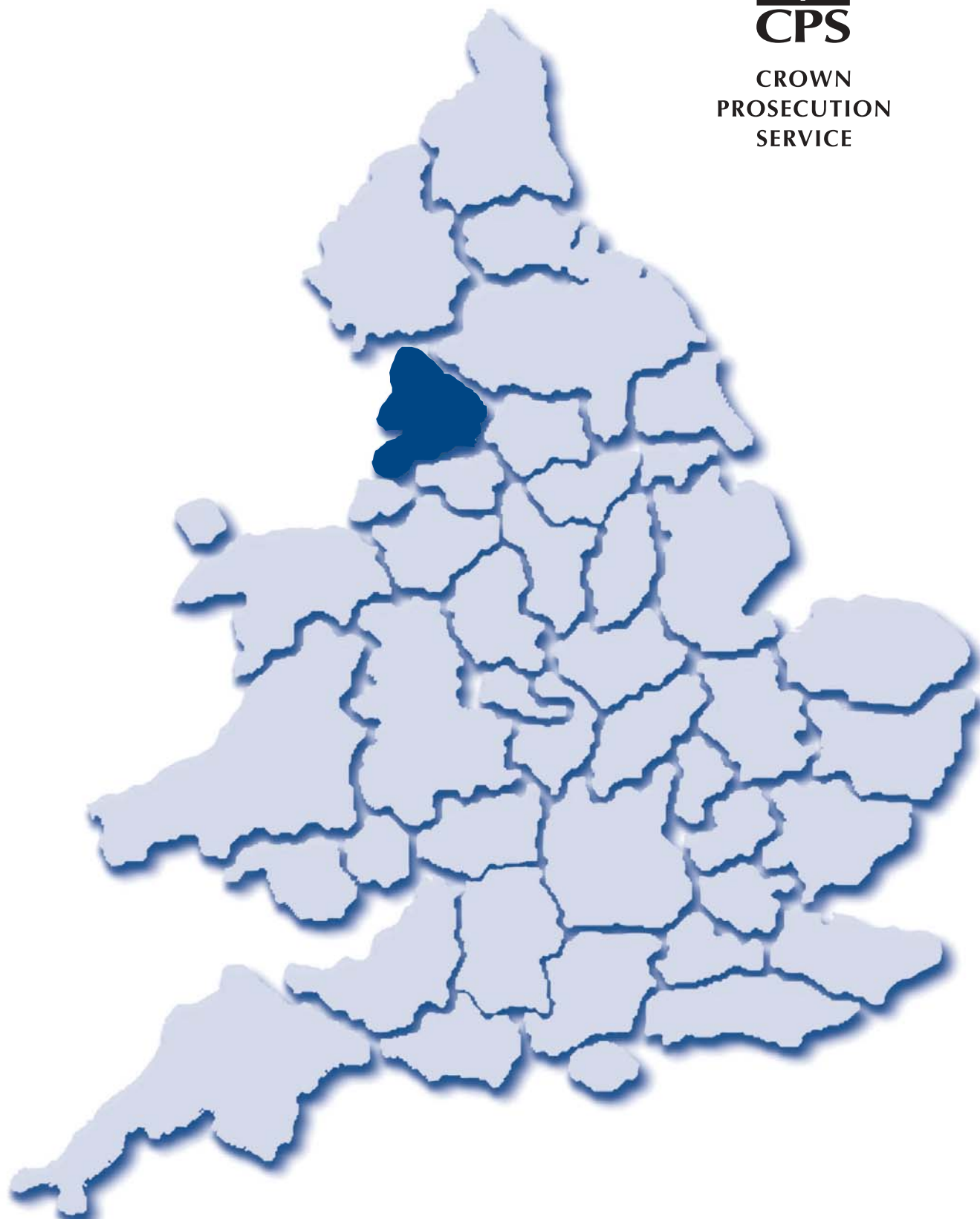




CROWN
PROSECUTION
SERVICE



CPS Lancashire

Annual Report | 2001-2002

Introduction by the Chief Crown Prosecutor

CPS Lancashire has now completed its third year of operation, during which there has been continuing change and development in line with local and national objectives and policies.

The introduction of three Trial Units, two at Preston and one at Burnley, was completed early in the year in fulfilment of a recommendation made by the Glidewell Review of the CPS and these have now become fully established. They have the responsibility for the conduct of prosecution cases in the Crown Court, whilst magistrates' court work is undertaken by other units.

The arrangements are still based upon the geographical areas of the old Branches, which have been re-named Districts to reflect better the new structure. The purpose is to ensure that the appropriate degree of resource and effort can be applied to the different fields of casework by specifically dedicated staff. Negotiation and planning with the police for moves to six co-located joint CPS/Police Criminal Justice Units for magistrates' court work was pursued throughout the year and still continues.

The evaluation of a pilot previously set up at Preston Police Station was undertaken and confirmed the anticipated advantages of joint units to both Services, also establishing an agreed template for their introduction elsewhere in the County. However, difficulties in relation to accommodation arrangements remain to be resolved before further effective progress can be made.

The Area has continued to be in the forefront of moves throughout the country appropriately to utilise Higher Court Advocacy rights, which a number of Crown Prosecutors possess.

There was a further increase in the number of appearances they made before Crown Courts in Lancashire in such cases as committals for sentence, appeals from the magistrates' court and certain plea and directions hearings. Also, in one instance as in the previous year, a Crown Prosecutor was again the junior to leading counsel in a manslaughter case.

The Area is conscious of its general accountability to



all the diverse communities and ethnic populations, which comprise the County as a whole. Continuing efforts better to reflect this in the composition of staff employed by the Area met with some particular success during the year through recruitment, which proved possible following an increase in funding, whilst aspects of training have been specifically directed to ensuring the duties in relation to all victims, witnesses and defendants are discharged fairly and with appropriate understanding.

Further, as a member of the Race Issues Sub-Group of the Area Criminal Justice Liaison Committee, the CPS was also involved in developing plans for identifying and addressing matters of concern relating to the local Criminal Justice System at large, which included the holding of some focus groups.

The appropriate treatment of victims and witnesses has rightly been given enhanced priority throughout the country in the last few years. The Area has previously piloted a new national Communications with Victims Scheme, which involves the CPS writing a letter of explanation to complainants in all cases which are discontinued, or when there has been a significant reduction in a charge.

This was fully rolled out across Lancashire during the year. More generally, close contact and mutual co-operation was maintained with the Witness Service.

The Area has played a full role in liaison and co-operation with the Criminal Justice System at all levels through close general contact and inter-agency meetings such as those of local Court User Groups, the Trial Issues Group for the County and the Area Criminal Justice Strategy Committee.

“It was announced at short notice that Lancashire would be one of the Areas involved in a street crime initiative, which was scheduled to start in April”

In the last month of the financial year it was announced at short notice that Lancashire would be one of the Areas involved in a street crime initiative, which was scheduled to start in April. The Area rapidly formulated plans and

procedures in conjunction with other local Criminal Justice Agencies for almost immediate implementation and there are already signs that the initiative is bearing fruit.

The latter collectively developed and published a Strategic Plan 2002-05 to which the CPS is a party and it commits the agencies concerned to achieving particular improvements in relation to some specific matters including the treatment of victims/witnesses, delay in the system, equality and attrition.

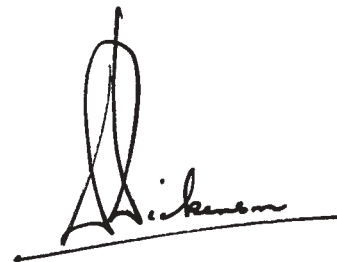
The Area had greater resources than in the previous year, although this was to some degree balanced by an increase in staff time which had to be spent in court. Nevertheless, CPS Lancashire performed well overall with respect to its targets and objectives. The progress, improvements and many successes that have been achieved are very much to the credit of all staff, who have throughout demonstrated commitment, professionalism and a willingness to adapt in the face of change.

The core business of the Area naturally relates to the prosecution of cases, which has involved a wide range of offences during the year. Not only, and regrettably, has CPS Lancashire had to deal with a significant number of murder and rape cases, but many other serious matters have been prosecuted.

By way of examples, the close involvement of the CPS over an 18-month period in a large drugs conspiracy case investigated by the National Crime Squad and known as Operation Norfolk, reached its conclusion and resulted in the two major defendants receiving terms of 25 and 17 years' imprisonment, with the total for nine others being some 68 years; some cases of historic child abuse arising from continuing county-wide police enquires have been dealt with; the conviction of a man who, over a period of around 24 months, had made up to 50,000 terrifying or offensive phone calls to various women and was subsequently sentenced to four years' imprisonment.

Some national initiatives in which the CPS has had some involvement locally include:

- Statutory time limits for youth offender cases — an ongoing pilot.
- The piloting of a “paper” plea and directions procedure at Preston Crown Court aimed at improving case management and reducing unnecessary appearances.
- Pathfinder — a Forensic Science project to study the impact of enhanced crime scene recovery methods and intelligence data on the investigation of burglary and auto crime.



DV Dickenson
Chief Crown Prosecutor

About the Crown Prosecution Service

The Code for Crown Prosecutors

The CPS prosecutes all cases in accordance with the *Code for Crown Prosecutors*. The Code is of fundamental importance to the core business of the CPS as it provides guidance to prosecutors on the general principles to be applied in all prosecution decisions, and acts as a public statement of policy allowing everyone to see and understand the basis upon which these decisions are made.

A revised *Code for Crown Prosecutors* was published in 2000 in order to reflect important developments in legislation, criminal procedure and the CPS' own structure. As part of that revision process, an extensive programme of public consultation was carried out and almost every aspect of the Code commented upon. New features of the Code include a reference to our position and obligations under the Human Rights act 1998, clarification of the relationship between victims and public interest and a paragraph on youths to reflect new procedures for reprimands and final warnings.

The Auld Review

Lord Justice Auld's Criminal Courts Review was published in October 2001. It recommends an overhaul of the criminal courts with a unified criminal court in three divisions and a single administration to replace the existing and separate Crown and magistrates' courts structures.

Another proposal is that the CPS rather than the police should decide charges in all but minor, routine offences, or where a holding charge is needed. The change should help improve the quality of files and lead to earlier decisions on when to charge and what charges should be brought. The Home Secretary has agreed that the procedure be piloted for six months in five CPS Areas in advance of the Government's decision regarding the Auld recommendations.

About the Crown Prosecution Service: The Facts

The CPS is responsible for prosecuting people in England and Wales charged by the police with a criminal offence.

Nationally we prosecute more than 1.4 million cases every year and our annual planned expenditure for 2001-02 was £416.3 million. This included £30.4 million from the new criminal justice reserve, to speed up the reform of the Service.

Currently we:

- Advise the police on possible prosecutions.
- Review prosecutions started by the police to ensure the right defendants are prosecuted on the right charges.
- Prepare cases for court.
- Prosecute cases at magistrates' courts and instruct counsel to prosecute in the Crown Court and higher courts. Some CPS lawyers are now qualified to appear in the Crown Court in certain cases.
- Liaise with other agencies and other Government Departments to achieve improvements in the criminal justice system.
- The CPS is headed by Sir David Calvert-Smith QC, Director of Public Prosecutions; the Chief Executive is Richard Foster, who took up post in January 2002.
- The CPS employs around 7,100 staff and has an Equal Opportunities Policy. Parts of the Service have achieved the Investor in People standard while others are pursuing accreditation.
- A Diversity Unit was set up in October 1999. The Unit's remit is to turn the CPS Equality Statement into a reality. The aim is to ensure that the CPS does not discriminate in either its employment practice or its prosecutions. A Steering Group has been set up to oversee the Service's commitment to change following reports by barrister Sylvia Denman and also the Commission for Racial Equality that highlighted discrimination against ethnic minority staff in the CPS. It is chaired by Attorney General Lord Goldsmith.
- The Attorney General's Race Advisory Group includes representatives from external organisations. It examines and comments on proposals by the CPS to improve equal opportunities in response to the Denman and CRE report recommendations. There is commitment from the top of the CPS to having a Service which is fair and has proper approaches to diversity.
- The CPS continues to develop new electronic information and media. It has an intranet service with an internal website, CPS Online. CPS Online gives staff better access to information, improved internal communications and allows the CPS to manage its information and knowledge better.
- The CPS' internet website is at <http://www.cps.gov.uk> and is available in English and Welsh. It provides a considerable amount of information about our business, staff and structures.

- The CPS, and its criminal justice partners, are working together to help realise the Government's pledge to halve the time it takes to deal with persistent young offenders in youth courts and in Crown Court.
- The CPS is taking forward initiatives to speed up justice proposed by Martin Narey in his Review of Delay in the Criminal Justice System. These include new designated caseworkers — specially trained CPS staff, who are not lawyers, review and present in the magistrates' courts a limited range of cases involving straightforward guilty pleas.
- CPS Areas are working in partnership with police forces to establish joint and co-located criminal justice units to reduce duplication and delay in bringing cases to court. They are also establishing Trials Units (TUs) to deal with the preparation and presentation of the more serious cases at Crown Court. Most TUs will be located in CPS premises, but some are planned for Crown Court centres.
- The CPS has 42 Areas corresponding to the 43 police forces in England and Wales (London Area covers both City of London and Metropolitan Police Forces). Each Area has a Chief Crown Prosecutor (CCP) who is responsible for prosecutions. In London the CCP is supported by Assistant Chief Crown Prosecutors. Area Business Managers are responsible for the efficient running of the Area.
- The CPS Vision and Strategy is "to be a prosecuting authority of stature, providing the best possible service to society. We want to be a professional organisation which values all its people, performs to a high standard, inspires public confidence, and works in partnership".

Where we fit in the criminal justice system

- The Law Officers: The Attorney General is assisted by the Solicitor General. The Attorney General has final responsibility for enforcing criminal law and superintends the Director of Public Prosecutions.
- The police: Police forces investigate crime and arrest or detain suspected offenders. Once a suspect is held they decide whether to caution them, take no further action, issue a fixed penalty notice — in the case of motoring offences — or charge them and send the papers to prosecuting authorities, mainly the CPS.
- The Lord Chancellor's Department: The Lord Chancellor is head of the judiciary and responsible for the administration of the court system in England and Wales. This includes the magistrates' courts.
- The Court Service: Responsible for the High Court and administration of the Crown Court and County Courts in England and Wales.
- The Home Office: Responsible for matters relating to law and order.
- The Prison Service: The Service is responsible for keeping

in custody people on remand awaiting trial and those sentenced to imprisonment by the courts.

- The National Probation Service: The Service provides courts with advice and information on offenders to help sentencing decisions and implements community orders made by the courts.
- There are other prosecuting authorities. They include: the Department of Trade and Industry; the Serious Fraud Office; HM Customs and Excise; the Health and Safety Executive; the Department of Social Security; the Inland Revenue; the Department of Food and Rural Affairs; the Intervention Board; the Bank of England; the Army; the Royal Air Force and Royal Navy prosecuting authorities; the Maritime and Coastguard Agency; and the Occupational Pensions Regulatory Authority.

Leaflets and publications

The CPS publishes a range of leaflets and publications about its work that are available free of charge to members of the public.

Leaflets currently available include: a description of the work of the CPS (*Introduction*); the people who work for the Service (*People*); information about careers with the CPS (*Careers*); the *Code for Crown Prosecutors* (the Code) — and an abbreviated version of the Code (*Prosecutions*); the CPS policy on dealing with Domestic Violence and advice for vulnerable witnesses attending court (*Witnesses*); and a leaflet on how to make a complaint (*Complaints*). Most publications are available in alternative formats and in other languages.

For more information, contact the CPS Communications Branch, 50 Ludgate Hill, London EC4M 7EX; telephone: 020 7796 8442.

Dealing with complaints

Our comprehensive complaints procedure is set out in a leaflet available from Area offices and on our website: <http://www.cps.gov.uk>

If you have a complaint about our handling of a case you should write to the CPS office which originally dealt with it. Please include as much information as possible such as the defendant's name, the court where the case was heard, and any hearing dates and reference numbers you may have.

If you are not satisfied with replies you receive you should contact the CPS Area's Chief Crown Prosecutor. They will look into the complaint.

If you are still not satisfied you can write to the **Customer Service Unit Manager, 50 Ludgate Hill, London, EC4M 7EX.**

Complaints that cannot be resolved locally are referred through this Unit to the Director of Public Prosecutions or the Chief Executive.

Performance in the Magistrates' Courts

All prosecutions start in the magistrates' courts. These include offences ranging from minor motoring matters to assaults and theft. Usually the more serious cases proceed to the Crown Court. For the period 1 April 2001-31 March 2002 there was an approximately 8.5% reduction in the number of cases received from the police as well as a slight reduction in the number of cases finalised during this period by the Crown Prosecution Service. The

Chart 1 Caseload (receipts and finalisations)

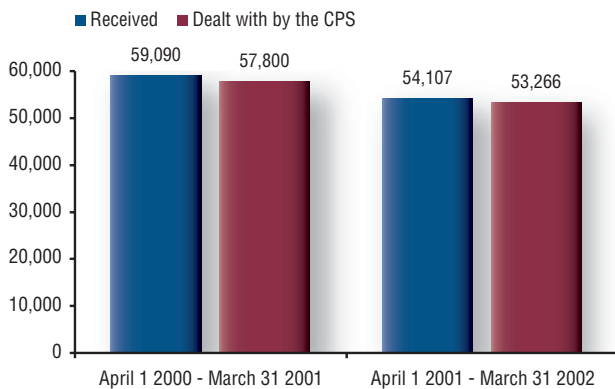


Chart 2 Case Categories

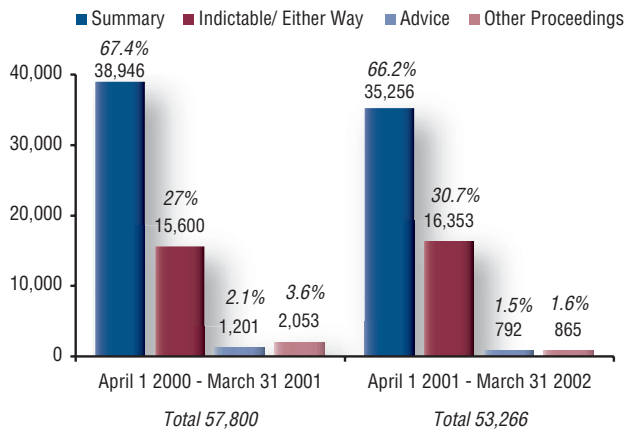
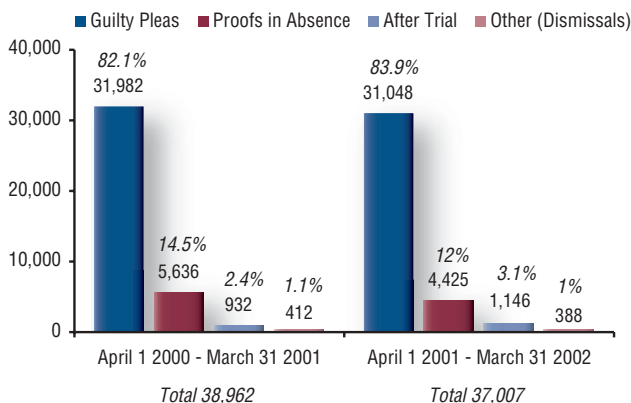


Chart 3 Case Results



main reason for this is the reduction in the number of road traffic cases received by the Crown Prosecution Service in the Area, which is as a result of the increased use of Fixed Penalty Tickets. The other trend that is noticeable is the reduction in the number of Advice Cases forwarded by the police to the Crown Prosecution Service.

There has been an increase both in percentage terms and in actual figures in the amount of indictable/either way work that is being dealt with in the magistrates' court. This can be explained by the increasing number of cases received by the magistrates in the Youth Courts.

Attrition within the CPS caseload is measured in terms of the number of unsuccessful outcomes (discontinuances, write-offs, blind overs, dismissals after trial and dismissals no case to answer) in relation to overall completed cases. Whilst the number of guilty pleas within the Area has remained static at 83.9%, there has been an increase in the number of cases dismissed after trial and other dismissals. There is a high discontinuance rate within the Area, which at 17% is higher than the national average of 13.1%. However, the number of motoring matters withdrawn at court when driving documents are produced very significantly affects the rate in Lancashire.

In respect of the cases that were proved in absence, there has been a 3.5% reduction as well as a decrease in the actual number. This again is due to fewer motoring cases being processed before the Courts by the Crown Prosecution Service.

One of the main areas of concern during the year has been the adjournment rate within the magistrates' courts, which has shown an increase from the previous year and makes Lancashire an Area with one of the highest number of adjournments during the year.

Chart 1 shows as received the number of defendants whose cases the Area received from the police and the number of defendants whose cases were finalised between April 1 2001-March 31 2002 and in the previous year.

Our caseload depends on the number of cases the police send to us. Several factors affect this, such as the level of arrest and the number of people the police caution.

Chart 2 shows the different types of work dealt with by the Area between April 1 2001-March 31 2002 and in the previous year. They are:

Summary – cases which can only be tried in the magistrates' courts.

Indictable/Either Way – Indictable only offences (such as robbery) must be tried in the Crown Court, but either way offences (such as theft) may be tried in either the magistrates' courts or in the Crown Court.

Advice – cases in which the police ask for our advice about whether proceedings should be started.

Other Proceedings – non-criminal matters, such as forfeiture under the Obscene Publications Acts.

Chart 3 shows the disposal of those cases which were heard in the magistrates' court, not including those which were discontinued or committed to the Crown Court.

Performance in the Crown Court

Some cases can only be tried in the Crown Court. Other cases go to the Crown Court either because the defendant chooses to be tried there or because the magistrates decide they are serious enough to need Crown Court trial. If a defendant pleads not guilty, the case will be tried before a judge and jury.

There was an increase in both the number of cases received and finalised at the Crown Court of approximately 8% in the last year.

Chart 4 Caseload (receipts and finalisations)

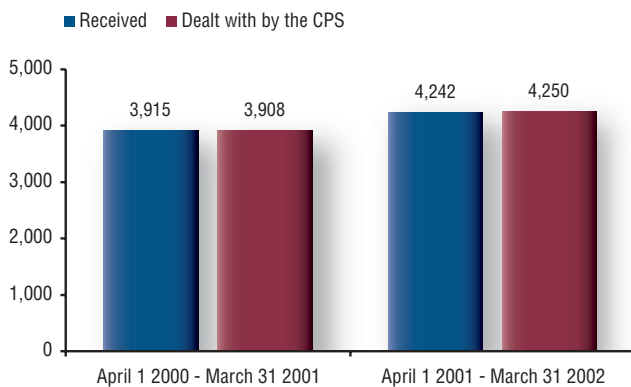


Chart 5 Case Categories

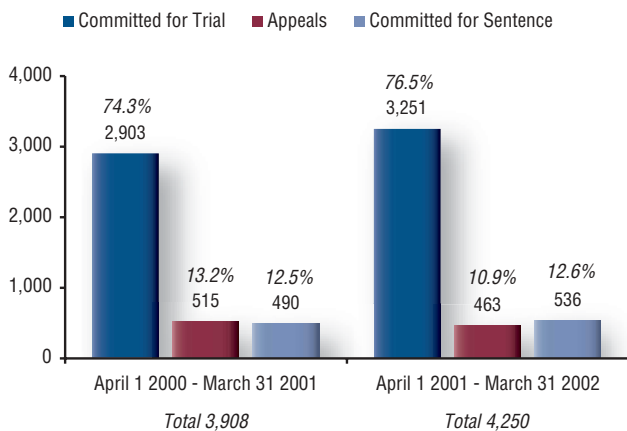
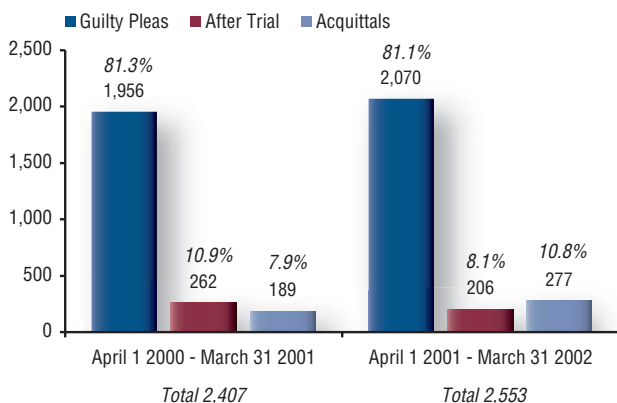


Chart 6 Case Results



This reflects the increase of indictable and either way cases that were brought before the magistrates' court and are either committed or sent to the Crown Court. This is consistent with the increase of over 3% in the number of cases committed for trial.

The initial effects of the Human Rights Act, which appeared to slow down the finalisations within the Crown Court, were reflected in the first two quarters. However, there has been a significant increase in the finalisations during the second half of the year.

There has been a small reduction in the number of appeals during the year. However, the number of committals for sentence has remained virtually static both in percentage and numerical terms.

Attrition in the Crown Court is measured as the proportion of cases resulting in an unsuccessful outcome (Judge ordered acquittal or discontinuance, write-off, bind over, acquittal after trial or Judge directed acquittal). Within Lancashire the total of unsuccessful outcomes as a percentage of completed cases is higher than the national average. When these unsuccessful outcomes are broken down into the above-mentioned constituent types it is apparent that the number of Judge-ordered acquittals accounts for the largest proportion.

The conviction rate at the Crown Court is 89.8% with 81% of all cases resulting in guilty pleas. There has also been a decrease in the number of acquittals after trial but unfortunately the number of Judge ordered acquittals offset this.

The other Area concern in the Crown Court, similar to that in relation to the the magistrates' courts, is that the adjournment rate has increased with over 8,000 adjournments of cases recorded.

Chart 4 shows as received the number of defendants who came before the Crown Court and the number whose Crown Court case was dealt with by the Area between April 1 2001-March 31 2002 and in the previous year.

Chart 5 shows case categories in the Crown Court. They are:

Committed for trial – Indictable only and some either way cases are sent from the magistrates' courts for trial to the Crown Court. Since January 2001, indictable only offences have been sent to the Crown Court under section 51, Crime and Disorder Act 1998 which, in most cases, means that committal proceedings are not held.

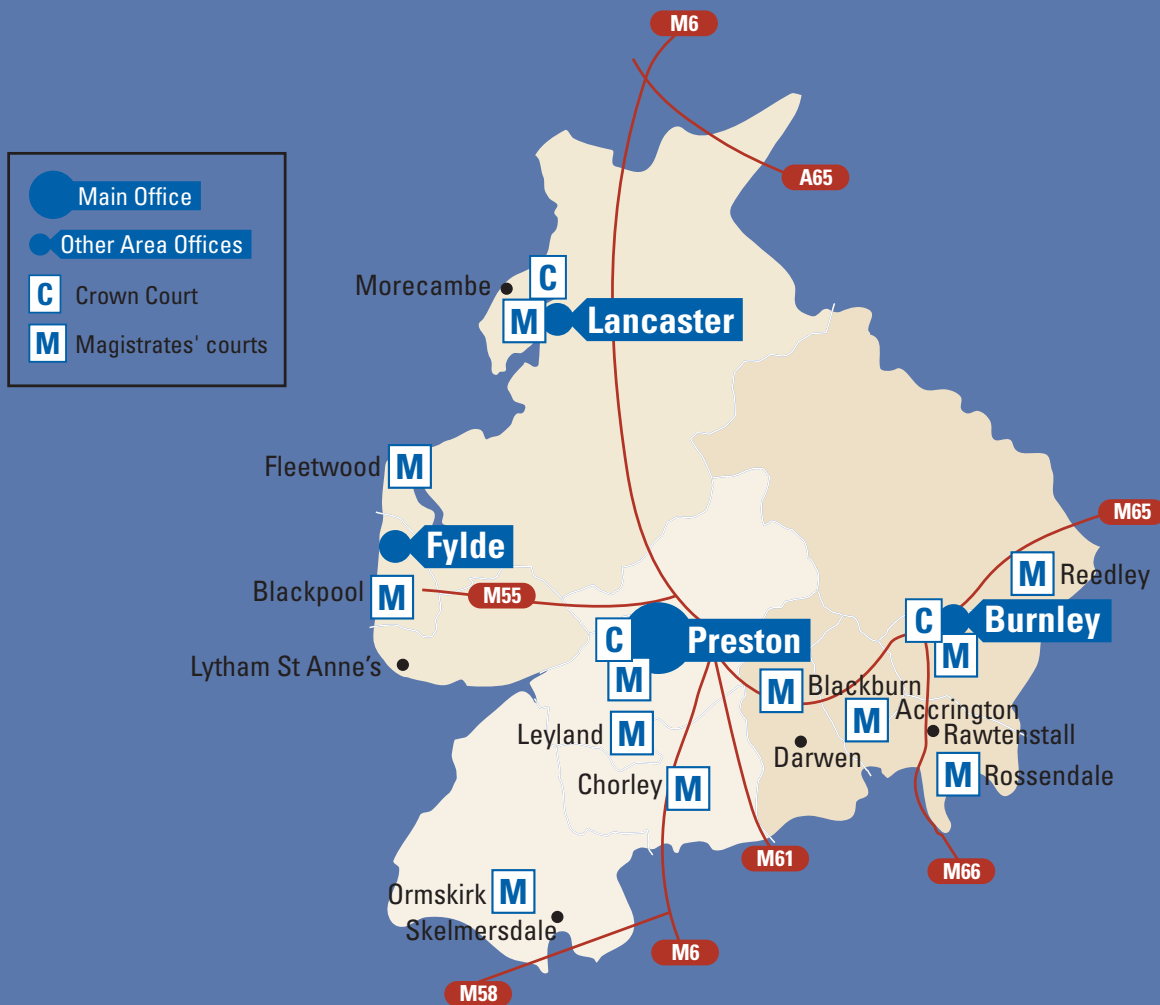
Appeals – defendants may appeal to the Crown Court against the conviction and/or sentence that they received in the magistrates' court.

Committed for sentence – some defendants tried and convicted in the magistrates' courts are committed for sentence to the Crown Court because the magistrates decide that greater punishment is required than they have the power to impose.

CPS Lancashire Area

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IF YOU HAVE ANY QUESTIONS OR COMPLAINTS OR WOULD LIKE ANY FREE PUBLICATIONS
ABOUT THE CPS, PLEASE CONTACT THE CHIEF CROWN PROSECUTOR



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