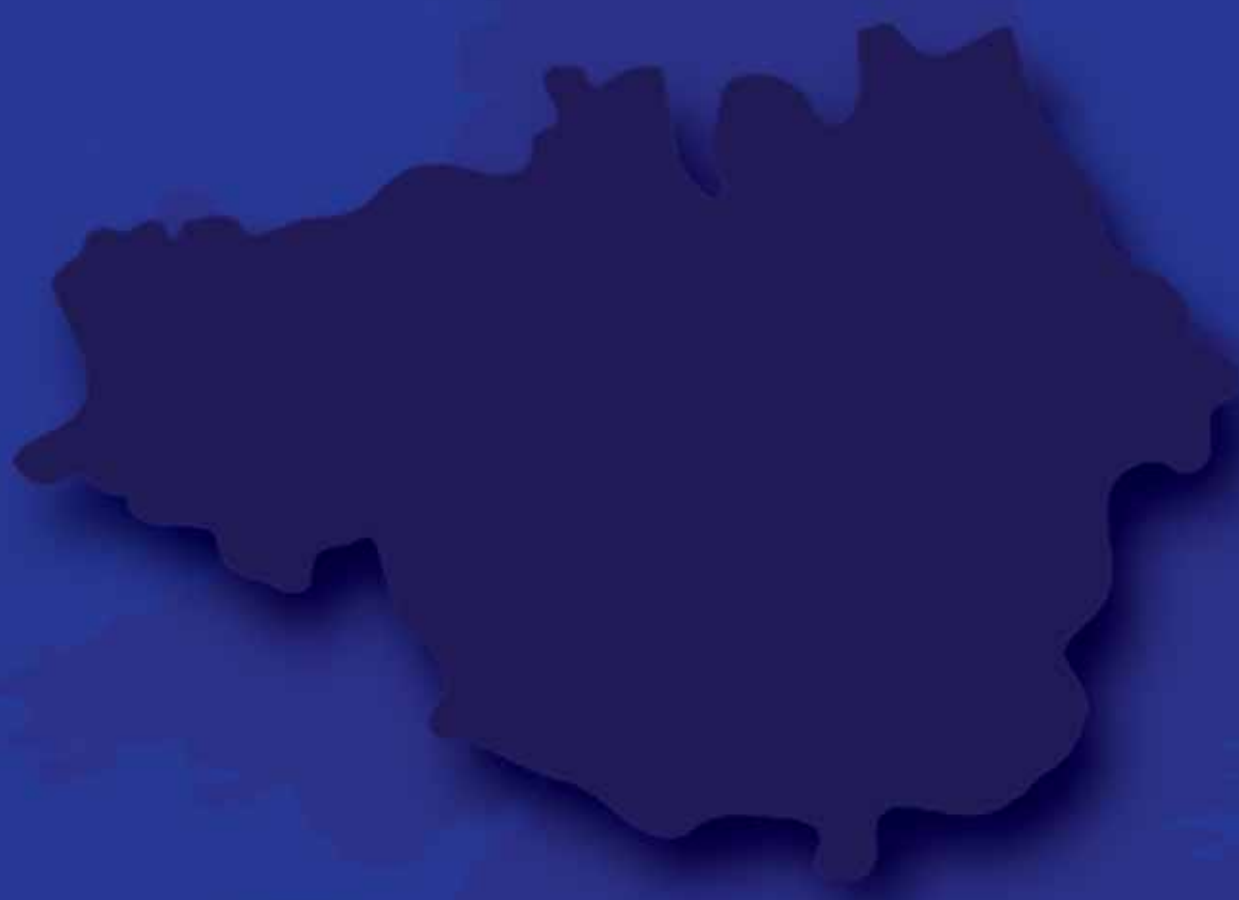


Greater Manchester Annual Report 2003–2004



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GREATER MANCHESTER

INTRODUCTION BY THE CHIEF CROWN PROSECUTOR

It is with great pleasure and pride that I report on the performance of Greater Manchester CPS over the last year. Yet again, our staff have performed to a very high level at a time when they must, at times, have felt overwhelmed by the continuing, and new, initiatives designed to improve the quality of justice in Greater Manchester. In the past year we have introduced COMPASS, a new case management system, Pre-charge advice where prosecutors provide advice on the appropriate charge for the offence committed on the evidence presented by the police and, the setting up of the Greater Manchester Criminal Justice Board. To the staffs credit, they have not only effected the successful introduction of these initiatives, they have also delivered our core business – prosecuting criminals – at a high level of professionalism which has ensured that the performance figures we have recorded have made a positive contribution to improving the performance of the CPS as a whole.

As a lead area in the CPS, we have been provided with extra resources to introduce some of the government initiatives. Without these resources we could not have embarked upon the change programme which we are currently undertaking. I am very conscious of the fact that the provision of extra funds, while welcome and necessary for the roll out of some initiatives, does not provide an instant solution. The time that it takes to recruit new staff added to their lack of experience places a huge strain on our existing staff. They are, I am proud to say, showing resilience and commitment in the interim and I am confident that these fundamental



changes will be effected in a professional way.

We do not of course work in isolation. Together with our colleagues in other parts of the criminal justice system in Greater Manchester, we are striving to improve still further the quality of justice in the Greater Manchester area.

The Greater Manchester Criminal Justice Board, of which I am a member, has had a productive first year. It has brought together, for the first time, the main criminal justice agencies. While we have a long way to go, we are now working very much as a team and I am confident that aspects of our performance such as the more effective detection and prosecution of crime, greater attention to the needs of victims and witnesses, an increase in public confidence and the like will all be achieved. We will not arrive at where we want to be overnight – and there may be hiccups along the way – but I am confident that the joint will to succeed is driving us in the right direction.

Talk is cheap. What have we achieved? We have put experienced lawyers into police stations to advise the police

what is the appropriate charge, if any, when the police arrest somebody. We advise the police there and then what further evidence, if any, is necessary. Not only does this speed the prosecuting process, to the benefit of victims and witnesses, it also ensures that they have a better chance of being spared unproductive attendances at court. This initiative will soon be rolled out across the whole of Greater Manchester and is backed up by a night service giving 24-hour cover.

In addition to this initiative to get the charge right first time, we are also working with our partners to manage criminal cases better once the CPS has made the decision to proceed. Each agency will play its part. The courts, for instance, will give directions on what needs to be done to progress the case and the CPS will create case progression officers to ensure that what needs to be done is done.

Persistent young offenders commit between them a depressingly large percentage of our crime. Their cases need to be dealt with swiftly. We have already halved the time it takes to bring them to justice and have maintained that performance in spite of competing initiatives.

For too long criminals have been allowed to benefit from the proceeds of their crimes. Under the provisions of the Proceeds of Crime Act, we have this year secured orders to the value of approximately £1 million for the recovery of the proceeds of crime. This is only a start. I am confident that, as Manchester Police, the CPS and the Courts become more familiar with the initiative, this figure will rise significantly.

Having held my present position in CPS Greater Manchester since 1987, I



CPS panel members and So Rahman, Granada News Reporter

have taken the decision to retire. This is, therefore, my last report to you. I would like to take this opportunity to record my appreciation of the performance of those with whom I have worked during my time here. Their commitment, their loyalty and their professionalism have been quite special. I am confident that, under the leadership of my successor, John Holt, they will go from strength to strength.

Tony Taylor

Tony Taylor

PUBLIC CONFIDENCE

Racist and Religious Crime Policy

Over 200 people from minority ethnic communities and faith communities across the North West were consulted about racist and religiously motivated crime at a conference in Manchester. The conference was an opportunity for the public to hear about the CPS policy on racist and religious crime, and comment on how the organisation can ensure that such crimes are prosecuted fairly and firmly.

Hosted by the Asian news presenter, So Rahman, from Granada TV, the conference included a prosecution case study. Using interactive ‘Who wants to be a millionaire?’-style voting

equipment, the audience decided whether or not the crime – a physical attack following a dispute – was racially motivated.

Delegates were also given the opportunity to put their questions on racial and religious crime to the Chief Crown Prosecutors and lawyers with specialist knowledge of the law covering these types of offences.

The conference included representatives from the police, voluntary and community groups and individual members of the public. Feedback showed that 98% of them were impressed with the event, thought it was a valuable exercise and should be held again next year.

Opening the conference, Tony Taylor, Chief Crown Prosecutor for Greater Manchester, said:

“Racist and religious crime strikes at the heart of people’s right to feel safe and protected by the law. If somebody can be chosen, singled out for attack and abuse, because of the colour of their skin or the god they worship, then it attacks in a very fundamental way their right to play a full and equal part in society.

“The more meetings we can have like this at a local level the more progress we will make. We are determined to play our part in reducing racist and religious crime by bringing offenders to justice but we recognise that if we are to do our job effectively, we need your help.”

The CPS Racist and Religious Crime Policy was developed following consultation with 120 groups and individuals from Black and minority ethnic communities, the criminal justice system and voluntary organisations.



Celebrating Diversity – West African Drummers



Racist and religious crime can have a devastating effect on both victims and communities, leaving them feeling isolated, fearful and vulnerable. The Crown Prosecution Service is determined to prosecute robustly wherever and whenever we can. We have published this policy because we want victims, witnesses and their families, as well as the general public, to know that we understand the serious nature of this type of crime.

Equality and Diversity Award

CPS Greater Manchester, a member of the Northwest Community Engagement Group, achieved an Equality and Diversity commendation. This award was for the group’s achievement in successfully launching the racist and religious crime policy in partnership with the local community groups. The launch helped by raising the awareness of the prosecuting process and the role of CPS in the criminal justice system.

NARROWING THE JUSTICE GAP

This past year has seen many changes in the criminal justice system to narrow the justice gap between the number of offences recorded and the number for which an offender receives a caution, a conviction or has the offence taken into consideration by a court. The CPS has been in the forefront of these changes.

The Prosecution Team

During the year, CPS in partnership with Greater Manchester Police, introduced the Shadow Charging Scheme to the Area. This scheme requires the police to obtain the authority of a CPS prosecutor before charging the more serious offences, which enables experienced lawyers to have a very early input into the gathering of evidence and ensures that



Pre-charge advice to police officer by CPS prosecutor

the charge is right from the outset. For example: The police sought a charging decision from the prosecutor following an operation against Yardie gangsters. The Duty Prosecutor advised what evidence was required, who and what to charge and explained very difficult disclosure issues. As a result, those charged pleaded guilty on their first court appearance to serious drugs and violence offences.

The benefit of this scheme is that there will be more guilty pleas, fewer trials and hence fewer victims and witnesses will have to attend court.

To maximise the benefits of the Scheme, the CPS has experienced prosecutors based at police stations, during normal office hours, to work in close co-operation with police officers, as a Prosecution Team, building cases before they go to court. This will result in more guilty pleas, as well as convictions, and enable us to provide better victim and witness care. The success of the Shadow Scheme in Greater Manchester has resulted in Longsight police station being chosen as the national pathfinder for the Statutory Scheme, which brings further

improvements, including making prosecutors available to the police for round the clock advice through CPS Direct which is a night service available to the police.

Co-location in Police Stations

We have agreed to co-locate with the police in new premises in Ashton-under-Lyne, Bolton and Wigan. The purpose is to improve communication between the police and CPS, to cut out unnecessary duplication and introduce efficiency savings throughout the administration process.

CPS and Greater Manchester Police are jointly working on defining the systems and working practices to be introduced when we co-locate to Ashton-under-Lyne in December 2004. We will continue to learn from the experiences of the first co-located unit and this will form the basis of a template to co-locate to Wigan in February 2005 and Bolton in spring 2006.

PROFESSIONALISM

Developing Potential

CPS Greater Manchester is one of the promoters of the Law Scholarship



Award presentation of Institute of Leadership and Management graduates

Scheme. Four legal trainees started a two-year programme under this scheme during the year. Jinny Sehra, one of the legal trainees said, "This scheme is an opportunity that cannot be missed for those budding advocates. I am encouraged and proud that my employers have acknowledged the need to support CPS staff."

The Scheme has improved access and extended opportunities to staff that have not gone down the traditional academic route. Humayun Khan said, "The desire to become a lawyer was always there from my college days however due to family circumstances and missed opportunities I was not able to fulfill that desire. This Scheme has given me the help and support that I needed at the most crucial time in my attempt to become a lawyer."

Managers for the future

CPS Greater Manchester consistently maintains its commitment to staff development in spite of the raft of changes introduced during the year. It recognises the importance of training staff to deal with future challenges and introduced a management-training programme which is the first step of

preparing managers for the future. CPS Manchester is an accredited centre for delivering Institute of Leadership and Management's Introductory Award Programme and the first seven administrative staff aspiring to management successfully completed the programme over a period of three months and were assessed by a panel of external and internal managers.

COMPASS

One of the biggest challenges for CPS Greater Manchester has been the introduction of Compass, a new computerised case management system. It is the beginning of a 10-year programme for the CPS, which will provide us with the means to manage our cases as well as communicating securely and effectively with the police, the courts, the Probation Service and other agencies in the criminal justice system. Transferring papers via e-mail links rather than through the post or courier system will cut delay and instant communications will be possible. COMPASS is the first major step towards a joined up criminal justice system and the CPS is leading the way. CMS is one of the building blocks

within the Criminal Justice IT system which within the next couple of years will enable communications between agencies using secure e-mail. The police, Courts Service, Probation Service, Barristers Chambers and defence solicitors and others will be able to exchange information and results electronically, speeding up the legal process and providing greater communication with victims of crime.

PARTNERSHIPS

The Area continues to strengthen its performance through effective partnerships with the other criminal justice agencies and other interest groups. The importance of working together with the criminal justice partners is to ensure that there is a strong communication between each agency to narrow the justice gap and to work towards reducing both crime and fear of crime resulting in greater public confidence in the criminal justice system.

Local Criminal Justice Board

The Greater Manchester Local Criminal Justice Board (GMLCJB) is a multi-agency group focussing on improving performance in the Criminal Justice System (CJS) and delivering justice in the Area. The Board was established in April 2003 and its two main targets are (1) to narrow the justice gap and (2) to increase public confidence in the CJS. It is instrumental in managing the biggest reform in the CJS. The Chairman of the Board, Chief Constable Michael Todd, said: "The creation of Greater Manchester LCJB is not just an initiative but a fundamental change to the way things are run in the criminal justice system to respond to the public's concerns about crime and weaknesses in the system. Bringing offenders to justice is the best way of

demonstrating to criminals that their crimes will not go unpunished, and to victims that the criminal justice system is acting effectively on their behalf."

The Effective Trial Management Programme

Greater Manchester is a pilot area for this project involving the CPS, the Home Office and the Court Service. The project is considering and implementing improvements to the system of case preparation and progression in all criminal justice courts, from charge to final disposal (e.g. conviction or acquittal). The local team consists of representatives from the police, CPS and Courts to implement local schemes to deliver against the national framework.

Vulnerable and Intimidated Witness

CPS Greater Manchester in partnership with Witness Service, has agreed to establish a vulnerable witness support group for children, which has been piloted in one of the areas in Greater Manchester. The benefit of this is to support children who are vulnerable and feel intimidated either by the crime they have witnessed or have been the victim of crime, to enable them to give the evidence in the best possible way. The successful outcome of the pilot has meant that it will be introduced throughout the Greater Manchester Area during the coming year.

Disclosure of information

Greater Manchester is the first area to have set up in partnership with the Social Services Department and the police about disclosure of information to the police so that they can make an application for Special Measures. Special Measures was introduced in 2002 to support vulnerable and intimidated witnesses to provide evidence in the most appropriate way.

CASEWORK

The 'Snakehead' Case

In February 2002, Chen Cun Liang, a Chinese national came to the United Kingdom to earn money to support his family after his fishing boat was destroyed in a typhoon. He applied for political asylum when he arrived in the UK after an eight-month long journey from China to London. He was dealt with by the immigration authorities and, having completed the necessary documentation, was released and allowed temporary residency whilst his application was considered. He stated that his travel to the United Kingdom was arranged by his family in China through a gang known as the 'Snakeheads'. The cost of the journey to the United Kingdom was approximately £13,000 and was to be paid by family members to the 'Snakeheads' in China, in stages as he travelled to the United Kingdom.

On arrival in London, he was initially met by a 'Snakehead' gang member, who placed him in accommodation in the London area. He was told that employment would be found for him. After a short period, he was offered work at the Spring Deer Restaurant, Tyldesley, Wigan. He started working at the restaurant on 1 March 2002, and continued working there until his abduction in the early hours of 6 July 2002.

He alleges that he was kidnapped from outside the Spring Deer Restaurant during the early hours of Saturday, 6 July 2002, allegedly for failing to pay money to 'Snakehead' gang members. He remained a hostage until being released by his captors and located by the police on Saturday, 20 July 2002. During his period as a hostage, he was briefly held at premises in Manchester, where his kidnappers demanded the telephone number of his wife in China.

The kidnappers contacted family members in China using telephone numbers provided by Chen Cun Liang. He was later moved to London, where he was held captive.

From the start of his kidnap and detention to his release, Chen Cun Liang was regularly beaten with weapons, including a gun, wooden batons, metal poles and a screwdriver. He was cut with knives.

During his period as a hostage, between 6 and 20 July 2002, Chen Cun Liang's family in China received more than 50 telephone calls from the hostage takers. In many of the calls they heard Chen Cun Liang being beaten. Family members recorded many of the conversations on audio tape.

Chen Cun Liang was forced to plead with his family to pay the 'outstanding' debt relating to his passage to England.

The family in China initially reported the kidnap to the Chinese police. On Friday, 12 July 2002, a facsimile message was sent by the family to the Chinese Consulate in Manchester, which reported the matter to Greater Manchester Police. Following a protracted enquiry, including regular contact with the Chinese Consulate in Manchester and the police in Fu Ping City, Chen Cun Liang was located by the police. The police enquiry resulted in the arrest and charge of six defendants.

Lindsay Thomas, prosecutor from the Bolton branch of the CPS, was involved in the case prior to the arrest of the defendants and gave early advice to the police.

Following arrest and charge, a Letter of Request for Mutual Assistance was

prepared by the Prosecutor and in November 2002, two police officers went to China to collect the evidence requested in the Letter of Request.

Prior to their visit in October 2002, Lindsay Thomas, along with Bill Wheedon from CPS Casework Directorate, David Freisner, the Prosecuting Counsel, Detective Superintendent Dave Chedwynd and Detective Chief Inspector Gerry Donnellan went to the Chinese Consulate to speak with Mr Yan Hualong, the Chinese Counsel who initially contacted Greater Manchester Police. As Lindsay Thomas said: "This is the first case in the UK where a police investigation has been instigated in China."

It was emphasised that the evidence requested in the Letter of Request was important to the case. Mr Yan said that the Chinese Authorities would give the British Police full co-operation.

Witness statements and audio tapes were obtained from the witnesses in China. "Translating the tapes was the next problem as the language spoken was a Fu Jian dialect only understood by three translators in the world," says Lindsay. "The tapes had to be sent to the FBI in New York to be translated."

The tapes along with mobile phone and forensic evidence helped the Prosecution team put together a strong case which included over 200 exhibits, 138 witness statements and more than 5,000 items of unused material.

Detective Superintendent Chedwynd said: "Chen Cun Liang was debriefed over a two week period of probing questioning by police officers. They did an excellent job which was helped greatly by the victim's remarkably accurate recall of incidents, evidence

and objects. Despite the horrendous and life threatening experience he had undergone, he was able to identify all the defendants and he remembered the layout of the houses where he had been held. He could even remember the numbers of the houses although he had only seen them briefly. And he accurately described a bottle of liquor containing snakes which he had been given to aid his recovery from the beatings."

The trial was fixed for 28 April 2003 and the witnesses from China were due to travel and give evidence in the second week of May. However, it was at the time of the SARS outbreak and the Fu Jian province was one of the areas affected. So there were concerns by the Court over their attendance.

Chen Cun Liang was to give evidence via a video link from a different, secret location, as were some of the witnesses from China. He had been in police protection since he made his complaint and it was essential that his whereabouts were kept secret.

In view of the strength of the prosecution case five of the six defendants pleaded guilty on the first day of the trial at Manchester Crown Court without any evidence being called. The five defendants were sentenced to between three and 13 years each for crimes including kidnap, blackmail, false imprisonment and conspiracy to cause grievous bodily harm.

The Judge recommended that they should be deported following their sentences.

As the trial came to an end so abruptly there was no need for the witnesses to come over from China – a relief to Court staff due to concerns about

SARS. Lindsay Thomas and caseworker Jayne Kearsley both said: "We are pleased with the way the case went. The strong case prepared by the prosecuting team helped in obtaining guilty pleas on the first day of the court hearing. This case was put together with cooperation between the CPS, the police, the Chinese authorities and the FBI. It also meant that witnesses from China did not have to go through the ordeal of a court trial."

Eight More Years On Double Shooter's Sentence—R V Barkat Ali

A gunman who tried to murder two people in cold blood in an ambush on a Rochdale road had his sentence nearly doubled. There was widespread disquiet when Barkat Ali was found guilty by a jury at Manchester Crown Court on 15 February 2002 and sentenced for only 10 years after he attempted to murder Murad Khan and Waseem Ziah who were sitting in a car in Edenfield Road, Passmonds, Rochdale. It was a bungled revenge execution.

The Rochdale team of prosecutors made an application to the Attorney General for the case to be referred to the Court of Appeal as the 10-year sentence was unduly lenient. The prosecutors believed that the original sentence did not reflect the severity of the crime.

Murad Khan was 26 years old at the time of the incident. On the night of 27–28 April 2001 he was in the Mayfield Public House in Rochdale when he became involved in an altercation with the defendant Ali. As revenge for what he saw as his humiliation at the hands of Murad Khan, Ali telephoned Khan on 3 May requesting that he meet with him at Spotland School in Rochdale. Khan



Leaflets about the CPS are available from:

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went to the school in a taxi driven by a friend. Two other friends were with him in the taxi, one of whom was Waseem Ziah,

When they arrived at the school they saw a Rover car being driven by a man they knew as a friend of Ali. They followed the car. The traffic lights at the junction of Edenfield Road and Sandy Lane were on red and so the taxi stopped in the outside lane. A car containing four men, one of whom was the defendant Ali, pulled up on the nearside of the taxi. Ali pointed a .32 calibre handgun at Khan and fired, hitting him in the left shoulder. He then aimed at Ziah and fired, hitting

him in the left arm as he raised his arms in self-defence.

Both Khan and Ziah were taken to hospital. Both required surgery, Mr Khan to a damaged artery and Mr Ziah to damage to his left forearm.

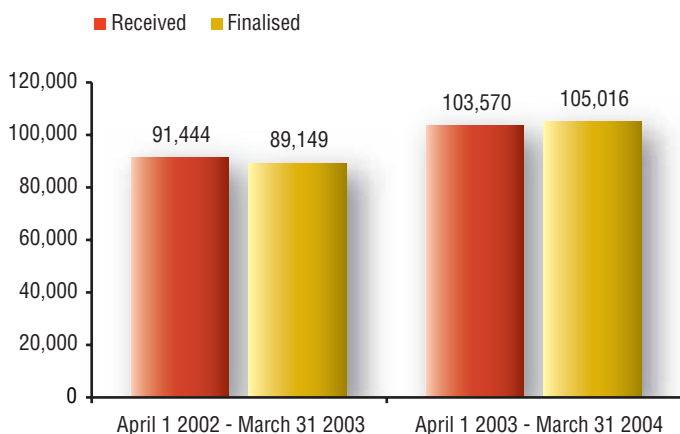
At the Court of Appeal on 29 October 2003 counsel representing the Attorney General argued that the sentences were unduly lenient. The Court of Appeal Judgement given by Lord Justice Latham said that the original sentence had been “wholly inappropriate” and “unduly lenient”. He went on to state that a clear message needs to be sent out that the

illegal use of guns is unacceptable. The conclusion was that the sentence of 10 years was wholly inappropriate and substituted a sentence of 18 years.

Paul Blomeley, head of the Rochdale office of the CPS, said “I am very pleased with the outcome. I always thought that Ali should have got 20 years. It was a particularly brutal case with many aggravating features. He used a .32 calibre gun in a built-up, busy area when he knew there would probably be many people about. In increasing the sentence to 18 years the Court of Appeal has sent out a clear message that criminals who use guns will be dealt with severely.”

Performance in the Magistrates' Courts

Chart 1 Caseload (receipts and finalisations)



All prosecutions start in the magistrates' courts, which involve offences such as minor motoring matters ranging to assault and theft. The more serious cases will be heard in the Crown Court once they have been through the magistrates' court process.

Chart 1 shows the number of defendants received and finalised in the Area for the period April 2003 – March 2004 against the number for the period April 2002 – March 2003.

Chart 2 Case Categories

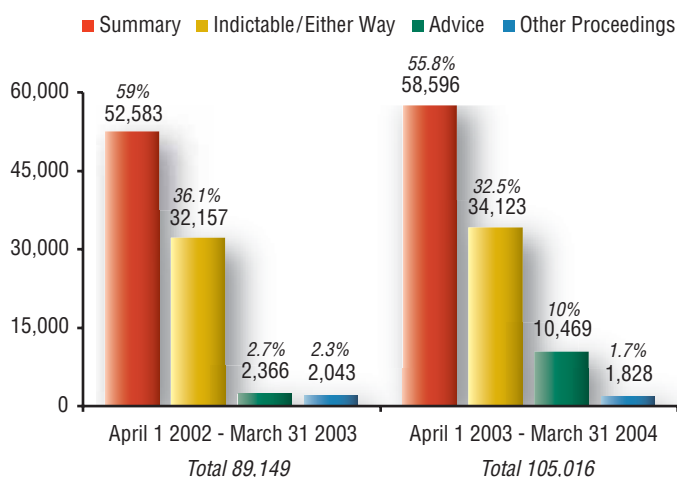


Chart 2 illustrates the type of cases finalised in April 2003 – March 2004 compared with the same period in 2002 – 2003:

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

Indictable/Either Way – Indictable only offences (the most serious cases such as murder, rape and robbery) must be tried in the Crown Court, but either way offences (such as theft) may be tried in either the magistrates' court or in the Crown Court.

Cases for 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 Case Results

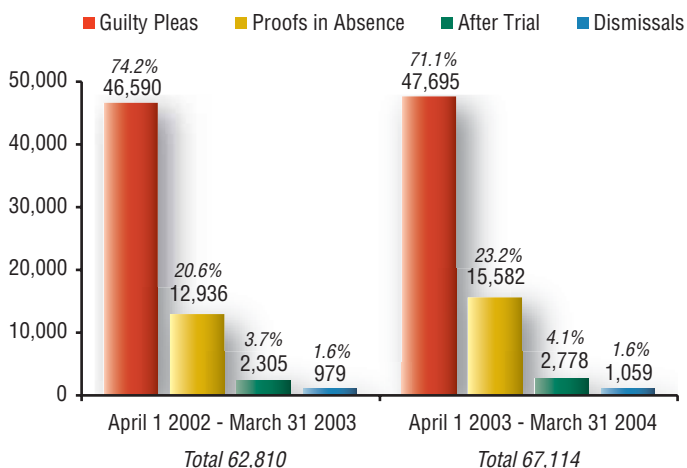
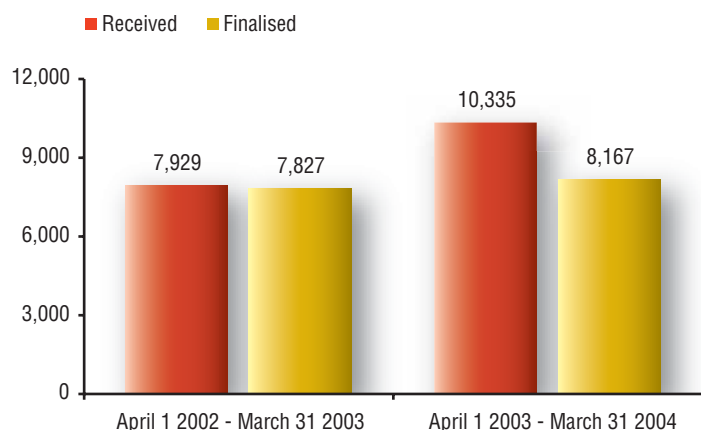


Chart 3 shows a breakdown of the number of defendants proceeding to a hearing, which resulted in a conviction.

Performance in the Crown Court

Chart 4 Caseload (receipts and finalisations)



A number of cases can only be tried in the Crown Court, other cases are heard at the Crown Court either because the defendant chooses to be tried there, by electing to go to Crown Court; or when the magistrates decline jurisdiction due to the offences being so serious that they need to be heard as a Crown Court trial or are committed for sentence. Should the defendant plead not guilty, the case proceeds as a trial before a Judge and Jury.

Chart 4 shows the comparison of receipts and finalisations for the period April 2003–March 2004 against the same period in 2002–2003.

Chart 5 Case Categories

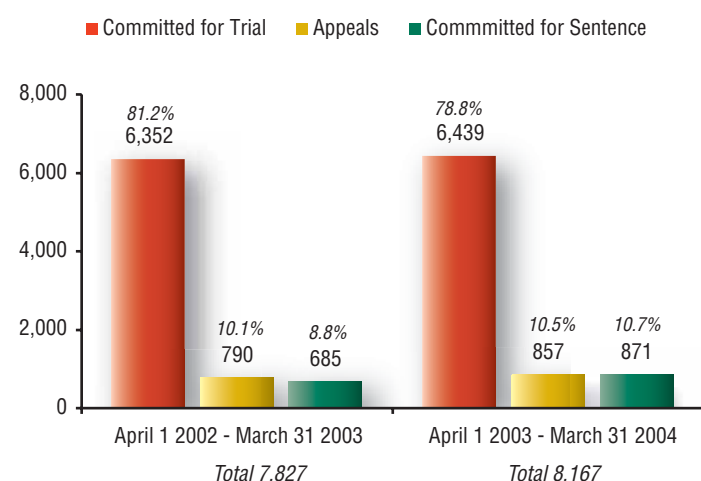


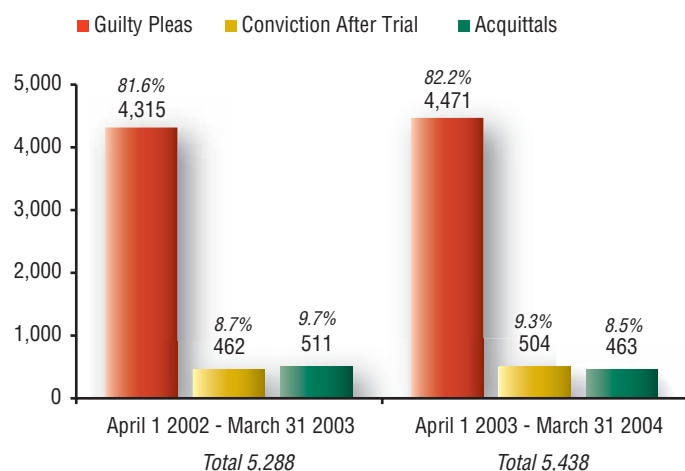
Chart 5 shows case categories finalised in April 2003 – March 2004 compared with the same period in 2002 – 2003:

Committal for trial – Indictable only and some Either Way cases are sent from the magistrates’ court.

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

Committed for sentence – Defendants that are tried and convicted in the magistrates’ court, however, the magistrates decide that the punishment required is greater than their sentencing powers allow, therefore the case is sentenced before a Judge in the Crown Court.

Chart 6 Case Results



CPS Greater Manchester

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